

# Financial Assistance Notice of Funding Opportunity Part 2



This is Part 2 of the Notice of Funding Opportunity (NOFO). The NOFO Part 2 is intended as a companion document to the NOFO Part 1. The NOFO Part 1 describes the specific DOE programmatic goals and evaluation criteria, eligibility, and other components that are specific to each funding opportunity.

Part 2 includes fixed DOE requirements that generally do not change from NOFO to NOFO. This document includes standard information for the application phase and describes expectations for award negotiations and post-award requirements for selected applications.

Applicants should review both the NOFO Part 1 and the NOFO Part 2 prior to applying.

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## I. Get Registered

There are several required one-time actions applicants must take before applying to this NOFO. Some of these actions may take several weeks, so it is vital applicants build in enough time to complete them. Failure to complete these actions could interfere with application or negotiation deadlines or the ability

to receive an award if selected. If you are already registered, make sure your registration is active and up to date. All registrations are free.

[See Step 3: Submit Your Application](#)

## A. SAM.gov Registration

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You must have an active account with [SAM.gov](#), the System for Award Management (SAM). This includes having a Unique Entity Identifier (UEI).

- **What is it?** SAM is a federal procurement database. All entities that want to do business with the federal government MUST be registered in SAM.
- Existing SAM registrations must be updated annually.
- **Duration** to complete: can take several weeks.
- **Registration Link:** <https://sam.gov/content/home>
  - **NOTE:** Subrecipients are not required to obtain an active SAM registration but must obtain a Unique Entity Identifier.
- **HELP:** <https://sam.gov/content/help> Applicants must allow several weeks for the SAM process to complete. All registrations rely on completion of the SAM registration. (START Early)

## B. Unique Entity Identifier (UEI)

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- **What is it?** UEI is a non-proprietary identifier that has replaced the Federal Government use of Data Universal Numbering System (DUNS) number effective April 4, 2022.
- Applicants must obtain an UEI from the SAM to uniquely identify the entity. The UEI is available in the SAM entity registration record.
  - **Note:** Subawardees/subrecipients at all tiers must also obtain an UEI from the SAM and provide the UEI to the recipient before the subaward can be issued.
- **Duration** to complete: can take several weeks.
- **Registration Link:** <https://sam.gov/content/entity-registration>
- **HELP:** [https://www.fsd.gov/gsafsd\\_sp](https://www.fsd.gov/gsafsd_sp)

## C. Grants.gov Registration

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You must have an active [Grants.gov](#) registration to receive automatic updates when modifications to this NOFO are posted. Doing so requires a Login.gov registration as well.

- **What is it?** Website used to enable federal grant-making agencies to notify potential applicants of funding opportunities.
- Step-by step instructions for applicants at [How to Apply for Grants](#) website <https://www.grants.gov/applicants/grant-applications/how-to-apply-for-grants>
- **Duration** to complete: can take several days.
- **Registration Link:** <https://grants.gov>
- **HELP:** <https://apply07.grants.gov/help/html/help/index.htm#t=GetStarted%2FGetStarted.htm>

### Submitting applications in Grants.gov

The application package is available at Grants.gov under NOFO number identified on the NOFO Cover Page. The Authorized Organizational Representative (AOR) must register at <https://grants.gov> and set up your Workspace. You cannot submit an application through Grants.gov unless you are registered.

Please read the registration requirements carefully and start the process immediately.

For more detailed instructions about creating a profile on Grants.gov, refer to:

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

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 NOFO, it must be broken into parts and denoted to that effect. For example:

Project Part 1

Project Part 2, etc.

No mailed applications will be accepted. DOE will only accept electronically submitted applications through Grants.gov. DOE will not accept late submissions that resulted from technical difficulties due to uploading files that exceed 10MB.

#### Electronic Authorization of Applications and Award Documents

Submission of applications and supplemental information under this NOFO through electronic systems used by the DOE, including Grants.gov, constitutes the authorized representative's approval and electronic signature.

#### **DISCLAIMER:**

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. Information included in the applicant's Community Benefits Plan, or the entire Community Benefits Plan, may be shared with the public at selection at the discretion of DOE, and Applicants should specifically mark any information in the Community Benefits considered trade secrets, commercial, financial or privileged or confidential as per application instructions.

## **II. Eligibility**

Please refer to the [NOFO Part 1, Eligibility](#) for the eligibility criteria specific to your application. This section includes additional information to help applicants understand the standard eligibility requirements across all DOE NOFOs.

## A. Cost Sharing

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This section contains additional information to help applicants understand federal cost sharing requirements. Please refer to the [NOFO Part 1, Eligibility—Cost Sharing](#) for the cost sharing criteria specific to your application.

### 1. Legal Responsibility

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

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

### 2. Cost Share Allocation

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

### 3. Cost Share Types and Allowability

Cost share must meet requirements set forth in [2 C.F.R. §§ 200.306](#) and [910.130](#), and cost principles set forth in [2 C.F.R. §§ 200.400-476](#) and [2 C.F.R. §§ 910.352](#). 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 Guarantees 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 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 the value of the contribution can be readily determined, verified, and justified but where no actual cash is transacted in securing the good or service comprising the contribution. Allowable in-kind contributions include but are not limited to the donation of volunteer time or the donation of space or use of equipment.

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

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

Cost share contributions must be specified in the project budget, verifiable from the 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, DOE will review the cost share dollars according to the same federal regulations as federal dollars to the project. Every cost share contribution must be reviewed and approved in advance by the Grants Officer and incorporated into the project budget before the expenditures are incurred.

#### 4. Unallowable Cost Share Sources

The recipient and subrecipient(s) may not use the following sources to meet cost share obligations:

- Cost share derived from federal sources (unless otherwise authorized by law).
- Cost share that does not meet:
  - Requirements set forth in 2 C.F.R. §§ 200.306 and 910.130;
  - Cost principles set forth in 2 C.F.R. §§ 200.400-476 and 2 C.F.R. §§ 910.352;
  - For State Energy Programs, refer to 10 C.F.R. §§ 420.
- Cost share derived from the DOE loan program.
- 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);
- Expenditures that were reimbursed under a separate federal program.
- Cash or in-kind contributions used to meet cost share requirements for another federal project or program;
- Existing data as an in-kind contribution (e.g., data owned by an entity, that is not routinely sold commercially but is instead donated to the project and assigned a value);
- In general, deferred or avoided costs such as unrealized tax credits; or
- If applicable, other items as identified by DOE Programs and as specified in the applicable **NOFO Part 1, Eligibility—Cost Sharing**.

Cost share contributions must be specified in the project budget, verifiable from the 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 Grants Officer and incorporated into the project budget before the expenditures are incurred.

## 5. Cost Share Contributions by FFRDCs

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

## 6. Cost Share Verification

Applicants are required to provide written assurance of their proposed cost share contributions in their applications. If selected for award negotiations, applicants are required to provide additional information and documentation regarding their cost share contributions. Please refer to the [NOFO Part 1, Eligibility—Cost Sharing](#) for specific requirements.

## 7. Cost Share Calculation Examples

Cost sharing is calculated as a percentage of the Total Project Cost. FFRDC costs must be included in Total Project Costs.

### Example 1, Standard Cost Share Calculation

The following is an example of how to calculate cost sharing amounts for a project with \$1 million 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%

### Example 2, Blended Cost Share Calculation

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

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

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

Each task must be calculated individually as follows:

#### Task 1

- \$1,000,000 divided by 80% = \$1,250,000 (Task 1 Cost)
- Task 1 Cost minus federal share = non-federal share
- \$1,250,000 - \$1,000,000 = \$250,000 (non-federal share)

Task 2

- \$500,000 divided 80% = \$625,000 (Task 2 Cost)
- Task 2 Cost minus federal share = non-federal share
- \$625,000 - \$500,000 = \$125,000 (non-federal share)

Task 3

- \$400,000 / 50% = \$800,000 (Task 3 Cost)
- Task 3 Cost minus federal share = non-federal share
- \$800,000 - \$400,000 = \$400,000 (non-federal share)

Task 4

- Federal share = \$100,000
- Non-federal cost share is not mandated for outreach = \$0 (non-federal share)

The calculation may then be completed as follows:

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

Blended Cost Share %

- Non-federal share (\$775,000) divided by Total Project Cost (\$2,775,000) = 27.9% (non-federal)
- Federal share (\$2,000,000) divided by Total Project Cost (\$2,775,000) = 72.1% (federal)

## B. Other Eligibility Information

Refer to [NOFO Part 1, Eligibility—Eligible Applicants](#) for NOFO-specific eligibility information. The information below is standard for DOE NOFOs.

### 1. Questions Regarding Eligibility

DOE will not make eligibility determinations for potential applicants prior to the date on which applications to the NOFO Part 1 must be submitted. The decision to apply in response to the NOFO Part 1 lies solely with the applicant.

### 2. Entity of Concern Prohibition

**Prohibition**

DOE is prohibited by law from funding any grant, contract, cooperative agreement, or loan of \$10 million or more in DOE funds to Entities of Concern. In addition, such entities (including an individual that owns or controls, is owned or controlled by, or is under common ownership or control with an Entity of Concern) are prohibited from receiving any funds or performing work under any award involving Department activities authorized under Division A or B of Public Law 117-167, subject to

certain penalties. See section 10114 of Public Law 117-167 (42 USC 18912) and section 310 of Public Law 118-42 and other applicable law for additional information.

By submitting an application to this NOFO, the applicant is certifying that neither the applicant nor any of the project participants qualify as Entities of Concern.

**Definitions**

Entity of Concern is defined in section 10114 of Public Law 117-167 (42 USC 18912), also known as the CHIPS and Science Act, as any entity, including a national, that is—

(A) identified under section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note; Public Law 105–261);

(B) identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note; Public Law 116– 283);

(C) on the Entity List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations;

(D) included in the list required by section 9(b)(3) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 134 Stat. 656); or

(E) identified by the Secretary, in coordination with the Director of the Office of Intelligence and Counterintelligence and the applicable office that would provide, or is providing, covered support, as posing an unmanageable threat—

(i) to the national security of the United States; or

(ii) of theft or loss of United States intellectual property.

**3. Artificial Intelligence (AI) Application Use**

Any use of artificial intelligence in the creation of any part of an application for this NOFO must be appropriately attributed. Even with the use of artificial intelligence, each applicant is responsible for and is representing to the U.S. Government that the information in its application documents is accurate, that the applicant is fully capable of performing the work described in the application, and that the submission of the application does not and will not infringe or violate any rights of any third party or entity.

## III. Program Description

Refer to [NOFO Part 1, Program Description](#) for all information related to the specific NOFO goals, objectives, and topic areas, if any.

### A. Informational Webinar

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Refer to the [NOFO Part 1, Basic Information—Key Dates](#) to determine if DOE plans to conduct an informational webinar while the NOFO is open.

DOE will hold an in person or live webinar on TBD (date) to discuss the structure and execution of this NOFO. Applicants can watch and participate in the live webinars and submit questions, to be answered in real time through the GoToWebinar interface. Registration information and webinar presentations are available on TBD for review by applicants.

Attendance is not mandatory and will not positively or negatively impact the overall review of any applicant submissions. The webinar will be open to all potential applicants who wish to participate. Applicants should refrain from asking questions or communicating information that would reveal confidential and/or proprietary information specific to their project.

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## IV. Application Content and Form

This section contains supplemental information to help applicants understand the application content and form requirements outlined in the NOFO including detailed information on the content and naming conventions of the application content. Please refer to the [NOFO Part 1, Application Content and Form](#) section for the application contents and form specific to your application.

Note that some of the required application elements below have separate requirements for Research and Development (R&D) versus non-R&D NOFOs. Refer to the [NOFO Part 1, Application Content Requirements](#) section for specific instructions.

### A. Application Format Summary

All submissions must conform to the form and content requirements described below. Refer to the [NOFO Part 1, Application Content and Form](#) for the page limits.

Format Requirements	
Parameter	Requirement
File Format	The preferred file format is Adobe Portable Document Format (PDF) for all documents.
Language	English
Paper Size	8.5" x 11"
Margins	Not less than 1" ( $\geq 1$ ") on every side
Font	Times New Roman typeface, a black font color, and a font size of 11-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	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.
Page Numbers	Page numbers must be included in the footer of every page. Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced.
Page Count Limitations	Applicants must comply with all pertinent page limitations. Any text (including references and data tables) in a document that does not adhere to the requirements listed above (except graphics, graphs, charts, and equations) will be removed from the document and will not be reviewed. DOE reserves the right to dismiss applications that violate formatting requirements, including locking

	spreadsheet cells. Signature blocks must be signed by the designated official.
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## B. Application Content Requirements

The **NOFO Part 1, Application Content Requirements** identifies which of the following application documents are required including the program-specific requirements such as the project narrative and specified page limits. Each application must be limited to a single concept and must not exceed the stated page limits.

### 1. Application for Federal Assistance (SF-424)

Application forms and instructions are available at grants.gov. To access these materials, go to <http://www.grants.gov>, select “FORMS” and then select “R&R Family.” The approved OPM forms for submitting application packages are provided on this web page within the grants.gov website. The Standard Form 328 may be obtained from GSA.gov as well as other Federal websites. Applicants must complete the SF-424: Application for Federal Assistance. The list of certifications and assurances can also be found on the site noted above. Complete all required fields in accordance with the instructions on the form.

Please ensure that the dates (Block 12) and dollar amounts (Block 15) on the SF-424 are for the complete project period and not just the first project year, first phase, or another subset of the project period.

Name File: SF424RR

### 2. Letters of Commitment

Submit letters of commitment from all subrecipients. In addition, submit letters of commitment from all third-party cost share providers. If applicable, the letter must state that the third party is committed to providing a specific minimum dollar amount or value of in-kind contributions allocated to cost sharing. Letters of support or endorsement for the project from entities that do not have a substantive role in the project will not be accepted. The following information for each third party contributing to cost sharing should be identified:

Letters of Commitment Content	
<b>Organization Name</b>	Phone, email, and address
<b>Proposed Dollar Amount to be Provided</b>	Value of the contribution
<b>Cost Sharing Type</b>	Cash or In-Kind contribution (or both)

Each letter must not exceed one page.

Name File: Letter of Commitment

### 3. Impacted Indian Tribes Documentation

For any application that potentially impacts Indian Tribes or is on Tribal land<sup>1</sup> 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<sup>2</sup> 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 also be considered.

Helpful Resources	
Item	Criteria
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.
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	Must express support for the project.

Applicants are encouraged to reference or include any applicable community benefits agreements in the Tribal support documentation, and to integrate any Tribal support documentation in the community benefits plan as appropriate. 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 nature of 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.

<sup>1</sup> Tribal land is as defined in 25 U.S.C. §§ 3501(2), (3), (4)(A) and (13).

<sup>2</sup> An authorized representative must be an elected official or designated leader according to the traditions, constitution, or charter of the Indian Tribe, or someone with relevant delegated authority within the Tribal government. Examples include: Chief, Chairman, Chairwoman, Governor, Nation Representative, President, Chief Executive Officer, Chief Financial Officer, Speaker of the Council, Speaker of the Congress, Tribal administrator.

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:

Helpful Resources	
Item	Location
Map of Indian Lands	<a href="https://bia-geospatial-internal.geoplatform.gov/indianlands/">https://bia-geospatial-internal.geoplatform.gov/indianlands/</a>
Tribal Treaties Database	<a href="https://treaties.okstate.edu/">https://treaties.okstate.edu/</a>
Directory of federally recognized Tribes and Tribal leaders	<a href="https://www.bia.gov/service/tribal-leaders-directory">https://www.bia.gov/service/tribal-leaders-directory</a>
Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and other similar rights in federal regulatory actions	<a href="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</a>

To help determine if an Indian Tribe’s resources or reserved rights may be impacted by the project, applicants must address the following elements, as applicable to the application. 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:

Indian Tribe Resource or Reserved Rights Impact Assessment		
Type of Action	Assessment	Mitigation
<b>If Research and Development (R&amp;D)</b>	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.”	Explain any actions taken by the applicant to mitigate or address any potential impacts identified, including engaging with the potentially impacted Indian Tribe(s), in the application.
<b>If Demonstration and Deployment (D&amp;D)</b>	Identify any elements of the project that will occur on or near Indian land, Tribal historic sites, or sacred sites and describe its potential impacts to Indian Tribes. Identify the potentially impacted Indian Tribe(s).	

<p><b>Subsurface Resource Activities (carbon sequestration, oil &amp; gas, geothermal, critical minerals, groundwater, etc.)</b></p>	<p>Identify any Tribal mineral rights, subsurface, or water rights at or near the proposed project location. Explain any relevant studies already performed, such as groundwater studies? Identify which Indian Tribe(s) might be impacted. Explain any instances of uncertainty and any potential for subsurface resource migration which has been considered.</p>	
<p><b>If Hydropower, Offshore Wind, or other Water Related Projects</b></p>	<p>Identify any Tribal resources or reserved rights (e.g., water, fishing, or other treaty rights) which could be impacted by the proposed project. Identify any Tribal historic sites, sacred sites, or relevant vistas, which could be impacted by the project. Identify the potentially impacted Indian Tribe(s) and explain any sources of uncertainty or confidentiality.</p>	
<p><b>If Infrastructure (e.g., Transmission and Pipeline) Projects</b></p>	<p>Identify any Indian Land (as defined in 25 U.S.C. § 3501), traditional homelands, or Tribal historic and sacred sites which will be crossed, or adjacent to the proposed infrastructure. Identify which Indian Tribe(s) might be impacted and explain any instances of uncertainty or confidentiality.</p>	
<p><b>Other Actions Not Categorized Above</b></p>	<p>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.</p>	

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 NOFO, 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. If the applicant proposes any activities 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, they must notify DOE as outlined below in the application submission requirements. DOE will determine if formal government-to-government consultation is needed, and DOE will conduct that consultation accordingly, in addition to any engagement by applicant.

Name File: Impacted Indian Tribes

## 4. Conflict of Interest Statement Certification

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) can be found at [Financial Assistance Letter No. FAL 2022-02 | Department of Energy](#). This policy 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. DOE's interim COI Policy establishes standards that provide a reasonable expectation that the design, conduct, and reporting of projects funded wholly or in part under DOE financial assistance awards will be free from bias resulting from financial conflicts of interest or organizational conflicts of interest.

The applicant is subject to the requirements of the interim COI Policy and within each application for financial assistance, the applicant must certify that it is, or will be by the time of receiving any financial assistance award, compliant with all requirements in the interim COI Policy. The applicant must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities.

Conflicts of interest (COI) may exist due to previous efforts performed by the National Laboratories or assistance provided in program direction and other mission related activities. A file that explains the conflict must be attached, which includes a statement identifying the potential conflict and how the potential conflict will be avoided, neutralized, or mitigated. This document must be attached even if the conflict appears to be insignificant. If no COI exists, include a written statement that there is no COI.

For each subapplicant that is DOE/NNSA FFRDC/NL or non-DOE FFRDC/NL, identify any potential COI, fully explain the conflict, whether you feel it is significant or not, along with your rationale and, if significant, how you will avoid, neutralize, or mitigate the potential conflict.

The applicant is required to disclose, manage, and report conflicts of interest as per the DOE interim COI Policy. If any disclosures need to be made, attach to Research and Related Other Project Information, 12. Other Attachments.

Name File: 2025 COI Disclosure "Insert Tracking ID #"

## 5. Statement of Project Objectives (SOPO)

Refer to the **NOFO Part 1, Project Narrative** for specific requirements. The Project Narrative must contain a single, detailed Statement of Project Objectives (SOPO) that addresses how the near-term, short-term, and long-term project objectives will be met. The SOPO must contain a clear, concise description of all activities to be completed during project performance and follow the structure discussed below. The SOPO may be released to the public by DOE in whole or in part at any time. It is therefore required that it shall not contain proprietary or confidential business information. The SOPO is to be included in the Project Narrative and not submitted as a separate attachment.

Applicants shall prepare the SOPO in the following format:

### TITLE OF WORK TO BE PERFORMED

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

#### A. OBJECTIVES

Include one paragraph on the overall objective(s) 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.

#### C. TASKS TO BE PERFORMED

Tasks, concisely written, should be provided in a logical sequence and should be divided into the project phases, as appropriate. This section should provide a brief summary of the planned approach to this project.

## 6. Project Abstract

The project abstract must contain a one page summary of the proposed activity and be suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant; the project manager(s)/directors/key senior persons; the project title; a list of major deliverables; the scope and objectives of the project; a description of the project, including major tasks (phases, planned approach, etc.) and methods to be employed; the potential impact of the project (i.e., benefits, outcomes). This document must not include any proprietary or sensitive business information, as NE may make it available to the public after awards are made.

Name File: 2025 Project Abstract "Insert Tracking ID #"; 1-page limit

## 7. Project Management Plan

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 (Field 8) and should be copied to this document for completeness, so that the Project Management Plan is a stand-alone document.

- b. **Risk Management:** 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. As a minimum, include the initial identification of significant technical, resource, and management issues that have the potential to impede project progress and strategies to minimize impacts from those issues.
- c. **Milestone Log:** Provide milestones for each budget period (or phase) of the project. Each milestone should include a title and planned completion date. Milestones should be quantitative and show progress toward budget period and/or project goals.

[Note: During project performance, the Recipient will report the Milestone Status as part of the required quarterly Progress Report as prescribed under Attachment 4, Reporting Requirements Checklist. The Milestone Status will present actual performance in comparison with Milestone Log, 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.
- d. **Funding and Costing Profile:** Provide a table (the Project Funding Profile) that shows, by budget period, the amount of government funding going to each project team member. Also provide a table (the Project Costing Profile) that projects, by month, the expenditure of government funds for the first budget period, at a minimum.
  - e. **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).
  - f. **Success Criteria at Decision Points:** Provide success criteria for each decision point in the project, including go/no-go decision points and the conclusions of budget periods and the entire project. 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.
  - g. **Approach to Quality Assurance:** Include a brief summary of the QA program the applicant intends to apply through the period of this NOFO to assure the pedigree of the resulting data, designs, etc. will be sufficient to advance nuclear fuel cycle technologies to promote the nuclear energy portfolio within the United States.

[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 schedule and budget variances.]

Save this plan in a single file named "PMP.PDF"

## 8. Research & Related Budget (Total Federal + Non-Federal)

The applicant must complete a separate budget for the applicant and each sub-recipient for each year of support requested. The form(s) will generate a cumulative budget for the total project period. You may request funds under any of the categories listed 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 NOFO.

NOTE: Do NOT lock the cells when saving this document. Applications containing budget forms with locked cells may not be evaluated further.

Name File: 2025 R&R Budget "Insert Tracking ID #" of the categories listed 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 NOFO.

NOTE: Do NOT lock the cells when saving this document. Applications containing budget forms with locked cells may not be evaluated further.

Name File: 2025 R&R Budget "Insert Tracking ID #"

## 9. Budget Justification

Provide a justification that explains all costs proposed in the budget. Budget Justification documents shall be provided for the applicant and sub-recipients.

The following items of advice are offered to assist in developing a justification:

1. Organize the justification by listing items in the same categorical order as presented on the budget.
2. Ensure that the narrative matches the budget in dollar amounts and language.
3. Explain the line items. If costs are estimated, provide a basis for the estimate, including an estimate or prior ordering experience. Explain if costs are based on prior experience of similar activities. If a cost is based on the product of two numbers (such as a number of items at a per-item price), ensure that the math is correct.
4. If including an inflationary factor for future budget periods, explain the basis for the inflationary factor.

Provide any other information necessary to justify your budget request. For cost sharing, provide an explanation of the source, nature, amount, and availability of any proposed cost sharing. Provide the details of all personnel (key or other) who will be working on the project, regardless of their source(s) of compensation. Explain their source(s) of compensation if it is not from this project. Include the indirect cost rate agreement and/or fringe rate agreement as a part of the budget justification.

Name File: Budget Justification

## 10. Subrecipient Budget Justification

Applicants must provide a separate budget justification for each subrecipient. The budget justification must include the same justification information described in the Budget Justification section above.

Name File: Subaward Budget Justification

## 11. Work Proposal (Budget) for DOE FFRDC

If a DOE FFRDC is to perform a portion of the work, the applicant must provide a DOE work proposal (WP) in accordance with the requirements in DOE Order 412.1A, Work Authorization System, available at: <https://www.directives.doe.gov/directives-documents/400-series/0412.1-Border-a-chg1-AdmChg>. FWPs can be obtained from respective laboratory financial administrators. FFRDCs are permitted to propose costs in accordance with their established DOE contracts (e.g., overhead, fees, etc.).

Name File: FWP

## 12. Authorization for Non-DOE or DOE FFRDCs (if applicable)

The cognizant contracting officer for the FFRDC must authorize in writing the use of DOE/NNSA FFRDC and non-DOE/NNSA FFRDC contractors on the proposed project, and this authorization must be submitted with the application. The following wording is acceptable for this authorization.

“Authorization is granted for the Fill-in 1: [Name] Laboratory to participate in the proposed project. The work proposed for the laboratory is consistent with or complimentary to the missions of the laboratory, will not adversely impact execution of the DOE/NNSA assigned programs at the laboratory, and will not place the laboratory in direct competition with the domestic private sector.”

NOTE: Individual Letters of Authorization may be submitted as a blanket permission, if all FFRDC/non-FFRDC management has been notified of all submissions and all participants are identified. Identification of participants by name is to be included in the body or as a separate list.

Name File: Letter of Authorization

## 13. Benefits of Collaboration

The applicant shall provide a narrative that includes an explanation of the contribution that will be made by the collaborating organizations and/or facilities to be utilized. Please indicate within this section if the application has benefit or influence on other ongoing or proposed NE R&D projects.

Name File: Collaboration ; 4-page limit

## 14. Capabilities

Provide information on the following, as applicable:

- **Infrastructure Requirements:** The applicant shall identify the infrastructure (e.g., facilities, equipment, instrumentation, and other resources) required to execute the proposed scope of work, including their location, availability, capabilities, and how they will be used in the project. Describe the non-labor (e.g., facilities, equipment, and instrumentation) resources that are available and accessible to the applicant and are required to execute the scope of work. Describe any unique equipment and facilities that are needed, are accessible, and will be used to execute the scope of work. Discuss the adequacy of these resources and identify any gaps and how these will be addressed.
- Ability to comply with the required or proposed performance schedule, taking into consideration all existing commercial and governmental business commitments.

This NOFO allows the applicant to propose the purchase of any equipment needed to conduct the proposed work. If equipment purchases are proposed, describe comparable equipment, if any, already at the institution and explain why it cannot be used.

Name File: Capabilities ; 2-page limit

## 15. Certifications and Assurances

Applicants must complete and attach the Certifications and Assurances form found on the DOE Financial Assistance Forms Page at: <http://energy.gov/management/downloads/certifications-and-assurances-use-sf-424>.

Name File: Cert & Assurances

## 16. SF 328 or Facility Clearance

The requirements of DEAR 952.204-73 apply to this award. Applicants must complete and submit a Standard Form 328 or provide evidence of an existing Facility Clearance with the application. This will determine eligibility for an award under this NOFO.

## 17. Research and Related Other Project Information

Applicants shall complete items 1–6 on the R&R Other Project Information form and upload a completed PDF copy of the form. Items 7-12 will be added as attachments to this document.

Name File: R&R Other Project Information

## 18. Project Commitment to Energy Justice and Energy Equity

Refer to the *NOFO Part 1, Application Content and Form—Application Content Requirements* table for specific requirements.

Applicants are encouraged to describe how their projects will: advance energy justice and energy equity in the Administration’s objectives. Energy Justice objectives include contribution to the

Justice40 Initiative.

**Justice40 Initiative.** Applicants may include information on how the project supports the Justice40 Initiative, including for example:

- Extent to which the applicant identifies the following: specific and measurable benefits for disadvantaged communities; how the benefits will flow to disadvantaged communities; and how negative environmental impacts affecting disadvantaged communities would be mitigated. Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in disadvantaged communities: (1) a decrease in energy burden; (2) a decrease in environmental exposure and burdens; (3) an increase in access to low-cost capital; (4) an increase in high-quality job creation, the clean energy job pipeline, and/or job training for individuals; (5) increases in clean energy enterprise creation and contracting (e.g., minority-owned or disadvantaged business enterprises); (6) increases in energy democracy, including community ownership; (7) increased parity in clean energy technology access and adoption; and (8) an increase in energy resilience.
- Extent to which the project would contribute to the Federal Government's goal that 40% of certain Federal climate and clean energy investments flow to disadvantaged communities;
- The degree to which the proposed project provides funding to disadvantaged communities;
- Whether the entity is located in a disadvantaged community. The onus is on the applicant to self-identify whether it is located in a disadvantaged community or partners with an entity, located in a disadvantaged community;
- The degree to which the proposed project incorporates an applicant or team members from disadvantaged communities; and
- Whether the proposed project may directly or indirectly benefit disadvantaged communities or has team member participants from disadvantaged communities

**Advance Energy Equity.** Energy equity centers the concerns of underserved and disadvantaged communities and aims to make energy more accessible, affordable, clean, and democratically managed for all communities. Applicants are also encouraged to describe how their projects or project teams contribute to energy equity. Applicants may include a section on how the projects ensures energy equity, including for example: the degree to which the proposed project incorporates team member diversity with participants from MSI's (e.g., HBCUs/Other Minority Serving Institutions); and/or partnerships with Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses, or Tribal nation, or seeks to address communities with environmental justice concerns that experience disproportionate and adverse human health or environmental burdens in accordance with Executive Order 14096.

Name File: EEandJustice40

## 19. Resumes for Research and Related Senior/Key Person

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 or biographical sketch for each Principal Investigator or Lead Project Manager, Senior/Key Personnel, and all covered individuals as defined in the *NOFO Part 1, Application Content and Form—Application Content Requirements, Covered Individual Definition, Designation and Responsibility*.

- Provide a full biographical vitae for the Project Manager(s)/Director(s)/Senior & Key Persons listed in Section A of the R&R Budget form(s).
- Contact information.
- Education and Training: Provide institution, major/area, degree, and year for undergraduate, graduate, and postdoctoral training. List all education and training, foreign or domestic, at the applicant institution or elsewhere, whether or not remuneration is received, and, whether full-time, part-time, or voluntary.
- Research and Professional Experience: Beginning with the current position list, in chronological order (newest to oldest), professional/academic positions with a brief description. List all 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.
- Publications: Provide a complete list of publications. 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.
- Synergistic Activities: Fully list any professional and scholarly activities related to the effort proposed.
- There should be no lapses in time over the past 10 years or since age 18, whichever period is shorter.

Name File: CV "Last Name of Individual"

Note: There is no page limit associated with this Vitae document. The applicant shall provide a narrative that includes an explanation of the contribution that will be made by the collaborating organizations and/or facilities to be utilized. Please indicate within this section if the application has benefit or influence on other ongoing or proposed NE R&D projects.

## 20. 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 covered individuals as defined in the *NOFO Part 1, Application Content Requirements--Covered Individual Definition, Designation, and Responsibility* 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 [malign foreign talent recruitment programs](#) must be identified in current and pending support.

Information Required for Each Activity	
<b>Sponsor of the Activity</b>	The sponsor of the activity or the source of funding.
<b>Award Number</b>	The federal award number or any other identifying number.
<b>Award Title</b>	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
<b>Total Cost or Value</b>	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
<b>Award Period</b>	The "Start Date" through "End Date".
<b>Person-months</b>	The person-months of effort per year dedicated to the award or activity
<b>Description</b>	To identify overlap, duplication of effort, or synergistic efforts, append a description of the other award or activity to the current and pending support.
<b>Digital Persistent Identifier (e.g., ORCID iD)</b>	For R&D NOFOs only, provide an <a href="#">ORCID iD</a> (optional until May 2025, and required thereafter).
<b>Certification Statement</b>	<p>Covered individuals must provide a separate certification statement listing the required information above regarding current and pending support. Each individual must sign and date their respective certification statement:</p> <p><i>I, [Full Name and Title], understand that I have been designated as a covered individual by the Federal funding agency.</i></p> <p><i>I certify to the best of my knowledge and belief that the information contained in this Current and Pending Support Disclosure Statement is true, complete, and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. §§ 3729-3733 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to DOE’s funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.</i></p>

	<p><i>I also certify that, at the time of submission, I am not a party in a <a href="#">maligan foreign talent recruitment program</a>.</i></p> <p><b>The following CPS certification is optional until May 1, 2025, and mandatory thereafter:</b></p> <p><i>I further certify that within the past 12 months I have completed one of the following: (1) research security training meeting the guidelines in SEC. 10634(b) of 42 USC 19234, or (2) all of the NSF training modules located <a href="https://new.nsf.gov/research-security/training">https://new.nsf.gov/research-security/training</a>.</i></p>
<p><b>Foreign Government Sponsorship</b></p>	<p>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.</p>

The information may be provided in the approved common disclosure format available at [Common Form for Current and Pending \(Other\) Support \(nsf.gov\)](#). Regardless of the format used, the individual must include a signature, date, and a certification statement using the language included in the table above.

Current and Pending Support Disclosures must be submitted for all covered individuals, include the exact certification statement provided above, and must be signed and dated in order to be considered. DOE reserves the right to not proceed with application merit reviews for incomplete applications.

**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.

**Malign Foreign Talent Recruitment Program as defined in P.L. 117-167, Section 10638(4):**

- A) any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual—
- i. engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
  - ii. being required to recruit trainees or researchers to enroll in such program, position, or activity;
  - iii. establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a federal research and development award;
  - iv. being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
  - v. through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award;
  - vi. being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
  - vii. being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the federal research and development award;
  - viii. being required to not disclose to the federal research agency or employing institution the participation of such individual in such program, position, or activity; or
  - ix. having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the federal research and development award; and
- (B) a program that is sponsored by—
- i. a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;
  - ii. an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115-232); or

- iii. a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115–232).

More information can be found at [OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf](#) ([whitehouse.gov](#)).

Name File: Current and Pending Support

## 21. Digital Persistent Identifier (PID)

For all Research and Development (R&D) NOFOs, individuals that are required to submit Biographical Sketch and/or Current and Pending (Other) Support disclosures must provide a digital persistent identifier (PID) in such disclosures as part of the application. Included PIDs must meet the common/core standards specified in the [NSPM-33 Implementation Guidance](#) or successor guidance (e.g., an [ORCID iD](#)). The inclusion of an individual's PID will be optional until May 1, 2025, and mandatory thereafter.

Include this information for each covered individual with the [Current and Pending Support](#) submission as described above and in the *NOFO Part 1, Application Content Requirements--Covered Individual Definition, Designation, and Responsibility* section.

## 22. Research Security Training Requirement

The research security training requirement described here is optional until May 1, 2025, and mandatory thereafter for R&D awards. Covered individuals listed on applications under the NOFO Part 1 are required to certify that they have taken research security training consistent with Section 10634 of the CHIPS and Science Act of 2022. In addition, applicants who receive an award must maintain sufficient records (records must be retained for the time period noted in [2 CFR 200.334](#) and made available to DOE upon request) of their compliance with this requirement for covered individuals at the applicant/recipient organization and they must extend this requirement to any and all subrecipients. To fulfill this requirement, an applicant may utilize the four one-hour training modules developed by the National Science Foundation at <https://new.nsf.gov/research-security/training> or develop and implement their own research security training program aligned with the requirements in Section 10634(b) of the CHIPS and Science Act of 2022. The submission of an application to this NOFO constitutes the applicant's acceptance of this requirement.

Include this information for each covered individual with the [Current and Pending Support](#) submission as described above and in the *NOFO Part 1, Application Content Requirements--Covered Individual Definition, Designation, and Responsibility*.

### 23. 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.

Disclosure exceptions by entity type:

- U.S. National Laboratories and domestic government entities are not required to respond to the Transparency of Foreign Connections disclosure.
- Institutions of higher education are only required to respond to items with an asterisk symbol (\*).

Applicants, regardless of entity type, must provide complete responses for project team members that are not U.S. National Laboratories, domestic government entities, or institutions of higher education.

Disclosure Information	
<b>*Entity Name</b>	Complete legal name of the lead organization.
<b>*Website Address</b>	Link to the entity's website address.
<b>*Mailing Address</b>	Complete mailing address for the entity to include zip code.
<b>*Project Participants Party to ANY Malign Foreign Talent Recruitment Program</b>	The identity of all owners, principal investigators, project managers, and covered individuals who are a party to any <a href="#">Malign Foreign Talent Recruitment Program</a> . As part of this requirement, the entity must also certify that each covered individual has been made aware of the Malign Foreign Talent Recruitment Program prohibition and complied with the certification requirement via the Current and Pending Support disclosure;
<b>Country of Risk Joint Venture or Subsidiary</b>	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 (i.e., the People's Republic of China, Iran, North Korea, and Russia);
<b>Current or Pending Foreign Contractual or Financial Obligation</b>	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;
<b>Percentage Foreign Ownership or Control</b>	Percentage, if any, that the proposed recipient or subrecipient has foreign ownership or control;
<b>Percentage Country of Risk Ownership</b>	Percentage, if any, that the proposed recipient or subrecipient is wholly or partially owned, directly or indirectly, by an entity incorporated or otherwise formed in a foreign country of risk or foreign state-owned entity;
<b>Percentage Country of Risk Investment</b>	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;
<b>*Country of Risk Technology Licensing of Intellectual Property Sales</b>	Any technology licensing, transfer, or intellectual property sales to a foreign country of risk, in effect during the 5-year period preceding submission of the proposal within the same technology area as the application (e.g., batteries, biotechnology, grid, energy generation and storage, advanced computing);

Disclosure Information	
<b>*Foreign Equipment</b>	Any of the following foreign equipment proposed for use on the project: <ol style="list-style-type: none"> <li>i. Unmanned aircraft, control, and communications components originally made or manufactured in a foreign country of risk (including relabeled or rebranded equipment).</li> <li>ii. Coded equipment where the source code is written in a foreign country of risk.</li> <li>iii. Equipment from a foreign country of risk that will be connected to the internet or other remote communication system.</li> <li>iv. Any entity 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.</li> </ol>
<b>Foreign Entity Relationships</b>	Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient;
<b>List of Company Directors (and Board Observers)</b>	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;
<b>Complete Capitalization Table</b>	Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the recipient or subrecipient is a publicly traded company, provide the above information for shareholders with an interest greater than 5%;
<b>Principal Place of Incorporation</b>	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%;
<b>Rounds of Financing Table</b>	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
<b>Organization Chart</b>	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.

## 24. Data Management Plan

A Data Management Plan (DMP) is required for all Research and Development projects that are selected for award negotiations. Please refer to the [NOFO Part 1, Application Content Requirements—Application Content Requirements](#) section to determine if a DMP is required.

Provide a DMP that:

1. Describes whether and how data generated in the course of the proposed research will be shared and preserved. If the plan is not to share and/or preserve certain data, then the plan must explain the basis of the decision (for example, cost/benefit considerations, other parameters of feasibility, scientific appropriateness, or limitations discussed in #4 below). At a minimum, DMPs must describe how data sharing and preservation will enable validation of results, or how results could be validated if data are not shared or preserved.
2. Provides a plan for making all research data displayed in publications resulting from the proposed research open, machine-readable, and digitally accessible to the public 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 to the public 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 this data can be accessed.
3. Consults and references available information about data management resources to be used in the course of the proposed research. In particular, DMPs that explicitly or implicitly commit data management resources at a facility beyond what is conventionally made available to approved users should be accompanied by written approval from that facility.
4. DMPs 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 applicable laws, regulations, and DOE orders and policies. There is no requirement to share proprietary data.

Name File: DMP 2-page limit

## 25. Project/Performance Site Location

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

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

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.

Name File: Project\_Performance Sites

## 26. Environmental Checklist

Refer to the **NOFO Part 1, Application Content and Form--Application Content Requirements** section to determine if the Environmental Questionnaire is required.

An environmental checklist will be required at the time of award negotiations and will be provided by DOE at that time.

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

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

## 27. Certifications Regarding Lobbying Activities

Recipients and subrecipients may not use any federal funds to influence or attempt to influence, directly or indirectly, congressional action on any legislative or appropriation matters. See also [Lobbying](#) in the Funding Restrictions section below.

### a. All recipients and subrecipients that have lobbying activities to disclose:

Complete and submit the Disclosure of Lobbying Activities (SF-LLL) available at: [https://apply07.grants.gov/apply/forms/sample/SFLLL\\_2\\_0-V2.0.pdf](https://apply07.grants.gov/apply/forms/sample/SFLLL_2_0-V2.0.pdf) 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.

### b. Recipients and subrecipients that have no lobbying activities to disclose:

Complete and submit, Certification Regarding Lobbying form (OMB 4040-0013) available at: [https://apply07.grants.gov/apply/forms/sample/GG\\_LobbyingForm-V1.1.pdf](https://apply07.grants.gov/apply/forms/sample/GG_LobbyingForm-V1.1.pdf)

Name Files: Grants.gov Lobbying Form; 2025 SF-LLL

## D. Funding Restrictions

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### 1. 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.

### 2. 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 Grants 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 NOFO 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 Grants 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 Grants 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 Grants Officer overrides the requirement to obtain the written authorization from the Grants 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 recipient elects to undertake activities that are not authorized for federal funding by the Grants Officer in advance of DOE completing a NEPA review, the recipient is doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share.

### 3. Foreign Travel

No need for foreign travel is anticipated. If international travel is proposed for your project, please note that your organization must comply with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118), commonly referred to as the “Fly America Act,” and implementing regulations at 41 CFR 301-10.131 through 301-10.143. The law and regulations require air transport of people or property to, from, between, or within a country other than the United States, the cost of which is supported under this award, to be performed by or under a cost-sharing arrangement with a United States flag carrier, if service is available. Foreign travel costs are allowable only with the written prior approval of the contracting officer assigned to the award.

### 4. 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” ([grants.gov/forms/forms-repository/sf-424-individual-family](https://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.

### 5. Equipment and Supplies

All equipment and products purchased with funds made available under this NOFO should be American-made, to the greatest extent practicable. This requirement does not apply to used or leased equipment. This requirement does not supersede any other statutory requirement in the NOFO (e.g., [Buy America Requirements for Infrastructure Projects](#)).

## V. Submission Requirements and Deadlines

Please refer to the [NOFO Part 1, Application Content and Form—Application Content Requirements](#) for all submission requirements and instructions including the content and form for each submission and deadlines.

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## VI. Application Review Information

Please refer to the [NOFO Part 1, Application Review Information—Review Criteria](#) for specific compliance and technical criteria. The following describes the DOE evaluation and selection process that is applicable to all NOFOs.

### A. Standard Evaluation and Selection Processes

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#### A. Merit Review

Applications that pass the initial review will be subjected to a formal merit review and will be evaluated with a rating system based on the criteria outlined in this NOFO. Criteria 1 through 3 will be considered to have equivalent significance followed by Criteria 4 considered to have less significance.

#### B. Program Policy Factors

The Selection Official may consider the following program policy factors in the selection process:

- Identifies and addresses safety, security, and non-proliferation issues including to incorporate integrated safeguards- and security-by-design approaches and to address nuclear material control and accounting challenges and incorporate intrinsic nuclear material security concepts;
- Degree to which proposed project optimizes/balances/maximizes use of available DOE funding to achieve DOE program goals and objectives, including how projects support DOE research. It may also include research portfolio diversity, geographic distribution and/or how the projects support other complementary efforts that, when taken together, will best achieve program research goals and objectives;
- Application selection may optimize appropriate mix of projects to best achieve DOE goals and objectives;
- Cost/Budget considerations, including availability of funding;
- Demonstrated ability of the applicant to successfully complete projects, including relevant prior projects, and do so within budget and within the specified timeframe of the award;
- Applicability across multiple nuclear fuel forms;
- Potential to enhance U.S. nuclear infrastructure;
- Consistent and conformant work proposed in the application with current NE Congressional appropriations;
- Projects that contribute to energy equity;
- Projects that support the Justice40 Initiative.

Any of the above factors may be independently considered by the Selection Official in determining the optimum mix of applications that will be selected for support. These factors, while not indicators of the application's merit, may be essential to the process of selecting the application(s) that, individually or collectively, will best achieve the program objectives. Such factors are often beyond the control of the applicant.

***Applicants should recognize that some very good applications might not receive an award because of program priorities and available funding.*** Therefore, the above factors may be used by the Selection Official to assist in determining which applications shall receive DOE funding support.

### **C. Selection**

The Selection Official will consider the findings of the merit and risk reviews and may consider any of the Program Policy Factors described above.

### **D. Review of Risk**

Pursuant to 2 CFR subpart 200.205, DOE will conduct an additional review of the risk posed by applications submitted under this NOFO. Such review of risk will include:

- Quality of the application;
- Reports and findings from audits performed under 2 CFR part 200 or OMB Circular A-133; and
- Systems maintained under 2 CFR part 180.

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

Applicants with no prior performance of DOE awards may be asked to provide information about their financial stability and/or their ability to comply with the management standards of 2CFR part 200.

Research, Technology and Economic Security Risk Reviews. Further, as DOE invests in critical infrastructure and funds critical and emerging technology areas, DOE also considers possible vectors of undue foreign influence in 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.

### **E. Reporting of Matters Related to Recipient Integrity and Performance**

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

applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. § 2313).

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

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

## **F. Government Discussions with Applicant**

The Government may enter into discussions with a selected applicant for any reason deemed necessary, including but not limited to the following: (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 modified 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.

DOE anticipates making selection announcements no later than TBD. DOE reserves the right to make additional award selections using applications submitted in response to the NOFO. Award(s) for this project are subject to the availability of Federal funding.

DOE intends to have projects supported under this NOFO begin work TBD.

## **G. Anticipated Notice of Selection and Award Dates**

DOE anticipates making selection announcements no later than TBD. DOE reserves the right to make additional award selections using applications submitted in response to the NOFO. Award(s) for this project are subject to the availability of Federal funding.

DOE intends to have projects supported under this NOFO begin work TBD.

# **VII. Selection and Award Notices**

DOE anticipates notifying applicants selected for negotiation of award and negotiating awards by the dates provided on the [NOFO Part 1, Basic Information—Key Dates](#).

## A. Selection Notices

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### 1. Ineligible Submissions

Ineligible applications will not be further reviewed or considered for award. The Grants 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 application is ineligible and not considered for further review.

### 2. 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 its application was selected for award negotiations. Alternatively, DOE may notify one or more applicants that a final selection determination on particular applications will be made at a later date, subject to the availability of funds or other factors.

### 3. Applicants Selected for Award Negotiations

Successful applicants will receive written notification that they have been selected for award negotiations. Receipt of a notification letter selecting an application for award negotiations does not authorize the applicant to commence performance of the project. If an application is selected for award negotiations, it is not a commitment by DOE to issue an award nor is it a guarantee of federal government funding. Applicants do not receive an award unless and until award negotiations are complete and the Contracting Officer executes the funding agreement, accessible by the prime recipient in FedConnect.

Applicants must designate a primary and a backup point-of-contact in the SF424 application document 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 the [Pre-Award Costs](#) section above for guidance on pre-award costs.

### 4. Alternate Selections

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 application for federal funding in the future. A notification letter stating the 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 application for award negotiations.

### 5. Applicants Not Selected for Award Negotiations

DOE will notify in writing each applicant whose application has not been selected for award. The notification will provide an explanation of why the application was not selected.

## B. Post-Selection Information Requests

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To reduce burden in the application process required under [Memorandum M-24-11 Reducing Burden in the Administration of Federal Financial Assistance](#), DOE has instituted Post-Selection Information Requests and Submissions procedures. These procedures allow certain elements of an application to be submitted later in the application process, either prior to merit review or after merit review when the application is under consideration for funding.

Applicants will be notified (primarily by e-mail) when Post-Selection Information is needed. This notification is not a Notice of Award, nor should it be construed to be an indicator of possible funding. Applicants should only submit this information when requested. The applicant will be notified on what documents and materials to submit, the format required and where and when to submit.

### 1. Example Information Requests

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

- Point of contact information
- Indirect cost information
- Other budget information
- Name and phone number of the designated responsible employee for complying with national policies prohibiting discrimination (see 10 CFR 1040.5)
- Representation of limited rights data and restricted software, if applicable
- Commitment letter from third parties contributing to cost sharing, if applicable
- Environmental Checklist
- Data Management Plan
- Policies and Procedures (i.e., Procurement, Property, Travel, Financial Reporting, etc.) and other business information required to complete a risk assessment (and responsibility determination in accordance with 2 CFR 200, Subpart D).

### 2. Entity Risk Assessment

Pursuant to 2 CFR 200.206, DOE may conduct an additional review of the risk posed by applications submitted under the applicable NOFO Part 1. This risk assessment may consider:

- Financial stability;
- 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;
- History of performance;
- Audit reports and findings; and
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on recipients or subrecipients.

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 recipients or subrecipients 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.

### **3. Environmental Review in Accordance with National Environmental Policy Act (NEPA)**

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

While NEPA compliance is a federal agency responsibility and the ultimate decisions remain with the federal agency, all applicants selected for award negotiations and recipients of 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 documents must be prepared to complete the NEPA review process, the recipient may be required to prepare the documents and the costs to prepare the necessary documents may be included as part of the project costs. DOE will independently evaluate the environmental document and will take responsibility for the contents, including ensuring the professional integrity of the discussion and analysis, as required by NEPA.

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

DOE must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) prior to deciding whether or how to distribute federal funds. Section 106 requires DOE to identify and consider adverse effects to historic properties that are listed in or eligible for listing in the National Register of Historic Places. DOE may perform a NHPA review under the umbrella of its NEPA review and will require applicants to assist in this review and consider impacts to historic, Tribal, and cultural resources.

### **4. Flood Resilience**

Executive Order 11988, Floodplain Management, requires agencies to engage in a decision-making process to evaluate the potential effects of any action it may take in a floodplain and to avoid development in a floodplain to the extent possible. DOE procedures for implementing the Executive Order are in 10 CFR part 1022. Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (reinstated by EO 14030, Climate-Related Financial Risk), directs federal agencies to "expand management from the current base flood level to a higher vertical elevation and corresponding horizontal floodplain to address current and future flood risk and ensure that projects funded with taxpayer dollars last as long as intended." The higher flood elevation is based on one of three approaches: climate-informed science (preferred), freeboard value, or 0.2% annual flood change (500-year floodplain). Selectees will be required to indicate whether the proposed project location(s) is within a floodplain, how the floodplain

was defined, and how the project's design has been modified to reduce the risk of flood loss and minimize the impact of floods on human safety, health, and welfare. Information to assist in the implementation of these requirements is available at:

- <https://www.energy.gov/nepa/articles/eo-13690-establishing-federal-flood-risk-management-standard-and-process-further>
- <https://www.fema.gov/floodplain-management/intergovernmental/white-house-flood-resilience-interagency-working-group>
- <http://floodstandard.climate.gov>

## 5. Trafficking in Persons

Awards under this NOFO will be subject to the requirements at [2 CFR Part 175, Award Term for Trafficking in Persons](#), including the compliance plan and certification requirements applicable if the estimated value of services required to be performed under the grant or cooperative agreement outside the United States exceeds \$500,000.

## C. Award Notices

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Upon successful completion of award negotiations, the DOE Grants Officer will approve the award, and the recipient will then receive notification of award and can access it in the FedConnect system. Selectees must be registered in FedConnect to receive the final award package after successful completion of award negotiations.

Registering with [FedConnect](#)<sup>®</sup> is fast, easy, and free. Only individuals who are designated as Points of Contact in SAM.gov can create a new company account.

- **What is it?** It's how recipient receive their legally executed award package.
- The SAM Unique Entity Identifier Number (UEI) must be obtained before this registration can be initiated.
- Review the FedConnect Ready, Set, Go! Guide at [https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf)
- **Duration** to complete: can take two to three days.
- **Registration Link:** FedConnect website: <https://www.fedconnect.net/FedConnect/Default.htm>
- **HELP:** <https://www.fedconnect.net/FedConnect/TechSupport.aspx>

### Electronic Authorization of Applications and Award Documents

Submission of an application and supplemental information under the NOFO Part 1 through electronic systems used by the DOE, including Grants.gov and FedConnect, constitutes the authorized representative's approval and electronic signature.

## VIII. Award Administration Information

### A. Post-Award Requirements and Administration

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Note: Please review this document prior to applying.

DOE requires all award recipients to follow and accept requirements governed by laws and policies – both federal government-wide and DOE or program specific. These post-award requirements include: all National and Administrative Policy Requirements; financial assistance general Certifications and Representations; Build America, Buy America requirements; Davis-Bacon Act requirements; Risk-Based Review of Project Participants; Bipartisan Infrastructure Law-Specific Requirements; Fraud, Waste and Abuse requirements; Safety, Security, and Regulatory requirements; and Environmental Review in Accordance with National Environmental Policy Act requirements.

Recipients of an award made under DOE NOFOs must comply with requirements of all applicable federal, state, and local laws, regulations, DOE policy and guidance, instructions in this NOFO, and the award terms and conditions. Recipients must require subrecipients' compliance with all applicable requirements. Reporting requirements are identified on the Federal Assistance Reporting Checklist, attached to the award agreement.

All DOE award recipients must adhere to the following:

#### 1. Award Administrative Requirements

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

#### 2. Subaward and Executive Reporting

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

#### 3. National Policy Requirements

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

#### 4. Applicant Representations and Certifications

##### Lobbying Restrictions

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

##### Corporate Felony Conviction and Federal Tax Liability Representations

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

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

It is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

For purposes of these representations the following definitions apply:

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

#### **Nondisclosure and Confidentiality Agreements Representations**

In submitting an application to a NOFO the applicant represents that:

- b. 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.
- c. 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:

*“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.”*

- (1) The limitation above shall not contravene requirements applicable to Standard Form 312 Classified Information Nondisclosure Agreement (<https://fas.org/sgp/othergov/sf312.pdf>), Form 4414 Sensitive Compartmented Information Disclosure Agreement (<https://fas.org/sgp/othergov/intel/sf4414.pdf>), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

- (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 U.S. government, may contain provisions appropriate to the 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 during such activity unless specifically authorized to do so by the U.S. 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 U.S. Department of Justice, that are essential to reporting a substantial violation of law.

## 5. Statement of Federal Stewardship

The recipient's responsibilities are listed below:

- Complying with all award requirements, including performing the activities supported by this award, including providing the required personnel, facilities, equipment, supplies and service.
- Defining approaches and plans as may be required by this award, submitting the plans to DOE for review, and incorporating DOE's comments.
- Managing and conducting the project activities, including coordinating with DOE management and operating (M&O) contractor(s) as required and as proposed in the recipient's project plan on activities performed under the M&O contract(s) that are related to the project.
- Attending annual program review meetings and reporting project status, if requested by the program.
- Submitting technical reports as stated in the Federal Assistance Reporting Checklist and incorporating DOE comments.
- Completing reporting requirements as outlined in the instructions provided in the awards Attachment B "Federal Assistance Reporting Checklist and Instructions" including:
  - o **NE Program Information Collection System (PICS:NE):** PIs are required to complete reporting requirements as outlined in the instructions provided in the awards Attachment B "Federal Assistance Reporting Checklist and Instructions". Information provided in required award reporting will be utilized to populate PICS:NE (PICS:NE data entry will be done by DOE using information provided by the PI). PIs may be asked by the DOE PICS:NE representative for additional information during the initial work package setup process to accurately document the project plan, as well as through the award's project period to populate information in PICS:NE. PIs may be requested to provide additional assistance for clarification purposes in assuring accuracy of the information being entered into PICS:NE.
  - o **NE Program Accrual Information:** DOE policy requires the monthly tracking of uncosted obligations on financial assistance awards in the DOE accounting system to assist DOE in accomplishing more accurate project management and to more accurately recognize Department liabilities to the recipient. DOE personnel do this internally by subtracting paid costs and any costs accrued (yet to be paid incurred costs of the recipient) from the amounts obligated on the financial assistance award. In accomplishing this, DOE may request the recipient provide additional cost accrual information to accurately estimate/document the accrual in the DOE accounting system. If such information is needed, it will typically be done on awards over \$1M and DOE will normally do this using an e-mail to the recipient requesting the recipient identify the dollar value of work

it has performed each month but not yet invoiced (or done a Treasury system draw on) as of month end. Recipients will cooperate with DOE in providing the needed cost accrual information.

**NOTE:** There are limitations on recipient responsibilities and authorities in the performance of the project activities. Performance of the project activities must be within the scope of the Statement of Objectives, the terms and conditions of the cooperative agreement, and the funding and schedule constraints.

## 6. Uniform Commercial Code (UCC) Financing Statements

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

Properly record, and consent to the Department's ability to properly record if the recipient fails to do so, UCC financing statement(s) for all equipment in excess of \$10,000 purchased with project funds. These financing statement(s) must be approved in writing by the Grants 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 Grants 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 Grants Officer may direct.

## 7. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)<sup>3</sup> is applicable to all recipients or subrecipients applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant or cooperative 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. Further, for DOE funded projects, the recipient must include all financial conflicts of interest (FCOI) (i.e., managed and unmanaged/unmanageable) in its initial and ongoing FCOI reports.

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

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<sup>3</sup> DOE's interim COI Policy can be found at <https://www.energy.gov/management/department-energy-interim-conflict-interest-policy-requirements-financial-assistance>.

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.

## 8. Whistleblower Protections

As provided in 2 CFR 200.217, an employee of a recipient or subrecipient must not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant. The recipient and subrecipient must inform their employees in writing of employee whistleblower rights and protections.

## 9. 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 terms and conditions outlined in appendix XII of 2 CFR Part 200 are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339. (See also 2 CFR part 180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.) [85 FR 49539, Aug. 13, 2020]

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

## 10. 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 prior to award. Recipients will have an ongoing responsibility to notify DOE of changes to the personnel and collaborating organizations and submit updated information during the life of the award.

## 11. 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.

## 12. Prohibition Related to Malign Foreign Talent Recruitment Programs

### Prohibition

As required by law,<sup>4</sup> *Covered Individuals* participating in a *Malign Foreign Talent Recruitment Program* are prohibited from participating in projects selected for federal funding under this NOFO. Should an award result from this NOFO, the recipient must exercise ongoing due diligence to reasonably ensure that no such individuals participating on the DOE-funded project are participating in a *Malign Foreign Talent Recruitment Program*. 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 malign foreign talent recruitment program. DOE may modify and add requirements related to this prohibition to the extent required by law.

*Covered Individuals* and the applicant must provide certifications regarding no participation in *Malign Foreign Talent Recruitment Programs* (see the Current and Pending Support section and Transparency of Foreign Connections section).

### Non-Discrimination

DOE will ensure that the Malign Foreign Talent Recruitment Program Prohibition is carried out in a manner that does not target, stigmatize, or discriminate against individuals on the basis of race, ethnicity, or national origin, consistent with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

### Definitions

#### **Malign Foreign Talent Recruitment Program. as defined in P.L. 117-167, Section 10638(4):**

- A) any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the

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<sup>4</sup> See sections 10631-10632 of [P.L. 117-167 \(42 USC 19231-19232\)](#); [OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf \(whitehouse.gov\)](#).

targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual—

- i. engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
- ii. being required to recruit trainees or researchers to enroll in such program, position, or activity;
- iii. establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a federal research and development award;
- iv. being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
- v. through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award;
- vi. being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
- vii. being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the federal research and development award;
- viii. being required to not disclose to the federal research agency or employing institution the participation of such individual in such program, position, or activity; or
- ix. having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the federal research and development award; and

B) a program that is sponsored by—

- i. a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;
- ii. an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; <sup>1</sup> Public Law 115–232); or
- iii. a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; <sup>1</sup> Public Law 115–232).

Consistent with applicable law (42 U.S.C. 19232), this provision does not prohibit, unless such activities are funded, organized, or managed by an academic institution or a foreign talent recruitment program on the lists developed under paragraphs (8) and (9) of section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115–232)—

- A) making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;

- B) participation in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;
- C) advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request; and
- D) other international activities determined appropriate by the federal research agency head or designee.

### 13. Intellectual Property Provisions

Patent Rights. Under the Bayh-Dole Act (35 U.S.C. § 200 et seq.), recipient may elect to retain title to their subject inventions.

Rights in Technical Data. The Government and recipient have 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.

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

U.S. Manufacturing. On June 7, 2021, in connection with a 100-day review of critical supply chains as directed under E.O. 14017, America's Supply Chains, the DOE Science and Energy Determination of Exceptional Circumstances (S&E DEC) was announced as part of a series of new policy actions to support U.S. job creation and bolster the domestic manufacturing supply chain. As a result, the Intellectual Property Provisions at requires that any products embodying any subject invention or produced through the use of any subject invention will be manufactured substantially in the United States unless the recipient can show to the satisfaction of DOE that it is not commercially feasible.

The standard DOE financial assistance intellectual property provisions applicable to various types of recipients are located at:

<https://energy.gov/gc/standard-intellectual-property-ip-provisions-financial-assistance-awards>

### 14. Conference Spending

The recipient shall not expend any funds on a conference not directly and programmatically related to the purpose for which the grant or cooperative agreement was awarded that would defray the cost to the U.S. government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the U.S. government would otherwise exceed \$20,000, thereby circumventing the required notification by the head of any such Executive Branch department,

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

## 15. Invoice Review and Approval

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

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

## 16. Cost Share Payment

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

In limited circumstances, and where it is in the government's interest, the DOE Grants Officer may approve a request by the recipient to meet its cost share requirements on a less frequent basis than required by the terms and conditions of the award. Regardless of the interval requested, the recipient must be up to date on cost share at each interval. Such requests must be sent to the Grants Officer during award negotiations and include the following information: (1) a detailed justification for the request; (2) a proposed schedule of payments, including amounts and dates; (3) a written commitment to meet that schedule; and (4) such evidence as necessary to demonstrate that the recipient has complied with its cost share obligations to date. The Grants Officer must approve all such requests before they go into effect.

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

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

## 18. Affirmative Action and Pay Transparency Requirements

All recipients 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 other concerted activities for the purpose of mutual aid or protection.

All federally assisted construction contracts exceeding \$10,000 annually will be subject to the requirements of Executive Order 11246, as amended—Equal Employment Opportunity:

- 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.
- 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.
- Recipients, subrecipients, contractors, and subcontractors are prohibited from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or, under certain circumstances, the pay of their co-workers.

DOL's Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations related to Executive Order 11246, as amended. Consult OFCCP's Technical Assistance Guide<sup>5</sup> to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances, produced by DOE.

Additionally, for construction projects valued at \$35 million or more and lasting more than one year, the recipients, subrecipients, contractors, and subcontractors may be selected by the OFCCP to participate in the *Mega Construction Project Program*. DOE, under relevant legal authorities including Sections 205 and 303(a) of Executive Order 11246, as amended, will require participation as a term of the award. This program offers extensive compliance assistance with Executive Order 11246. For more information regarding this program, see <https://www.dol.gov/agencies/ofccp/construction/mega-program>.

## B. Reporting

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Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award agreement. A sample checklist is available at <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms> under Award Forms.

DOE must measure the performance to show achievement of program goals and objectives, share lessons learned, improve program outcomes, and foster the adoption of promising practices. DOE will establish program goals and objectives during negotiations and incorporate it into the award terms. To clearly communicate the specific reporting requirements to meet the program goals and objectives in the federal award, DOE combined all reporting into one document, the Federal Assistance Reporting

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<sup>5</sup> See OFCCP's Technical Assistance Guide at: <https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec> Also see the National Policy Assurances <http://www.nsf.gov/awards/managing/rtc.jsp>

Checklist. This document, attached to the award agreement, provides any expected outcomes (such as outputs, service performance, or public impacts of any of these), indicators, targets, baseline data, or data collections that the applicant will be responsible for measuring and reporting.

## IX. Other Information

### A. Modifications

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Notices of any modifications to this announcement will be posted on [www.FedConnect.net](http://www.FedConnect.net) and [www.Grants.gov](http://www.Grants.gov). It is recommended that the website is checked frequently to ensure timely notice of any modifications or other announcements.

### B. Proprietary Application Information

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Patentable ideas, trade secrets, proprietary or confidential commercial or financial information, disclosure of which may harm the applicant, should be included in an application only when such information is necessary to convey an understanding of the proposed project. The use and disclosure of such data may be restricted, provided the applicant includes the following legend on the first page of the project narrative and specifies the pages of the application which are to be restricted:

“The data contained in pages [Insert pages] of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government’s right to use or disclose data obtained without restriction from any source, including the applicant.”

To protect such data, each line or paragraph on the pages containing such data must be specifically identified and marked with a legend similar to the following:

“The following contains proprietary information that (name of applicant) requests not be released to persons outside the Government, except for purposes of review and evaluation.”

### C. No Cost Time Extensions

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Unilateral no-cost time extensions will NOT be permitted to awards made under this NOFO. All no-cost time extensions must provide adequate justification and receive approval from the Contracting Officer. No-cost time extensions should be requested as soon as the need is identified within the last year of the award.

No-cost time extensions on existing NE funded projects are typically considered 90 to 180 days prior to the end of the award period. Any request outside of this period will need to be substantially justified and receive approval from the Contracting Officer. One no-cost time extension request may be granted for up to 12 months pending review and approval.

## D. Re-Budget Request

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Any rebudget request where the cumulative amount of such change is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency must be requested in writing (see 2 CFR subpart 200.308). The request must include a detailed budget justification, and an updated budget in the same format for which was included in the original application. Any request for the purchase of equipment exceeding \$5K must be requested in writing to include a valid quote and justification for purchase.

Budget forms can be found at <https://www.energy.gov/management/downloads/sf-424-research-and-related-budget-rr>

## E. Government Right to Reject or Negotiate

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

## F. Commitment of Public Funds

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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 explicit or implied, is invalid.

Funding for all awards is contingent upon the availability of funds appropriated by Congress for the purpose of this program.

## G. Treatment of Application Information

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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 NOFO. 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 federal government's right to use the information if it is obtained from another source.

Applications and other submissions containing trade secrets or business-sensitive, proprietary, or otherwise confidential information must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The federal government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose as authorized by law.

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

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

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

In addition, (1) the header and footer of every page that contains trade secrets or business-sensitive, proprietary, or otherwise confidential information must be marked as follows: “Contains Trade Secrets, 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.

## H. Notice Regarding Eligible/Ineligible Activities

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Political 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 that encourage or support political activities such as the collection and dissemination of information related to potential, planned, or pending legislation.

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

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

Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment. As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (federal funds and recipient cost share) to procure or obtain; extend or renew a contract to procure or

obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Section 889 of Public Law 115-232, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

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

## **I. Notice of Right to Conduct a Review of Financial Capability**

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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. Requirement for Full and Complete Disclosure**

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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 cancellation of award negotiations;
- The modification, suspension, and/or cancellation of a funding agreement;
- The initiation of debarment proceedings, debarment, and/or a declaration of ineligibility for receipt of federal contracts, subcontracts, and financial assistance and benefits; and
- Civil and/or criminal penalties.

## **K. Retention of Submissions**

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DOE expects to retain copies of all applications and other submissions. By applying to DOE for funding, applicants consent to DOE's retention of their submissions.

## **L. Title to Subject Inventions**

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

- a. Domestic Small Businesses, Educational Institutions, and Nonprofits: Under the Bayh-Dole Act (35 U.S.C. § 200 et seq.), domestic small businesses, educational institutions, and nonprofits may elect to retain title to their subject inventions.
- b. Domestic Large Businesses: DOE has issued a class patent waiver that applies to this NOFO. Under this class waiver, domestic large businesses may elect title to their subject inventions similar to the right provided to the domestic small businesses, educational institutions, and nonprofits by law. To avail itself of the class waiver, a domestic large business must agree that any products embodying or produced through the use of a subject invention first conceived or first actually reduced to practice under this program will be substantially manufactured in the United States.

- c. All other parties: The Federal Non-Nuclear Energy Act of 1974, 42. U.S.C. § 5908, provides that the government obtains title to new inventions unless a patent waiver is granted. Applicants not covered by a Class Patent Waiver or the Bayh-Dole Act may request a patent waiver that will cover subject inventions that may be invented under the award, in advance of or within 30 days after the effective date of the award. Even if an advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver for identified inventions, i.e., individual subject inventions that are disclosed to DOE within the timeframes set forth in the award's intellectual property terms and conditions. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784.
- d. 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 subawards, under the applicable NOFO Part 1 shall include the U.S. Competitiveness Provision in accordance with the U.S. Manufacturing Commitments. 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.
- e. DOE may issue and publish further DEC's on the website above prior to the issuance of awards under the applicable NOFO Part 1. DOE may require additional submissions or requirements as authorized by any applicable DEC.

## M. Government Rights in Subject Inventions

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Where recipients, subrecipients, and contractors retain title to subject inventions, the U.S. government retains certain rights.

### Government Use License

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

### March-In Rights

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

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

- The owner or licensee has not taken or is not expected to take effective steps to achieve practical application of the invention within a reasonable time;

- The owner or licensee has not taken action to alleviate health or safety needs in a reasonably satisfied manner;
- The owner has not met public use requirements specified by federal statutes in a reasonably satisfied manner; or
- The United States manufacturing requirement has not been met.

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

## N. Copyright

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

## O. Export Control

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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.

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

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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 covered telecommunications equipment or services; extend or renew a contract to procure or obtain covered telecommunications equipment or services; or enter into a contract (or extend or renew a contract) to procure or obtain *covered telecommunications equipment or services*. As described in Section 889 of Public Law 115-232, covered telecommunications equipment or services is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

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

## Q. Personally Identifiable Information (PII)

All information provided by the applicant must, to the greatest extent possible, exclude PII. “PII” refers to information that can be used to distinguish or trace an individual’s identity, such as their name, Social Security number, or biometric records, alone or combined with other personal or identifying information linked or linkable to a specific individual, such as date and place of birth or mother’s maiden name. (See [OMB Memorandum M-17-12](#) dated January 3, 2017.)

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

## R. Annual Independent Audits

If a for-profit entity is a recipient and has expended \$1,000,000 or more of DOE awards during the entity’s fiscal year, an annual compliance audit performed by an independent auditor is required. For additional information, please refer to 2 CFR 910.501 and Subpart F.

If an educational institution, nonprofit organization, or state/local government is a recipient or subrecipient and has expended \$1,000,000 or more of federal awards during the non-federal entity’s fiscal year, a Single or Program-Specific Audit is required. For additional information, please refer to 2 CFR 200.501 and Subpart F.

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

## S. Acronyms

Acronym Spelled Out		Acronym Spelled Out	
<b>ANC</b>	Alaska Native Corporation	<b>NNSA</b>	National Nuclear Security Administration
<b>BABA</b>	Build America, Buy America Act	<b>NOFO</b>	Notice of Funding Opportunity
<b>BIL</b>	Bipartisan Infrastructure Law	<b>NSF</b>	National Science Foundation
<b>CBP</b>	Community Benefits Plan	<b>OFCCP</b>	Office of Federal Contractor Compliance Programs
<b>CEJST</b>	Climate and Economic Justice Screening Tool	<b>OIG</b>	Office of Inspector General
<b>CEQ</b>	Council on Environmental Quality	<b>OMB</b>	Office of Management and Budget
<b>COI</b>	Conflict of Interest	<b>OSHA</b>	Occupational Safety and Health Administration

<b>CRADA</b>	Cooperative Research and Development Agreement	<b>OSTI</b>	Office of Scientific and Technical Information
<b>DBA</b>	Davis-Bacon Act	<b>OTA</b>	Other Transactions Authority
<b>DEC</b>	Determination of Exceptional Circumstances	<b>PII</b>	Personally Identifiable Information
<b>DEIA</b>	Diversity, Equity, Inclusion, and Accessibility	<b>PLA</b>	Project Labor Agreement
<b>DMP</b>	Data Management Plan	<b>RD&amp;D</b>	Research, Development, and Demonstration
<b>DOE</b>	United States Department of Energy	<b>RMP</b>	Risk Management Plan
<b>DOI</b>	Digital Object Identifier	<b>RTES</b>	Research, Technology, and Economic Security
<b>DOL</b>	United States Department of Labor	<b>SAM</b>	System for Award Management
<b>EO</b>	Executive Order	<b>SciENCv</b>	Science Experts Network Curriculum Vita
<b>FCOI</b>	Financial Conflicts of Interest	<b>SMART</b>	Specific, Measurable, Achievable, Relevant, and Timely
<b>FFATA</b>	Federal Funding and Transparency Act of 2006	<b>SOPO</b>	Statement of Project Objectives
<b>FFRDC</b>	Federally Funded Research and Development Center	<b>SPOC</b>	Single Point of Contact
<b>IRA</b>	Inflation Reduction Act	<b>STEM</b>	Science, Technology, Engineering, and Mathematics
<b>M&amp;O</b>	Management and Operations	<b>TA</b>	Technical Assistance
<b>MFA</b>	Multi-Factor Authentication	<b>TRL</b>	Technology Readiness Level
<b>MSI</b>	Minority-Serving institution	<b>UCC</b>	Uniform Commercial Code
<b>NDA</b>	Non-Disclosure Acknowledgement	<b>UEI</b>	Unique Entity Identifier
<b>NEPA</b>	National Environmental Policy Act	<b>WBS</b>	Work Breakdown Structure
<b>NHPA</b>	National Historic Preservation Act	<b>WP</b>	Work Proposal