

**FINANCIAL ASSISTANCE  
FUNDING OPPORTUNITY ANNOUNCEMENT**



**Department of Energy (DOE)  
Office of Fossil Energy and Carbon Management  
(FECM)**

**Undocumented Orphaned Well Characterization and  
Remediation**

**Funding Opportunity Announcement (FOA) Number: DE-FOA-0003343**

**FOA Type: Initial**

**Assistance Listing Number: 81.089 (Fossil Energy Research and  
Development)**

<b>FOA Issue Date:</b>	September 13, 2024
<b>Submission Deadline for Full Applications:</b>	November 13, 2024 5:00 PM ET
<b>Expected Date for Selection Notifications:</b>	February 2025
<b>Expected Date for Award:</b>	June 2025

\* Applicants are discouraged from submitting information considered proprietary unless it is deemed essential for proper evaluation of the application. If the application contains information that the applicant organization considers to be trade secrets, information that is commercial or financial, or information that is privileged or confidential, the pages containing that information should be identified as specified in the application instructions. When such information is included in the application, it is furnished to the Federal government in confidence, with the understanding that the information will be used or disclosed only for evaluation of the application. The information contained in the application will be protected by DOE from unauthorized disclosure, consistent with the need for merit review of applications of financial assistance awards to assure the integrity of the competitive process and the accuracy and completeness of the information. If a Federal financial assistance award is made as a result of or in connection with an application, the Federal government has the right to use or disclose the information to the extent authorized by law. This restriction does not limit the Federal government's right to use the information if it is obtained without restriction from another source.

## **Notice to Applicants of 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, register with Grants.gov, and register with FedConnect.net to submit questions). 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** – Each applicant 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 at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency (unless the applicant is exempt from those requirements under 2 CFR 25.110). 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.

**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:** First tier sub-awardees/subrecipients 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.

- **Grants.gov** – Applicants must register with Grants.gov at <https://www.grants.gov/register> to set up your WorkSpace. An applicant cannot submit an application through Grants.gov unless an applicant is registered. Please read the registration requirements carefully and start the process immediately.

- 1) The Authorized Organizational Representative (AOR) must register at: <https://grants.gov/register>.

- 2) An email is sent to the E-Business (E-Biz) POC listed in SAM.

More information about the registration steps for Grants.gov is provided at: <https://apply07.grants.gov/help/html/help/index.htm?callingApp=custom#callingApp=custom&t=Register%2FRegister.html>.

In addition:

- Add a Profile to a Grants.gov Account: A profile in Grants.gov corresponds to a single applicant organization the user represents (i.e., an applicant) or an individual applicant. If you work for or consult with multiple organizations and have a profile for each, you may log in to one Grants.gov account to access all of your grant applications. To add an organizational profile to your Grants.gov account, enter the UEI for the organization in the UEI field while adding a profile. For more detailed instructions about creating a profile on Grants.gov, refer to: <https://apply07.grants.gov/help/html/help/index.htm?callingApp=custom#callingApp=custom&t=Register%2FAddProfile.htm&rhsearch=Add%20a%20profile>
- *EBiz POC Authorized Profile Roles:* After you register with Grants.gov and create an Organization Applicant Profile, the organization applicant's request for Grants.gov roles and access is sent to the EBiz POC. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been assigned the AOR role.

**NOTE:** When applications are submitted through Grants.gov, the name of the organization applicant with the AOR role that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC **must** authorize people who are able to make legally binding commitments on behalf of the organization as a user with the AOR role; **this step is often missed and it is crucial for valid and timely submissions.**

Questions relating to the **registration process, system requirements, or how an application form works** must be directed to Grants.gov at 1-800-518-4726 or [support@grants.gov](mailto:support@grants.gov).

- **FedConnect.net** - Applicants must register with FedConnect to submit questions. FedConnect website: [www.fedconnect.net](http://www.fedconnect.net).

See Section IV for Application and Submission Information (including how to create a Workspace).

## SUMMARY OVERVIEW OF KEY INFORMATION

<b>Issuing Agency</b>	Department of Energy, National Energy Technology Laboratory (Office of Fossil Energy and Carbon Management)
<b>Program Overview</b>	This FOA aligns with DOE’s Office of Resource Sustainability’s Methane Mitigation Technologies Program to develop advanced tools and technologies that will significantly reduce methane emissions and other environmental impacts associated with Undocumented Orphaned Wells (UOWs), with the goal of eliminating methane emissions from carbon-based fuel supply chains by 2030. This FOA will be focused on addressing the technical challenges of measuring, quantifying, and mitigating methane emissions from UOWs. This FOA will support the UOW subprogram by soliciting research on new processes and development of new materials, tools, and technologies for wellbore characterization, effective plugging and abandonment (P&A) operations, and pre- and post- P&A emissions monitoring.
<b>Objective</b>	The objective of this FOA is to competitively solicit applications for advancing cost-effective technology options toward commercialization that can more efficiently characterize the condition of Undocumented Orphaned Wells (UOWs) and provide a range of remediation options.
<b>Areas of Interest (AOI)</b>	<ul style="list-style-type: none"><li>• Area of Interest 1: Advanced Remediation Techniques for UOW Boreholes</li><li>• Area of Interest 2: UOW Wellbore Characterization</li><li>• Area of Interest 3: Long-Term UOW Monitoring</li></ul>
<b>Eligible Applicants</b>	See Section III.B. of the FOA.
<b>Funding</b>	It is anticipated that this FOA will provide Federal funding of \$15,000,000 over three years. <ul style="list-style-type: none"><li>• AOI 1: approximately \$10,200,000 Federal funding; 20% cost share requirement</li><li>• AOI 2: approximately \$2,400,000 Federal funding; 20% cost share requirement</li><li>• AOI 3: approximately \$2,400,000 Federal funding; 20% cost share requirement</li></ul>
<b>Deadlines</b>	Full Applications Due: November 13, 2024 at 5:00 pm ET

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# I. Funding Opportunity Description

## A. Authorizing Statutes

The programmatic authorizing statutes are:

- [Public Law \(PL\) 95-91, DOE Organization Act](#)
- [PL 116-260, Energy Act of 2020 \(Division Z of the “Consolidated Appropriations Act, 2021”\)](#)
- [PL 109-58, Energy Policy Act 2005, as amended, at 42 U.S.C. §16291](#)

Awards made under this announcement will fall under the purview of 2 Code of Federal Regulations (CFR) Part 200 as amended by 2 CFR Part 910.

## B. Background/Description

Orphaned wells are defined as wells that have no responsible operator monitoring their condition and/or that were plugged or abandoned prior to 1985 utilizing obsolete techniques.<sup>1</sup> An undocumented orphaned well (UOW) is an orphaned well that is entirely unknown to the responsible regulatory agency or a well of which the responsible agency has some evidence of existence, but where precise location and characterization requires further investigation. Undocumented orphaned wells can often go undetected and uncharacterized for years or decades while potentially leaking oil, natural gas, brine, or other gases to the atmosphere. It is estimated that there are over 126,000 orphaned wells and 310,000 to 800,000 undocumented orphaned wells among 32 oil and gas producing states (Figure 1).<sup>2</sup> Estimates vary widely due to the uncertainty of historical records and the long history of oil and natural gas production of particular states or regions. The uncertainty in the quantity of existing UOWs results in a similar uncertainty regarding methane emissions and other potential environmental impacts. Contaminants that are of particular concern with respect to groundwater and surface water include methane, arsenic, hydrogen sulfide, and benzene.

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<sup>1</sup> Plugging Pennsylvania’s Abandoned Oil and Gas Wells, [LINK](#)

<sup>2</sup> Idle and Orphan Oil and Gas Wells: State and Provincial Regulatory Strategies 2021, IOGCC Report

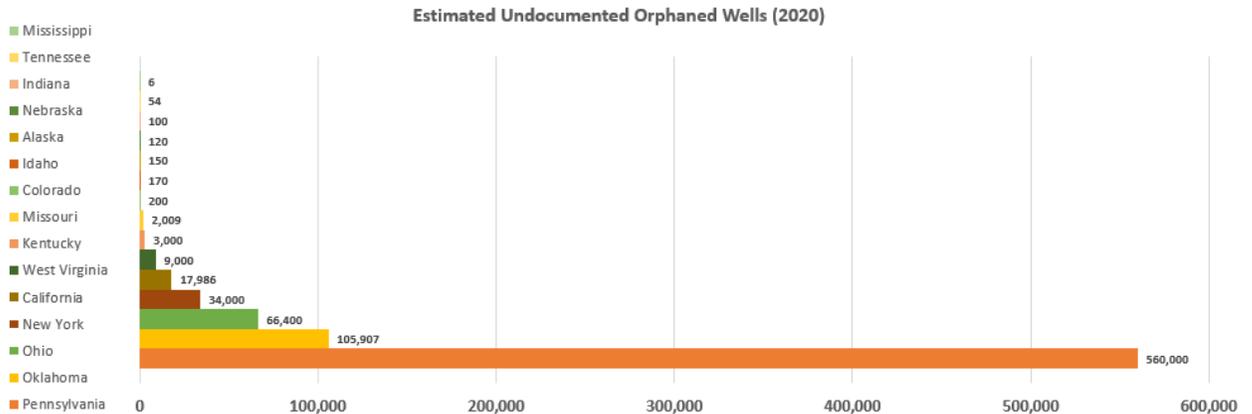


Figure 1: Estimated Count of Undocumented Orphaned Wells across the U.S.

Technologies do exist to assist in the location, identification, characterization, and plugging of undocumented orphaned wells. However, in many instances traditional aerial survey methods such as magnetometry may not be successful in identifying undocumented orphaned wells due to their age or condition. In some instances, older undocumented orphaned wells have been found to have their casings or metal components removed so that the materials could be repurposed and were backfilled or “plugged” with whatever materials were on hand. More robust options for well identification and characterization are needed to more effectively mitigate emissions to the atmosphere and other environmental impacts. Fundamental concepts related to non-invasive well identification and characterization techniques are being pursued by the DOE Consortium Advancing Technology for Assessment of Lost Oil & Gas Wells (CATALOG), which supports the intent of this FOA.

The highly skewed distribution of emissions from UOWs, combined with other factors such as geographic locale, creates several unique challenges to determining the best course of action to locate the wells, characterize emissions, assess environmental impacts, and understand the condition of the wellbore to effectively plug and abandon each well. In many cases, factors such as material and equipment costs, site access, and environmental sensitivities in proxy to the well location may limit the ability to utilize traditional wellbore characterization and emissions monitoring tools in addition to well plugging and abandonment techniques. These challenges along with the sheer numbers of wells that are expected to need remediation pose a significant challenge.

In the near-term, additional R&D is needed to accelerate methane emissions mitigation from UOWs in a cost-effective manner. While commercial remediation technologies exist for reducing emissions from UOWs, these technologies are not being adopted and employed as quickly as necessary, most likely due to cost,

material availability, and operational factors. R&D is needed to develop disruptive technologies to accelerate the deployment of characterization and remediation measures, and to advance toward commercialization the cost-effective technology options that can more efficiently characterize the wellbore condition and environmental impacts associated with the UOW and provide a range of wellbore plugging and abandonment (P&A) options.

### **C. Objectives/Areas of Interest**

DOE aims to enhance technologies and processes for effective characterization of UOWs; improve advanced sensors for the measurement, estimation, and tracking of methane emissions from these wells and their associated infrastructure; and support the development of new characterization concepts and advanced materials for more efficient and cost-effective permanent P&A of such wells.

The objective of this FOA is to competitively solicit applications for advancing cost-effective technology options toward commercialization that can more efficiently characterize the condition of the UOW and provide a range of remediation options, specifically:

- Novel, advanced remediation materials for boreholes in various conditions and with minimal surface disturbance, including but not limited to various biofilm and biochar technologies.
- Technologies for determining the condition of UOW boreholes using remote sensing and surface-based non-invasive technologies.
- Techniques for determining when novel plugging and abandonment procedures are required. Topics include but are not limited to cost, ease of installation, surface requirements, subsurface limitations, training etc.
- Cost effective long term well monitoring techniques and technologies for methane emissions detection and quantification.

Accordingly, this FOA has three (3) Areas of Interest (AOI) aligned with this objective.

**The Areas of Interest (AOIs) for this Undocumented Orphaned Well Characterization and Remediation Announcement are:**

- AOI 1: Advanced Remediation Techniques for UOW Boreholes
- AOI 2: UOW Wellbore Characterization
- AOI 3: Long-Term UOW Monitoring

## **i. Area of Interest 1: Advanced Remediation Techniques for UOW Boreholes**

### **a. Objectives and Background**

It is estimated that there are over 126,000 orphaned wells and 310,000 to 800,000 undocumented orphaned wells among 32 oil and gas producing states (Figure 1).<sup>3</sup> Estimates vary widely due to the uncertainty of historical records and the long history of oil and natural gas production of states or regions. Contaminants that are of particular concern with respect to groundwater and surface water include methane, arsenic, hydrogen sulfide, and benzene. Similarly, air-borne contaminants of concern related to UOWs include methane, hydrogen sulfide, and volatile organic compounds (VOCs). Developing novel cost-effective, environmentally beneficial, and robust P&A strategies and technologies for UOWs would reduce their environmental impact.

As the number of wellbores requiring effective P&A operations increases, the need for low-cost materials for permanent plugging will also increase. Cementitious materials typically used for well plugging can be expensive and may not be effectively deployable in newly identified wellbores that are of variable geometries, diameters, or are damaged in a manner that cannot be effectively repaired prior to plugging. New materials including those that provide for the biochemical deposition of carbonate plugging minerals or other low-carbon sealing concepts will help accelerate the possibility that larger numbers of wellbores can be permanently plugged and abandoned more quickly.

DOE is seeking applications to address the need for novel, advanced remediation approaches and materials for UOW boreholes in various conditions and with minimal surface disturbance, including but not limited to, various biofilm and biochar technologies, and excluding common or general cementitious materials to effectively eliminate methane emissions from unplugged wells.

In addition, proposed technologies or processes regarding wellbore P&A are strongly suggested to be validated through field deployment under standard operating conditions for P&A.

- Methane emissions (or simulated emissions where necessary) will be required to be monitored before and after the P&A technologies or

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<sup>3</sup> Idle and Orphan Oil and Gas Wells: State and Provincial Regulatory Strategies 2021, IOGCC Report

processes are deployed in accordance with the DOI Methane Measurement Guidelines<sup>4</sup> to determine their effectiveness.

- A detailed emissions profile of the UOWs prior to and after deployment of P&A activities will be required.

The end goal of AOI 1 is to develop novel approaches and materials for wellbore plugging, including biofilm and biochar materials, to plug and abandon UOWs in a minimally invasive way with an anticipated beginning TRL of 4 or 5 and advancing to an ending TRL of 6 by the end of the project period of performance.

Solutions must show a zero emissions profile at the well site that is in line with the current Administration's decarbonization goals and well-aligned to support ongoing and potential future UOW emissions mitigation efforts. A clear line of comparison must be shown between the technological advancement and potential cost advantages of the proposed method over existing commercial solutions. Projects selected under this AOI will be expected to clearly address how the economics of the proposed solutions would scale across local, regional, and national scales for P&A activities of UOWs.

## **b. Technical Elements Required in Applications to AOI 1**

### **Technical elements that must be included in the application are:**

- An explanation of the current state-of-the-art industry practices for P&A activities relevant to UOWs, including explanation of how the proposed technology differs from current state-of-the-art or existing commercial products in terms of operation, efficiency, scalability, and cost.
- Explanation of the current state of the proposed technology including the specific elements of the approach that are expected to be further validated in the field, including how the validation of these aspects will more firmly establish the pre-commercial viability of the method. The technical and economic viability must be clearly established at the time of submission for the proposed approach including time frame for operation, an initial estimated labor hour commitment, and an outline of expected tasks to ensure the safe and effective operation of the technology in the field.
- A defined well site location must be established at the time of application for field testing in direct collaboration with an industry,

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<sup>4</sup> [Methane Measurement Guidelines July 2023 \(doi.gov\)](#)

State, Federal, or other regulatory partner if developing technologies related to AOI 1. A letter of commitment from the partner must be submitted at the time of application that defines the planned well site location.

- Discussion of the proposed technology footprint. This should include an overhead layout that shows all equipment required for the proposed system such as storage tanks, monitoring equipment or required ancillary systems as they relate to the existing infrastructure and topology of the planned deployment site. Explanation of how the technology will be applied to the reduction of methane emissions at UOWs.
- Discussion of a plan for methane emissions monitoring prior to and after deployment of methane emissions mitigation technologies or approaches. A description of how the system impacts other environmental considerations at the well site, such as surface, surface water, and groundwater impacts must also be included.
- A preliminary economic assessment discussing the expected operating or maintenance costs including utilities, supplies necessary for P&A activities, other required materials, labor, and the treatment and handling of any waste streams. The impact of variables such as utility cost, the selling price of natural gas, the market cost for necessary supplies, and any disposal costs must be clearly shown in the economic assessment. Direct comparison to the economics of existing competing technologies must also be included.
- Clearly defined statement of the likely challenges and obstacles to completing the proposed work and planned strategies for meeting these challenges and mitigation of the obstacles.
- A Statement of Project Objectives (SOPO) that describes all project Tasks and subtasks to be completed, including a description of what activities will be completed under each Task and how they will be accomplished.
- A Project Management Plan (PMP) that establishes baselines (technical scope, budget, schedule) for the project and describes the approach to manage project performance relative to those baselines. The PMP should also include clearly stated project milestones and an organizational structure for the project team that explains the: roles and responsibilities of team members, integration of team members to achieve the project objectives, approach to communication among participants and with DOE, the process for making decisions on technical direction, procedures for resolving conflict, and questions regarding intellectual property.

### **c. Activities Not of Interest to AOI 1**

**Areas of R&D that are NOT of interest include any one of the following. Applications that include them will be deemed non-responsive:**

- Processes that are limited to laboratory-scale P&A technology development.
- Applications that do not have a letter of commitment at the time of submission from a “relevant” partner willing to operate the proposed technology at a well site.
- Technologies below the requested starting TRL that have not been validated in laboratory settings and are not ready for field validation.
- Off-the-shelf or commercially available technologies or those that only utilize common or general cementitious materials for P&A activities.
- Applications using computer simulations or development of modeling tools or methods that do not culminate in a field deployment for prototype testing and validation of a laboratory-proven technology at a well site.

### **ii. Area of Interest 2: UOW Wellbore Characterization**

#### **a. Objectives and Background**

UOWs are typically older wells that have been left in an unmonitored state and allowed to decay which in turn causes them to become significant sources of emissions and leaks that negatively impact air quality, water quality, and nearby ecosystems. Commercial oil wells have been drilled and produced since 1859 in Titusville, Pennsylvania.<sup>5</sup> In other states like New York, most orphaned wells were drilled in the late 1800s to the early 1900s.<sup>6</sup> Historically, if wells were plugged after they had become uneconomical, materials that were typically used included wood, sediment, or other items such as cannon balls. Understanding the condition of a UOWs wellbore is paramount in developing a viable and effective P&A strategy. Therefore, given the age and conditions that a well that is over 100 years old can be in, the development of non-invasive wellbore characterization technologies is critical to informing specific P&A strategies and when unique P&A activities are needed.

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<sup>5</sup> <https://www.dep.pa.gov/OurCommonWealth/pages/Article.aspx?post=91>

<sup>6</sup> <https://dec.ny.gov/environmental-protection/oil-gas/orphaned-abandoned-well-plugging>

UOWs can be located in areas with minimal surface access, due to limited (or non-existent) surface roads, topography that limits existing equipment viability, overhead access limitations (forest canopy limitations), and other potential safety hazards. In order to facilitate future non-invasive and P&A technology development, deployment, and validation, technologies and processes for determining wellbore characteristics and when novel P&A techniques would be required, including discussions of cost, ease of installation, surface requirements, subsurface limitations, and additional training needs, will help accelerate additional future R&D in this space.

DOE is seeking applications to address the need for surface deployable technologies that do not require entry into the wellbore to more effectively characterize the conditions of wellbores from UOWs, as well as determine the need for novel P&A techniques in unique situations.

The end goal of AOI 2 is to develop novel cost-effective technologies to determine wellbore characteristics and applicable strategies to plug and abandon UOWs with an anticipated beginning TRL of 4 or 5 and advancing to an ending TRL of 6 by the end of the project period of performance.

Solutions must show a zero emissions profile at the well site that is in line with the current Administration's decarbonization goals and well-aligned to support ongoing and potential future UOW emissions mitigation efforts. A clear line of comparison must be shown between the technological advancement and potential cost advantages of the proposed method over existing commercial solutions. Projects selected under this AOI will be expected to clearly address how the economics of the proposed solutions would scale across local, regional, and national scales for characterization activities of UOWs.

## **b. Technical Elements Required in Applications to AOI 2**

### **Technical elements that must be included in the application are:**

- An explanation of the current state-of-the-art well characterization technologies relevant to UOWs, including explanation of how the proposed technology differs from current state-of-the-art or existing commercial products in terms of operation, efficiency, scalability, and cost.
- Explanation of the current state of the proposed technology including the specific elements of the approach that are expected to be further validated in the field, including how the validation of these aspects will more firmly establish the pre-commercial viability of the method. The technical and economic viability must be clearly established at the time

of submission for the proposed approach including time frame for operation, an initial estimated labor hour commitment, and an outline of expected tasks to ensure the safe and effective operation of the technology in the field.

- A defined well site location must be established at the time of application for field testing in direct collaboration with an industry, State, Federal, or other regulatory partner if developing technologies related to AOI 2. A letter of commitment from the partner must be submitted at the time of application that defines the planned well site location.
- Discussion of the proposed technology footprint. This should include an overhead, side-view, and/or a subsurface layout that shows all equipment required for the proposed system as they relate to the existing infrastructure and topology of the planned deployment site. Explanation of how the technology will be specifically inform strategies to reduce methane emissions at UOWs.
- A preliminary economic assessment discussing the expected operating or maintenance costs including utilities, supplies necessary for well characterization activities, other required materials, labor, and the treatment and handling of any waste streams (if applicable). The impact of variables such as utility cost, the selling price of natural gas, the market cost for necessary supplies, and any disposal costs must be clearly shown in the economic assessment. Direct comparison to the economics of existing competing technologies must also be included.
- Clearly defined statement of the likely challenges and obstacles to completing the proposed work and planned strategies for meeting these challenges and mitigation of the obstacles.
- A Statement of Project Objectives (SOPO) that describes all project Tasks and subtasks to be completed, including a description of what activities will be completed under each Task and how they will be accomplished.
- A Project Management Plan (PMP) that establishes baselines (technical scope, budget, schedule) for the project and describes the approach to manage project performance relative to those baselines. The PMP should also include clearly stated project milestones and an organizational structure for the project team that explains the: roles and responsibilities of team members, integration of team members to achieve the project objectives, approach to communication among participants and with DOE, the process for making decisions on technical direction, procedures for resolving conflict, and questions regarding intellectual property.

### **c. Activities Not of Interest to AOI 2**

**Areas of R&D that are NOT of interest include any one of the following.**

**Applications that include them will be deemed non-responsive:**

- Processes that are limited to laboratory-scale well characterization technology development.
- Applications that do not have a letter of commitment at the time of submission from an “relevant” partner willing to operate the proposed technology at a well site.
- Technologies below the requested starting TRL that have not been validated in laboratory settings and are not ready for field validation.
- Wellbore characterization technologies that require invasive operations (i.e., entry into the wellbore for data collection).
- Applications using computer simulations or development of modeling tools or methods that do not culminate in a field deployment for prototype testing and validation of a laboratory-proven technology at a well site.
- Applications that do not address the scalability and deployment strategies for technologies that are developed.

### **iii. Area of Interest 3: Long-Term UOW Monitoring**

#### **a. Objectives and Background**

The uncertainty in the quantity of existing UOWs coupled with their aging equipment and infrastructure results in an uncertainty regarding methane emissions and other potential environmental impacts. Contaminants that are of particular concern with respect to groundwater and surface water include methane, arsenic, hydrogen sulfide, and benzene. Similarly, air-borne contaminants of concern related to UOWs include methane, hydrogen sulfide, and volatile organic compounds (VOCs). Developing technologies and strategies to determine the environmental impact of a UOW over varying temporal and spatial facets is critical to understanding the environmental impacts of UOWs, how to prioritize and strategize P&A activities, to improve emissions factors, and inform national emissions inventories.

A variety of low-cost, autonomous monitoring solutions will be required to effectively identify and delineate potential impacts to air, water, and other sensitive receptors, such as local ecosystems and areas that could result in direct exposure to people or other organisms, from methane emissions from UOWs both before and after P&A operations. These will need to include

technologies that can improve measurement, estimation, and tracking techniques for methane emissions related to UOWs, including remote, real-time, autonomous and continuous measurement applications, and methods that can leverage and integrate data-driven solutions to ensure accurate tracking of methane emissions related to UOWs as compared to other sources of methane emissions.

DOE is seeking applications to address the need for cost effective, long-term well monitoring techniques and technologies to measure and quantify methane emissions from UOWs. The accuracy, precision, and effectiveness of novel methane emissions monitoring technologies should be compared and evaluated to current state-of-the-art and commercially available methane emissions monitoring technologies to determine their effectiveness.

Collaborations with relevant State, Federal, and non-Federal entities would be beneficial to provide context related to current state-of-the-art efforts regarding UOW characterization and P&A activities as they are related to State, Federal, Tribal, and privately owned land. These collaborations can inform approaches for technology development, strategies for mitigating emissions, and the prioritization of UOW P&A activities. Collaboration with and leveraging knowledge from existing UOW research consortia is strongly encouraged.

The end goal of AOI 3 is to develop long-term methane monitoring technologies for determining temporal and spatial variations of emissions associated with UOWs with an anticipated beginning TRL of 4 or 5 and advancing to an ending TRL of 6 by the end of the project period of performance.

Solutions must show a zero emissions profile at the well site that is in line with the current Administration's decarbonization goals and well-aligned to support ongoing and potential future UOW emissions mitigation efforts. A clear line of comparison must be shown between the technological advancement and potential cost advantages of the proposed method over existing commercial solutions. Projects selected under this AOI will be expected to clearly address how the economics of the proposed solutions would scale across local, regional, and national scales for methane monitoring activities of UOWs.

## **b. Technical Elements Required in Applications to AOI 3**

**Technical elements that must be included in the application are:**

- An explanation of the current state-of-the-art industry practices for emissions detection, measurement, and quantification activities relevant to UOWs, including explanation of how the proposed technology differs from current state-of-the-art or existing commercial products in terms of operation, efficiency, scalability, and cost.
- Explanation of the current state of the proposed technology including the specific elements of the approach that are expected to be further validated in the field, including how the validation of these aspects will more firmly establish the pre-commercial viability of the method. The technical and economic viability must be clearly established at the time of submission for the proposed approach including time frame for operation, an initial estimated labor hour commitment, and an outline of expected tasks to ensure the safe and effective operation of the technology in the field.
- A defined well site location must be established at the time of application for field testing in direct collaboration with an industry, State, Federal, or other regulatory partner if developing technologies related to AOI 3. A letter of commitment from the partner must be submitted at the time of application that defines the planned well site location.
- Discussion of the proposed technology footprint. This should include an overhead layout that shows all equipment required for the proposed system such as monitoring equipment or required ancillary systems as they relate to the existing infrastructure and topology of the planned deployment site. Explanation of how the technology will be applied to the reduction of methane emissions at UOWs.
- A preliminary economic assessment discussing the expected installation, operating, and maintenance costs including utilities, supplies necessary for emissions monitoring activities, other required materials and labor. The impact of variables such as utility cost, the selling price of natural gas, and the market cost for necessary supplies must be clearly shown in the economic assessment. Direct comparison to the economics of existing competing technologies must also be included.
- A discussion related to how the emissions monitoring efforts of UOWs could improve national emissions databases, emissions factors, and be included in an integrated methane monitoring platform on local, regional, and national scales.
- Clearly defined statement of the likely challenges and obstacles to completing the proposed work and planned strategies for meeting these challenges and mitigation of the obstacles.

- A Statement of Project Objectives (SOPO) that describes all project Tasks and subtasks to be completed, including a description of what activities will be completed under each Task and how they will be accomplished.
- A Project Management Plan (PMP) that establishes baselines (technical scope, budget, schedule) for the project and describes the approach to manage project performance relative to those baselines. The PMP should also include clearly stated milestones and an organizational structure for the project team that explains the: roles and responsibilities of team members, integration of team members to achieve the project objectives, approach to communication among participants and with DOE, the process for making decisions on technical direction, procedures for resolving conflict, and questions regarding intellectual property.

### **c. Activities Not of Interest to AOI 3**

**Areas of R&D that are NOT of interest include any one of the following.**

**Applications that include them will be deemed non-responsive:**

- Processes that are limited to laboratory-scale emissions monitoring technology development.
- Applications that do not have a letter of commitment at the time of submission from a partner willing to operate the proposed technology at a well site.
- Technologies below the requested starting TRL that have not been validated in laboratory settings and are not ready for field validation.
- Off-the-shelf or commercially available technologies for methane emissions monitoring.
- Applications using computer simulations or development of modeling tools or methods that do not culminate in a field deployment for prototype testing and validation of a laboratory-proven technology at a well site.
- Applications that do not address the scalability and deployment strategies for technologies that are developed.

## **D. Applications Specifically Not of Interest**

The following types of applications will be deemed nonresponsive and will not be reviewed or considered (See Section III, Eligibility Information; Responsiveness Criteria):

- Submissions that fall outside the technical parameters specified in Section I, “Funding Opportunity Description; Objectives/Areas of Interest” of the FOA.
- Submissions for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics).
- Submissions for basic research aimed solely at discovery and/or fundamental knowledge generation.
- Submissions for proposed technologies that represent incremental improvements to existing technologies.
- Submissions for proposed technologies that are not transformational, as described in Section I, “Funding Opportunity Description; Objectives/Areas of Interest” of the FOA.
- Submissions for proposed technologies that do not have the potential to become disruptive in nature, as described in Section I, Funding Opportunity Description; Objectives/Areas of Interest” of the FOA. Technologies must be scalable such that they could be disruptive with sufficient technical progress.
- Submissions that describe a technology but do not propose a R&D plan that allows DOE to evaluate the submission under the applicable merit review criteria provided in Section V, “Application Review Information; Review Criteria” of the FOA.
- Submissions that do not include access to a field site test location.

## II. Award Information

### A. Type of Application

DOE will accept only new applications under this announcement.

### B. Type of Award Instrument

DOE anticipates awarding cooperative agreements under this funding opportunity announcement (See Section VI, "Award Administration Information; Statement of Substantial Involvement").

### C. Award Overview

#### i. Estimated Funding, Number of Awards, Anticipated Award Size, and Maximum DOE Share

DOE expects to make Federal funding available for new awards under this FOA as follows:

Area of Interest	Estimated Federal Funding	Anticipated No. of Awards	Anticipated Individual Award Size		
			DOE Share \$/%	Cost Share \$/%	Total \$
1	\$10,200,000	Up to 3	\$3,400,000/80%	\$850,000/20%	\$4,250,000
2	\$2,400,000	Up to 2	\$1,200,000/80%	\$300,000/20%	\$1,500,000
3	\$2,400,000	Up to 2	\$1,200,000/80%	\$300,000/20%	\$1,500,000
<b>Total</b>	<b>\$15,000,000</b>	<b>Up to 7</b>			

DOE may issue awards in one, multiple or none of the areas of interests.

**APPLICATIONS WHICH EXCEED THE "MAXIMUM DOE SHARE OF AWARD" SPECIFIED ABOVE WILL BE CONSIDERED NONCOMPLIANT (SEE SECTION III, "ELIGIBILITY INFORMATION; COMPLIANCE CRITERIA"). DOE WILL NOT REVIEW OR CONSIDER NONCOMPLIANT APPLICATIONS.**

DOE may establish more than one budget period for each award and fund only the initial budget period(s). Funding for all budget periods, including the initial budget period, is not guaranteed. Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.

## ii. Estimated Project Period of Performance per Area of Interest

The maximum anticipated project period of performance for projects under each Area of Interest in this announcement is:

Area of Interest	Maximum Project Period of Performance
1	3 years
2	3 years
3	3 years

Typically, budget periods are established on an annual basis. In some cases, shorter or longer budget periods may be established for compelling programmatic or administrative reasons, such as to allow for project phases not evenly divisible with 12-month increments or to provide program personnel with logical decision points to evaluate whether the project should proceed.

### III. Eligibility Information

#### A. General

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

#### B. Eligible Applicants

##### i. Domestic Entities

Domestic entities are eligible to apply as prime recipients or subrecipient(s). The following types of domestic entities are eligible to participate as a prime recipient or subrecipient of this FOA:

1. Institutions of higher education;
2. For-profit entities;
3. Non-profit entities;
4. State and local governmental entities, and
5. Indian Tribes, as defined in Section 4 of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 5304<sup>7</sup>.

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

**DOE/NNSA FFRDCs (including NETL) are not eligible for award under this announcement and may not be proposed as a subrecipient on another entity's application. An application that includes any DOE/NNSA FFRDC**

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<sup>7</sup> **Indian Tribe,**" for the purposes of this FOA and as defined in in section 4 of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. § 5304](#)), [1]means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act ([85 Stat. 688](#)) [[43 U.S.C. § 1601, et seq.](#)], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Federally Recognized Indian Tribes are also considered disadvantaged communities for the purposes of Justice40 requirements in this FOA per [https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09\\_Signed\\_CEQ\\_CPO.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf).

**(including NETL) as a prime recipient or subrecipient will be considered non-responsive.**

Non-DOE/NNSA FFRDCs are eligible to apply as a prime recipient or participate as a subrecipient in any of the AOs.

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

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

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

## **ii. Foreign Entities**

In general, foreign entities are not eligible to apply as either a prime recipient or subrecipient. In limited circumstances, DOE may approve a waiver to allow a foreign entity to participate as a prime recipient or subrecipient. A foreign entity may submit a Full Application to this FOA, but the Full Application must be accompanied by an explicit written waiver request. Likewise, if the applicant seeks to include a foreign entity as a subrecipient, the applicant must submit a separate explicit written waiver request in the Full Application for each proposed foreign subrecipient.

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

## **C. Cost Sharing**

### **i. Cost Share Requirements**

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

DOE understands that projects selected under this FOA may require the use of existing data. For purposes of this FOA, DOE will consider data that is commercially available at an established market price to be an allowable cost under the project (either as DOE share or non-federal cost share) but DOE will not consider in-kind data (e.g., data, owned by an entity, that is not routinely sold commercially but is instead donated to the project and assigned a value) to be an allowable cost under the project, including as Recipient cost share. Estimation methods used by the Recipient to assign a value to in-kind data cannot be objectively verified by DOE and therefore will not be accepted by DOE as an allowable cost under any project selected from this FOA. Consequently, DOE will not recognize in-kind data costs in any resulting approved DOE budget.

**To assist applicants in calculating proper cost share amounts, DOE has included a cost share information sheet and sample cost share calculation in the “Cost Share Information” Appendix of this FOA.**

## **ii. Legal Responsibility**

Applicants will be bound by the cost share proposed in their applications and incorporated into their award.

The cost share requirement applies to the project as a whole, including work performed by members of the project team other than the Prime Recipient. The Prime Recipient is legally responsible for paying the entire cost share. The Prime Recipient’s cost share obligation is expressed in the Assistance Agreement as a static amount in U.S. dollars (cost share amount) and as a percentage of the Total Project Cost (cost share percentage). If the funding agreement is terminated prior to the end of the project period, the Prime Recipient is required to contribute at least the cost share percentage of total expenditures incurred through the date of termination.

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

## **iii. Cost Share Allocation**

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

#### **iv. Cost Share Types and Allowability**

Every cost share contribution must be allowable under the applicable Federal cost principles, as described in Section IV, “Application and Submission Information; Funding Restrictions”. 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 Federal Government did not provide the funding to the state or local government.

The Recipient may not use the following sources to meet its cost share obligations including, but not limited to:

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

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

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

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

Please refer to the "Cost Share Information" Appendix of the FOA.

#### **v. Cost Share Verification**

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

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

### **D. Compliance Criteria**

A review of all submitted documents and information is performed to determine if the submissions are in compliance with the FOA requirements. **All submitted information and documents must meet all Compliance Criteria listed below to be eligible for review or the submission will be considered noncompliant. DOE will NOT review or consider noncompliant submissions.**

Full Applications are deemed compliant if:

- The Full Application complies with the maximum DOE share of the individual award size in Section II, "Award Information; Award Overview" of the FOA;
- The Full Application complies with the content and form requirements in Section IV, "Application and Submission Information; Form and Content

Requirements,” and Section IV, “Application and Submission Information; Full Applications” of the FOA; and

- The applicant successfully uploaded all required documents and clicked the “Submit” button in Grants.gov by the deadline stated in the FOA. DOE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

## E. Responsiveness Criteria

A review of all submitted documents and information is performed to determine if the submissions are responsive to the FOA requirements. **All submitted information and documents must meet all of the Responsiveness Criteria listed below to be eligible for review or the submission will be considered non-responsive. DOE will NOT review or consider non-responsive submissions.**

Full Applications are deemed responsive if:

- The application meets the technical requirements as described in the “Objectives/Areas of Interest” contained in Section I, “Funding Opportunity Description” of the FOA; and
- The Applicant/application meets the Eligibility Criteria in Section III, “Eligibility Information” of the FOA.

**Only compliant/responsive applications will be eligible for a comprehensive merit review.**

## F. Number of Submittals Eligible for Review

Applicants may submit multiple applications under each area of interest of this FOA; **HOWEVER**, applicants may not submit duplicate applications under multiple areas of interest. Put simply, each submitted application should be distinct and tailored to the specific area of interest.

## G. 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 submit an application in response to this FOA lies solely with the applicant.

## IV. Application and Submission Information

### A. Form and Content Requirements

All submissions must conform to the following form and content requirements, including maximum page limits (described below) and must be submitted as specifically stated. **Applications which do not meet ALL of the form and content requirements listed below will be considered noncompliant (See Section III, “Eligibility Information; Compliance Criteria”). DOE will NOT review or consider noncompliant applications.** DOE will not review or consider submissions submitted through means other than specifically stated in the FOA, submissions submitted after the applicable deadline, and incomplete submissions. DOE will not extend deadlines for applicants who fail to submit required information and documents by the applicable deadline due to server/connection congestion.

**Full Applications must conform to ALL of the following requirements in order to be considered compliant:**

- Each must be submitted in Adobe PDF format unless stated otherwise.
- Each must be written in English.
- All pages must be formatted to fit on 8.5 x 11 inch paper with margins not less than one inch on every side. Use Times New Roman typeface, a black font color, and a font size of 12 point or larger (except in figures or tables, which may be 10 point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement.
- Each submission must not exceed the specified maximum page limit (described below) when printed using the formatting requirements set forth above and **single** spaced. The maximum page limitation includes the cover page, references, charts, graphs, data, maps, photographs, other pictorial presentations, and other reference material the applicant may include its submission.

**Full Applications which do not conform to ALL of the requirements listed above will be considered noncompliant (See Section III, “Eligibility Information; Compliance Criteria”). DOE will not review or consider noncompliant submissions.**

Applicants are responsible for meeting the submission deadline. Applicants are strongly encouraged to submit their Full Applications at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours in advance of the submission deadline), applicants should allow at least 1

hour to submit a Full Application. Once the Full Application is submitted, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made, the applicant must resubmit the Full Application, before the applicable deadline.

DOE urges applicants to carefully review their Full Applications and to allow sufficient time for the submission of required information and documents. All Full Applications that pass the initial eligibility review will undergo comprehensive technical merit review according to the criteria identified in Section V, “Application Review Information; Review Criteria” of the FOA.

## B. Full Applications

Applicants must submit a Full Application by the specified due date and time to be considered for funding under this FOA. Applicants must complete the mandatory forms and any applicable optional forms (e.g., SF-LLL- Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. Files that are attached to the forms must be in Adobe Portable Document Format (PDF) unless otherwise specified in this announcement.

### i. Application Package

Application forms and instructions are available at <https://www.grants.gov/>.

### ii. Content and Form of Full Application

DOE will not review or consider ineligible Full Applications (see Section III, “Eligibility Information; Compliance Criteria” of the FOA).

Each Full Application must be limited to a **single** area of interest. Concepts or technologies unrelated to the specific area of interest should not be consolidated into a single Full Application.

Full Applications must conform to the following requirements:

Component	File Format	Page Limit	File Name
SF-424: Application for Federal Assistance	Form	N/A	N/A
Project/Performance Site Location(s)	Form	N/A	N/A
Technical Volume	PDF	15	Project.pdf

Summary of Public Release	PDF	1	Summary.pdf
Project Management Plan	PDF	8	PMP.pdf
Resumes	PDF	3 pages each	Resumes.pdf
Statement of Project Objectives	MS Word	8	SOPO.doc or docx
SF424a Budget Information – Non-Construction Programs File	MS Excel	N/A	SF424A.xls or .xlsx
Budget Justification Workbook	MS Excel	N/A	Budget_Justification.xls or xlsx
Subrecipient Budget Justification	MS Excel	N/A	Subrecipient_Budget_Justification.xls or xlsx
Environmental Questionnaire	PDF	N/A	Env.pdf
Letters of Commitment	PDF	1	LOC.pdf
SF-LLL Disclosure of Lobbying Activities	PDF	N/A	SF-LLL.pdf
Waiver Requests	PDF	N/A	Waiver.pdf
Data Management Plan	PDF	N/A	DMP.pdf
Current and Pending Support	PDF	N/A	CPS.pdf
Transparency of Foreign Connections	PDF	N/A	BusinessSensitive.pdf
Potentially Duplicative Funding Notice	PDF	N/A	PDFN.pdf
Impacted Indian Tribes Documentation	PDF	N/A	ImpactedTribes.pdf

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

**Project Part 1**  
**Project Part 2, etc.**

**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 is listed below.

### **iii. SF-424: Application for Federal Assistance**

Complete the SF 424 form first to populate data in other forms. Complete all required fields in accordance with the instructions on the form. The list of certifications and assurances in Field 21 can be found at

<https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients>, under Certifications and Assurances.

#### **iv. Project/Performance Site Location(s)**

Indicate the primary site where the work will be performed by the prime recipient or subrecipient(s). If a portion of the project will be performed at any other site(s), identify the site location(s) in the blocks provided.

Note that the Project/Performance Site Congressional District is entered in the format of the 2-digit state code followed by a dash and a 3 digit Congressional district code, for example VA-001. Hover over this field for additional instructions.

Use the Next Site button to expand the form to add additional Project/Performance Site Locations.

#### **v. Other Attachments Form**

Submit the following files with your application and attach them to the Other Attachments Form. Click on "Add Mandatory Other Attachment" to attach the Project Narrative. Click on "Add Optional Other Attachment," to attach the other files.

#### **vi. Technical Volume File – Mandatory Other Attachment**

The Technical Volume File must address the technical review criteria as discussed in Section V. of the FOA. Save the Technical Volume in a single PDF file using the following convention for the title "TechnicalVolume.pdf" and click on "Add Mandatory Other Attachment" to attach. The technical volume must not exceed 15 pages, including cover page, table of contents, footnotes/endnotes, charts, graphs, maps, photographs, and other pictorial presentations, when printed using standard 8.5" by 11" paper with 1 inch margins (top, bottom, left, and right) single spaced. The font must not be smaller than 12 point.

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

**Submissions that exceed the maximum page limits indicated above will be considered noncompliant and DOE will not review or consider the submission (See**

### **Section III, “Eligibility Information; Compliance Criteria”).**

The applicant should consider the weighting of each of the technical review criteria (see Section V. of the FOA) when preparing the Technical Volume. The technical volume (15 page limitation) must include:

<b>Technical Volume Content Requirements</b>	
<b>SECTION/PAGE LIMIT</b>	<b>DESCRIPTION</b>
<b>Cover Page</b>	The cover page should include the project title, the specific FOA Areas of Interest being addressed , both the technical and business points of contact (including the Administrative Officer, if applicable), names of all team member organizations, names of project managers, senior/key personnel and their organizations, the project location(s), and any statements regarding confidentiality.
<b>Project Overview</b> (Approximately 10% of the Technical Volume)	The Project Overview should contain the following information: <ul style="list-style-type: none"> <li>• <b>Background:</b> The applicant should discuss the background of its organization, including the history, successes, and current research and development status (i.e., the technical baseline) relevant to the technical topic being addressed in the Full Application.</li> <li>• <b>Project Goal:</b> The applicant should explicitly identify the targeted improvements to the baseline technology and the critical success factors in achieving that goal.</li> <li>• <b>DOE Impact:</b> The applicant should discuss the impact that DOE funding would have on the proposed project. Applicants should specifically explain how DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives.</li> </ul>
<b>Technical Description, Innovation, and Impact</b> (Approximately 30% of the Technical Volume)	The Technical Description should contain the following information: <ul style="list-style-type: none"> <li>• <b>Relevance and Outcomes:</b> The applicant should provide a detailed description of the technology or focus area, including the scientific and other principles and objectives that will be pursued during the project. This section should describe the relevance of the proposed project to the goals and objectives of the FOA, including the potential to meet specific DOE technical targets or other relevant performance targets. The applicant should clearly specify the expected outcomes of the project.</li> <li>• <b>Feasibility:</b> The applicant should demonstrate the technical feasibility of the proposed technology and capability of achieving the anticipated performance targets, including a description of previous work done and prior results. This section should also address the project’s access to necessary infrastructure (e.g. transportation, water, electricity</li> </ul>

	<p>transmission), including any use of existing infrastructure, as well as to a skilled workforce.</p> <ul style="list-style-type: none"> <li>• Innovation and Impacts: The applicant should describe the current state-of-the-art in the applicable field, the specific innovation of the proposed technology or focus area, the advantages of proposed technology over current and emerging technologies, and the overall impact on advancing the state-of-the-art/technical baseline if the project is successful.</li> </ul>
<p><b>Workplan</b> (Approximately 40% of the Technical Volume)</p>	<p>The Workplan should include a summary of the Project Objectives, Technical Scope, Work Breakdown Structure (WBS), Milestones, and Project Schedule. A detailed SOPO is separately requested. The Workplan should contain the following information:</p> <ul style="list-style-type: none"> <li>• Project Objectives: The applicant should provide a clear and concise (high-level) statement of the goals and objectives of the project.</li> <li>• Technical Scope Summary: The applicant should provide a summary description of the overall work scope and approach to achieve the objective(s). The overall work scope is to be divided by performance periods that are separated by discrete, approximately annual decision points (see below for more information on Go/No-Go decision points). The applicant should describe the specific expected end result of each performance period.</li> <li>• WBS and Task Description Summary: The Workplan should describe the work to be accomplished and how the applicant will achieve the milestones, will accomplish the final project goal(s), and will produce all deliverables. The Workplan is to be structured with a hierarchy of performance period (approximately annual), task and subtasks, which is typical of a standard WBS for any project. The Workplan shall contain a concise description of the specific activities to be conducted over the life of the project. The description shall be a full explanation and disclosure of the project being proposed (i.e., a statement such as “we will then complete a proprietary process” is unacceptable). It is the applicant’s responsibility to prepare an adequately detailed task plan to describe the proposed project and the plan for addressing the objectives of this FOA. The summary provided should be consistent with the SOPO. The SOPO will contain a more detailed description of the WBS and tasks.</li> <li>• Milestone Summary: The applicant should provide a summary of appropriate milestones throughout the project to demonstrate success. A milestone may be either a progress measure (which can be activity based) or a Specific, Measurable, Achievable, Realistic, and Timely (SMART) technical milestone. SMART milestones should be Specific, Measurable, Achievable, Relevant, and Timely, and must demonstrate a technical achievement rather than simply completing a task. Unless otherwise specified in the FOA, the minimum requirement is that each project must have at least one milestone per quarter for the duration of the project with at least one SMART technical milestone per year (depending on the project, more milestones may be necessary to comprehensively demonstrate progress). The applicant should also provide the means by which the milestone will be verified. The summary</li> </ul>

	<p>provided should be consistent with the Milestone Summary Table in the SOPO.</p> <ul style="list-style-type: none"> <li>• End of Project Goal: The applicant should provide a summary of the end of project goal(s). At a minimum, each project must have one SMART end of project goal. The summary provided should be consistent with the SOPO.</li> <li>• Project Schedule (Gantt Chart or similar): The applicant should provide a schedule for the entire project, including task and subtask durations, milestones, and Go/No-Go decision points.</li> <li>• Buy America Requirements for Infrastructure Projects: Within the first 2 pages of the Workplan, include a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. See Appendix D for applicable definitions and other information to inform this statement.</li> <li>• Project Management: The applicant should discuss the team’s proposed management plan, including the following: <ul style="list-style-type: none"> <li>○ The overall approach to and organization for managing the work.</li> <li>○ The roles of each project team member.</li> <li>○ Any critical handoffs/interdependencies among project team members.</li> <li>○ The technical and management aspects of the management plan, including systems and practices, such as financial and project management practices.</li> <li>○ The approach to project risk management, including a plan for securing a qualified workforce and mitigating risks to project performance including but not limited to community or labor disputes.</li> <li>○ A description of how project changes will be handled.</li> <li>○ If applicable, the approach to Quality Assurance/Control.</li> <li>○ How communications will be maintained among project team members.</li> </ul> </li> </ul>
<p><b>Technical Qualifications and Resources</b> (Approximately 20% of the Technical Volume)</p>	<p>The Technical Qualifications and Resources should contain the following information:</p> <ul style="list-style-type: none"> <li>• A description of the project team’s unique qualifications and expertise, including those of key subrecipients.</li> <li>• A description of the project team’s existing equipment and facilities, or equipment or facilities already in place on the proposed project site, that will facilitate the successful completion of the proposed project; include a justification of any new equipment or facilities requested as part of the project.</li> <li>• Relevant, previous work efforts, demonstrated innovations, and how these enable the applicant to achieve the project objectives.</li> </ul>

	<ul style="list-style-type: none"> <li>• A description of the time commitment of the key team members to support the project.</li> <li>• Technical services to be provided by DOE/NNSA FFRDCs, if applicable.</li> <li>• The skills, certifications, or other credentials of the construction and ongoing operations workforce.</li> <li>• For multi-organizational projects, describe succinctly: <ul style="list-style-type: none"> <li>○ The roles and the work to be performed by the project manager and senior/key personnel at the prime and sub levels;</li> <li>○ Business agreements between the applicant and sub;</li> <li>○ How the various efforts will be integrated and managed;</li> <li>○ Process for making decisions on technical direction;</li> <li>○ Publication arrangements;</li> <li>○ Intellectual Property issues; and</li> <li>○ Communication plans.</li> </ul> </li> </ul>
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\*As indicated above, a maximum page limit has been established for the project narrative so when the project narrative sections identified in the table above as included in the page limitation are totaled together (including the cover page, table of contents, footnotes/endnotes, charts, graphs, maps, photographs, and other pictorial presentations) it should not exceed **15** pages. Full Applications which do not conform to ALL of the requirements listed above will be considered noncompliant (See Section III, “Eligibility Information; Compliance Criteria”). DOE will not review or consider noncompliant submissions.

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

Applicants must submit a one-page summary of their project that is suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant, the lead project manager/ principal investigator(s), the project title, the objectives of the project location(s), 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 for the title: “Summary.pdf” and click on “Add Optional Other Attachment” to attach

### **viii. Project Management Plan**

The Project Management Plan (PMP) must not exceed 8 pages including cover page, table of contents, footnotes/endnotes, charts, graphs, maps, photographs, and other pictorial presentations, when printed using standard 8.5" by 11" paper with 1" margins (top, bottom, left and right) **single** spaced with font no smaller than 12 point. Applicants shall prepare the PMP in the format provided in the "Project Management Plan Template" Appendix of the FOA. Save this information in a file named "PMP.pdf," and click on "Add Optional Other Attachment" to attach.

## **ix. Resumes**

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

1. Contact Information;
2. Education and training: Provide name of institution, major/area, degree, and year for undergraduate, graduate, and postdoctoral training;
3. Research and Professional Experience: Beginning with the current position, list professional/academic positions in chronological order with a brief description. List all 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 over the past five years;
4. Awards and honors;
5. A list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address if available electronically. Patents, copyrights, and software systems developed may be provided in addition to or substituted for publications. An abbreviated style such as the Physical Review Letters (PRL) convention for citations (list only the first author) may be used for publications with more than 10 authors;
6. Synergistic Activities: List up to five professional and scholarly activities related to the proposed effort; and
7. There should be no lapses in time over the past 10 years or since age 18, whichever period is shorter.

As an alternative to a resume, it is acceptable to use the biographical sketch format approved by the National Science Foundation (NSF). The biographical sketch format may be generated by the Science Experts Network Curriculum

Vita (SciENcv), a cooperative venture maintained at <https://www.ncbi.nlm.nih.gov/sciencv/>, and is also available at [https://www.nsf.gov/bfa/dias/policy/researchprotection/commonform\\_biographicalsketch.pdf](https://www.nsf.gov/bfa/dias/policy/researchprotection/commonform_biographicalsketch.pdf). The use of a format required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats.

Save the resumes in a single PDF file using the following naming convention for the title "Resumes.pdf" and click on "Add Optional Other Attachment" to attach.

#### **x. Statement of Project Objectives**

Applicants are required to complete a SOPO. A SOPO template is available as an appendix D of the FOA.

The SOPO, including the Cover Page and the Deliverables Table, **must not exceed 8 pages** when printed using standard 8.5 x 11 paper with 1" margins (top, bottom, left, and right) with font not smaller than 12-point (except in figures or tables, which may be 10-point font).

**Save the SOPO in a single Microsoft Word file using the following naming convention for the title "SOPO.doc or docx" and click on "Add Optional Other Attachment" to attach.**

#### **xi. SF 424A Budget Information – Non-Construction Programs (SF424) File**

You must provide a separate budget for each year of support requested and a cumulative budget for the total project period of performance. Use the SF 424 A Excel, "Budget Information - Non Construction Programs" form on the DOE Financial Assistance Forms Page at <https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients> under DOE budget forms.

You may request funds under any of the Object Class Categories as long as the item and amount are necessary to perform the proposed work, meet all the criteria for allowability under the applicable Federal cost principles, and are not prohibited by the funding restrictions in this announcement (See Section IV, "Application and Submission Information; Funding Restrictions"). Save the information in a single file named "SF424A.xls or.xlsx," and click on "Add Optional Other Attachment" to attach.

## xii. Budget Justification File

Applicants are required to provide a detailed budget justification for the project as a whole, including all work to be performed by the Applicant and its Subrecipients and Contractors, and provide all requested documentation (e.g., a Federally-approved rate agreement, contractor quotes). Applicants should include costs associated with the Buy America Requirements for Infrastructure projects, required annual audits and incurred cost proposals in their proposed budget documents. Such costs may be reimbursed as direct or indirect costs.

A Budget Justification workbook is included as an attachment to this announcement for use and to describe the level of detail required in the budget justification. Although the data requested is mandatory, the use of the budget justification workbook is not.

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. In addition, Applicants must carefully read and note each “Instructions” Summary contained within each individual tab of the Budget Justification workbook. **As stipulated within the Budget Justification workbook, all direct costs must be identified by specific task. All cost should include the basis of cost and justification of need, as applicable. Of specific note is the necessity to identify personnel costs for each individual proposed for all tasks to which they are assigned.** Note EXAMPLES provided within each tab for further clarification.

DOE understands that projects selected under this FOA may require the use of existing data. For purposes of this FOA, DOE will consider data that is commercially available at an established price to be an allowable cost under the project (either as DOE share or non-federal cost share) but DOE will not consider in-kind data (e.g., data, owned by an entity, that is not routinely sold commercially but is instead donated to the project and assigned a value) to be an allowable cost under the project, including as Recipient cost share. Estimation methods used by the Recipient to assign a value to in-kind data cannot be objectively verified by DOE and therefore will not be accepted by DOE as an allowable cost under any project selected from this FOA. Consequently, DOE will not recognize in-kind data costs in any resulting approved DOE budget.

Save the Budget Justification workbook in a single file named “RecipientBudgetJustification.xls or.xlsx” and click on “Add Optional Other Attachment” to attach.

### **xiii. Subrecipient Budget Justification (if applicable)**

Applicants must provide a separate detailed budget justification for each subrecipient that is expected to perform work estimated to be more than \$250,000 or 25 percent of the total work effort (whichever is less). A Budget Justification workbook is included as an attachment to this announcement. Although the data requested is mandatory, the use of the budget justification workbook is not. The level of detail to be included in the subaward budget justification (if applicable) must be commensurate with that provided by the Prime Recipient. Save the information in a single file named “Subrecipient\_name BudgetJustification.xls or.xlsx” and click on “Add Optional Other Attachment” to attach.

### **xiv. Environmental Questionnaire**

The Applicant must submit an environmental questionnaire providing for the work of the entire project. The Applicant is also responsible for submitting a separate environmental questionnaire for each proposed subrecipient performing at a different location. The environmental questionnaire is available at [https://netl.doe.gov/sites/default/files/2018-02/451\\_1-1-3.pdf](https://netl.doe.gov/sites/default/files/2018-02/451_1-1-3.pdf). Save the questionnaire in a single file named "Env.pdf" (or “Env-FILL IN TEAM MEMBER.pdf” if more than questionnaire is submitted) and click on "Add Optional Other Attachment” to attach.

NOTE: If selected for award and if a subrecipient’s location is not known at the time of application, a subsequent environmental questionnaire will be needed prior to them beginning work at an alternate location.

### **xv. Letters of Commitment**

Submit letters of commitment (as applicable) from the following:

- Industry partner or entity providing access to field sites;
- All cost share providers

Field site commitment letters are required from any industry partner or entity providing field site access for the project. The letter should clearly state the project partner’s commitment to providing access for field site testing.

Cost share commitment letters are required from any party (other than the organization submitting the application) proposing to provide all or part of the required cost share (including subrecipients). The letter should state the party is committed to providing a specific minimum dollar amount of cost share, identify the type of proposed cost share (e.g., cash, services, and/or property) to be contributed, and be signed by the person authorized to commit the expenditure of funds by the entity.

***Each letter must not exceed 1 page.***

**Save the letters of commitment in a single PDF file using the following naming convention for the title “LOC.pdf” and click on “Add Optional Other Attachment” to attach.**

Note: Letters of support or endorsement for the project from entities not having a substantive role in the project are not accepted.

#### **xvi. SF-LLL: Disclosure of Lobbying Activities (if applicable)**

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.

If applicable, complete SF-LLL. Applicability: If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the grant/cooperative agreement, you must complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities."

#### **xvii. Waiver Requests**

##### **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 Full Application. Appendix B lists the information that must be included in a waiver request.

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

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

Application. Appendix 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 naming convention for the title “Waiver.pdf” and click on “Add Optional Other Attachment” to attach.

### **xviii. Data Management Plan**

Applicants are required to submit a Data Management Plan as part of their Full Application. The Data Management Plan is a document that outlines the proposed plan for data sharing or preservation. Submission of this plan is required with the full application, and failure to submit the plan may result in rejection of the application without further consideration. Applicants shall prepare the DMP in the format provided in the “Data Management Plan” Appendix of this FOA. Save this plan in a single file named “DMP.pdf” and click on “Add Optional Other Attachment” to attach.

### **xix. Current and Pending Support**

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

For every activity, list the following items:

- The sponsor of the activity or the source of funding;
- The award or other identifying number;
- The title of the award or activity. If the title of the award or activity is not descriptive, add a brief description of the research being performed that would identify any overlaps or synergies with the proposed research;

- The total cost or value of the award or activity, including direct and indirect costs and cost share. For pending proposals, provide the total amount of requested funding;
- The award period (start date through end date); and
- The person-months of effort per year being dedicated to the award or activity.

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

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

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

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

The information may be provided in the approved common disclosure format available at [Common Form for Current and Pending \(Other\) Support \(nsf.gov\)](https://www.nsf.gov/pubs/forms/NSF-PUB-FORM-2019-011.pdf). Regardless of the format used, the individual must still include a signature, date, and a certification statement using the language included in the paragraph above.

Save the Current and Pending Support in a single PDF file using the following naming convention for the title “CPS.pdf” and click on “Add Optional Other Attachment” to attach.

**Definitions:**

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

**Foreign Government-Sponsored Talent Recruitment Program** – An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to 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 United States entities. Compensation could take many forms including cash, research funding,

complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

**Senior/Key Personnel** – An individual who contributes in a substantive, meaningful way to the scientific development or execution of a research, development and demonstration (RD&D) project proposed to be carried out with DOE award.<sup>8</sup>

## xx. Transparency of Foreign Connections

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

1. Entity name, website address, and physical address;
2. The identity of all owners, principal investigators, project managers, and Senior/Key Personnel who are a party to any *Foreign Government-Sponsored Talent Recruitment Program* of a foreign country of risk (i.e., China, Iran, North Korea, and Russia);
3. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk, including the People's Republic of China;
4. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;
5. Percentage, if any, that the proposed recipient or subrecipient has foreign ownership or control;
6. Percentage, if any, that the proposed recipient or subrecipient is wholly or partially owned, directly or indirectly, by an entity in a foreign country of risk;

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<sup>8</sup> Typically, these individuals have doctoral or other professional degrees, although individuals at the masters or baccalaureate level may be considered Senior/Key Personnel if their involvement meets this definition. Consultants, graduate students, and those with a postdoctoral role also may be considered senior/key personnel if they meet this definition.

7. Percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
8. Any technology licensing or intellectual property sales to a foreign country of risk, during the 5-year period preceding submission of the proposal;
9. Any foreign equipment that will be used on the project:
  - a. Equipment originally made or manufactured in a foreign country of risk (including relabeled or rebranded equipment).
  - b. Coded equipment where the source code is written in a foreign country of risk.
  - c. Equipment from a foreign country of risk that will be connected to the internet or other remote communication system.
  - d. Any companies from a foreign country of risk that will have physical or remote access to any part of the equipment used on the project after delivery.
10. Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient;
11. Complete list of all directors (and board observers), including their full name, citizenship and shareholder affiliation, date of appointment, duration of term, as well as a description of observer rights as applicable;
12. Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis.
13. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the recipient or subrecipient is a publicly traded company, provide the above information for shareholders with an interest greater than 5%;
14. A summary table identifying all rounds of financing, the purchase dates, the investors for each round, and all the associated governance and information rights obtained by investors during each round of financing; and
15. An organization chart to illustrate the relationship between your entity and the immediate parent, ultimate parent, and any intermediate parent, as well as any subsidiary or affiliates. Identify where each entity is incorporated.

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

Save the Transparency of Foreign Connections information in a single PDF file using the following naming convention for the title “BusinessSensitive.pdf” and click on “Add Optional Other Attachment” to attach.

### **xxi. Potentially Duplicative Funding Notice**

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

Save this plan in a single file named “PDFN.pdf” and click on “Add Optional Other Attachment” to attach.

### **xxii. Impacted Indian Tribes Documentation**

For any application that potentially impacts Indian Tribes or is on Tribal land including when the potentially impacted Indian Tribe is the applicant, applicants are required to submit additional documentation at the time of application, and possibly during negotiation and prior to award. For any project that potentially impacts Indian Tribes, applicants are required to submit documentation demonstrating that an authorized representative of each potentially impacted Indian Tribe is, at a minimum, aware of the nature of the application and its potential impacts to the relevant Indian Tribes. The notified authorized representative must be holding their position while the award is open for applications, and documentation must demonstrate affirmative awareness of the application (e.g., a delivery record from certified mail, a reply by the authorized representative)

For any project intended to be sited on Tribal land(s) or intersecting with Tribal subsurface rights, applicants are required to submit documentation

demonstrating support from the relevant Indian Tribes at the time of application. Documentation of support submitted at the time of application will be considered to also demonstrate awareness of an Indian Tribe (specified above). Documentation may include either:

- A letter of support from Tribal leadership. The letter must be signed by an authorized representative of the Indian Tribe. The signer(s) must be holding their position while the award is open for applications or negotiations.
- A Tribal Council Resolution, Board resolution (including the Board of Directors of an Alaska Native Corporation (ANC)), or similar act passed by the legislative body of the Tribal government or Board of Directors of an ANC, expressing support for the project.

Applicants are encouraged to reference or include any applicable community benefits agreements in the Tribal support documentation. For projects not intended to be sited on Tribal land(s) or intersecting with Tribal subsurface rights, but that may have other potential impacts on Tribal resources or reserved rights, letters of support or resolutions of support are strongly encouraged and, depending on the impact, may be required if selected for negotiation of an agreement. Applicants are encouraged to reach out to Indian Tribes as early as possible in the application process to give Indian Tribes ample time to evaluate and respond.

The following resources may be useful to help determine if a project may impact an Indian Tribe(s) resources or reserved rights and the appropriate contacts. These resources are not exhaustive, and many Indian Tribes have resources or reserved rights which extend beyond their Tribal lands, or are covered within treaties, statutes, or case-law. Applicants are encouraged to do additional research:

- Map of Indian Lands: <https://bia-geospatial-internal.geoplatform.gov/indianlands/>
- Tribal Treaties Database: <https://treaties.okstate.edu/>
- Directory of federally recognized Tribes and Tribal leaders: <https://www.bia.gov/service/tribal-leaders-directory>
- Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and other similar rights in Federal Regulatory Actions: [https://www.bia.gov/sites/default/files/dup/inline-files/best\\_practices\\_guide.pdf](https://www.bia.gov/sites/default/files/dup/inline-files/best_practices_guide.pdf)

To help determine if an Indian Tribe's resources or reserved rights may be impacted by the project, applicants must address the following elements. If the applicant is an Indian Tribe, these elements should be addressed to

ascertain impacts to Indian Tribes other than the applicant. Applicants do not need to reveal specific details about sacred sites such as specific location or specific ceremonies:

- [For research and development FOAs/OT solicitations that quantify resource potential or model resource availability:] Identify any [specific resources] which will be [quantified/modeled] on or near Tribal land, traditional homelands, Tribal historic sites, sacred sites, or in areas where an Indian Tribe maintains rights to [specific resources]. Identify which Indian Tribe(s) may be impacted. Explain any instances of uncertainty or confidentiality.
- Identify any [other] proposed actions which may impact an Indian Tribe(s) resources or reserved rights. Tribal resources and reserved rights include, and are not limited to, an Indian Reservation or Land (as defined in 25 U.S.C. § 3501) [or intersecting Tribal sub-surface rights], historic homelands from which they were removed, cultural sites, sacred sites, water rights, mineral and other subsurface rights, fishing rights, and hunting rights. Identify the Tribe(s) potentially impacted and any sources of uncertainty or confidentiality.
- Explain any actions taken by the applicant to mitigate or address any potential impacts identified above, including engaging with the potentially impacted Indian Tribe(s), in the application.

Applicants are required to document any efforts taken to identify any potential impacts to Indian Tribes, Indian lands, Alaska Native regional and village land, traditional homelands, Tribal rights, or Tribal historic sites, or sacred sites. This includes any correspondence with Indian Tribes. These documents should be available on request to DOE. An applicant's failure to submit documentation of an Indian Tribe's awareness, or a letter of support, when required as described above, may constitute grounds for determining an application ineligible, non-responsive to the FOA/OT solicitation, not subject to further review and/or not otherwise subject to selection or award.

Any application that may potentially impact Indian Tribe(s) may be shared with the potentially impacted Indian Tribe(s). Applicants should include a Notice of Restriction on Disclosure and Use of Data identifying any business sensitive, trade secrets, proprietary, or otherwise confidential information. Such information shall be used or disclosed only for evaluation of the application or to determine whether the proposed project affects an Indian Tribe(s). If an applicant determines an Indian Tribe(s) will be impacted, the applicant must provide information on the project location, potential impacts and how the applicant will engage with Indian Tribe(s), during the period of performance of the agreement, and, if necessary, after the end of the agreement. Approval by DOE must be obtained before any activities take place that could impact Tribal resources or reserved rights, including but not

limited to lands, cultural sites, sacred sites, water rights, mineral rights, fishing rights, and hunting rights. DOE will determine if formal government-to-government consultation is needed, and DOE will conduct that consultation accordingly, in addition to any engagement by the applicant.

### **xxiii. U.S. Manufacturing Commitments**

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

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

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

economic benefits, and grant the request. If granted, DOE will modify the award terms and conditions for the requesting entity accordingly.

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

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

### **C. Post Selection Information Requests**

If selected for award negotiations, 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 non-exhaustive list of examples of information that may be required:

- Personnel proposed to work on the project and collaborating organizations (See Section VI, "Award Administration Information; Participants and Collaborating Organizations");
- Current and Pending Support (See Section VI, "Award Administration Information; Current and Pending Support");
- Indirect cost information;
- Other budget information;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Listing of Protected Data and Unlimited Rights Data, if applicable;
- Representation of Limited Rights Data and Restricted Software, if applicable;
- Updated Commitment Letters from Third Parties Contributing to Cost Share, if applicable;
- Updated Environmental Questionnaire, if applicable;
- Foreign National Participation;

- Information for the DOE Office of Civil Rights to process assurance reviews under 10 CFR 1040;

## D. Submission Dates and Times

Full Applications must be received no later than the time/dates provided on the cover page of this FOA. **APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED OR CONSIDERED FOR AWARD.**

## E. Intergovernmental Review

This program is not subject to Executive Order 12372 - Intergovernmental Review of Federal Programs.

## F. Other Submission and Registration Requirements

### i. Registration Process

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

### ii. Where to Submit

You cannot submit an application through Grants.gov unless you are registered. Please read the registration requirements carefully and start the process immediately. **Applications submitted via e-mail will not be accepted.**

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each funding opportunity announcement (FOA), you can create individual instances of a workspace.

Below is an overview of submitting an application using Workspace on Grants.gov. For access to complete instructions on how to apply for

opportunities using Workspace, refer to:

<https://www.grants.gov/web/grants/applicants/workspace-overview.html>

- 1) *Create a Workspace*: Creating a workspace allows you to complete it online and route it through your organization for review before submitting.
- 2) *Complete a Workspace*: Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission. The Workspace progress bar will display the state of your application process as you apply. As you apply using Workspace, you may click the blue question mark icon near the upper-right corner of each page to access context-sensitive help.
  - a. *Adobe Reader*: If you decide not to apply by filling out webforms you can download individual PDF forms in Workspace. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader. NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at:  
<https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>
  - b. *Mandatory Fields in Forms*: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.
  - c. *Complete SF-424 Fields First*: The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and UEI. Once it is completed, the information will transfer to the other forms.
- 3) *Submit a Workspace*: An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.
- 4) *Track a Workspace Submission*: After successfully submitting a workspace application, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

For additional training resources, including video tutorials, refer to:

<https://www.grants.gov/web/grants/applicants/applicant-training.html>

*Applicant Support:* Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at [support@grants.gov](mailto:support@grants.gov). For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist the DOE with tracking your issue and understanding background information on the issue.

### **iii. Full Application Proof of Timely Submissions**

Proof of timely submission is automatically recorded by Grants.gov. An electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant with the AOR role who submitted the application will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of their application. The applicant with the AOR role will also receive the official date/time stamp and Grants.gov Tracking number in an email serving as proof of their timely submission. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application.

When DOE successfully retrieves the application from Grants.gov, and acknowledges the download of submissions, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role who submitted the application. Again, proof of timely submission shall be the official date and time that Grants.gov receives your application. Applications received by Grants.gov after the established due date for the FOA will be considered non-compliant.

### **iv. 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.

## **G. Funding Restrictions**

## **i. Allowable Costs**

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

## **ii. Pre-Award Costs**

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

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

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

### **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 DOE 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 DOE 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 DOE Contracting Officer override 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 DOE 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 to DOE. Appendix B lists the information that must be included in a request for a foreign work waiver.

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

### **iv. Construction**

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

are encouraged to display DOE Investing in America signage during and after construction. Guidance can be found at: (<https://www.energy.gov/design>). Proposed signage costs that meet these specifications are an allowable cost and should be included in the proposed project budget.

#### **v. Foreign Travel**

Foreign travel costs are not allowable under this FOA.

#### **vi. Equipment and Supplies**

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

Property disposition 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.

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

Pursuant to the Build America Buy America Act, subtitle IX of BIL (Buy America, or “BABA”), and in accordance with 2 CFR Part 184, no funds for federal financial assistance which is subject to BABA requirements may be used for a project unless:

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

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.

BABA requirements apply to DOE prime recipients that are “non-Federal entities”. In accordance with [OMB Memorandum M-24-02 and 2 CFR 200.1](#), [the term](#) “non-Federal entity,” includes states, local governments, territories, Indian Tribes, Institution of Higher Education, or nonprofit organizations. DOE does not apply BABA requirements to for-profit entities. A Program Policy Factor that the Selection Official may consider in determining which Full Applications to select for award negotiations by for-profit entities may be applied pursuant to Section V.C.i, Program Policy Factors. The relevant Program Policy Factor that considers the degree to which the proposed project will employ U.S. iron, steel, manufactured products, and construction materials.

Subawards should conform to the terms of the prime award from which they flow; in other words, for-profit prime recipients are not required to flow down these Buy America requirements to subrecipients, even if those subrecipients are non-Federal entities as defined above. Conversely, prime recipients which are non-Federal entities must flow the Buy America requirements down to all subrecipients, even if those subrecipients are for-profit entities.

The DOE financial assistance agreement will require each recipient to: (1) fulfill the commitments made in its application regarding the procurement of U.S.-produced products and (2) 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 and 2 CFR Part 184 for more information.

### **viii. Lobbying**

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

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

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

## **ix. Risk Assessment**

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

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

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

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

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

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

contact the applicant and/or proposed project team members for additional information to inform the review. This risk review is conducted separately from the technical merit review.

## **x. Prohibition related to Foreign Government-Sponsored Talent Recruitment Programs**

### **a. Prohibition**

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

### **b. Definitions**

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

future compensation, or other types of remuneration or consideration, including in-kind compensation.

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

## xi. 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<sup>9</sup> to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. Additional

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<sup>9</sup> See OFCCP's Technical Assistance Guide at: <https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclid=9e397d68c4b111ec9d8e6fecb6c710ec> Also see the National Policy Assurances <http://www.nsf.gov/awards/managing/rtc.jsp>

guidance may also be found in the National Policy Assurances, produced by DOE.

## **xii. Foreign Collaboration Considerations**

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

## **V. Application Review Information**

### **A. Review Criteria**

#### **i. Compliance/Responsiveness Review**

Prior to a comprehensive merit evaluation, DOE will (1) perform a compliance review to determine that submissions are timely and the information required by the FOA has been submitted (form and content requirements); 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. Applications that fail the compliance and responsiveness review will not be forwarded for merit review and will be eliminated from further consideration.

#### **ii. Full Application Merit Review Criteria**

The following evaluation criteria will be utilized by the Technical Evaluation Committee and Federal Merit Review Panel members in conducting their evaluations of applications subjected to comprehensive merit review.

##### **AOI 1 – Advanced Remediation Techniques for UOW Boreholes:**

##### **Merit Review Criterion 1: Scientific and Technological Merit (45%)**

- Thoroughness of the description of the proposed technology, including a full footprint layout, and degree to which the technology or methodology proposed for validation meets the stated objectives of the AOI.
- Degree to which the Applicant comprehensively advances arguments and provides details that clearly distinguish the technology proposed for validation from existing alternatives and explains why the proposed technology provides an improvement in cost and/or effectiveness relative to those alternatives.
- Adequacy and completeness of the preliminary economic assessment and the applicant's discussion of the technical and economic viability of the proposed technology and/or techniques to enable rapid industry adoption.
- Feasibility of the proposed concept and adequacy of field-testing elements to validate proposed technology; the degree to which the proposed work is based on sound scientific and engineering principles.

##### **Merit Review Criterion 2: Technical Approach and Understanding (30%)**

- Adequacy and feasibility of the Applicant’s approach to achieving the objectives of the AOI, including a discussion of the methane emissions monitoring plan and how it aligns with the DOI guidelines.
- Feasibility, appropriateness, rationale, and completeness of the proposed Statement of Project Objectives, such that there is a logical progression of work and such that Task descriptions adequately describe both what activities will be done and how they will be done (including specific approaches, technical steps, measurements, etc.).
- Thoroughness of the Applicant’s description of the technical risks and challenges facing the successful completion of the proposed research and ultimate commercial development of the technology.
- The adequacy and completeness of the Project Management Plan (PMP) in establishing baselines (technical scope, budget, schedule) and in managing project performance relative to those baselines; defining the actions that will be taken when these baselines must be revised; identification of project risks and strategies for mitigation, and the reasonableness of the project schedule to integrate all tasks/subtasks and achieve key project objectives as reflected by well-defined, quantifiable, and verifiable critical path milestones and key project decision points that include defined targets for what constitutes successful achievement.

**Merit Review Criterion 3: Technical and Management Capabilities (25%)**

- Demonstrated experience of the applicant and partnering organizations (not specific personnel) in the technology areas addressed in the application and in successfully managing projects of similar size, scope, and complexity.
- Credentials, capabilities, and experience of key personnel from the applicant and partnering organizations as related to their specific role in the project.
- Clarity and likely effectiveness of the project structure / organization, including sub-recipients or partners, to successfully complete the project.
- Adequacy and availability of proposed personnel, facilities, and equipment to perform project tasks.
- Evidence of industry partner commitment to providing access for field deployment, including provisions for the timely release of acquired data.

**AOI 2 – UOW Wellbore Characterization:**

**Merit Review Criterion 1: Scientific and Technological Merit (45%)**

- Thoroughness of the description of the proposed technology, including a full footprint layout and degree to which the technology or methodology proposed for validation meets the stated objectives of the AOI.

- Degree to which the Applicant comprehensively advances arguments and provides details that clearly distinguish the technology proposed for validation from existing alternatives and explains why the proposed technology provides an improvement in cost and/or effectiveness relative to those alternatives.
- Adequacy and completeness of the preliminary economic assessment and the applicant's discussion of the technical and economic viability of the proposed technology to enable rapid industry adoption.
- Feasibility of the proposed concept and adequacy of field-testing elements to validate proposed technology; the degree to which the proposed work is based on sound scientific and engineering principles.

**Merit Review Criterion 2: Technical Approach and Understanding (30%)**

- Adequacy and feasibility of the Applicant's approach to achieving the objectives of the AOI.
- Feasibility, appropriateness, rationale, and completeness of the proposed Statement of Project Objectives, such that there is a logical progression of work and such that Task descriptions adequately describe both what activities will be done and how they will be done (including specific approaches, technical steps, measurements, etc.).
- Thoroughness of the Applicant's description of the technical risks and challenges facing the successful completion of the proposed research and ultimate commercial development of the technology.
- The adequacy and completeness of the Project Management Plan (PMP) in establishing baselines (technical scope, budget, schedule) and in managing project performance relative to those baselines; defining the actions that will be taken when these baselines must be revised; identification of project risks and strategies for mitigation, and the reasonableness of the project schedule to integrate all tasks/subtasks and achieve key project objectives as reflected by well-defined, quantifiable, and verifiable critical path milestones and key project decision points that include defined targets for what constitutes successful achievement.

**Merit Review Criterion 3: Technical and Management Capabilities (25%)**

- Demonstrated experience of the applicant and partnering organizations (not specific personnel) in the technology areas addressed in the application and in successfully managing projects of similar size, scope, and complexity.
- Credentials, capabilities, and experience of key personnel from the applicant and partnering organizations as related to their specific role in the project.

- Clarity and likely effectiveness of the project structure / organization, including sub-recipients or partners, to successfully complete the project.
- Adequacy and availability of proposed personnel, facilities, and equipment to perform project tasks.
- Evidence of industry partner commitment to providing access for field deployment, including provisions for the timely release of acquired data.

### **AOI 3 – Long-Term UOW Monitoring:**

#### **Merit Review Criterion 1: Scientific and Technological Merit (45%)**

- Thoroughness of the description of the proposed technology and degree to which the technology or methodology proposed for validation meets the stated objectives of the AOI.
- Degree to which the Applicant comprehensively advances arguments and provides details that clearly distinguish the technology proposed for validation from existing alternatives and explains why the proposed technology provides an improvement in cost and/or effectiveness relative to those alternatives.
- Adequacy and completeness of the applicant’s discussion of the technical and economic viability of the process to enable rapid industry adoption.
- Feasibility of the proposed concept and adequacy of field testing elements to validate proposed technology; the degree to which the proposed work is based on sound scientific and engineering principles.

#### **Merit Review Criterion 2: Technical Approach and Understanding (30%)**

- Adequacy and feasibility of the Applicant’s approach to achieving the objectives of the AOI.
- Feasibility, appropriateness, rationale, and completeness of the proposed Statement of Project Objectives, such that there is a logical progression of work and such that Task descriptions adequately describe both what activities will be done and how they will be done (including specific approaches, technical steps, measurements, etc.).
- Thoroughness of the Applicant’s description of the technical risks and challenges facing the successful completion of the proposed research and ultimate commercial development of the technology.
- The adequacy and completeness of the Project Management Plan (PMP) in establishing baselines (technical scope, budget, schedule) and in managing project performance relative to those baselines; defining the actions that will be taken when these baselines must be revised; identification of project risks and strategies for mitigation, and the reasonableness of the project schedule to integrate all tasks/subtasks and achieve key project objectives as reflected by well-defined, quantifiable, and verifiable critical path milestones and key project

decision points that include defined targets for what constitutes successful achievement.

**Merit Review Criterion 3: Technical and Management Capabilities (25%)**

- Demonstrated experience of the applicant and partnering organizations (not specific personnel) in the technology areas addressed in the application and in successfully managing projects of similar size, scope, and complexity.
- Credentials, capabilities, and experience of key personnel from the applicant and partnering organizations as related to their specific role in the project.
- Clarity and likely effectiveness of the project structure / organization, including sub-recipients or partners, to successfully complete the project.
- Adequacy and availability of proposed personnel, facilities, and equipment to perform project tasks.
- Evidence of industry partner commitment to providing access for field deployment, including provisions for the timely release of acquired data.

**B. 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:

- It may be desirable to select for award a project, or group of projects, that represent a diversity of technical approaches and methods under this FOA or the overall program.
- It may be desirable to support complementary and/or similar projects which, when taken together, will best achieve the program’s research goals and objectives.
- It may be desirable that different kinds and sizes of organizations be selected for award in order to provide a balanced programmatic effort and a variety of technical perspectives under this FOA or the overall program. For example, it may be desirable to select a project, or group of projects, that exhibit team member diversity, with participants including but not limited to those from MSIs (e.g., HBCUs/OMIs)<sup>10</sup>.

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<sup>10</sup> Minority Serving Institutions (MSIs), including HBCUs/OMIs as educational entities recognized by the Office of Civil Rights (OCR), U.S. Department of Education, and identified on the OCR's

- In order to best achieve the program’s research goals and objectives, it may be desirable to select for award a project or group of projects with a broad or specific geographic distribution under this FOA or the overall program.
- It may be desirable to select a project, or group of projects, if such a selection will optimize use of available funds.
- It may be desirable to select a project, or group of projects, if such a selection presents lesser schedule risk, lesser budget risk, lesser technical risk, and/or lesser environmental risks. Environmental risk includes, but is not limited to, an adverse impact to air, soil, water, or increase in overall cradle to grave greenhouse gas footprint (carbon dioxide equivalent, CO<sub>2</sub>e).
- It may be desirable to select an entity located in an urban and economically distressed area including a Qualified Opportunity Zone (QOZ) or to select a project, or group of projects, if the proposed project(s) will occur in a QOZ or otherwise advance the goals of a QOZ, including spurring economic development and job creation in distressed communities throughout the United States.
- The degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials.

## C. Other Review Requirements

### i. Recipient Responsibility and Qualifications

DOE, prior to making a federal award with a total amount of federal share greater than the simplified acquisition threshold, is required to review and consider any responsibility and qualification information about the applicant that is in the entity information domain in [SAM.gov](https://sam.gov) (see 41 U.S.C. § 2313).

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

DOE will consider any written comments by the applicant, in addition to the other information in the entity information domain in [SAM.gov](https://sam.gov), in making a judgment about the applicant's integrity, business ethics, and record of

performance under federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206.

## **D. Review and Selection Process**

### **i. Merit Review**

Applications that pass the compliance/responsiveness review will be subjected to a merit review in accordance with the Merit Review Criteria listed in the FOA and the guidance provided in the "Merit Review Guide for Financial Assistance and Unsolicited Proposals." This guide is available at <https://energy.gov/management/financial-assistance>.

### **ii. Selection**

The Selection Official may consider the merit review, program policy factors, and the amount of funds available in arriving at selections for this FOA.

### **iii. Discussions and Award**

The Government may enter into discussions with a selected applicant for any reason deemed necessary, including but not limited to: (1) the budget is not appropriate or reasonable for the requirement; (2) only a portion of the application is selected for award; (3) the Government needs additional information to determine that the recipient is capable of complying with the requirements in 2 CFR part 200 as amended by 2 CFR part 910 [DOE Financial Assistance Regulation]; and/or (4) special terms and conditions are required. Failure to resolve satisfactorily the issues identified by the Government will preclude award to the applicant.

## **VI. Award Administration Information**

### **A. 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 Grants.gov. 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 Grants.gov. 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.

##### **(a) Successful Applicants**

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

The award negotiation process may take up to 60 days. Applicants must designate a primary and a backup point-of-contact in Grants.gov 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, “Application and Submission Information; Pre-Award Costs” of the FOA for guidance on pre-award costs.

**(b) Unsuccessful Applicants**

DOE shall promptly notify in writing each applicant whose application has not been selected for negotiation or award. This notice will explain why the application was not selected.

**(c) 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. As an alternate, DOE may consider the Full Application for Federal funding in the future. A notification letter stating the Full Application is designated as an alternate does not authorize the applicant to commence performance of the project. DOE may ultimately determine to select or not select the Full Application for award negotiations.

**(d) Notice of Award**

An Assistance Agreement issued by the Contracting Officer is the authorizing award document. It normally includes either as an attachment or by reference: (1) Special Terms and Conditions; (2) Applicable program regulations, if any; (3) Application, which includes the project description and budget, as approved by DOE; (4) 2 CFR part 200 as amended by 2 CFR part 910; (5) National Policy Assurances To Be Incorporated As Award Terms; (6) Budget Summary; (7) Federal Assistance Reporting Checklist and Instructions, which identifies the reporting requirements; (8) Intellectual Property; (9) Federal-wide Research Terms and Conditions; (10) Agency Specific Requirements; and (11) any award specific terms and conditions.

## **B. Administrative and National Policy Requirements**

### **i. 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.

**DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements.** The DOE Special Terms and Conditions for Use in Most Grants

and Cooperative Agreements are located at <https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients> under Award Terms.

***National Policy Requirements.*** The National Policy Assurances that are incorporated as a term and condition of award are located at: <https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients>.

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

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

Each applicant is required to: (1) register in the SAM at <https://www.sam.gov> before submitting its application; (2) provide a valid UEI number in the application; and (3) maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency (unless the applicant has an exception approved by the federal awarding agency under 2 CFR 25.110). 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, the 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](https://www.sam.gov). SAM.gov will work entity service tickets in the order in which they are received and asks that entities do 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](#).

## iii. 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 (federal and/or non-federal), and when the Federal share of the financial assistance agreement is more than \$1,000,000, the recipient or subrecipient must:

Properly record, and consent to the Department's ability to properly record if the recipient fails to do so, Uniform Commercial Code (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.

Note: All costs associated with filing UCC financing statements, UCC financing statement amendments, and UCC financing statement terminations, are allowable and allocable costs to be charged to the Federal award.

#### **iv. Foreign National Participation**

All applicants selected for an award under this FOA and project participants (including subrecipients and contractors) who anticipate involving foreign nationals in the performance of an award, 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.

#### **v. 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 investigations, indictments, charges, convictions, and violations upon occurrence, at the recipient or subrecipient level, and provide the corrective action(s) to prevent future violations.

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

#### **vii. Statement of Substantial Involvement**

Cooperative agreements will be awarded under this announcement. There will be substantial involvement between the DOE and the Recipient during performance of this Cooperative Agreement.

**Recipient's Responsibilities.** The Recipient is responsible for:

- Performing the activities supported by this award in accordance with the Project Management Plan, including providing the required personnel, facilities, equipment, supplies and services;
- Managing and controlling project activities in accordance with established processes and procedures to ensure tasks and subtasks are completed within schedule and budget constraints defined by the current Project Management Plan;
- Implementing an approach to identify, analyze, and respond to project risks that is commensurate with the complexity of the project;
- Defining and revising approaches and plans, submitting the plans to DOE for review, and incorporating DOE comments;
- Coordinating related project activities with subrecipients and external suppliers, including contractors, to ensure effective integration of all work elements;
- Attending annual project review meetings and reporting project status;
- Participating in peer review evaluations of the project, or peer review evaluations of the program that their project supports;
- Submitting technical reports and publicly releasable documents that incorporate DOE comments; and
- Presenting the project results at appropriate technical conferences or meetings as directed by the DOE Project Officer.

**DOE Responsibilities.** DOE has the right to intervene in the conduct or performance of project activities for programmatic reasons. Intervention includes the interruption or modification of the conduct or performance of project activities. Suspension or termination of the cooperative agreement under 2 CFR part 200, as amended by 2 CFR part 910 (DOE Financial Assistance Regulations) does not constitute intervention in the conduct or performance of project activities.

DOE is responsible for:

- Reviewing in a timely manner project plans, including project management, testing and technology transfer plans, and recommending alternate approaches, if the plans do not address critical programmatic issues;
- Participating in project management planning activities, including risk analysis, to ensure DOE's program requirements or limitations are considered in performance of the work elements;
- Conducting annual project review meetings to ensure adequate

progress and that the work accomplishes the program and project objectives. Recommending alternate approaches or shifting work emphasis, if needed;

- Providing substantial involvement to ensure that project results address critical system and programmatic goals established by the DOE Office of Fossil Energy and Carbon Management, in coordination with DOE's Methane Mitigation Technologies program;
- Promoting and facilitating technology transfer activities, including disseminating program results through presentations and publications;
- Serving as scientific/technical liaison between awardees and other program or industry staff; and
- Reviewing and concurring with ongoing technical performance to ensure that adequate progress has been obtained within the current Budget Period authorized by DOE before work can commence on subsequent Budget Periods.

#### **viii. 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 the National Environmental Policy Act (42 USC 4321, *et seq.*). NEPA requires Federal agencies to integrate environmental values into their decision-making processes by considering the potential environmental impacts of their proposed actions. For additional background on NEPA, please see DOE's NEPA website, at <http://nepa.energy.gov/>.

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

#### **ix. Conference Spending**

The recipient shall not expend **any** funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would defray the cost to the United States Government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the United States Government would otherwise exceed \$20,000, thereby circumventing the

required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

#### **x. Indemnity**

Awards resulting from this FOA will contain the following provision reminding Recipients of DOE's rights of indemnification.

The Recipient shall indemnify the Government and its officers, agents, or employees for any and all liability, including litigation expenses and attorneys' fees, arising from suits, actions, or claims of any character for death, bodily injury, or loss of or damage to property or to the environment, resulting from the project, except to the extent that such liability results from the direct fault or negligence of Government officers, agents or employees, or to the extent such liability may be covered by applicable allowable costs provisions.

#### **xi. Interim Conflict of Interest Policy for Financial Assistance**

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)<sup>11</sup> is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The term "Investigator" means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. Recipients must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities. Further, for DOE funded projects, the recipient must include all financial conflicts of interest (FCOI) (i.e., managed and unmanaged/unmanageable) in 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

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<sup>11</sup> DOE's interim COI Policy can be found at [PF 2022-17 FAL 2022-02 Department of Energy Interim Conflict of Interest Policy Requirements for Financial Assistance](#).

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.

## **xii. Participants and Collaborating Organizations**

If selected for award negotiations, the selected applicant must submit a list of personnel who are proposed to work on the project, both at the recipient and subrecipient level and a list of proposed collaborating organizations within 30 days after the applicant is notified of the selection. Recipients will have an ongoing responsibility to notify DOE of changes to the personnel and collaborating organizations, and submit updated information during the life of the award.

## **xiii. Current and Pending Support**

If selected for award negotiations, within 30 days of the selection notice, the selectee must submit 1) current and pending support disclosures and resumes for any new PIs or senior/key personnel and 2) updated disclosures if there have been any changes to the current and pending support submitted with the application. Throughout the life of the award, the Recipient has an ongoing responsibility to submit 1) current and pending support disclosure statements and resumes for any new PI and senior/key personnel and 2) updated disclosures if there are changes to the current and pending support previously submitted to DOE. Also See Section IV, "Application and Submission Information; Current and Pending Support".

## **xiv. Fraud, Waste and Abuse**

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

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

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

The non-federal entity or applicant for a federal award must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Non-federal entities that have received a federal award including the term and condition outlined in appendix XII of 2 CFR Part 200 are required to report certain civil, criminal, or administrative proceedings to SAM. 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/recipients 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.

## **xv. 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 \(SC\) \(osti.gov\)](#).

## **xvi. 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. In addition, pursuant to the FY23 Consolidated Appropriations Act (Pub. L. No. 117-328), Division D, Title III, Section 309, at the end of the award period the Secretary or a designee of the Secretary, at their discretion, may vest unconditional title or other property interests acquired under this project regardless of the fair market value of the property.

## **C. Reporting**

### **i. Reporting Requirements**

Reporting requirements are identified on the Federal Assistance Reporting Checklist and Instructions, DOE F 4600.2, attached to the award agreement.

A sample checklist is available at:

<https://www.netl.doe.gov/sites/default/files/netl-file/4600.2-FE.pdf>.

### **ii. Subaward and Executive Reporting**

Prime Recipients awarded a new Federal financial assistance award greater than or equal to \$30,000 as of October 1, 2010 are subject to Federal Funding and Transparency Act of 2006 (FFATA) sub-award reporting requirements as outlined in 2 CFR Chapter 1, Part 170 REPORTING SUB- AWARD AND EXECUTIVE COMPENSATION INFORMATION.

The FFATA Subaward Reporting System (FSRS) is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements. Prime awardees must register with the new FSRS database and report the required data on their first tier subawardees/subrecipient at <https://www.fsr.gov>.

Prime awardees must report the executive compensation for their own executives as part of their registration profile in the System for Award Management (SAM). The sub-award information entered in FSRS will then be displayed on <https://www.usaspending.gov/> associated with the prime award furthering Federal spending transparency.

Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.

## **D. Applicant Representations and Certifications**

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

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

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

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.”

The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

- 2) 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.

## ii. Corporate Felony Convictions and Tax Liabilities Representations

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

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

For purposes of these representations a corporation is any for-profit or nonprofit entity that has filed articles of incorporation in any of the 50 states, the District of Columbia, or the various territories of the United States [but not foreign corporations].

## VII. Questions/Agency Contacts

## A. Questions

Questions regarding the **content of the funding opportunity announcement** must be submitted through the FedConnect portal. You must register with FedConnect to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of all responses. Applicants are encouraged to review previously issued Questions and Answers prior to the submission of questions. DOE/NNSA will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the website.

Questions and comments concerning this FOA shall be submitted not later than **3** business days prior to the application due date. Questions submitted after that date may not allow the Government sufficient time to respond.

Questions relating to the **registration process, system requirements, how an application form works**, or the submittal process must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov. DOE/NNSA cannot answer these questions.

## B. Agency Contact

Name:

Bethany Swauger

E-mail:

bethany.swauger@netl.doe.gov

## **VIII. Other Information**

### **A. Modifications**

Notices of any modifications to this FOA will be posted on Grants.gov and the FedConnect portal. You can receive an email when a modification or an announcement message is posted by registering with FedConnect as an interested party for this FOA. It is recommended that you register as soon after release of the FOA as possible to ensure you receive timely notice of any modifications or other announcements.

### **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 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.

Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.

### **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.

The Freedom of Information Act, 5 U.S.C. 552, requires DOE to release certain Federal financial assistance documents and records requested by members of the public regardless of the intended use of the information. DOE will release funded applications and funded progress reports, including award data, as legally releasable at the conclusion of the competitive funding process. However, DOE will generally withhold this information during the pendency of competitive stages of the funding process.

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 any document of the submission (e.g., Concept Paper, Full Application) that contains such information. 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 Trade Secrets, Business Sensitive, Proprietary, or Otherwise Confidential Information Exempt from Public Disclosure," and (2)

every line or paragraph containing such information must be clearly marked with double brackets or highlighting. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

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

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

## **F. Intellectual Property Developed Under This Program (September 2021)**

**Patent Rights:** The government will have certain statutory rights in an invention that is conceived or first actually reduced to practice “subject invention” under a DOE award. 42 U.S.C. 5908 provides that title to such inventions vests in the United States, except where 35 U.S.C. 202 provides otherwise for nonprofit organizations or small business firms. However, the Secretary of Energy may waive all or any part of the rights of the United States subject to certain conditions.

**Class Patent Waiver:** Pursuant to 10 CFR Part 784, the DOE has issued a class patent waiver that applies to this FOA. Under this class waiver, any domestic entity other than a domestic small business firm or domestic nonprofit organization may elect title to their subject inventions similar to the right provided to domestic small business firms and domestic nonprofit organization by law (see below). In order to avail itself of the class waiver, such an entity must agree, among other things, that any products embodying or produced through the use of a subject invention (first created or reduced to practice under this program) will be substantially manufactured in the United States, unless DOE agrees otherwise.

**Right to Request Patent Waiver:** A selected entity that is not otherwise eligible for an automatic patent waiver may request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of an agreement as a result of this announcement, in advance of or within 30 days after the effective date of the award. Even if such advance waiver is not requested or the request is denied, the recipient will have

a continuing right under the award to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the award. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784 see <https://www.energy.gov/gc/services/technology-transfer-and-procurement/office-assistant-general-counsel-technology-transf-1> for further information.

**Domestic small businesses and domestic nonprofit organizations:** Domestic small businesses and domestic nonprofit organizations will receive the patent rights clause at 37 CFR 401.14, i.e., the implementation of the Bayh-Dole Act. This clause permits domestic small business and domestic nonprofit organizations to retain title to subject inventions. Therefore, small businesses and nonprofit organizations do not need to request a patent waiver.

- DEC: On June 07, 2021, DOE approved a DETERMINATION OF EXCEPTIONAL CIRCUMSTANCES (DEC) UNDER THE BAYH-DOLE ACT TO FURTHER PROMOTE DOMESTIC MANUFACTURE OF DOE SCIENCE AND ENERGY TECHNOLOGIES. In accordance with this DEC, all awards, including sub-awards, under this FOA shall include the U.S. Competitiveness Provision in accordance with Section IV, “Application and Submission Information; U.S. Competitiveness” of this FOA. A copy of the DEC can be found at <https://www.energy.gov/gc/determination-exceptional-circumstances-decs>.
- Pursuant to 37 CFR § 401.4, any nonprofit organization or small business firm as defined by 35 U.S.C. 201 affected by any DEC has the right to appeal it by providing written notice to DOE within 30 working days from the time it receives a copy of the determination.
- DOE may issue and publish on the website above further DEC's prior to the issuance of awards under this FOA. DOE may require additional submissions or requirements as authorized by any applicable DEC.

**Rights in Technical Data:** Normally, the government has unlimited rights in technical data created under a DOE agreement. Delivery or third-party licensing of proprietary software or data developed solely at private expense will not normally be required except as specifically negotiated in a particular agreement to satisfy DOE's own needs or to ensure the commercialization of technology developed under a DOE agreement.

## **G. Energy Data eXchange (EDX) Requirements**

The DOE is required to improve access to federally funded research results, proper archiving of digital data, and expanded discovery and reuse of research

datasets per DOE and Executive Orders. The Energy Data eXchange (EDX) is a data laboratory developed and maintained by NETL to find, connect, curate, use, and re-use data to advance fossil energy and environmental research and development (R&D).

Data products generated under the resulting award will be required to be submitted in the EDX at <https://edx.netl.doe.gov/>. Data products include but are not limited to software code, tools, applications, webpages, portfolios, images, videos, and datasets.

EDX uses federation and web services to elevate visibility for publicly approved assets in the system, including connections with DOE's Office of Scientific and Technical Information (OSTI) systems, Data.gov, and Re3Data. This ensures compliance with federal requirements, while raising visibility for researcher's published data products to promote discoverability and reuse.

EDX supports a wide variety of file types and formats including: 1) data, 2) metadata, 3) software/tools, and 4) articles (provided that there is an accompanying Government use license). A partial list of file formats accepted by EDX is provided below, however, EDX is designed for flexibility and accepts all types of file formats.

- Common Data Product Submission Formats: ASC, AmiraMesh, AVI, CAD, CSV, DAT, DBF, DOC, DSV, DWG, GIF, HDF, HTML, JPEG2000, JPG, MOV, MPEG4, MSH/CAS/DAT, NetCDF, PDF, PNG, PostScript, PPT, RTF, Surface, TAB, TIFF, TIFF Stacks, TXT, XLS, SML, Xradio, ZIP, and others.
- Geographic Formats: APR, DBF, DEM, DLG, DRG, DXF, E00, ECW, GDB, GeoPDF, GeoTIFF, GML, GPX, GRID, IMG, KML, KMZ, MOB, MrSID, SHP, and others.

Information provided to EDX will be made publicly available, unless authorized under the resulting award. Additional information on EDX is available at <https://edx.netl.doe.gov/about>.

When data products are submitted to EDX, the data product will need to be registered with a digital object identifier (DOI) through OSTI to ensure more visibility in other search repositories (i.e., osti.gov, data.gov, Google Scholar, etc.). The OSTI DOI can be established through an application programming interface (API) by completing just a few additional fields.

The Recipient or subrecipient should coordinate with the Project Manager on an annual basis to assess if there is data that should be submitted to EDX and identify the proper file formats prior to submission. All final data products shall be submitted to EDX by the Recipient prior to the completion of the project.

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

Eligible activities under this program 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.

## **I. 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).

## **J. Notice of Potential Disclosure Under Freedom of Information Act (FOIA)**

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

## **K. 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.

## **L. Retention of Submissions**

DOE expects to retain copies of all submissions. No submissions will be returned. By applying to DOE for funding, applicants consent to DOE's retention of their submissions.

## **M. Protected Personally Identifiable Information**

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

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

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

1. Public PII: PII found in public sources such as telephone books, public websites, business cards, university listing, etc. Public PII includes first and last name, address, work telephone number, email address, home telephone number, and general education credentials.
2. Protected PII: PII that requires enhanced protection. This information includes data that if compromised could cause harm to an individual such as identity theft.

Listed below are examples of Protected PII that applicants must not include in the application files listed above to be evaluated by the Merit Review Committee. This list is not all inclusive.

- Social Security Numbers in any form
- Place of Birth associated with an individual
- Date of Birth associated with an individual
- Mother's maiden name associated with an individual
- Biometric record associated with an individual
- Fingerprint
- Iris scan
- DNA
- Medical history information associated with an individual

- Medical conditions, including history of disease
- Metric information, e.g. weight, height, blood pressure
- Criminal history associated with an individual
- Employment history and other employment information associated with an individual
- Ratings
- Disciplinary actions
- Performance elements and standards (or work expectations) are PII when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal
- Financial information associated with an individual
- Credit card numbers
- Bank account numbers
- Security clearance history or related information (not including actual clearances held)

## **N. Annual Compliance Audits**

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

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

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.

## **O. Accounting System**

If your application is selected for negotiation toward award, you should have an accounting system that meets government standards for recording and collecting costs. Reference 2 CFR 200 Subpart D for the applicable standards. If you have not had prior government awards or a recent accounting system review, DOE may request that the Defense Contract Audit Agency (DCAA) or an independent auditor verify that the accounting system is acceptable. A resulting award may contain a Term and Condition that prohibits DOE reimbursement until the system is deemed acceptable.

## **P. Indirect Rates**

Potential recipients and major subrecipients will need to demonstrate how indirect rates are developed using an acceptable government methodology or current rate agreement. The Prime Recipient and major subrecipients may be subject to a DCAA or independent auditor indirect rate review if there has not been a certified rate audit within the previous twelve months. Additionally, annual indirect cost reconciliations are required, as applicable.

## **Q. 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; exercise an option to procure, 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.

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

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

## **IX. Appendices**

### **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/NL costs must be included in Total Project Costs. The following is an example of how to calculate cost sharing amounts for a project with \$1,000,000 in federal funds with a minimum 20% non-federal cost sharing requirement:

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

#### **What Qualifies For Cost Sharing**

While it is not possible to explain what specifically qualifies for cost sharing in one or even a couple of sentences, in general, if a cost is allowable under the cost principles applicable to the organization incurring the cost and is eligible for reimbursement under an 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 of performance. For example, the value of ten years of donated maintenance on a project that has a project period of performance 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 of performance 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 Federal Acquisition Regulation, except that patent prosecution costs are not allowable unless specifically authorized in the award document. (v) Commercial Organizations. FAR Subpart 31.2—Contracts with Commercial Organizations
  - b. Other types of organizations. For all other non-federal entities, allowability of costs is determined in accordance with 2 CFR Part 200 Subpart E.
- (5) They are not paid by the Federal Government under another award unless authorized by Federal statute to be used for cost sharing or matching.
- (6) They are provided for in the approved budget.

(B) Valuing and documenting contributions

- (1) Valuing recipient's property or services of recipient's employees. Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For real property or equipment used on the project, the cost principles authorize depreciation or use charges. The full value of the item may be applied when the item will be consumed in the performance of the award or fully depreciated by the end of the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value must be the lesser or the following:

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

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

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

## **Appendix B – Waiver Requests For: 1. Foreign Entity Participation; and 2. Foreign Work**

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

Many of the technology areas DOE funds fall in the category of critical and emerging technologies (CETs). CETs are a subset of advanced technologies that are potentially significant to United States national and economic security.<sup>12</sup> For projects selected under this FOA, all recipients and subrecipients must be organized, chartered or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

#### **Waiver Criteria**

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

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

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

A Foreign Entity waiver request must include the following:

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

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<sup>12</sup> See [Critical and Emerging Technologies List Update \(whitehouse.gov\)](https://www.whitehouse.gov).

- 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 sub-agreement 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 Request)**

As set forth in Section IV.G.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 – Buy America Requirements for Infrastructure Projects Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

## A. Definitions

For purposes of the Buy America Requirement, the following definitions apply:

**Components** See 2 CFR 184.3 Definitions

**Construction materials** See 2 CFR 184.3 Definitions

**"Buy America Preference," "Buy America Requirement," or "Domestic Content Procurement Preference"** means the requirements set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds subject to the requirements are made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

**Infrastructure** See 2 CFR 184.4(c) and (d)

**Manufactured Products** See 2 CFR 184.3 Definitions

**Predominantly of Iron or Steel** See 2 CFR 184.3 Definitions

**Infrastructure Project** See 2 CFR 184.3 Definitions

## B. Buy America Requirement for Infrastructure Projects (Buy America Requirement)

None of the award 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 is 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. See 2 CFR 184.5 for determining the cost of components for manufactured products; and

- (3) all construction materials<sup>13</sup> are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. See 2 CFR 184.6 for construction material standards.

The Buy America Requirement only apply to those articles, materials, and supplies that are consumed in, incorporated into, or affixed to the infrastructure in the 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.

The Buy America Requirement only applies to an article, material, or supply classified into one of the following categories\* based on its status at the time it is brought to the work site for incorporation into an infrastructure project:

- I. Iron or steel products;
- II. Manufactured products; or
- III. Construction materials.

The Buy America Requirement only applies to the iron or steel products, manufactured products, and construction materials used for the construction, alteration, maintenance, or repair of public infrastructure in the United States when those items are consumed in, incorporated into, or permanently affixed to the infrastructure. An article, material, or supply incorporated into an infrastructure project should not be considered to fall into multiple categories, but rather must meet the Buy America Preference Requirement for only the single category in which it is classified.

The Buy America Requirement applies to public infrastructure projects in the United States. For purposes of this guidance, applicants should consider whether the infrastructure project will serve a public function. Infrastructure projects should generally be considered “public” if the infrastructure is: publicly owned, privately owned but operated on behalf of the public, or is a place of public accommodation. Review the implementation guidance in [OMB Memorandum M-24-02](#) and consult with DOE if you are unsure if your project is subject to Buy America requirements.

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<sup>13</sup> Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

All iron and steel, manufactured products, and construction materials used in the infrastructure project must be produced in the United States.

\*Section 70917(c) *Materials* are cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives as provided in section 70917(c) of BABA. Section 70917 (c) materials are excluded from Construction materials. Asphalt concrete pavement mixes are typically composed of asphalt cement (a binding agent) and aggregates such as stone, sand, and gravel. Accordingly, asphalt is also excluded from the definition of Construction materials.

Section 70917(c) materials, on their own, are not manufactured products. Further, Section 70917(c) materials should not be considered manufactured products when they are used at or combined proximate to the work site—such as is the case with wet concrete or hot mix asphalt brought to the work site for incorporation. However, certain Section 70917(c) materials (such as stone, sand, and gravel) may be used to produce a manufactured product, such as is precast concrete. Precast concrete is made of components, is processed into a specific shape or form, and is in such state when brought to the work site. Furthermore, wet concrete should not be considered a manufactured product if not dried or set prior to reaching the work site.

Further clarification is provided in 2 CFR Part 184 on the circumstances under which a determination is made that Section 70917(c) materials should be treated as components of a manufactured product. That determination is based on consideration of: (i) the revised definition of the “manufactured products” at 2 CFR 184.3; (ii) a new definition of “section 70917(c) materials” at 2 CFR 184.3; (iii) new instructions at 2 CFR 184.4(e) on how and when to categorize articles, materials, and supplies; and (iv) new instructions at 2 CFR 184.4(f) on how to apply the Buy America preference by category.

The recipient is responsible for flowing the Buy America Requirement down to all subawards, contracts, subcontracts and purchase orders for work performed under the proposed infrastructure project, including to for-profit entities when the for-profit entity is a subrecipient or subawardee.

Recipients must certify or provide equivalent documentation for proof of compliance that a good faith effort was made to solicit bids for domestic products used in the infrastructure project under this award.

Recipients must also maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by an approved waiver or an exemption provided in 2 CFR 184.8, are produced in the United States. The certification or proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all sub-awardees, contractors and vendors to the recipient. Recipients must keep these certifications with the

award/project files and be able to produce them upon request from DOE, auditors or Office of Inspector General.

### **C. DOE Submission Requirements for Full Application**

Within the first two pages of the workplan or project description, applicants must provide a short statement on whether the project will involve the construction, alteration, maintenance and/or repair of infrastructure in the United States. The ultimate determination about whether a project includes infrastructure remains with DOE, but the applicant's statement will assist project planning and integration of the Buy America Requirement, which may impact the project's proposed budget and/or schedule.

### **D. Waivers**

In limited circumstances, DOE may waive the application of the Buy America Requirement in an award where DOE determines that:

- (1) applying the Buy America requirements would be inconsistent with the public interest (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 (Non-Availability); 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 (Unreasonable Cost).

DOE will only process waiver requests after an award has been made but prior to any purchase of items the recipient is seeking to waive, and for which the requests have been submitted in accordance with the term and conditions of the award. Waiver requests must be reviewed by DOE and the Office of Management and Budget's Made in America Office and are subject to a public comment period of no less than 15 calendar days.

DOE or OMB may request additional information for consideration of the waiver. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public. DOE's final determination regarding approval or rejection of the waiver request may not be appealed by a recipient.

Requests to waive the Buy America Requirement must include the following:

- Waiver Type (Public Interest, Non-Availability, or Unreasonable Cost);
- Recipient name and Unique Entity Identifier (UEI);
- Award Information (Federal Award Identification Number, Assistance Listing Number);
- A brief description of the project, its location, and the specific infrastructure involved; )

- Total estimated project cost, with estimated federal share and recipient cost share breakdowns;
- Total estimated infrastructure costs, with estimated federal share and recipient cost share breakdowns;
- List and description of iron or steel item(s), manufactured goods, and/or construction material(s) the applicant or recipient seeks to waive from the Buy America Requirement, including name, cost, quantity(ies), country(ies) of origin, and relevant Product Service Codes (PSC) and North American Industry Classification System (NAICS) code for each;
- A detailed justification as to how the non-domestic item(s) is/are essential to the project;
- A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and non-proprietary communications with potential suppliers;
- A justification statement – based on one of the applicable justifications outlined above – as to why the listed items cannot be procured domestically, including the due diligence performed (e.g., market research, industry outreach, cost analysis, cost-benefit analysis) by the recipient to attempt to avoid the need for a waiver. This justification may cite, if applicable, the absence of any Buy-America-compliant bids received for domestic products in response to a solicitation;
- A description of the market research conducted that includes who conducted the market research, when it was conducted, sources that were used, and the methods used to conduct the research; and
- Anticipated impact to the project if no waiver is issued.

# Appendix D – Statement of Project Objectives Template

## STATEMENT OF PROJECT OBJECTIVES

Title of Project

(Insert the title of the work to be performed. Be concise and descriptive)

This should be a standalone document that states the work to be conducted and should not include any proprietary/confidential information.

### A. OBJECTIVES

Include one paragraph on the overall objective(s) of the work. Note: if the project will be performed in phases, include specific objective(s) for each phase of the work.

### B. SCOPE OF WORK

This section should not exceed one-half page and should summarize the effort and approach to achieve the objective(s) of the work. Note: if the project will be performed in phases, includes specific scope statement(s) for each phase.

### C. TASKS TO BE PERFORMED

This section provides a brief summary of the planned approach to this project. Tasks/subtasks, concisely written, should be provided in a logical sequence and should be divided into the phases of the project, as appropriate. In writing the Statement of Project Objectives (SOPO), avoid 1) the use of proper nouns to minimize SOPO modifications in the event of changes to the project team, facilities, etc.; 2) figures and equations; 3) references to other documents and publications; and 4) details about past work and discussion of technical background (which should be covered elsewhere in the application narrative).

Task 1.0 - Project Management and Planning (REQUIRED; APPLICANT INSERT THIS TASK)

Subtask 1.1 – Project Management Plan (REQUIRED; APPLICANT INSERT THE LANGUAGE PROVIDED BELOW IN QUOTES. SEE THE “PROJECT MANAGEMENT PLAN TEMPLATE” APPENDIX FOR FORMAT.)

“The Recipient shall manage and direct the project in accordance with a Project Management Plan to meet all technical, schedule and budget objectives and requirements. The Recipient will coordinate activities in order to effectively accomplish the work. The Recipient will ensure that project plans, results, and

decisions are appropriately documented and project reporting and briefing requirements are satisfied.

The Recipient shall update the Project Management Plan 30 days after award and as necessary throughout the project to accurately reflect the current status of the project. Examples of when it may be appropriate to update the Project Management Plan include: (a) project management policy and procedural changes; (b) changes to the technical, cost, and/or schedule baseline for the project; (c) significant changes in scope, methods, or approaches; or (d) as otherwise required to ensure that the plan is the appropriate governing document for the work required to accomplish the project objectives.

Management of project risks will occur in accordance with the risk management methodology delineated in the Project Management Plan in order to identify, assess, monitor and mitigate technical uncertainties as well as schedule, budgetary and environmental risks associated with all aspects of the project. The results and status of the risk management process will be presented during project reviews and in quarterly progress reports with emphasis placed on the medium- and high-risk items.”

Subtask 1.2 – Technology Maturation Plan (REQUIRED; APPLICANT INSERT THE LANGUAGE PROVIDED BELOW IN QUOTES. REFERENCE THE “TECHNOLOGY MATURATION PLAN” APPENDIX FOR FORMAT.)

“The Recipient shall develop a Technology Maturation Plan (TMP) that describes the current technology readiness level (TRL) of the proposed technology/technologies, relates the proposed project work to maturation of the proposed technology, describes the expected TRL at the end of the project, and describes any known post-project research and development necessary to further mature the technology. The initial TMP is due 90 days after award and a final TMP should be submitted within 90 days of completion of the project.”

APPLICANT continue with tasks/sub-tasks as necessary. If the project is structured in Phases, clearly delineate which tasks/subtasks are in each Phase.

Task 2.0 - (Title)

Task descriptions should include a concise description of the work to be conducted for each task. If the task includes subtasks, provide a general description of how each subtask is related to the overall scope of the task.

Subtask 2.1 - (Title)

Subtask descriptions should include a concise description of the work to be conducted for each subtask.

Subtask 2.2 - (Title)

**D. DELIVERABLES** (Required: Applicant insert the Language provided below in quotes and continue to complete.)

“The periodic and final reports shall be submitted in accordance with the “Federal Assistance Reporting Checklist” and the instructions accompanying the checklist. In addition to the reports specified in the “Federal Assistance Reporting Checklist”, the Recipient must provide the following to the NETL Project Manager (identified in Block 15 of the Assistance Agreement as the Program Manager).”

Task / Subtask Number	Deliverable Title	Due Date
1.1	Project Management Plan	Update due 30 days after award. Revisions to the PMP shall be submitted as requested by the NETL Project Manager.
1.2	Technology Maturation Plan	A Technology Maturation Plan (TMP) is due 90 days after award and should be updated as needed throughout the project period of performance. A final TMP is due within 90 days of project completion.
X.X (For AOs 1 and 2 only)	Technical Assessment	A final technical assessment is due at the end of the period of performance (to be included in the final technical report). This assessment is based on the measured performance results completed during the targeted steady-state field testing phase of the project, including any real-world variation or additional external variables observed during testing. The assessment must include estimates of the expected capital cost, including appropriate equipment sizing for wells with different wellbore conditions and methane emission volumes.

APPLICANT continue to identify deliverables (other than those identified on the “Federal Assistance Reporting Checklist”) that will be delivered using the format provided in the table above. Ensure the delivery date to NETL is also identified. For examples: Delivery to NETL X months after completion of task/subtask X.

NOTE: If the application is selected for award, DOE may require the Recipient to include additional deliverables, provided that such deliverables are consistent with the budget, schedule, and scope of the project.

**E. BRIEFINGS/TECHNICAL PRESENTATIONS** (Required: Applicant insert the language provided below in quotes and continue to complete.)

“The Recipient shall prepare detailed briefings for presentation to the NETL Project Manager at their facility located in Pittsburgh, PA, Morgantown, WV, Albany, OR, or via WebEx. The Recipient shall make a presentation to the NETL Project Manager at a project kick-off meeting held within ninety (90) days of the project start date. At a minimum, annual briefings shall also be given by the Recipient to explain the plans, progress, and results of the technical effort and a final project briefing at the close of the project shall also be given.”

At the Applicant’s discretion, other briefings/presentations may be added to Section E of the SOPO.

NOTE: If the application is selected for award, DOE may require the Recipient to include additional briefings/presentations, provided that such briefings/presentations are consistent with the budget, schedule, and scope of the project.

## Appendix E – Project Management Plan Template

The Applicant’s Project Management Plan (PMP) is an approved document that defines how the Applicant will execute, monitor, and control the project to accomplish the objectives. The specific contents, level of detail, and inclusion of subsidiary planning documents are tailored according to the needs of the project. Consequently, every PMP will be different based on the risk, visibility, and/or complexity of the project and the Recipient's established processes, procedures, and systems.

Title Page:

### PROJECT MANAGEMENT PLAN

{Insert Project Title}

{Date Prepared}

#### SUBMITTED BY

{Organization Name}

{Organization Address}

{City, State, Zip Code}

#### PRINCIPAL INVESTIGATOR

{Name}

{Phone Number}

{E-mail}

#### SUBMITTED TO

U.S. Department of Energy  
National Energy Technology Laboratory

This plan should be formatted to include the following sections with each section to include the information as described below:

**A. Executive Summary:**

Provide a description of the project that includes the objective, project goals, and expected results. For purposes of the application, this information is included in the Project Narrative and should be simply copied to this document for completeness, so that the Project Management Plan is a stand-alone document.

**B. Project Organization and Structure:**

Provide the following information in this section:

- Organizational Chart(s): Include a complete project organizational chart and sub-organization charts (if applicable), accompanied by a discussion of how the organizational structure will facilitate the performance of the Tasks and achievement of the objectives described in the SOPO within the time frame specified in the application.
- Roles and Responsibilities of Participants: Provide a discussion of key project team members, and the capacity in which each team member will assist in achieving the overall objective(s) of the proposed project. For multi-organizational or multi-investigator projects, describe the roles to be performed by each participant/investigator within the context of the Task/subtask structure contained in the SOPO. Include descriptions of any business agreements or intellectual property issues between the applicant and other members of the project team, and how these agreements will be integrated and managed.
- Decision-making and Communication Strategy: Provide a discussion of how communication and decision-making will occur within the context of the organizational structure, with particular emphasis on scientific/technical direction and mechanisms for controlling project scope, cost, and schedule. Include a discussion of how the project team will communicate with DOE and external stakeholders during the performance of the project.
- Management Capabilities: Provide information relevant to the capabilities and experience of the PI and key project team members in managing technical projects of similar nature and complexity. If applicable, include examples that demonstrate the ability to successfully meet research objectives within scope, budget and schedule.

**C. Risk Management Plan:**

Provide a summary description of the proposed approach to identify, analyze, and respond to perceived risks associated with the proposed project. Project risk events are uncertain future events that, if realized, impact the success of the project. Risk is inherent to all projects regardless of complexity, cost, or visibility. An effective

Risk Management Plan will identify perceived risks and explain mitigation strategies for each risk. At a minimum, the Risk Management Plan shall include the initial identification of significant financial, cost/schedule, technical/scope, management, planning and oversight, ES&H, external factors, and management issues that have the potential to impede project progress and strategies to minimize impacts from those issues.

The following table format is provided but is not required:

***Perceived Risks and Mitigation Strategies***

Perceived Risk	Risk Rating			Mitigation/Response Strategy
	Probability	Impact	Overall	
	(Low, Med, High)			
Financial Risks:				
Cost/Schedule Risks:				
Technical/Scope Risks:				
Management, Planning, and Oversight Risks:				
ES&H Risks:				
External Factor Risks:				

**D. Milestone Log:**

Provide milestones for each budget period of the project. Each milestone should be linked to a specific Task or Subtask and include a title, planned completion date, and a description of the method/process/measure used to verify completion. Milestones should be quantitative and show progress toward budget period and/or project goals. Conversely, periodic, mandatory progress reports are not considered to be Milestones.

Milestones are presumed to lie on the critical path of the project, i.e., unless all milestones are achieved, the Objectives as defined in the SOPO cannot be met

completely. Applicants must provide at least two milestones per year throughout the course of the project.

**Milestone Format**

Task/ Subtask	Milestone Title & Description	Planned Completion Date	Verification method

[Note: During project performance, the Recipient will report the Milestone Status as part of the required quarterly progress report as prescribed under the Federal Assistance Reporting Checklist. The Milestone Status will present actual performance in comparison with Planned Milestones, and include:

- (1) the actual status and progress of the project,
- (2) specific progress made toward achieving the project's milestones, and,
- (3) any proposed changes in the project's schedule required to complete milestones.]

**E. Costing Profile:**

Provide a table (the Spend Plan) that projects the expenditures of government funds by fiscal year for each project team member.

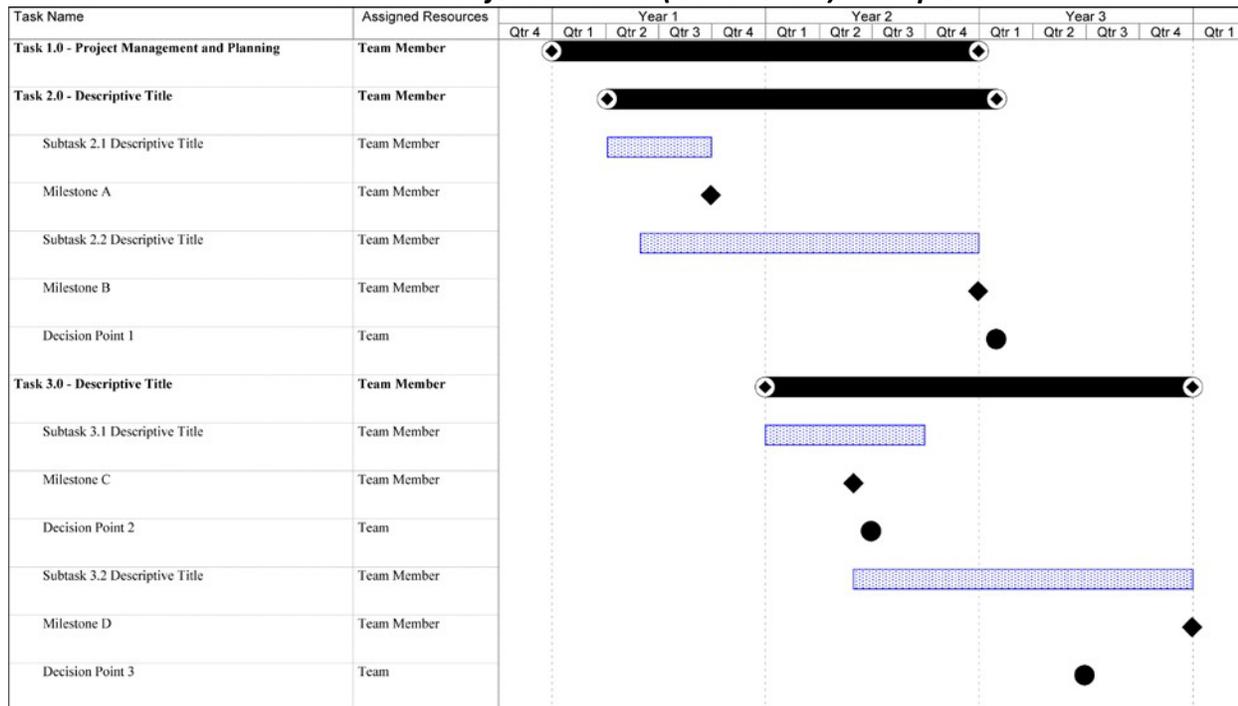
**Spend Plan by Fiscal Year Format**

	FY 20XX		FY 20XX		FY 20XX		FY 20XX		Total	
	DOE Funds	Cost Share								
<b>Applicant</b>										
<b>Subrecipient A, if proposed</b>										
<b>Subrecipient B, if proposed</b>										
<b>Total (\$)</b>										
<b>Total Cost Share %</b>										

**F. Project Timeline:**

Provide a timeline of the project (similar to a Gantt chart) broken down by each task and subtask, as described in the Statement of Project Objectives. The timeline should include for each task, a start date, and end date. The timeline should show interdependencies between tasks and include the milestones that are identified in the Milestone Log (Section C).

### Project Timeline (Gantt Chart) Example



### G. Success Criteria:

Success criteria are used by the DOE to determine if specific goals and objectives were met at the end of budget period(s), go/no-go decision points, and/or project completion. The success criteria should be objective and stated in terms of specific, measurable, and repeatable data. Usually, the success criteria pertain to desirable outcomes, results, and observations from the project.

[Note: As the first task in the Statement of Project Objectives, successful applicants will revise the version of the Project Management Plan that is submitted with their applications by including details from the negotiation process. This Project Management Plan will be updated by the Recipient as the project progresses, and the Recipient must use this plan to report scope, schedule, and budget variances.]

## Appendix F – Data Management Plan

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

### DMP Requirements

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

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

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

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

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

### Data Determination for a DMP

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

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

### **Suggested Elements for a DMP**

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

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

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

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

meet the stated goals for sharing and preservation (this could reference the relevant section of the associated research proposal and budget request); and whether/where the data will be preserved after direct project funding ends and any plans for the transfer of responsibilities for sharing and preservation. A description of how the recipient intends to make the results of any resulting DOE-funded work available to the public, including the relevant technical community.

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

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

## **Additional Guidance**

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

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

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

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

## **Definitions**

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

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

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

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

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

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

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

## Appendix G – Technology Readiness Levels

The following is a description of the DOE Technology Readiness Levels.

Relative Level of Technology Development	Technology Readiness Level	TRL Definition	Description
System Operations	TRL 9	Actual system operated over the full range of expected mission conditions.	The technology is in its final form and operated under the full range of operating mission conditions. Examples include using the actual system with the full range of wastes in hot operations.
System Commissioning	TRL 8	Actual system completed and qualified through test and demonstration.	The technology has been proven to work in its final form and under expected conditions. In almost all cases, this TRL represents the end of true system development. Examples include developmental testing and evaluation of the system with actual waste in hot commissioning. Supporting information includes operational procedures that are virtually complete. An Operational Readiness Review (ORR) has been successfully completed prior to the start of hot testing.
	TRL 7	Full-scale, similar (prototypical) system demonstrated in relevant environment	This represents a major step up from TRL 6, requiring demonstration of an actual system prototype in a relevant environment. Examples include testing full-scale prototype in the field with a range of simulants in cold commissioning (1). Supporting information includes results from the full-scale testing and analysis of the differences between the test environment, and analysis of what the experimental results mean for the eventual operating system/environment. Final design is virtually complete.
Technology Demonstration	TRL 6	Engineering/pilot-scale, similar (prototypical) system validation in relevant environment	Engineering-scale models or prototypes are tested in a relevant environment. This represents a major step up in a technology's demonstrated readiness. Examples include testing an engineering scale prototypical system with a range of simulants.(1) Supporting information includes results from the engineering scale testing and analysis of the differences between the engineering scale, prototypical system/environment, and analysis of what the experimental results mean for the eventual operating system/environment. TRL 6 begins true engineering development of the technology as an operational system. The major difference between TRL 5 and 6 is the step up from laboratory scale to engineering scale and the determination of scaling factors that will enable design of the operating system. The prototype should be capable of performing all the functions that will be required of the operational system. The operating environment for the testing should closely represent the actual operating environment.

Relative Level of Technology Development	Technology Readiness Level	TRL Definition	Description
Technology Development	TRL 5	Laboratory scale, similar system validation in relevant environment	The basic technological components are integrated so that the system configuration is similar to (matches) the final application in almost all respects. Examples include testing a high-fidelity, laboratory scale system in a simulated environment with a range of simulants (1) and actual waste (2). Supporting information includes results from the laboratory scale testing, analysis of the differences between the laboratory and eventual operating system/environment, and analysis of what the experimental results mean for the eventual operating system/environment. The major difference between TRL 4 and 5 is the increase in the fidelity of the system and environment to the actual application. The system tested is almost prototypical.
Technology Development	TRL 4	Component and/or system validation in laboratory environment	The basic technological components are integrated to establish that the pieces will work together. This is relatively "low fidelity" compared with the eventual system. Examples include integration of ad hoc hardware in a laboratory and testing with a range of simulants and small scale tests on actual waste (2). Supporting information includes the results of the integrated experiments and estimates of how the experimental components and experimental test results differ from the expected system performance goals. TRL 4-6 represent the bridge from scientific research to engineering. TRL 4 is the first step in determining whether the individual components will work together as a system. The laboratory system will probably be a mix of on hand equipment and a few special purpose components that may require special handling, calibration, or alignment to get them to function.
Research to Prove Feasibility	TRL 3	Analytical and experimental critical function and/or characteristic proof of concept	Active research and development (R&D) is initiated. This includes analytical studies and laboratory-scale studies to physically validate the analytical predictions of separate elements of the technology. Examples include components that are not yet integrated or representative tested with simulants.(1) Supporting information includes results of laboratory tests performed to measure parameters of interest and comparison to analytical predictions for critical subsystems. At TRL 3 the work has moved beyond the paper phase to experimental work that verifies that the concept works as expected on simulants. Components of the technology are validated, but there is no attempt to integrate the components into a complete system. Modeling and simulation may be used to complement physical experiments.

Relative Level of Technology Development	Technology Readiness Level	TRL Definition	Description
Basic Technology Research	TRL 2	Technology concept and/or application formulated	Once basic principles are observed, practical applications can be invented. Applications are speculative, and there may be no proof or detailed analysis to support the assumptions. Examples are still limited to analytic studies. Supporting information includes publications or other references that outline the application being considered and that provide analysis to support the concept. The step up from TRL 1 to TRL 2 moves the ideas from pure to applied research. Most of the work is analytical or paper studies with the emphasis on understanding the science better. Experimental work is designed to corroborate the basic scientific observations made during TRL 1 work.
	TRL 1	Basic principles observed and reported	This is the lowest level of technology readiness. Scientific research begins to be translated into applied R&D. Examples might include paper studies of a technology's basic properties or experimental work that consists mainly of observations of the physical world. Supporting Information includes published research or other references that identify the principles that underlie the technology.

<sup>1</sup> Simulants should match relevant chemical and physical properties.

<sup>2</sup> Testing with as wide a range of actual waste as practicable and consistent with waste availability, safety, ALARA, cost and project risk is highly desirable.

Source: U.S. Department of Energy, "Technology Readiness Assessment Guide". Office of Management. 2011.

# Appendix H – Technology Maturation Plan

**TECHNOLOGY MATURATION PLAN**  
**for {insert project title}**  
**{Date Prepared}**

**SUBMITTED UNDER FUNDING OPPORTUNITY ANNOUNCEMENT**

DE-FOA-#####

**SUBMITTED BY**

{Organization Name}  
{Organization Address}  
{City, State, Zip Code}

**PRINCIPAL INVESTIGATOR**

{Name}  
{Phone Number}  
{E-mail}

**SUBMITTED TO**

U.S. Department of Energy  
National Energy Technology Laboratory

A technology maturation plan (TMP) is a planning tool that summarizes the necessary research and development (R&D) steps to advance the maturation of a specified technology to a targeted technology readiness level (TRL) and defines the key performance metrics that will be used to determine if the targeted TRL has been successfully achieved. A TMP also documents the current TRL of the specified technology, defines the ultimate commercial application of the technology, and conceptualizes a future commercialization pathway in terms of additional R&D, resources and schedule. A TMP is a high-level summary document. It is not a collection of detailed test plans.

The National Energy Technology Laboratory (NETL) uses TMPs to enhance its stewardship of R&D project portfolios and improve the value of the technologies it develops. TMPs help NETL to:

- ensure that research questions are resolved in the least expensive and least risky R&D setting (i.e., scale, degree of integration, environment, fidelity)

- focus technology development on the performance metrics that are most important for technical and economic success (at component and system levels)
- identify R&D gaps and critical components that are lagging in maturity
- ensure that R&D projects address what is required for integration into higher-level systems
- make informed decisions at critical stages of research (e.g., moving a technology from a laboratory project to a larger-scale pilot project)
- improve the balance of project portfolios in terms of technology types, pathways, TRLs, redundancy, etc., to mitigate risks and increase the likelihood of R&D success, and
- forecast the cost and duration of technology development through demonstration and commercialization.

The below template should be used to complete a TMP. Instructions, shown in italics, should be deleted/replaced in the completed TMP. Section 3 is provided solely for reference but should be retained as-is in the completed TMP.

## **1.0 INTRODUCTION**

### **1.1 Purpose of the Project**

Provide a brief summary of the project’s objectives as related to maturation of the proposed technology.

### **1.2 Technology Readiness Assessment System**

Technology maturation is quantified by performing a technology readiness assessment (TRA) on the specified technology system.

- Identify the specified “TRA System” and describe all the critical components and/or subsystems that comprise it. See “TRA System” definition under Section 3.1.
- State whether the current project will test: (1) the total, integrated TRA System, or (2) one or more critical subsystems or components of the TRA System. If the latter, identify which critical subsystems and/or components will be tested.

### **1.3 Commercial Application**

Provide a one-paragraph description of the targeted commercial application(s) of the TRA System.

## **2.0 MATURATION OF THE TRA SYSTEM**

## **2.1 Beginning Technology Readiness Level (TRL) of the TRA System**

Briefly summarize the prior research that matured the technology to its current state.

Using the Technology Readiness Levels (TRL) descriptions in Sections 3.2 and 3.3, specify the current (i.e., pre-project) TRL of the TRA System. To attain a certain TRL, all aspects of the associated TRL description must be met.

Justify the specified TRL by explaining how all the required TRL aspects have been achieved.

## **2.2 Proposed Research to Mature the TRA System**

Identify the TRL that the project plans to attain.

- Note that the targeted TRL could be the same as the beginning TRL if the project is aimed at making only incremental progress toward achieving the next TRL.
- If the project proposes to advance the TRL by more than one level, explain if that will be accomplished in stages (i.e., first one TRL, then the next) or by skipping a TRL. If the latter, explain how any increased technical, cost and schedule risks associated with skipping a TRL will be mitigated.

Identify each of the key performance attributes that will be assessed during the research along with the corresponding, quantifiable performance requirements that must be achieved to attain the targeted TRL(s). Explain how the key performance attributes were selected and how the corresponding requirements were determined. Be as specific as practical on any supporting technical/economic assessments (see Section 3.4 for NETL's Systems Analysis Best Practices). As a general principle, all key performance requirements that may be appropriately tested at a particular TRL must be substantially met, thereby supporting the feasibility of commercial success/goal achievement, prior to proceeding to the subsequent TRL.

Briefly summarize the proposed research steps and how they will mature the TRA System to the targeted TRL(s).

## **2.3 Potential Post-Project Maturation and Commercialization of the TRA System**

Assuming the project successfully attains the targeted TRL(s), describe what additional (post-project) work would be required to mature the TRA System to the next TRL. Identify the key performance requirements and goals/measures that would need to be achieved. If possible, provide rough estimates of the cost and duration of the research required to attain the next TRL.

Describe your organization’s potential role in a commercialization strategy for the TRA system.

### **3.0 REFERENCE MATERIAL**

#### **3.1 Definition of TRA System**

NETL’s interpretation (Section 3.2) of the DOE TRL definitions (Section 3.3) is based on a view of technology maturation in which “components” are integrated into a “system” that is being assessed for its technology readiness. To clearly and consistently apply the DOE TRL definitions, one must first precisely identify what “system” is being assessed, defined herein as the “Technology Readiness Assessment (TRA) System.” Since most technologies can be viewed as subsystems within larger systems, multiple choices are available for defining the TRA System. However, note that the choice of the “level” of the TRA System affects how TRLs are assessed:

- A TRL 3 is achieved for the specified TRA System when analytical performance predictions for each of the TRA System’s critical<sup>14</sup> components have been validated in separate experiments (i.e., without integration across components). Accordingly, the table in Section 3.2 shows the required scope of TRL 3 as “single component” and the required integration of TRL 3 as “none.”
- A TRL 4 or 5 is achieved for a given TRA System when the targeted performance requirements for each of its critical, multi-component subsystems (or the entire TRA system) have been validated in a laboratory environment (TRL 4) or relevant environment (TRL 5) with integration of some or all components.
- Achieving TRLs 6 to 9 requires testing of the entire, fully integrated, TRL system.

To further clarify, consider, for example, a fuel cell stack. Its critical components are multiple, identical fuel cells. In turn, the critical components of each fuel cell are an anode, cathode and electrolyte. If one wished to assess the technology readiness of the fuel cell stack, the TRA System would be defined as an integrated system of multiple fuel cell subsystems, and a TRL 6 could only be achieved by successfully testing an entire stack of integrated fuel cells. However, if one instead wished to assess the technology readiness of only the fuel cell, the TRA System would be defined as an integrated system of cathode, anode and electrolyte components, and a TRL 6 could be achieved by successfully testing just a single, integrated fuel cell. In

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<sup>14</sup> A component or subsystem of a TRA System is considered critical if it is new, novel, and necessary for the TRA System to meet its anticipated operational performance requirements or poses major cost, schedule, or performance risk during design or demonstration. Note that a component that is fully mature and non-critical for an established application or operational environment may be considered critical if it is incorporated into a new application or operational environment.

both cases, achievement of TRL 6 could be claimed, but only in the context of the properly specified TRA System.

### 3.2 NETL Interpretations of DOE Technology Readiness Levels in the Context of Fossil Energy and Carbon Management R&D

TRL	DOE Definition	Minimum Simultaneous Requirements to Achieve TRL based on NETL Interpretation of DOE Definitions & Descriptions					
		Scope	Integration	Fidelity	Scale	Environment	Metrics
1	Basic principles observed and reported	Any experimentation is limited to discovery and validation of fundamental scientific principles. Formulation of the technology that <u>applies</u> the fundamental science is initiated in conceptual paper studies but experiments on the <u>applied</u> technology have not begun.					NA
2	Technology concept and/or applications formulated						
3	Analytical and experimental critical function and/or characteristic proof of concept	Single Component	None	Low (ad-hoc hardware)	Lab	Lab ( <i>simulated conditions</i> )	Project-specific TMPs should define cost and/or performance metrics for relevant TRLs. To attain a given TRL, the technology must achieve the metrics for that TRL (or show a likely potential to do so).
4	Component and/or system validation in laboratory environment	<i>Total system or multi-component subsystem</i>	<i>Integration of some or all components</i>				
5	Laboratory scale, similar system* validation in relevant environment						
6	Engineering/pilot-scale, similar (prototypical) system validation in relevant environment	<i>Total system</i>  <i>(The total system is equivalent to the "TRA System," which is the system or subsystem for which technology readiness is being assessed)</i>	<i>All components and subsystems integrated</i>	Prototype	Small Pilot**	Relevant ( <i>regulated expected conditions</i> )	
7	Full-scale, similar (prototypical) system demonstrated in relevant environment				Large Pilot or Full**		
8	Actual system completed and qualified through test and demonstration. Technology has been proven to work in its final form and under expected conditions.			Full	Actual system in final form	Operational ( <i>unregulated actual conditions</i> )	
9	Actual operation of the technology in its final form, under the full range of conditions.	Commercially warranted	NA				

\* The DOE TRL 5 description states that the "similar system" matches the final application in "almost all respects" and is "almost prototypical." This table interprets the similar, but not fully prototypical, system as being either: a) the total system for which readiness is being evaluated, or b) a multi-component subsystem of the total system. This interpretation is supported by the DOE TRL 6 description which states that "TRL 6 begins true engineering development of the technology as an operational system."

\*\* DOE defines TRL 6 as a pilot-scale prototype and TRL 7 as a full-scale prototype. DOE defines TRLs 8 and 9 as involving "actual" systems at full scale. This table assumes that the scale of the TRL 7 full-scale prototype could be less than or equal to the scale of the TRL 8 full-scale actual system. At a minimum, the scale of the TRL 7 prototype must be sufficiently large to support subsequent testing of a TRL 8 full-scale actual system without the need for testing at an intervening scale.

### 3.3 Description of DOE Technology Readiness Levels

Source: U.S. Department of Energy, “Technology Readiness Assessment Guide”. Office of Management. 2011.

Relative Level of Technology Development	TRL	TRL Definition	Description
System Operations	9	Actual system operated over the full range of expected mission conditions.	The technology is in its final form and operated under the full range of operating mission conditions. Examples include using the actual system with the full range of wastes in hot operations.
System Commissioning	8	Actual system completed and qualified through test and demonstration.	The technology has been proven to work in its final form and under expected conditions. In almost all cases, this TRL represents the end of true system development. Examples include developmental testing and evaluation of the system with actual waste in hot commissioning. Supporting information includes operational procedures that are virtually complete. An Operational Readiness Review (ORR) has been successfully completed prior to the start of hot testing.
	7	Full-scale, similar (prototypical) system demonstrated in relevant environment	This represents a major step up from TRL 6, requiring demonstration of an actual system prototype in a relevant environment. Examples include testing full-scale prototype in the field with a range of simulants in cold commissioning (1). Supporting information includes results from the full-scale testing and analysis of the differences between the test environment, and analysis of what the experimental results mean for the eventual operating system/environment. Final design is virtually complete.

Relative Level of Technology Development	TRL	TRL Definition	Description
Technology Demonstration	6	Engineering/pilot-scale, similar (prototypical) system validation in relevant environment	Engineering-scale models or prototypes are tested in a relevant environment. This represents a major step up in a technology's demonstrated readiness. Examples include testing an engineering scale prototypical system with a range of simulants.(1) Supporting information includes results from the engineering scale testing and analysis of the differences between the engineering scale, prototypical system/environment, and analysis of what the experimental results mean for the eventual operating system/environment. TRL 6 begins true engineering development of the technology as an operational system. The major difference between TRL 5 and 6 is the step up from laboratory scale to engineering scale and the determination of scaling factors that will enable design of the operating system. The prototype should be capable of performing all the functions that will be required of the operational system. The operating environment for the testing should closely represent the actual operating environment.
Technology Development	5	Laboratory scale, similar system validation in relevant environment	The basic technological components are integrated so that the system configuration is similar to (matches) the final application in almost all respects. Examples include testing a high-fidelity, laboratory scale system in a simulated environment with a range of simulants (1) and actual waste (2). Supporting information includes results from the laboratory scale testing, analysis of the differences between the laboratory and eventual operating system/environment, and analysis of what the experimental results mean for the eventual operating system/environment. The major difference between TRL 4 and 5 is the increase in the fidelity of the system and environment to the actual application. The system tested is almost prototypical.
Technology Development	4	Component and/or system validation in laboratory environment	The basic technological components are integrated to establish that the pieces will work together. This is relatively "low fidelity" compared with the eventual system. Examples include integration of ad hoc hardware in a laboratory and testing with a range of simulants and small scale tests on actual waste (2). Supporting information includes the results of the integrated experiments and estimates of how the experimental components and experimental test results differ from the expected system performance goals. TRL 4-6 represent the bridge from scientific research to engineering. TRL 4 is the first step in determining whether the individual components will work together as a system. The laboratory system will probably be a mix of on hand equipment and a few special purpose components that may require special handling, calibration, or alignment to get them to function.

Relative Level of Technology Development	TRL	TRL Definition	Description
Research to Prove Feasibility	3	Analytical and experimental critical function and/or characteristic proof of concept	Active research and development (R&D) is initiated. This includes analytical studies and laboratory-scale studies to physically validate the analytical predictions of separate elements of the technology. Examples include components that are not yet integrated or representative tested with simulants. <sup>(1)</sup> Supporting information includes results of laboratory tests performed to measure parameters of interest and comparison to analytical predictions for critical subsystems. At TRL 3 the work has moved beyond the paper phase to experimental work that verifies that the concept works as expected on simulants. Components of the technology are validated, but there is no attempt to integrate the components into a complete system. Modeling and simulation may be used to complement physical experiments.
	2	Technology concept and/or application formulated	Once basic principles are observed, practical applications can be invented. Applications are speculative, and there may be no proof or detailed analysis to support the assumptions. Examples are still limited to analytic studies. Supporting information includes publications or other references that outline the application being considered and that provide analysis to support the concept. The step up from TRL 1 to TRL 2 moves the ideas from pure to applied research. Most of the work is analytical or paper studies with the emphasis on understanding the science better. Experimental work is designed to corroborate the basic scientific observations made during TRL 1 work.
Basic Technology Research	1	Basic principles observed and reported	This is the lowest level of technology readiness. Scientific research begins to be translated into applied R&D. Examples might include paper studies of a technology's basic properties or experimental work that consists mainly of observations of the physical world. Supporting Information includes published research or other references that identify the principles that underlie the technology.

<sup>1</sup> Simulants should match relevant chemical and physical properties.

<sup>2</sup> Testing with as wide a range of actual waste as practicable and consistent with waste availability, safety, ALARA, cost and project risk is highly desirable.

### 3.4 NETL Systems Analysis Best Practices

NETL has developed Systems Analysis Best Practices (SABP) as an accompaniment to the DOE Technology Readiness Level (TRL) definitions. The SABP serve as a guide for the Principal Investigator/researcher to inform on the level of systems and economic analysis rigor appropriate at each TRL.

System and economic analyses are an essential component of research and development (R&D). They are used to determine appropriate experimental conditions, inform R&D targets and technology maturation plans, assess R&D progress, and estimate the benefits of successful technology development in commercial applications.

Systems analysis is the analytic process used to evaluate the behavior and performance of processes, equipment, subsystems, and systems. Such analyses serve to characterize the relationships between independent (e.g., design parameters and configurations, material properties, etc.) and dependent variables (e.g., thermodynamic state points, output, etc.) through the creation of models representative of the envisioned process, equipment, subsystem, or system. These analyses are used to determine the important variables (i.e., performance attributes) and the associated targets (i.e., performance requirements) that must be achieved through R&D and testing to realize commercial and/or program goals.

The performance requirements are selected such that the equipment, subsystem, or system meets the envisioned objectives in the target commercial application. The target commercial application refers to one specific use for the advanced technology, at full commercial scale. A project may include more than one target commercial application. For example:

1. Technologies that reduce the cost of gasification may be useful for both liquid fuels and power production.
2. Technologies that may be useful to monitor CO<sub>2</sub> storage in more than one type of storage site.

The modeling and simulation effort may use one or more of a variety of tools, such as Excel, MATLAB, Aspen Plus, Aspen Plus Dynamics, Thermoflow, CHEMCAD, etc., depending upon suitability to the specific processes, the scope of the development effort, and the stage of development.

An integral part of systems analysis is economic analysis - the process of estimating and assigning costs to equipment, subsystems, and systems corresponding to models of and specifications for the commercial embodiment of the technology. Such analyses include the estimation of capital costs, as well as operating and maintenance costs. Component service life and corresponding replacement costs are often a crucial aspect of these analyses. See *Performing a Techno-economic Analysis for Power Generation Plants*, DOE/NETL-2015/1726, July 2015, for further guidance.

As a technology matures, the systems analyses are frequently updated, and are expected to increase in fidelity and complexity commensurate with the available technical understanding, experimental data, and overall level of effort (cost of R&D).

The results are used to inform the next stage of development and provide specific experimental and analysis success criteria (the performance requirements).

As a general principle, the performance requirements that may be appropriately tested at a particular TRL must be substantially met, thereby supporting the feasibility of commercial success/goal achievement, prior to proceeding to the subsequent TRL. Note that, as with the TRL descriptions, these SABP are “gate-in;” that is, prerequisites to achieving the associated TRL.

NETL supports a wide range of RD&D projects, from small, short-duration materials development and property characterization projects up to large-scale power plant demonstrations. The nature and complexity of the technology under development and the scope of the project must be taken into account when applying the SABP – they may not be strictly applicable as written to every project. For example, it is an unreasonable expectation for a project developing a sensor, or fuel cell cathode, or thermal boundary coating for a turbine airfoil to perform a full-scale power plant simulation to determine the performance requirements of the specific technology in the course of pursuing TRL 4. However, the project must explicitly tie the quantitative goals/objectives for the technology to referenced system studies as well as relevant industry and/or market requirements in such a manner that their pedigree is readily traceable. On the other hand, a project endeavoring to develop a full system concept incorporating novel components and process integration is expected to perform more robust, extensive analyses.

Descriptions of the SABP associated with each TRL are provided in the table below.

TRL	DOE Definition	Systems Analysis Best Practices
1	Basic principles observed and reported	<u>Assessment</u> : Perform an assessment of the core technology resulting in (qualitative) projected benefits of the technology, a summary of necessary R&D needed to develop it into the actual technology, and principles that support of the viability of the technology to achieve the projected benefits.
2	Technology concept and/or applications formulated	<u>White Paper</u> : A white paper describing the intended commercial application, the anticipated environment the actual technology will operate in, and the results from the initiation of a detailed analysis (that will at least qualitatively justify expenditure of resources versus the expected benefits and identify initial performance attributes).
3	Analytical and experimental critical function and/or characteristic proof of concept	<u>Performance Model and Initial Cost Assessment</u> : This performance model is a basic model of the technology concept, incorporating relevant process boundary conditions, that provides insight into critical performance attributes and serves to establish initial performance requirements. These may be empirically- or theoretically-based models represented in Excel or other suitable platforms. In addition, an initial assessment and determination of performance requirements related to cost is completed.

TRL	DOE Definition	Systems Analysis Best Practices
4	Component and/or system validation in laboratory environment	<p><u>System Simulation and Economic Analysis:</u> These models incorporate a performance model of the technology (may be a simple model as developed for TRL 3, or something more detailed – either should be validated against empirical data gathered in the laboratory) into a model of the intended commercial system (e.g., power plant). In addition, an economic analysis (e.g., cost-of-electricity) of the technology is performed, assessing the impact of capital costs, operating and maintenance costs, and life on the impact of the technology and its contributions to the viability of the overall system in a commercial environment. These analyses serve to assess the relative impact of known performance attributes (through sensitivity analyses) and refine performance requirements in the context of established higher-level technical and economic goals (e.g., programmatic or DOE R&amp;D goals). These models are typically created in process simulation software (e.g., ASPEN Plus) or other suitable platforms. DOE maintains guidance on the execution of techno-economic analyses <sup>1</sup>.</p>
5	Laboratory scale, similar system* validation in relevant environment	<p><u>System Simulation and Economic Analysis Refinement:</u> A more detailed process model for the technology, validated against empirical data gathered in the laboratory, will be developed and incorporated into system simulations. This provides greater fidelity in the performance and cost estimation for the technology, facilitating updates to performance attributes and requirements (including updates to the economic analysis). This also allows greater evaluation of other process synergy claims (e.g., state-of-the-art technology is improved by the use of the new technology). Cost estimation should be either vendor-based or bottom-up costing approaches for novel equipment.</p>
6	Engineering/pilot-scale, similar (prototypical) system validation in relevant environment	<p><u>System Simulation and Economic Analysis Refinement:</u> Performance and cost models are refined based upon relevant environment laboratory results, leading to updated performance attributes and requirements. Preliminary steady-state and dynamic (if appropriate for the technology) modeling of all critical process parameters (i.e., upper and lower operating limits) of the system prototype is completed. Cost estimation should be either vendor-based or bottom-up costing approaches for novel equipment. Key process equipment should be specified to the extent that allows for bottom-up estimating to support a feasibility study of the integrated system.</p>
7	Full-scale, similar (prototypical) system demonstrated in relevant environment	<p><u>System Simulation and Economic Analysis Refinement:</u> Performance and cost models are refined based upon relevant environment and system prototype R&amp;D results. The refined process, system and cost models are used to project updated system performance and cost to determine if the technology has the potential to meet the project goals. Performance attributes and requirements are updated as necessary. Steady-state and dynamic modeling all critical process parameters of the system prototype covering the anticipated full operation envelope (i.e., upper and lower operating limits) is completed. Cost models should be based on vendor quotes and traditional equipment estimates should be minimal.</p>

TRL	DOE Definition	Systems Analysis Best Practices
8	<p>Actual system completed and qualified through test and demonstration.</p> <p>Technology has been proven to work in its final form and under expected conditions.</p>	<p><u>System Simulation and Economic Analysis Validation:</u> The technology/system process models are validated by operational data from the demonstration. Economic models are updated accordingly.</p>
9	<p>Actual operation of the technology in its final form, under the full range of conditions.</p>	<p><u>Commercial Use:</u> Models are used for commercial scaling parameters.</p>