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

FY24 Scale-Up of Integrated Biorefineries

Funding Opportunity Announcement (FOA) Number: DE-FOA-0003371
FOA Type: Mod 000001
Assistance Listing Number: 81.087

FOA Issue Date:	September 11, 2024
Informational Webinar:	October 2, 2024
Submission Deadline for Concept Papers:	November 7, 2024 5:00 p.m. ET
Submission Deadline for Full Applications:	January 31, 2025 5:00 p.m. ET
Expected Submission Deadline for Replies to Reviewer Comments:	March 26, 2025 5:00 p.m. ET
Expected Date for EERE Selection Notifications:	June 30, 2025
Expected Timeframe for Award Negotiations:	July 2025 – October 2025

- Applicants must submit a Concept Paper by 5:00 p.m. ET on the due date listed above to be eligible to submit a Full Application.

- To apply to this FOA, applicants must register with and submit application materials through EERE eXCHANGE at https://eere-eXCHANGE.energy.gov, EERE's online application portal.

- Applicants must designate primary and backup points-of-contact in EERE eXCHANGE with whom EERE will communicate to conduct award negotiations. If an application is selected for award negotiations, it is not a commitment to issue an award. It is imperative that the applicant/selectee be responsive during award negotiations and meet negotiation deadlines. Failure to do so may result in cancelation of further award negotiations and rescission of the selection.

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

complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award, DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

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

Modifications

All modifications to the FOA are [HIGHLIGHTED] in the body of the FOA.

Mod. No.	Date	Description of Modification
000001	12/13/24	• Extend the Full Application submission deadline from January 16th, 2025 at 5:00PM ET to January 31st, 2025 at 5:00PM ET to allow sufficient time for development during end of calendar year activities. Adjusted all proceeding dates, such as Reply to Reviewer Comments, by an equal amount of time. Adjusted award notification dates for Research, Technology, and Economic Security review. • Updated Table 3 to align the Allowable Fuel Types with Table 1.

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I. Funding Opportunity Description

A. Background and Context

i. Background and Purpose

Building a clean and equitable energy economy and addressing the climate crisis is a top priority of the Biden Administration. This Funding Opportunity Announcement (FOA) will advance the Biden Administration's goals to achieve carbon pollution-free electricity by 2035 and to "deliver an equitable, clean energy future, and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050" to the benefit of all Americans.[1] The Department of Energy (DOE) is committed to pushing the frontiers of science and engineering, catalyzing clean energy jobs through research, development, demonstration, and deployment (RDD&D), and ensuring environmental justice and inclusion of underserved communities.

In support of these Administration priorities, the Bioenergy Technologies Office (BETO) conducts research, development and demonstration (RD&D) activities to enable a diverse supply of renewable waste streams and biomass as well as cost-effective conversion technologies nationwide, emphasizing later-stage demonstration to accelerate deployment of biofuels and bioproducts. As part of a comprehensive strategy to decarbonize all modes of transportation, BETO is primarily focused on production of "drop-in" biofuels that serve hard-to-electrify transportation modes such as aviation, marine, rail, off-road, and heavy-duty trucks. The U.S. transportation sector overwhelmingly relies on petroleum, which supplies over 90 percent of its energy needs.[2] Aviation, marine, and heavy-duty vehicles account for 37 percent of transportation energy use.[3] These modes are projected to grow considerably faster than other modes and are more difficult to electrify, making drop-in biofuels a near-term option to reduce petroleum use and carbon-dioxide (CO_2) emissions.

This FOA supports high-impact technology RD&D to accelerate the bioeconomy via the production of low-carbon fuels for the aviation, marine, rail, and heavy-duty industries, and renewable chemical production with dramatically reduced lifecycle greenhouse gas (GHG) emissions compared to the petroleum incumbent. BETO is focused on RD&D to improve the performance and reduce

[1] Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.
[2] https://www.eia.gov/energyexplained/use-of-energy/transportation.php.
[3] Davis, Stacy C., and Robert G. Boundy. Transportation Energy Data Book: Edition 39. Oak Ridge National Laboratory, 2020, https://doi.org/10.2172/1767864.

cost of biofuel and renewable chemical production technologies and scale-up production systems in partnership with industry. By reducing cost and technical risk, BETO can help pave the way for industry to deploy commercial-scale integrated biorefineries and reduce greenhouse gas emissions from hard-to-decarbonize sectors, such as the aviation industry. Under the current BETO vision, these biomass feedstocks will be developed for use in the production of renewable fuels and chemicals through a variety of conversion technologies. BETO is focused on developing and demonstrating technologies that are capable of producing low-carbon, cost-effective biofuels and products by 2030, via production pathways that can deliver at least 70% lower lifecycle GHG emissions than petroleum. BETO further aims to support the demonstration of 4-5 fully integrated biorefineries, thereby increasing the number of proven pathways to produce sustainable aviation fuels, as well as sustainable marine, heavy-duty truck, off-road vehicle, and rail fuels, by 2030.

This FOA continues BETO's multi-year biorefinery scale-up strategy to fill the RD&D-to-industry pipeline as technologies are ready to scale, ultimately demonstrating feedstock conversion or production pathways to support commercialization of sustainable transportation fuels and renewable chemicals. The scale-up strategy utilizes a phased approach with a down-select between Phase 1: Verification and Design Basis Definition and Phase 2: Detailed Design, Construction and Operation of pilot- or demonstration-scale biorefineries.

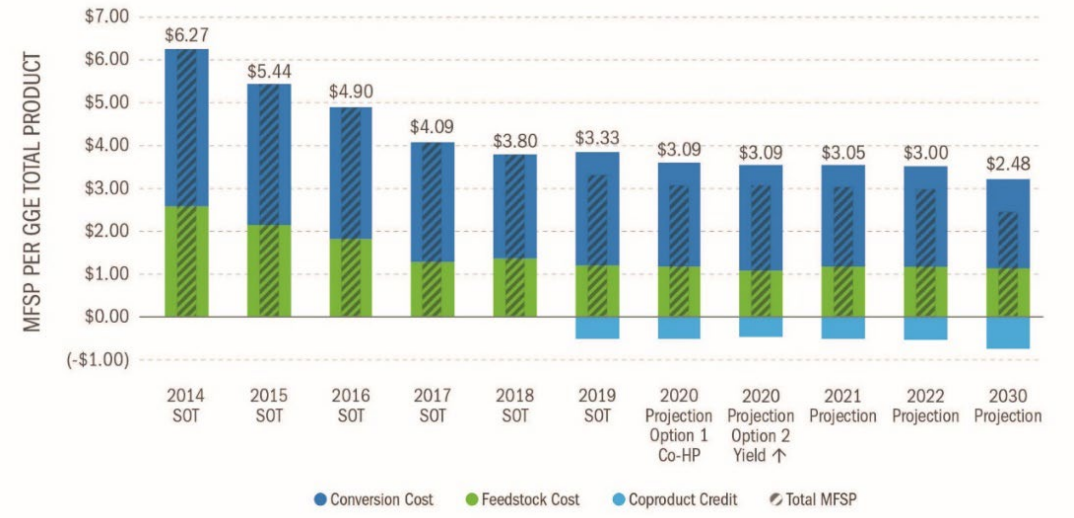
ii. Technology Space and Strategic Goals

The U.S. has the potential to sustainably produce enough renewable carbon resources to meet the demand for Sustainable Aviation Fuel (SAF), provide renewable alternatives for other hard to electrify modes, including marine, and a variety of carbon-based chemicals.[4] The availability and cost of renewable carbon resources vary geographically; each resource type, such as agricultural waste, forestry waste, municipal solid waste, and purpose-grown energy crops, has its own unique technology challenges, market barriers and opportunities. BETO manages its RD&D portfolio with the goal of enabling the production of biofuels and bioproducts from the entire range of renewable carbon resources—demonstrating and supporting scale-up of the most viable, commercially-ready production systems, while continuing RD&D on new production pathways that will be essential to meeting long-term decarbonization goals.

[4] U.S. Department of Energy. 2024. 2023 Billion-Ton Report: An Assessment of U.S. Renewable Carbon Resources. M. H. Langholtz (Lead). Oak Ridge, TN: Oak Ridge National Laboratory. ORNL/SPR-2024/3103. doi: 10.23720/BT2023/2316165.

This FOA seeks applications to address the scale-up of promising technical pathways that produce cost-effective biofuels for aviation, marine, rail, off-road vehicle and heavy-duty trucks, and renewable chemicals. This FOA will fund the development, testing, and verification at engineering scale, of new technology and feedstock pathways for integrated biorefineries to reduce technology uncertainty through cost-shared pilot- and demonstration-scale biorefinery projects with industry. BETO will continue implementing its multi-year strategy to fill the technology-to-market pipeline as technologies are ready to scale, ultimately demonstrating enough feedstock-conversion variations, or production pathways, to support commercialization and meet the SAF Grand Challenge goal of 35 billion gallons per year SAF production by 2050.[5] The major focus of the effort is to build demonstration-scale integrated biorefineries to de-risk technologies that will put the transportation sector on the trajectory for net-zero emissions by 2050. The successful scale-up and commercial deployment of these integrated biorefineries will contribute to decreasing CO_2 emissions by 450 million metric tons (MMT) per year by 2050.

Illustrative biofuel pathway progress is assessed annually by BETO using techno-economic analyses (TEA), which translate technology development into modeled gasoline gallon equivalent (GGE) price improvements. These results, along with life cycle analysis (LCA) of energy and emissions and supply chain sustainability analyses, which estimate the environmental impact of improvements, are referred to by BETO as the state of technology. Figure 1 illustrates the TEA impact of technology development progress representing a significant reduction in the modeled Minimum Fuel Selling Price (MFSP) and projections of future improvements for one example technology pathway.



[5] https://www.energy.gov/eere/bioenergy/sustainable-aviation-fuel-grand-challenge

Figure 1: Illustrative biofuel pathway progress toward a cost competitive fuel (woody feedstocks via catalytic fast pyrolysis and upgrading pathway). [6]

Significant RD&D is still required to reach the ultimate trajectory of a cost competitive MFSP and to achieve the desired 70% reduction in greenhouse gas (GHG) emissions. The Topic Areas in this FOA seek to directly address the development of integrated processes, tested and verified at engineering scale, to reduce technological uncertainties and enable industry deployment.

This FOA also supports scale-up activities to produce organic chemicals and cost-advantaged bioproducts from biomass and waste feedstocks that can replace those currently derived from petroleum. The U.S. bulk chemicals industry accounted for 274 million metric tons (MMT) of CO_2 emissions in 2020.[7] This substantial carbon footprint can be broadly attributed to a combination of the fossil carbon input required in production as well as the high energy requirements to convert that carbon to the targeted product.[8] While other sectors of the economy can completely decarbonize at the point of end-use, most of the organics, petrochemicals, and polymer resins produced and used in the US today will remain carbon-based for the foreseeable future. These chemicals make up approximately 40% of the overall GHG footprint of the chemicals industry, and the use of alternative carbon feedstocks such as biomass, municipal solid waste, and CO_2 provides an opportunity to not only reduce the carbon footprint of the input material but also a route to conversion strategies of that require less energy. Such technologies are the target of Topic Area 3 and are essential for achieving a net-zero economy by 2050.

Topic Areas 1 and 2 of this FOA will identify, evaluate, and select applications proposing project definition, development, and execution plans for the scaling of biofuel technologies to pilot-, or demonstration-scale plants to produce renewable fuels for aviation, off-road, marine, rail, and heavy-duty transportation modes. Topic Area 3 of this FOA supports scale-up activities to produce organic chemicals from renewable feedstocks. Detailed technical descriptions of the specific Topic Areas are provided in the sections that follow.

[6] D. S. Hartley, D. N. Thompson, and H. Cai, Woody Feedstocks 2019 State of Technology Report (Idaho Falls, ID: Idaho National Laboratory, INL/EXT-20-57181, 2019), https://inldigitallibrary.inl.gov/sites/sti/sti/Sort_21882.pdf.
[7] DOE. 2022. "Industrial Decarbonization Roadmap." September 2022. Pg. 59. https://www.energy.gov/sites/default/files/2022-09/Industrial%20Decarbonization%20Roadmap.pdf
[8] Nicholson SR et al., ACS Sustainable Chemistry and Engineering. 2023. DOI: 10.1021/acssuschemeng.2c05417

iii. Teaming Partner List

DOE is compiling a Teaming Partner List to facilitate the formation of project teams for this FOA. The Teaming Partner List allows organizations that may wish to participate on a project to express their interest to other applicants and explore potential partnerships.

The Teaming Partner List will be available on EERE eXCHANGE and will be regularly updated to reflect new teaming partners who provide their organization's information.

SUBMISSION INSTRUCTIONS: View the Teaming Partner List by visiting the EERE eXCHANGE homepage and clicking on "Teaming Partners" within the left-hand navigation pane. This page allows users to view published Teaming Partner Lists. To join the Teaming Partner List, submit a request within eXCHANGE. Select the appropriate Teaming Partner List from the drop-down menu and fill in the following information: Investigator Name, Organization Name, Organization Type, Topic Area, Background and Capabilities, Website, Contact Address, Contact Email, and Contact Phone.

DISCLAIMER: By submitting a request to be included on the Teaming Partner List, the requesting organization consents to the publication of the above-referenced information. By facilitating the Teaming Partner List, DOE is not endorsing, sponsoring, or otherwise evaluating the qualifications of the individuals and organizations that are identifying themselves for placement on this Teaming Partner List. DOE will not pay for the provision of any information, nor will it compensate any applicants or requesting organizations for the development of such information.

B. Topic Areas

i. Scale-up of Bioenergy Technologies Overview

Significant progress has been made in the biofuels industry through both government and private sector RD&D over the last 10 years; some technologies are now ready for scale-up to support their ultimate commercialization. BETO recognizes that the availability of financing for first-of-a-kind process systems can be a barrier to the commercialization of advanced biofuels. Pilot- and demonstration-scale facilities are key to ensuring that commercial biorefineries are successful. BETO is looking for bioenergy FOA applicants that are ready to move their technologies from the laboratory to the pilot and demonstration stages and eventually commercialization.

Based on lessons learned from previous pilot, demonstration, and pioneer integrated biorefineries, BETO's scale-up strategy will:

- Allow projects to be funded at either the pilot or demonstration scale.
- Require that projects have the data to show they have completed the previous stage successfully. BETO will accept this data from either a previous BETO-funded demonstration or a self-completed biorefinery plant operation performed by the recipient.
- Provide a consistent scale-up funding opportunity subject to future appropriations and the availability of funds to decrease the uncertainty surrounding bioenergy technologies in industry.

This continuing scale-up strategy includes a multi-faceted approach in partnership with the private sector, the DOE national laboratories, and academia, which brings together the following elements:

- Focus on the RD&D of sustainable aviation fuel[9], heavy-duty truck[10] fuel, sustainable marine fuel[11], off-road vehicle fuel[12], sustainable rail fuel[13] and renewable organic chemicals;
- Provision of opportunities for pilot- and demonstration-scale projects;
- Allowance for renewable fuels that are not liquid at standard temperature and pressure; e.g, liquefied petroleum gas (LPG) or renewable natural gas (RNG);
- Inclusion of opportunities for a variety of feedstocks including traditional agricultural and forestry wastes, other lignocellulosic feedstocks, algae, organic wet waste, sorted municipal solid waste, food waste, biogas, grain starch, oilseed crops, waste carbon dioxide (CO_2), and CO_2 by direct air capture. Reference Appendix E for a full list of acceptable feedstocks for each Topic Area. **Any application or project proposing the use of any feedstock source not included in Appendix E is not of interest under this FOA and will not be considered**.
- Leveraging the existing infrastructure, supply chains, and resources from adjacent industries, including but not limited to first-generation biorefineries, petrochemical production, and pulp and paper production; and
- Encouraging the development and use of predictive models and high-performance computing as tools to lower risk and accelerate scale-up of biotechnologies.

[9] See Glossary (Appendix J) for sustainable aviation fuel (SAF) definition as it pertains to this FOA.
[10] See Glossary (Appendix J) for heavy-duty truck definition as it pertains to this FOA.
[11] See Glossary (Appendix J) for sustainable marine fuel definition as it pertains to this FOA.
[12] See Glossary (Appendix J) for off-road vehicle fuel definition as it pertains to this FOA
[13] See Glossary (Appendix J) for Sustainable rail fuel definition as it pertains to this FOA.

The goal for this work is to help speed the uptake and commercialization of these technologies by the private sector.

To reach that goal, the FOA will fund projects at various levels of technology readiness from pilot to demonstration scale, jointly ranging from Technology Readiness Level (TRL) 5 to 7. BETO is focused on funding these larger-scale applications with the goal of providing a path to the construction and commissioning of four to five demonstration-scale renewable-fuel-producing biorefineries by 2030. Of particular interest are those proposing technologies that support fuels for sustainable aviation, marine, rail, off-road and heavy-duty transportation modes (as opposed to light-duty vehicles); CO_2 conversion; waste and underutilized carbon feedstocks[14]; and novel process technologies at the pilot and demonstration scales that leverage existing first-generation biorefinery assets and infrastructure.

BETO anticipates the availability of $12,000,000 to fund Topic Areas 1, 2 and 3, collectively (reference Section II.A.I). This includes only the verification and preliminary design of pilots and demonstrations. ("Phase 1" of the projects, as described below). Selections may be made from only one Topic Area or multiple Topic Areas, depending on the Applicant pool and the outcome of the evaluation process.

ii. Topic Area 1: Pilot Scale-up of Integrated Biorefineries – Phase 1 Preliminary Design and Phased Construction

Topic Area 1 will identify, evaluate, and select applications proposing project definition, development, and execution plans for the scaling of pre-pilot biofuel and bioproduct technologies to pilot scale, including only the following activities:

- the manufacturing of sustainable aviation fuel, heavy-duty truck fuel, off-road vehicle fuel, sustainable marine fuel, and/or sustainable rail fuel;
- fuels may be liquid or gaseous at standard temperature and pressure;
- novel process technologies that leverage existing first generation, grain starch, biorefinery assets and infrastructure; and/or
- novel process technologies that leverage U.S.-produced, oilseed crops (see Appendix E) that meet all other metrics of Topic Area 1, including achieving at least 70% GHG reductions. This activity may include the utilization of oil-seed cover crops, the co-processing of intermediates and oilseed oils, blending of SAFs from various feedstocks, among other innovative concepts.

[14] https://www.energy.gov/eere/bioenergy/waste-energy

Topic Area 1, Pilot Scale-up of Integrated Biorefineries – Phase 1 Preliminary Design and Phased Construction, is intended for projects that have all prior-scale data and are ready to design a pilot facility. Projects selected under Topic Area 1 may have an opportunity to construct and operate their designed pilot facility based on the down-select process described below.

Topic Area 1 will provide the ability for pre-pilot technologies to scale to pilot scale. Pilot-scale facilities developed under Topic Area 1 must produce, at the plant's rated capacity, a minimum quantity of 20,000 gallons per year of liquid biobased hydrocarbon fuel for aviation, marine, rail, off-road, or heavy duty applications.

Scaled-up and integrated operations of these process technologies are essential to enable the industry to build future demonstration-, pioneer-, and commercial-scale facilities. Successfully scaling and operating process technology is critical for biotechnologies to remain a significant near-term decarbonization pathway.

Applications submitted under Topic Area 1 must meet a minimum neat biofuel throughput of 20,000 gallons per year equivalent. Proposed technologies must meet 70% GHG reduction relative to the petroleum-derived alternative. **Although 70% GHG reduction is the minimum allowable, applications with greater GHG reductions are highly encouraged and may receive preference by way of a Program Policy Factor (section V.C.i).** The minimum baseline technology readiness level for projects submitted under this topic is TRL 5 with a maximum of TRL 6 at the conclusion of the project. Minimum requirements for Topic Area 1 are shown in Table 1 below:

Table 1: Topic Area 1 Project Minimum Requirements*

Metric:	Minimum:
Fuel Type[15]	Sustainable aviation fuel, heavy-duty truck fuel, sustainable marine fuel, off-road vehicle fuel, and/or sustainable rail fuel.
Fuel Selling Price	Cost competitive with petroleum-based fuels (model TEA for n^{th} plant)
Cumulative Time on Stream	1,500 hours
Continuous Time on Stream	1,000 hours
Throughput Equivalent	20,000 gallons of biofuel per year equivalent
GHG Reductions	70%

[15] See Glossary (Appendix J) for the definitions of fuel types pertaining to this FOA.

Allowable Feedstocks[16]	Lignocellulosic Feedstocks, Algae, Organic Wet Waste, Sorted Municipal Solid Waste, Food Waste, Biogas, Grain Starch, Oilseed Crops, C&D Waste, Waste CO_2, and CO_2 by Direct Air Capture
*Applications submitted under Topic Area 1 must reflect the minimum requirements indicated in this table as the expectation for an eventual facility that may be constructed and operated in Phase 2, subject to the application's down-selection from Phase 1.	

Given the high cost and complexity of pilot-scale projects, selected applicants in Topic Area 1 will undergo a phased approach as depicted below in Table 2: Topic Area 1 Award Structure. Phase 1 will consist of a 24-month "Verification & Design Basis Definition" phase to verify prior-scale data and readiness to proceed. Up to $3,000,000 of federal funds will be made available for each selected Phase 1 project. A minimum of 50% cost share is required for Phase 1. DOE will conduct a down-select review between Phase 1 and the final design/construction/operation phase (Phase 2), also referred to as Critical Decision (CD) 2.[17] The down-select decision will be made by DOE at the completion of the 12 to 24-month Phase 1 period. Project performance in Phase 1, as well as portfolio balance, availability of funds, and other factors, will be considered in the down-select process. Please see Appendix I – Preliminary Design Requirements for a list of the criteria upon which EERE will evaluate Phase 1 projects. Only projects selected by DOE as a result of the down-select process will be eligible to receive additional Phase 2 funding, subject to future appropriations and availability of funds and be permitted to proceed into the 36-60 month design/construction/operation phase (Phase 2).

Table 2: Topic Area 1 Award Structure – Preliminary Design and Phased Construction

<table>
<tr><th>Phases</th><th>Budget Periods</th><th>Scope</th></tr>
<tr><td rowspan="3">Phase 1 – Verification & Design Basis Definition (12 - 24 Months)</td><td>BP1</td><td>Verification of baseline data presented in application</td></tr>
<tr><td colspan="2">Go/No-Go
Review of Verification outcome</td></tr>
<tr><td>BP2</td><td>Design Basis Definition</td></tr>
<tr><td colspan="3">Down-select (CD-2)
Approve project scope and begin design (Subject to future appropriations and availability of funds)</td></tr>
</table>

[16] see Appendix G for feedstock definitions

[17] https://www.directives.doe.gov/directives-documents/400-series/0413.3-BOrder-b/@@images/file

Phase 2 – Final Design, Construction, Operation (36-60 Months)	BP3	Project Definition - preliminary planning and design
	Go/No-Go (CD-3) Review to approve start of construction	
	BP4	Project Execution - complete final design and construction
	Go/No-Go (CD-4) Performance test to verify readiness to begin operations	
	BP5	Operations

Applications should consider Phase 2 (Final Design, Construction, Operation) pilot - scale projects on the order of $15,000,000 of federal funds plus a minimum of 50% Applicant cost-share when developing their Phase 1 applications. Only Phase 1 funds will be obligated at time of initial award. **Selection for a Phase 1 award does not guarantee a Phase 2 award. Phase 2 funds are subject to future appropriations and availability of funds, which may be obligated to successful Phase 2 awards only in the event that a down-select occurs (see section VI.C.).**

Topic Area 1 Phase 1 Deliverables

At the end of Phase 1, a full design package and other project deliverables will be reviewed and verified by DOE and its Independent Engineer. The full design package includes items such as Process Design Basis Documents, Process Flow Diagrams, Mass and Energy Balances, budgetary estimates, and schedules. A complete list of design package elements and other Phase 1 requirements is found in Appendix I.

Topic Area 1 Initial Project Verification

All Topic Area 1, Phase 1 projects will be subject to an initial verification effort to review their baseline and proposed targets and will result in a Go/No-Go decision (see Section VI.B.xv). The verification will require that the selected applicant conduct a performance test of the process proposed in its application. The performance test will require that the selected applicant reproduce data sets commensurate to the prior-scale work presented in the application. The prior-scale data sets must be provided to DOE or its representatives (such as an Independent Engineer), for review in support of the verification effort. The outcome of this performance test will be a primary component of the Go/No-Go decision. Applicants must include this task within their proposed scope, schedule, and budget. It is anticipated that the initial verification can take up to six months; Applicants must include this task in their schedule as Budget Period 1.

Note: Applicants will be required to execute the appropriate Conflict of Interest and Non-disclosure Agreements (COI/NDA) with DOE's representatives immediately after negotiation and execution of an award. Failure to execute the COI/NDAs in a reasonable amount of time to enable the verification review will result in a 'No-Go' decision. with respect to the initial verification of Phase 1. Projects that receive a 'Go' decision at the conclusion of the initial verification effort and proceed to Budget Period 2 will also be subject to a final verification review as part of the down-select process prior to Phase 2.

Topic Area 1 National Environmental Policy Act (NEPA) Considerations

All Topic Area 1 project activities will be subject to NEPA review. Applicants must account for NEPA-related efforts in the project scope, schedule, and budget. Phase 1 of each award will be limited in scope, as it will focus only on project development and design activities related to future pilot- or demonstration-scale integrated biorefineries. Under Phase 1, limited modifications to existing facilities to complete the prior scale data set may be allowed; construction of new facilities will not be allowed.

Any construction activities will be restricted to Phase 2. DOE will complete additional NEPA review and NEPA determination for Phase 2 activities. See SectionVI.B.vi for additional information on NEPA requirements. It should be noted that new construction or significant modification of an existing facility will likely trigger an Environmental Assessment or Environmental Impact Statement. Proper budgeting and scheduling must be accounted for within the proposed project's application.

Topic Area 1 Additional Financial Requirements

If selected through DOE's down-selection process, award recipients will be required to demonstrate their financial readiness to proceed into Phase 2. This includes demonstrating the ability to provide all required cost share and contingency funds reserve (see below) prior to entering into Phase 2 of the project. Recipients are required to secure all cost share and contingency prior to proceeding into Phase 2. Throughout the award life cycle, DOE will review and monitor the financial capability of the Recipient and other key organizations within the project team, such as parent companies or cost share providers. DOE may also conduct pre-award accounting system audits, financial capability reviews, or reviews of financial or compliance audits.

A contingency funds reserve is required for all Phase 2 activities. DOE experience and industry best practice show that a minimum of 25% of Total Project Cost

(federal share and cost share) for Phase 2 Costs is necessary to allow the project to continue when unexpected expenses are encountered. Award recipients must demonstrate that they can meet the financial needs of Phase 2 of their project when submitting a continuation application. The continuation application (see Section VI.B.xv) for Phase 2 must include documentation showing that the Recipient has access to this minimum 25% required contingency. Contingency funds must be: (a) liquid, (b) immediately available, and (c) unrestricted funds dedicated exclusively to the project for the purpose of mitigating project performance baseline risk. The contingency funds reserve is in addition to Total Project Costs and cannot count towards cost share, until expended. If expended, the contingency will not result in reimbursement by DOE above the total federal share approved in the award. DOE highly discourages selected applicants from reducing scope to comply with the contingency funds reserve requirement.

Topic Area 1 Specific Requirements

The following requirements must be addressed in the application and the strength of the applicant's discussion will be evaluated by the independent technical review panel for engineering and scientific merit (see evaluation criteria in Section V.A.ii.):

- Projects must meet or exceed all minimum metrics listed above in Table 1: Topic Area 1 Project Minimum Requirements* as the expectation for an eventual facility that may be constructed and operated in Phase 2, subject to the application's down-selection from Phase 1.
- Applications submitted under Topic Area 1 must utilize an allowable feedstock as defined in Table 1 and Appendix E.
- Applications submitted under Topic Area 1 are required to participate in the Verification Process as described in Section I.C.
- Applications must contain techno-economic and life cycle analyses (TEA and LCA) that relate the key technical parameters of the proposed technology described in the proposal application to achieving a cost competitive MFSP and GHG reduction targets. Previously achieved values, scales, and durations should be delineated from the values necessary to meet the targeted MFSP so that the level of technology advancement needed is clear.
- A Block Flow Diagram and Supplemental Data template are required as part of the application.
- Scale-up factors[18] per unit operation[19] can be no greater than 50x.
- All major equipment being utilized in the pilot must be based on the equipment that will be used in the eventual commercial facility. For

[18] See Glossary (Appendix J) for scale-up factor definition as it pertains to this FOA.
[19] See Glossary (Appendix J) for unit operation definition as it pertains to this FOA.

example, if a fluidized bed will be utilized in the commercial scale a fluidized bed must be utilized in the pilot facility.

- Topic Area 1 allows for production of bioproducts as coproducts if essential for the overall economics of biofuel production. However, of all the carbon contained in the biofuels and coproducts, at least 50% must be in the biofuel(s). Higher percentages of utilizable carbon[20] found in the biofuels may be prioritized by use of a Program Policy Factor (section V.C.i).
- Renewable fuels must demonstrate a reasonable chance of receiving ASTM or other regulatory approvals as evidenced by substantial discussion in the narrative and inclusion of necessary tasks in the Statement of Project Objectives (SOPO).
- Applications proposing co-processing with an existing petroleum refinery must address how at least 50% of the biogenic carbon would be converted to a biofuel and how this would be measured, as evidenced by substantial discussion in the narrative and inclusion of necessary tasks in the SOPO.
- Applications cannot include greater than 10% of the total project budget for earlier stage RD&D (<TRL 5), including expenses for equipment, salaries, and supplies.
- Biofuels (and bioproducts) must be produced in the U.S.

Topic Area 1 Applications Specifically Not of Interest

- Those identified in Section I.D. of the FOA.

Topic Area 1 Special Deliverables

In addition to the deliverables required in the Federal Assistance Reporting Checklist, the following deliverables are required for awards made under Topic Area 1:

- Attendance and participation at the BETO Biennial Peer Review is required so that external subject matter experts can review project accomplishments and provide feedback to ensure optimal use of BETO funds.
- A publicly releasable final technical report describing how the technology would contribute to the BETO 2030 goal being cost competitive with petroleum-based fuels (model TEA for nth plant) with at least 70% reduction in greenhouse gas emissions relative to petroleum derived fuels.
- Recipients will be required to provide input for DOE's design cases (link to our latest State of Technology Report that discusses these design cases can be found at the link provided below) to refine the various program models

[20] See Glossary (Appendix J) for utilizable carbon definition as it pertains to this FOA.

(such as TEA and LCA) in an anonymous manner (permitting the data to be made publicly available).
    - (https://www.energy.gov/sites/prod/files/2020/07/f76/beto-2019-state-of-technology-july-2020-r1.pdf)

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

iii. Topic Area 2: Demonstration Scale-up of Integrated Biorefineries – Phase 1 Preliminary Design and Phased Construction

Topic Area 2 will identify, evaluate, and select applications proposing project definition, development, and execution plans for the scaling of pilot biofuel and bioproduct technologies to demonstration scale, including only the following activities:

- the manufacturing of sustainable aviation fuel, heavy-duty truck fuel, off-road vehicle fuel, sustainable marine fuel, and/or sustainable rail fuel;
- fuels may be liquid or gaseous at standard temperature and pressure;
- novel process technologies that leverage existing first generation, grain starch, biorefinery assets and infrastructure; and/or
- novel process technologies that leverage US-produced, oilseed crops (see Appendix E) that meet all other metrics of the topic area, including achieving at least 70% GHG reductions. This can include the utilization of oil-seed cover crops, the co-processing of intermediates and oilseed oils, blending of SAFs from various feedstocks, among other innovative concepts.

Topic Area 2, Demonstration Scale-up of Integrated Biorefineries – Phase 1 Preliminary Design and Phased Construction, is intended for projects that have all prior scale data and are ready to design a demonstration-scale facility. Projects selected under Topic Area 2 may have an opportunity to construct and operate their designed pilot facility based on the down-select process described below.

Topic Area 2 will provide the ability for proven, integrated pilot technologies to scale to demonstration scale. Demonstration scale facilities developed under Topic Area 2 must produce at the plant's rated capacity, a minimum quantity of 1,000,000 gallons per year of liquid biobased hydrocarbon fuel for aviation, marine, rail, or heavy-duty applications.

Scaled-up and integrated operations of these process technologies are essential to enable the industry to build future demonstration, pioneer, and commercial scale facilities. Successfully scaling and operating process technology is critical for biotechnologies to remain a significant near-term decarbonization pathway.

Applications submitted under Topic Area 2 must meet a minimum neat biofuel throughput of 1,000,000 gallons per year equivalent. Proposed technologies must meet 70% GHG reduction relative to the petroleum-derived alternative. **Although 70% GHG reduction is the minimum allowable, applications with greater GHG reductions are highly encouraged and may receive preference by way of a Program Policy Factor (section V.C.i).** The minimum baseline technology readiness level for projects submitted under this topic is TRL 6 with a maximum of TRL 7 at the conclusion of the project. Minimum requirements for Topic Area 2 are shown in Table 3 below:

Table 3: Topic Area 2 Minimum Requirements

Metric:	Minimum:
Fuel Type[21]	Sustainable aviation fuel, ~~renewable diesel~~, heavy-duty truck fuel, sustainable marine fuel, off-road vehicle fuel and/or sustainable rail fuel
Fuel Selling Price	Cost competitive with petroleum-based fuels (model TEA for n^{th} plant)
Cumulative Time on Stream	1,500 hours
Continuous Time on Stream	1,000 hours
Throughput Equivalent	1,000,000 gallons of biofuel per year equivalent
GHG Reductions	70%
Allowable Feedstocks[22]	Lignocellulosic Feedstocks, Algae, Organic Wet Waste, Sorted Municipal Solid Waste, Food Waste, Biogas, Grain Starch, Oilseed Crops, C&D Waste, Waste CO_2, and CO_2 by Direct Air Capture
*Applications submitted under Topic Area 2 must reflect the minimum requirements indicated in this table as the expectation for an eventual facility that may be constructed and operated in Phase 2, subject to the application's down-selection from Phase 1.	

Given the high cost and complexity of demonstration-scale projects, selected applicants in Topic Area 2 will undergo a phased approach as depicted in Table 4 below. Phase 1 will consist of a 24-month "Verification & Design Basis Definition"

[21] See Glossary (Appendix J) for fuel renewable definitions pertaining to this FOA.
[22] see Appendix G for feedstock definitions

phase to verify prior-scale data and readiness to proceed. Up to $3,000,000 of federal funds will be made available for each Phase 1 project. A minimum of 50% cost share is required for Phase 1. DOE will conduct a down-select review between Phase 1 and the final design/construction/operation phase (Phase 2), also referred to as Critical Decision (CD) 2.[23] The down-select decision will be made by DOE at the completion of the 24-month Phase 1 period. Project performance in Phase 1, as well as portfolio balance, availability of funds, and other factors, will be considered in the down-select process. Please see Appendix I – Preliminary Design Requirements for a list of the criteria upon which EERE will evaluate Phase 1 projects. Only projects selected by DOE as a result of the down-select process will be eligible to receive additional Phase 2 funding, subject to future appropriations and the availability of funds, and be permitted to proceed into the 36-60 month design/construction/operation phase (Phase 2).

Table 4: Topic Area 2 Award Structure – Preliminary Design and Phased Construction

<table>
<tr><th>Phases</th><th>Budget Periods</th><th>Scope</th></tr>
<tr><td rowspan="3">Phase 1 – Verification & Design Basis Definition (12 - 24 Months)</td><td>BP1</td><td>Verification of baseline data presented in application</td></tr>
<tr><td colspan="2">Go/No-Go
Review of Verification outcome</td></tr>
<tr><td>BP2</td><td>Design Basis Definition</td></tr>
<tr><td colspan="3">Down-select (CD-2)
Approve project scope and begin design (Subject to future appropriations and availability of funds)</td></tr>
<tr><td rowspan="5">Phase 2 – Final Design, Construction, Operation (36-60 Months)</td><td>BP3</td><td>Project Definition - preliminary planning and design</td></tr>
<tr><td colspan="2">Go/No-Go (CD-3)
Review to approve start of construction</td></tr>
<tr><td>BP4</td><td>Project Execution - complete final design and construction</td></tr>
<tr><td colspan="2">Go/No-Go (CD-4)
Performance test to verify readiness to begin operations</td></tr>
<tr><td>BP5</td><td>Operations</td></tr>
</table>

Applications should consider Phase 2 (Final Design, Construction, Operation) projects on the order of $100,000,000 of federal funds plus a minimum of 50%

[23] https://www.directives.doe.gov/directives-documents/400-series/0413.3-BOrder-b/@@images/file

applicant cost-share when developing their Phase 1 applications. Only Phase 1 funds will be obligated at time of initial award. **Selection for Phase 1 award does not guarantee a Phase 2 award. Phase 2 funds are subject to future appropriations and availability of funds, which may be obligated to successful Phase 2 awards in the event that a down-select occurs (see section VI.C.).**

Topic Area 2 Phase 1 Deliverables

At the end of Phase 1, a full engineering design package and other project deliverables will be reviewed and verified by DOE and its Independent Engineer. The full design package includes items such as Process Design Basis Documents, Process Flow Diagrams, Mass and Energy Balances, budgetary estimates, and schedules. A more extensive list of design package elements is found in Appendix I.

Topic Area 2 Initial Project Verification

All Topic Area 2, Phase 1 projects will be subject to an initial verification effort to review their baseline and proposed targets and will result in a Go/No-Go decision (see Section VI.B.xv). The verification will require that the Recipient conduct a performance test of the process proposed in its application. The performance test will require that the Recipient reproduce data sets commensurate to the prior-scale work presented in the application. The prior-scale data sets must be available to DOE, (which may include delivery to DOE), or its representatives (such as an Independent Engineer), for review in support of the verification effort. The outcome of this performance test will be a primary component of the Go/No-Go decision. Applicants must include this task within their proposed scope, schedule, and budget. It is anticipated that the initial verification can take up to six months; Applicants must include this task in their schedule as Budget Period 1.

Note: Applicants will be required to execute the appropriate Conflict of Interest and Non-disclosure Agreements (COI/NDA) with DOE's representatives immediately after negotiation and execution of an award. Failure to execute the COI/NDAs in a reasonable amount of time to enable the verification review will result in a 'No-Go' decision. Projects that receive a 'Go' decision at the conclusion of the initial verification effort and proceed to Budget Period 2 will also be subject to a final verification review as part of the down-select process prior to Phase 2.

Topic Area 2 National Environmental Policy Act (NEPA) Considerations

All Topic Area 2 project activities will be subject to NEPA review. Applicants must account for NEPA related efforts in the project scope, schedule, and budget. Phase 1 of each award will be limited in scope, as it will focus only on project development and design activities related to future pilot- or demonstration-scale

integrated biorefineries. Under Phase 1, limited modifications to existing facilities to complete the prior scale data set may be allowed; construction of new facilities will not be allowed.

Any construction activities will be restricted to Phase 2. DOE will complete additional NEPA review and NEPA determination for Phase 2 activities. See SectionVI.B.vi for additional information on NEPA requirements. It should be noted that new construction or significant modification of an existing facility will likely trigger an Environmental Assessment or Environmental Impact Statement. Proper budgeting and scheduling must be accounted for within the proposed project's application.

Topic Area 2 Additional Financial Requirements

If selected through DOE's down-selection process, award recipients will be required to demonstrate their financial readiness to proceed into Phase 2. This includes demonstrating the ability to provide all required cost share and contingency funds reserve (see below) prior to entering into Phase 2 of the project. Recipients are required to secure all cost share and contingency funds reserve prior to proceeding into Phase 2. Throughout the award life cycle, DOE will review and monitor the financial capability of the Recipient and other key organizations within the project team, such as parent companies or cost share providers. DOE may also conduct pre-award accounting system audits, financial capability reviews, or reviews of financial or compliance audits.

A contingency funds reserve is required for all Phase 2 activities. DOE experience and industry best practice show that a minimum of 25% of Total Project Cost (federal share and cost share) for Phase 2 Costs is necessary to allow the project to continue when unexpected expenses are encountered. Recipients must demonstrate that they can meet the financial needs of Phase 2 of their project when submitting a continuation application. The continuation application (see Section VI.B.xv) for Phase 2 must include documentation showing that the Recipient has access to this minimum 25% required contingency funds. Contingency funds must be: (a) liquid, (b) immediately available, and (c) unrestricted funds dedicated exclusively to the project for the purpose of mitigating project performance baseline risk. The contingency funds reserve is in addition to Total Project Costs and cannot count towards cost share, until expended. If expended, the contingency will not result in reimbursement by DOE above the total federal share approved in the award. DOE highly discourages selected applicants from reducing scope to comply with the contingency reserve requirement.

Topic Area 2 Specific Requirements

The following requirements must be addressed in the application and the strength of the applicant's discussion will be evaluated by the independent technical review panel for engineering and scientific merit (see evaluation criteria in Section V.A.ii.):

- Projects must meet or exceed all minimum metrics listed above in Table 3: Topic Area 2 Minimum Requirements as the expectation for an eventual facility that may be constructed and operated in Phase 2, subject to the application's down-selection from Phase 1.
- Applications submitted under Topic Area 2 must utilize an allowable feedstock as defined in Table 3 and Appendix E.
- Applications submitted under Topic Area 2 are required to participate in the Verification Process as described in Section I.C.
- Applications must contain techno-economic and life cycle analyses (TEA and LCA) that relate the key technical parameters of the proposed technology described in the proposal application to achieving a cost competitive MFSP and GHG reduction targets. Previously achieved values, scales, and durations should be delineated from the values necessary to meet the targeted MFSP so that the level of technology advancement needed is clear.
- A Block Flow Diagram and Supplemental Data template are required as part of the application.
- Scale-up factors[24] per unit operation[25] can be no greater than 50x.
- All major equipment being utilized in the demonstration scale plant must be based on the equipment that will be used in the eventual commercial facility. For example, if a fluidized bed will be utilized in the commercial scale a fluidized bed must be utilized in the pilot facility.
- Topic Area 2 allows for production of bioproducts as coproducts if essential for the overall economics of biofuel production. However, of all the carbon contained in the biofuels and coproducts, at least 50% must be in the biofuel(s). Higher percentages of utilizable carbon[26] found in the biofuels may be prioritized. Higher percentages of utilizable carbon found in the biofuels may be prioritized by use of a Program Policy Factor (section V.C.i).
- Biofuels must demonstrate a reasonable chance of receiving ASTM or other regulatory approvals as evidenced by substantial discussion in the narrative and inclusion of necessary tasks in the SOPO.

[24] See Glossary (Appendix J) for scale-up factor definition as it pertains to this FOA.
[25] See Glossary (Appendix J) for unit operation definition as it pertains to this FOA.
[26] See Glossary (Appendix J) for utilizable carbon definition as it pertains to this FOA.

- Applications proposing co-processing with an existing petroleum refinery must address how at least 50% of the biogenic carbon would be converted to a biofuel and how this would be measured, as evidenced by substantial discussion in the narrative and inclusion of necessary tasks in the SOPO.
- Applications cannot include greater than 10% of the total project budget for earlier stage RD&D (<TRL 6), including expenses for equipment, salaries, and supplies.
- Biofuels (and bioproducts) must be produced in the U.S.

Topic Area 2 Applications Specifically Not of Interest

- Those identified in Section I.D. of the FOA.

Topic Area 2 Special Deliverables

In addition to the deliverables required in the Federal Assistance Reporting Checklist, the following deliverables are required for awards made under Topic Area 2:

- Attendance and participation at the BETO Biennial Peer Review is required so that external subject matter experts can review project accomplishments and provide feedback to ensure optimal use of BETO funds.
- A publicly releasable final technical report describing how the technology would contribute to the BETO 2030 goal being cost competitive with petroleum-based fuels (model TEA for nth plant) with at least 70% reduction in greenhouse gas emissions relative to petroleum derived fuels.
- Recipients will be required to provide input for DOE's design cases (link to our latest State of Technology Report that discusses these design cases can be found at the link provided below) to refine the various program models (such as TEA and LCA) in an anonymous manner (permitting the data to be made publicly available).
    - (https://www.energy.gov/sites/prod/files/2020/07/f76/beto-2019-state-of-technology-july-2020-r1.pdf)

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

iv. Topic Area 3: Scale-up of Organic Chemical Pathways – Phase 1 Preliminary Design and Phased Construction

Topic Area 3 supports scale-up activities for to the production of organic chemicals from renewable biomass and waste feedstocks that can replace those currently derived from petroleum. The U.S. bulk chemicals industry accounted for 274 million metric tons (MMT) of CO_2 emissions in 2020.[27] This substantial carbon footprint can be broadly attributed to a combination of the fossil carbon input required in production as well as the high energy requirements to convert that carbon to the targeted product.[28] While other sectors of the economy can completely decarbonize at the point of end-use, most of the organics, petrochemicals, and polymer resins produced and used in the US today will remain carbon-based for the foreseeable future. These chemicals make up approximately 40% of the overall GHG footprint of the chemicals industry, and the use of alternative carbon feedstocks such as biomass, municipal solid waste, and CO_2 provides an opportunity to not only reduce the carbon footprint of the input material but also a route to conversion strategies of that require less energy. In 2004, DOE published a report highlighting top value-added chemicals from biomass.[29] In the ensuing decades, process technology to produce organic chemicals from renewable feedstocks has matured. Such technologies are the target of Topic Area 3 and are essential for achieving a net-zero economy by 2050.

To that end, Topic Area 3 supports the scale-up of processes to pilot- (TRL 6) or demonstration-scale (TRL 7) integrated processes to produce organic chemicals from renewable carbon and waste feedstocks through biochemical, thermochemical, or electrochemical conversion technologies. This Topic Area targets process technologies which convert acceptable feedstocks (Appendix E) into chemicals that displace their incumbent fossil-derived counterparts and achieve at least an 85% reduction in lifecycle GHG emissions.[30] Applications must address chemicals with a current U.S. production volume >0.5 million short tons or justify the ability for the technology to have broader decarbonization potential within the chemicals sector. Applications proposing pathways to produce non-drop-in chemicals are encouraged if they address markets >0.5 million short tons. Non-drop-in performance-advantaged biobased chemicals[31] produced from bio-derived building blocks may have advantages over current petro-chemical incumbents, such as lower GHG emissions, improved performance, enhanced

[27] DOE. 2022. "Industrial Decarbonization Roadmap." September 2022. Pg. 59. https://www.energy.gov/sites/default/files/2022-09/Industrial%20Decarbonization%20Roadmap.pdf
[28] Nicholson SR et al., ACS Sustainable Chemistry and Engineering. 2023. DOI: 10.1021/acssuschemeng.2c05417
[29] https://www.nrel.gov/docs/fy04osti/35523.pdf
[30] https://www.energy.gov/eere/clean-fuels-products-shottm-alternative-sources-carbon-based-products
[31] https://www.energy.gov/eere/bioenergy/articles/moving-beyond-drop-replacements-performance-advantaged-biobased-chemicals

environmental benefits, or end-of-life considerations. To that end, a lifecycle assessment (LCA) describing the GHG footprint of the product must be a part of the project scope. Similarly, applicants must also articulate the technoeconomic argument and a path for commercialization for their approach and include such an analysis in their project.

Topic Area 3 is intended for projects that have all prior-scale data and are ready to design, construct and operate a pilot- or demonstration-scale facility. Projects selected under Topic Area 3 may have an opportunity to construct and operate their designed pilot- or demonstration-scale facility based on the down-select process described below.

Applications submitted under Topic Area 3 must validate process scale-up in an operational environment at TRL 6 or TRL 7 at an appropriate scale to advance the technology toward commercialization, e.g., scaling to 1/100th of a commercial-scale process for continuous operation. Applicants are required to justify the process as either pilot- or demonstration-scale based on sound engineering principles, prior scale data, and scaling factors.

Proposed technologies must meet 85% GHG reduction relative to the petroleum-derived alternative. **Although 85% GHG reduction is the minimum allowable, applications with greater GHG reductions are highly encouraged and may receive preference by way of a Program Policy Factor (section V.C.i).** The minimum baseline technology readiness level for projects submitted under this topic is TRL 5 with a maximum of TRL 7 at the conclusion of the project. Minimum requirements for Topic Area 3 are shown in Table 5 below:

Table 5: Topic Area 3 Minimum Requirements*

Metric:	Minimum:
Organic Chemical	Organic chemicals from renewable feedstocks with annual U.S. domestic production exceeding 0.5 million short tons.
Chemical Selling Price	Cost competitive with petroleum-based equivalents (model TEA for nth plant)
Cumulative Time on Stream	Pilot-scale: 1500 hours / Demonstration-scale: 1500 hours
Continuous Time on Stream	Pilot-scale: 1000 hours / Demonstration-scale: 1000 hours
Throughput Equivalent	To be determined and justified by applicant for pilot- or demonstration-scale, e.g., 100 lbs per day, or 1 short ton per day for pilot-, or demonstration-scale, respectively.
GHG Reductions	85%

Allowable Feedstocks[32]	Lignocellulosic Feedstocks, Algae, Organic Wet Waste, Sorted Municipal Solid Waste, Food Waste, Biogas, Grain Starch, Oilseed Crops, C&D Waste, Waste CO_2, and CO_2 by Direct Air Capture
*Applications submitted under Topic Area 3 must reflect the minimum requirements indicated in this table as the expectation for an eventual facility that may be constructed and operated in Phase 2, subject to the application's down-selection from Phase 1.	

Given the high cost and complexity of pilot- and demonstration-scale projects, selected applicants in Topic Area 3 will undergo a phased approach as depicted in Table 6 below. Phase 1 will consist of a 24-month "Verification & Design Basis Definition" phase to verify prior-scale data and readiness to proceed. Up to $3,000,000 of federal funds will be made available for each Phase 1 project. A minimum of 50% cost share is required for Phase 1. DOE will conduct a down-select review between Phase 1 and the final design/construction/operation phase (Phase 2), also referred to as Critical Decision (CD) 2.[33] The down-select decision will be made by DOE at the completion of the 12 to 24-month Phase 1 period. Project performance in Phase 1, as well as portfolio balance, availability of funds, and other factors, will be considered in the down-select process. Please see Appendix I – Preliminary Design Requirements for a list of the criteria upon which EERE will evaluate Phase 1 projects. Only projects selected by DOE as a result of the down-select process will be eligible to receive additional Phase 2 funding, subject to future appropriations and the availability of funds, and be permitted to proceed into the 36-60 month design/construction/operation phase (Phase 2).

Table 6: Topic Area 3 Award Structure – Preliminary Design and Phased Construction

<table>
<tr><th>Phases</th><th>Budget Periods</th><th>Scope</th></tr>
<tr><td rowspan="3">Phase 1 – Verification & Design Basis Definition (12 - 24 Months)</td><td>BP1</td><td>Verification of baseline data presented in application</td></tr>
<tr><td colspan="2">Go/No-Go
Review of Verification outcome</td></tr>
<tr><td>BP2</td><td>Design Basis Definition</td></tr>
<tr><td colspan="3">Down-select (CD-2)
Approve project scope and begin design (Subject to future appropriations and availability of funds)</td></tr>
</table>

[32] see Appendix E for feedstock definitions

[33] https://www.directives.doe.gov/directives-documents/400-series/0413.3-BOrder-b/@@images/file

Phase 2 – Final Design, Construction, Operation (36-60 Months)	BP3	Project Definition - preliminary planning and design
	Go/No-Go (CD-3) Review to approve start of construction	
	BP4	Project Execution - complete final design and construction
	Go/No-Go (CD-4) Performance test to verify readiness to begin operations	
	BP5	Operations

Applications should consider Phase 2 (Final Design, Construction, Operation) projects on the order of $15,000,000 for pilot-scale, and $100,000,000 for demonstration-scale of federal funds plus a minimum of 50% applicant cost-share when developing their Phase 1 applications. Only Phase 1 funds will be obligated at time of initial award. **Selection for Phase 1 award does not guarantee a Phase 2 award. Phase 2 funds are subject to future appropriations and availability of funds, which may be obligated to successful Phase 2 awards in the event that a down-select occurs (see section VI.C.).**

Topic Area 3 Phase 1 Deliverables

At the end of Phase 1, a full engineering design package and other project deliverables will be reviewed and verified by DOE and its Independent Engineer. The full design package includes items such as Process Design Basis Documents, Process Flow Diagrams, Mass and Energy Balances, budgetary estimates, and schedules. A more extensive list of design package elements is found in Appendix I.

Topic Area 3 Initial Project Verification

All Topic Area 3 projects will be subject to an initial verification effort to review their baseline and proposed targets and will result in a Go/No-Go decision (see Section VI.B.xv). The verification will require that the Recipient conduct a performance test of the process proposed in its application. The performance test will require that the Recipient reproduce data sets commensurate to the prior-scale work presented in the application. The prior-scale data sets must be available to DOE, (which may include delivery to DOE), or its representatives (such as an Independent Engineer), for review in support of the verification effort. The outcome of this performance test will be a primary component of the Go/No-Go decision. Applicants must include this task within their proposed scope, schedule, and budget. It is anticipated that the initial verification can take up to six months; Applicants must include this task in their schedule as Budget Period 1.

Note: Applicants will be required to execute the appropriate Conflict of Interest and Non-disclosure Agreements (COI/NDA) with DOE's representatives immediately after negotiation and execution of an award. Failure to execute the COI/NDAs in a reasonable amount of time to enable the verification review will result in a 'No-Go' decision. Projects that receive a 'Go' decision at the conclusion of the initial verification effort and proceed to Budget Period 2 will also be subject to a final verification review as part of the down-select process prior to Phase 2.

Topic Area 3 National Environmental Policy Act (NEPA) Considerations

All Topic Area 3 project activities will be subject to NEPA review. Applicants must account for NEPA related efforts in the project scope, schedule, and budget. Phase 1 of each award will be limited in scope, as it will focus only on project development and design activities related to future pilot- or demonstration-scale integrated biorefineries. Under Phase 1, limited modifications to existing facilities to complete the prior scale data set may be allowed; construction of new facilities will not be allowed.

Any construction activities will be restricted to Phase 2. DOE will complete additional NEPA review and NEPA determination for Phase 2 activities. See Section VI.B.vi for additional information on NEPA requirements. It should be noted that new construction or significant modification of an existing facility will likely trigger an Environmental Assessment or Environmental Impact Statement. Proper budgeting and scheduling must be accounted for within the proposed project's application.

Topic Area 3 Additional Financial Requirements

If selected through DOE's down-selection process, award recipients will be required to demonstrate their financial readiness to proceed into Phase 2. This includes demonstrating the ability to provide all required cost share and contingency funds reserve (see below) prior to entering into Phase 2 of the project. Recipients are required to secure all cost share and contingency reserve funds reserve prior to proceeding into Phase 2. Throughout the award life cycle, DOE will review and monitor the financial capability of the Recipient and other key organizations within the project team, such as parent companies or cost share providers. DOE may also conduct pre-award accounting system audits, financial capability reviews, or reviews of financial or compliance audits.

A contingency funds reserve is required for all Phase 2 activities. DOE experience and industry best practice show that a minimum of 25% of Total Project Cost (federal share and cost share) for Phase 2 Costs is necessary to allow the project to continue when unexpected expenses are encountered. Recipients must

demonstrate that they can meet the financial needs of Phase 2 of their project when submitting a continuation application. The continuation application (see Section VI.B.xiv) for Phase 2 must include documentation showing that the Recipient has access to this minimum 25% required contingency funds reserve. The contingency funds reserve must be: (a) liquid, (b) immediately available, and (c) unrestricted funds dedicated exclusively to the project for the purpose of mitigating project performance baseline risk. The contingency funds reserve is in addition to Total Project Costs and cannot count towards cost share, until expended. If expended, the contingency will not result in reimbursement by DOE above the total federal share approved in the award. DOE highly discourages selected applicants from reducing scope to comply with the contingency funds reserve requirement.

Topic Area 3 Specific Requirements

The following requirements must be addressed in the application and the strength of the applicant's discussion will be evaluated by the independent technical review panel for engineering and scientific merit (see evaluation criteria in Section V.A.ii.):

- Applications submitted under Topic Area 3 must reflect the minimum requirements indicated in Table 5: Topic Area 3 Minimum Requirements as the expectation for an eventual facility that may be constructed and operated in Phase 2, subject to the application's down-selection from Phase 1.
- Applications submitted under Topic Area 3 must utilize an allowable feedstock as defined in Table 5 and Appendix E.
- Applications submitted under Topic Area 3 are required to participate in the Verification Process as described in Section I.C.
- Applications must contain techno-economic and life cycle analyses (TEA and LCA) that relate the key technical parameters of the proposed technology described in the proposal application to achieving a cost competitive production cost and GHG reduction targets. Previously achieved values, scales, and durations should be delineated from the values necessary to meet the targeted cost so that the level of technology advancement needed is clear.
- A Block Flow Diagram and Supplemental Data template are required as part of the application.
- Scale-up factors[34] per unit operation[35] can be no greater than 50x.
- All major equipment being utilized in the pilot- or demonstration-scale plant must be based on the equipment that will be used in the eventual

[34] See Glossary (Appendix J) for scale-up factor definition as it pertains to this FOA.
[35] See Glossary (Appendix J) for unit operation definition as it pertains to this FOA.

commercial facility. For example, if a fluidized bed will be utilized in the commercial scale a fluidized bed must be utilized in the pilot facility.

- Applications cannot include greater than 10% of the total project budget for earlier stage RD&D (<TRL 6), including expenses for equipment, salaries, and supplies.
- Organic chemicals from renewable feedstocks must be produced in the U.S.

Topic Area 3 Applications Specifically Not of Interest

- Those identified in Section I.D. of the FOA.
- Those proposing pilot- or demonstration-scale processes to produce inorganic chemicals e.g. chlorine, caustic soda, ammonia, hydrogen are not of interest.
- Applications proposing or utilizing processes targeting small, niche or fine chemical markets, pharmaceutical markets, or nutraceutical markets are not of interest.
- Applications proposing processes targeting the production of protein or biomass as an end-product are not of interest.

Topic Area 3 Special Deliverables

In addition to the deliverables required in the Federal Assistance Reporting Checklist, the following deliverables are required for awards made under Topic Area 3:

- Attendance and participation at the BETO Biennial Peer Review is required so that external subject matter experts can review project accomplishments and provide feedback to ensure optimal use of BETO funds.
- A publicly releasable final technical report describing how the technology would contribute to the BETO 2030 goal being cost competitive with petroleum-based organic chemicals (model TEA for nth plant) with at least 85% reduction in greenhouse gas emissions relative to petroleum derived fuels.
- Recipients will be required to provide input for DOE's design cases (link to our latest State of Technology Report that discusses these design cases can be found at the link provided below) to refine the various program models (such as TEA and LCA) in an anonymous manner (permitting the data to be made publicly available).
    - (https://www.energy.gov/sites/prod/files/2020/07/f76/beto-2019-state-of-technology-july-2020-r1.pdf)

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

C. Verifications

All applications selected for award negotiations under this FOA are required to participate in a verification process led by DOE's identified external third-party non-conflicted verification team. This team may be led by the National Renewable Energy Laboratory's Systems Integration team, DOE BETO's independent engineering contractor, or another non-conflicted BETO contractor. Personnel involved in verifications sign project specific Non-Disclosure Agreements and Conflict of Interest statements. This verification process provides technical assistance to both the DOE BETO and the project by providing an in-depth analysis of key technical and economic metrics to ensure transparency and increase the likelihood of project success.

The objectives of the verification effort are to:

- Verify the applicant's technical data/performance metrics/targets as described in the original application.
- Establish a framework to evaluate and track progress over time so that the milestones and Go/No-Go decision points separating budget periods may be tracked and evaluated.
- Update or provide data in the Supplemental Content Requirements (see Appendix H).
- Establish benchmark, baseline, and associated target values.
- Identify potential major showstoppers and discuss risk mitigation strategies.
- Identify and address potential safety concerns. This is not intended to replace an organization's own hazard and safety analysis but instead to add another layer of safety.
- Align project goals with BETO's expectations.

There are three types of verification periods throughout the lifetime of the project: the "Initial Verification," conducted at the beginning of the project (months 0-3); the "Intermediate Verification(s)," conducted as a part of Go/No-Go decisions separating budget periods; and the "Final Verification," conducted at the end of the project (within 3 months of closeout). The verification team will perform some or all of these verifications at the Recipient's facility to initially verify the data included in the application or in negotiated Technical Datasheet, and subsequently in conjunction with site visits to monitor progress.

The specific objectives of these verifications are set forth below:

- The initial verification is to confirm the benchmark data and assumptions provided in the application, which will establish the project baseline against which future performance and cost improvements will be evaluated. During the initial verification, the verification team will work closely with the project team to discuss the project effort in detail; initiate the review of application data, metrics, and procedures as provided in the original application; and set the date for the on-site meeting. This is an iterative process between the two teams and establishes the agenda for the on-site (or virtual) meeting. The project baseline will be set in this period, either through revision of the application data or by submission of additional/new data. The verification results are used by DOE at its sole discretion, among other factors, in making the Go/No-Go decision to proceed with Budget Period 2 (BP2). See Section II.A.ii. for information on period of performance and Go/No-Go decisions.
- An intermediate verification will be conducted toward the end of BP2. The intermediate verification assesses progress towards the project's BP2 Go/No-Go decision point and any targets established in the application, the initial verification, the achievement of the Statement of Project Objectives (SOPO) milestones in support of the Go/No-Go decision point, and any other factors contributing to progress toward the project objectives. The verification results are used by DOE at its sole discretion, among other factors, in making the Go/No-Go decision to proceed with BP3. In projects with more than 3 budget periods, additional interim verifications may be conducted.
- The final verification will be held prior to the end of the project. The objective of this final verification is to assess whether the final targets were achieved, document the challenges overcome, and record the technical or economic challenges that remain.

Supplemental Content Requirements:

The Supplemental Content Requirements included with the FOA (Appendix H), were designed to guide applicants in providing information to assess the technical validity of the technology being developed within the selected project. **Applications submitted without the appropriate supplemental content as defined in the Topic Area and Subtopic Area will be deemed non-responsive and excluded from further review under this FOA**.

In addition, the data provided will be used as the basis for review and discussion during the initial verification and will be considered the project's baseline. As such, it is expected the project will be able to reproduce this data when/if the verification team travels to the site to perform the verification. It is also expected

the data will have been experimentally produced by the applicant in the applicant's facilities. For pre-pilot projects only, if literature data must be used for parts of the process, those metrics based on literature data should be marked appropriately.

Verification Timeline:

The initial verification period, including on-site observation of experiments (if applicable) and report creation, can take up to three months. Applicants must include this time in their schedule. Selected projects that receive a 'Go' decision at the conclusion of the initial verification effort will be subject to both an intermediate and a final verification. The time required for the intermediate and final verifications will be considerably less than the initial verification. However, the applicant must also consider that time should be allocated to collect data for these verifications.

Verification Task:

All applicants must include the initial verification task within their scope as Task 1. It must be separated from the rest of the scope of work by a Go/No-Go decision point, and applicants should estimate a three-month duration for the verification effort. This task, Task 1, will also be within a separate budget period, Budget Period 1 (BP1), from the remainder of the project. By way of example, the inclusion of the verification in the scope could include something like the following:

> Task 1. Initial Verification. At the beginning of the project, the baseline data and project targets provided in the Technical Volume will be experimentally verified. Process information and data will be provided to DOE (when applicable) to support the process claims within the original application. Technical metrics for project progress will be tailored to the project as needed. These metrics may include additional Go/No-Go decision points that will be incorporated into the overall project and Statement of Project Objectives (SOPO). Experiments will be conducted at the on-site verification visit to replicate the benchmark data provided in the application as described in the Technical Datasheet.
> There will be a Go/No-Go associated with Task 1.1 as follows: Process information and data supporting the technology readiness level of the overall process, the unit operations within the process, and the original application. Technical metrics are based on preliminary data and represent a meaningful baseline and set of targets.

Upon successful completion of the initial verification effort and Go/No-Go decision point, the project will commence with work on the Priority Areas as discussed.

Similar provisions must be included for the Intermediate Verification as a task that will occur mid-way through the project (~18 months) and the final verification that will occur at the end of the project (within 3 months of completion).

Verification Conflict of Interest/Proprietary Information:

All of the technical and economic information requested and received by DOE will be disclosed to non-conflicted DOE National Renewable Energy Laboratory Systems Integration (NREL-SI) personnel and/or external third-party non-conflicted validators performing the verifications (BETO's verification team) as well as non-conflicted third-party reviewers potentially participating in the Go/No-Go review process and/or interim review meetings. It is expected that developments and advancements in technical performance made during the course of the project will be shared with the public via technical publications in journals or conference proceedings. It is also anticipated that the initial verification may, if necessary, involve pre-existing intellectual property of which DOE will not require publication. Data access, deliverables and dissemination requirements will be negotiated and set forth in the Statement of Project Objectives and will be consistent with Section VIII.L. of this FOA. DOE and those working on DOE's behalf, such as support service contractors, NREL personnel, Independent Engineers, validators, and reviewers, must be able to have sufficient access to these data, including but not limited to raw technical and financial data, to assess the baseline performance of the technology – subject to appropriate non-disclosure agreements or other protections.

Verification Process:

The verification effort generally includes three steps: pre-verification, on-site verification (when applicable), and post-verification. The verification effort will be adapted to be appropriate for the technology readiness level and funding available to the project. However, the details provided below establish the framework for the process.

All steps are performed in concert with BETO's verification team and the project management team. During the pre-verification step, the verification team will work closely with the project team to discuss the effort in detail, initiate the review of the data from the Technical Datasheet and metrics as provided in the original application, and set the date for the on-site meeting. This is an iterative process between the two teams and establishes the agenda for the on-site

meeting. During the on-site verification meeting, the two teams will work together to discuss the goals and performance metrics, ideas for tracking project progress, and alignment with BETO's goals. At the conclusion of the on-site meeting, both teams will have the information needed to proceed forward. The post-verification step includes the verification team reporting to DOE and the DOE personnel working through the Go/No-Go decision point.

At the conclusion of the verification effort and once a Go/No-Go decision has been made, the DOE Technology Manager and Contracting Officer will send a formal document to the Recipient regarding the Go/No-Go decision and activities will proceed from there (based on the decision). If a 'Go' decision is reached, the project team and DOE Technology Manager will proceed with the necessary steps to release the remaining scope and associated funding for the project. A 'No-Go' decision may result in termination of the project or re-direction of scope.

Key Verification Requirements:

- During the initial verification effort (i.e., BP1), no additional experimental or project work, beyond that associated with the verification, may commence within the proposed scope. Only work associated with the verification – typically project management and data gathering activities – is allowed during the verification. The budget associated with the verification effort should correspond only to these types of activities and is typically minimal compared to the remaining project scope and budget.
- It is anticipated that the intermediate and final verifications will include the Recipient presenting the project progress toward the targets established during the initial verification. Both the intermediate and final verifications must be noted and accounted for within the scope, schedule, and budget, so that if a project is selected and receives a 'Go' decision at the conclusion of the initial verification effort, the schedule and budget will already account for the intermediate and final verifications.

D. Applications Specifically Not of Interest

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

- Applications that fall outside the technical parameters specified in Sections I.A. and I.B. of the FOA.
- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics).
- Applications that propose using model feedstocks in lieu of commercially available feedstocks in accordance with acceptable feedstocks in Appendix E .

- Topic Area 1 or Topic Area 2 applications that propose transportation fuels pilot- or demonstration-scale projects with a coproduct where less than 50% of the total carbon contained within the biofuel(s).
- Topic Area 1 or Topic Area 2 applications that propose pilot- or demonstration-scale projects for transportation modes other than sustainable marine, sustainable aviation, heavy-duty, sustainable rail fuel, or off-road vehicles e.g. light-duty vehicles.
- Topic Area 1 or Topic Area 2 applications that propose hydrogen or electricity as transportation fuels.
- Applications that do not provide required Supplemental Data in Appendix H.

E. Diversity, Equity, and Inclusion

It is the policy of the Biden Administration that:

[T]he Federal Government should pursue a comprehensive approach to advancing equity[36] for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments, and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

By advancing equity across the Federal Government, we can create opportunities for the improvement of communities that have been historically underserved, which benefits everyone.[37]

As part of this whole of government approach, this FOA seeks to encourage the participation of underserved communities[38] and underrepresented groups.

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

[37] Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government" (Jan. 20, 2021).

[38] The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list of in the definition of "equity." E.O. 13985. For purposes of this FOA, as applicable to geographic communities, applicants can refer to economically distressed communities identified by the Internal Revenue Service as Qualified Opportunity Zones; communities identified as

Applicants are highly encouraged to include individuals from groups historically underrepresented[39,40] in STEM on their project teams. As part of the application, applicants are required to describe how diversity, equity, and inclusion objectives will be incorporated in the project. Specifically, applicants are required to submit a Diversity, Equity, and Inclusion Plan that describes the actions the applicant will take to foster a welcoming and inclusive environment, support people from underrepresented groups in STEM, advance equity, and encourage the inclusion of individuals from these groups in the project; and the extent the project activities will be located in or benefit underserved communities. (See Section IV.D.viii). The plan should include at least one SMART (Specific, Measurable, Assignable, Realistic and Time-Related) milestone per budget period supported by metrics to measure the success of the proposed actions. This plan will be evaluated as part of the technical review process and incorporated into the award if selected.

Further, Minority Serving Institutions[41], Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses, or entities located in an underserved community that meet the eligibility requirements (See Section III.) are encouraged to apply as the prime applicant or participate on an application as a proposed partner to the prime applicant. The Selection Official may

disadvantaged or underserved communities by their respective States; communities identified on the Index of Deep Disadvantage referenced at https://news.umich.edu/new-index-ranks-americas-100-most-disadvantaged-communities/, and communities that otherwise meet the definition of "underserved communities" stated above.

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

[40] See also. Note that Congress recognized in section 305 of the American Innovation and Competitiveness Act of 2017, Public Law 114-329:

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

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

consider the inclusion of these types of entities as part of the selection decision (See Section V.C.i).

F. Authorizing Statutes

The programmatic authorizing statute is Energy Policy Act (EPAct) 2005, Pub. L. 109-58, § 931 as codified at 42 U.S.C. § 16231; EPAct 2005 § 932, as codified at 42 U.S.C § 16232.

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

II. Award Information

A. Award Overview

i. Estimated Funding

EERE expects to make a total of approximately $12,000,000 of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. EERE anticipates making approximately 0-4 awards under this FOA. EERE may issue one, multiple, or no awards. Individual awards may vary between $2,000,000 and $3,000,000.

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

Topic Area Number	Topic Area Title	Anticipated Number of Awards	Anticipated Minimum Award Size for Any One Individual Award (Fed Share)	Anticipated Maximum Award Size for Any One Individual Award (Fed Share)	Approximate Total Federal Funding Available for All Awards	Anticipated Period of Performance (months)
1	Pilot Scale-up of Integrated Biorefineries – Phase 1 Preliminary Design and Phased Construction	0-4	$2,000,000	$3,000,000	$6,000,000	24
2	Demonstration Scale-up of Integrated Biorefineries –	0-4	$2,000,000	$3,000,000	$6,000,000	24

	Phase 1 Preliminary Design and Phased Construction					
3	Scale-up of Organic Chemical Pathways - Phase 1 Preliminary Design and Phased Construction	0-4	$2,000,000	$3,000,000	$6,000,000	24

EERE may establish more than one budget period for each award and fund only the initial budget period(s). Funding for all budget periods, including the initial budget period, is not guaranteed.

ii. Period of Performance

EERE anticipates making Phase 1 awards that will run from twelve (12) up to twenty-four (24) months, comprised of one or more budget periods. Project continuation into Phase 2 will be contingent upon several elements, including future appropriations and availability of funds, satisfactory performance and Go/No-Go decision. For a complete list, see Section VI.B.xv.

iii. New Applications Only

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

B. EERE Funding Agreements

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

i. Cooperative Agreements

EERE generally uses cooperative agreements to provide financial and other support to prime recipients.

Through cooperative agreements, EERE provides financial or other support to accomplish a public purpose of support or stimulation authorized by federal statute. Under cooperative agreements, the government and prime recipients share responsibility for the direction of projects.

EERE has substantial involvement in all projects funded via cooperative agreement. See Section VI.B.x. of the FOA for more information on what substantial involvement may involve.

ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs)[42]

In most cases, FFRDCs are funded independently of the remainder of the project team. The FFRDC then executes an agreement with any non-FFRDC project team members to arrange work structure, project execution, and any other matters. Regardless of these arrangements, the entity that applied as the prime recipient for the project will remain the prime recipient for the project. See Section III.E.

III. Eligibility Information

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

A. Eligible Applicants

i. Domestic Entities

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

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

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

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

DOE/NNSA FFRDCs are eligible to apply for funding as a subrecipient but are not eligible to apply as a prime recipient. The FFRDC effort, in aggregate, shall not exceed 50% of the total estimated cost of the project, including the applicant's and the FFRDC's portions of the effort.

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

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

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

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

ii. Foreign Entities

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

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

B. Cost Sharing

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

The cost share must be at least 50% of the total project costs[43] for demonstration projects.[44] The cost share must come from non-federal sources unless otherwise allowed by law. The following table shows the required cost share amounts:

Topic Area	Minimum Required Cost Share
Topic Area 1	50%
Topic Area 2	50%
Topic Area 3	50%

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

i. Legal Responsibility

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

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

ii. Cost Share Allocation

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

iii. Cost Share Types and Allowability

Every cost share contribution must be allowable under the applicable federal cost principles, as described in Section IV.J.i. of the FOA. In addition, cost share must be verifiable upon submission of the Full Application. Cost share may be provided in the form of cash or cash equivalents, or in-kind contributions. Cost share must come from non-federal sources (unless otherwise allowed by law), such as project participants, state or local governments, or other third-party

[43] Total project costs is the sum of the government share, including FFRDC costs if applicable, and the recipient share of project costs.

[44] Energy Policy Act of 2005, Pub. L. 109-58, sec. 988. Also see 2 CFR 200.306 and 2 CFR 910.130 for additional cost sharing requirements.

financing. Federal financing, such as DOE Loan Guarantee, cannot be leveraged by applicants to provide the required cost share or otherwise support the same scope that is proposed under a project.

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

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

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

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

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

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

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

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

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

iv. Cost Share Contributions by FFRDCs

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

v. Cost Share Verification

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

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

vi. Cost Share Payment

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

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

C. Compliance Criteria

All applicant submissions must:

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

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

Applicants are strongly encouraged to submit their Letters of Intent, Concept Papers, Full Applications, and Replies to Reviewer Comments at least 48 hours in advance of the submission deadline. Under normal conditions (i.e., at least 48 hours before the submission deadline), applicants should allow at least one hour to submit a Letter of Intent, Concept Paper, Full Application, or Reply to Reviewer Comments. Once the Letter of Intent, Concept Paper, Full Application, or Reply to Reviewer Comments is submitted in EERE eXCHANGE, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made to any of these documents, the applicant must resubmit the Letter of Intent, Concept Paper, Full Application, or Reply to Reviewer Comments before the applicable deadline. EERE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

D. Responsiveness Criteria

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

E. Other Eligibility Requirements

i. Requirements for DOE/NNSA and Non-DOE/NNSA FFRDCs Included as a Subrecipient

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

a. Authorization for non-DOE/NNSA FFRDCs
The federal agency sponsoring the FFRDC must authorize in writing the use of the FFRDC on the proposed project and this authorization must be submitted with the application. The use of a FFRDC must be consistent with its authority under its award.

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

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

c. Funding, Cost Share, and Subaward with FFRDCs

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

Unless instructed otherwise by the DOE Contracting Officer for the DOE award, all FFRDCs are required to enter into a Cooperative Research and Development Agreement[45] (CRADA) or, if the role of the DOE/NNSA FFRDC is limited to technical assistance and intellectual property is not anticipated to be generated from the DOE/NNSA FFRDC's work, a Technical Assistance Agreement (TAA), with at least the prime recipient before any project work begins. Any questions regarding the use of a CRADA or TAA should be directed to the cognizant DOE field intellectual property (IP) counsel.

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

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

d. Responsibility
The prime recipient will be the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues including but not limited to disputes and claims arising out of any agreement between the prime recipient and the FFRDC.

e. Limit on FFRDC Effort

The FFRDC effort, in aggregate, shall not exceed 50% of the total estimated cost of the project, including the applicant's and the FFRDC's portions of the effort.

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

An entity may submit more than one Concept Paper and Full Application to this FOA, provided that each application describes a unique, scientifically distinct project and an eligible Concept Paper was submitted for each Full Application.

G. Questions Regarding Eligibility

EERE will not make eligibility determinations for potential applicants prior to the date on which applications to this FOA must be submitted. The decision whether to apply in response to this FOA lies solely with the applicant.

IV. Application and Submission Information

A. Application Process

The application process includes two submission phases: Concept Paper, and Full Application. **Only applicants who have submitted an eligible Concept Paper will be eligible to submit a Full Application**.

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

- Each must be submitted in Adobe PDF format unless stated otherwise;
- Each must be written in English;
- All pages must be formatted to fit on 8.5" x 11" paper with margins not less than one inch on every side. Use Calibri typeface, a black font color, and a font size of 12-point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- A **control number** will be issued when an applicant begins the EERE eXCHANGE application process. The control number must be included with all application documents. Specifically, the control number must be prominently displayed on the upper right corner of the header of every page and included in the file name (i.e., *Control Number_Applicant Name_Full Application*);
- Page numbers must be included in the footer of every page; and
- Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, EERE will review only the authorized number of pages and disregard any additional pages.

i. Additional Information on EERE eXCHANGE

EERE eXCHANGE is designed to enforce the deadlines specified in this FOA. The "Apply" and "Submit" buttons will automatically disable at the defined submission deadlines.

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

B. Application Forms

The application forms and instructions are available at EERE Funding Application and Management Forms and on EERE eXCHANGE. To access these materials on EERE eXCHANGE, go to https://eere-eXCHANGE.energy.gov and select the appropriate funding opportunity number.

Note: The maximum file size that can be uploaded to the EERE eXCHANGE website is 50MB. Files larger than 50MB cannot be uploaded and hence cannot be submitted for review. If a file is larger than 50MB but is still within the maximum page limit specified in the FOA, it must be broken into parts and denoted to that effect. For example:
TechnicalVolume_Part_1
TechnicalVolume_Part_2

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

C. Content and Form of the Concept Paper

Each Concept Paper must be limited to a single concept or technology. The Concept Paper must conform to the requirements listed below, including the stated page limits.

Section	Page Limit	Description
Cover Page	1 page maximum	The cover page should include the project title, the specific announcement Topic Area being addressed (if applicable), both the technical and business points of contact, names of all team member organizations, the project location(s), and any statements regarding confidentiality.
Technology Description	3 pages maximum	Applicants are required to succinctly describe: • The proposed technology, including its basic operating principles and how it is unique and innovative; • The proposed technology's target level of performance (applicants should provide technical data or other support to show how the proposed target could be met); • The current state of the art in the relevant field and application, including key shortcomings, limitations, and challenges; • How the proposed technology will overcome the shortcomings, limitations, and challenges in the relevant field and application; • The potential impact that the proposed project would have on the relevant field and application;

		• How the proposed location of the proposed project will support technology development and long-term success; • The key technical risks/issues associated with the proposed technology development plan; and • The impact that EERE funding would have on the proposed project.
Addendum	1 pages maximum	Applicants are required to describe succinctly the qualifications, experience, and capabilities of the proposed project team, including: • Whether the Principal Investigator (PI) and project team have the skill and expertise needed to successfully execute the project plan; • Whether the applicant has prior experience which demonstrates an ability to perform tasks of similar risk and complexity; • Whether the applicant has adequate access to equipment and facilities necessary to accomplish the effort and/or clearly explain how it intends to obtain access to the necessary equipment and facilities; and • Applicants may provide graphs, charts, or other data to supplement their Technology Description.

EERE makes an independent assessment of each Concept Paper based on the criteria in Section V.A.i. of the FOA. EERE will encourage a subset of applicants to submit Full Applications. Other applicants will be discouraged from submitting a Full Application. See Section VI.A.

D. Content and Form of the Full Application

Applicants must complete the following application forms found at EERE Funding Application and Management Forms and on the EERE eXCHANGE website at https://eere-eXCHANGE.energy.gov/.

Applicants will have approximately 8 weeks from receipt of the Concept Paper Encourage/Discourage notification on EERE eXCHANGE to prepare and submit a Full Application. Regardless of the date the applicant receives the Encourage/Discourage notification, the submission deadline for the Full Application remains the date and time stated on the FOA cover page.

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

i. Full Application Content Requirements

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

Component	File Format	Page Limit	File Name
SF-424: Application for Federal Assistance	PDF	n/a	ControlNumber_LeadOrganization_App424
Technical Volume	PDF	40	ControlNumber_LeadOrganization_TechnicalVolume
Resumes	PDF	3 pages each	ControlNumber_LeadOrganization_Resumes
Letters of Commitment	PDF	1 page each	ControlNumber_LeadOrganization_LOCs
Impacted Indian Tribes Documentation	PDF	n/a	ControlNumber_LeadOrganization_ImpactedTribes
Statement of Project Objectives	MS Word	10	ControlNumber_LeadOrganization_SOPO
Diversity Equity and Inclusion Plan	PDF	5	ControlNumber_LeadOrganization_DEIP
Budget Justification Workbook	MS Excel	n/a	ControlNumber_LeadOrganization_Budget_Justification
Summary/Abstract for Public Release	PDF	1	ControlNumber_LeadOrganization_Summary
Summary Slide	MS PowerPoint	1	ControlNumber_LeadOrganization_Slide
Subrecipient Budget Justification	MS Excel	n/a	ControlNumber_LeadOrganization_Subrecipient_Budget_Justification
DOE Work Proposal for FFRDC, (see DOE O 412.1A, Attachment 2)	PDF	n/a	ControlNumber_LeadOrganization_WP
Authorization from cognizant Contracting Officer for FFRDC	PDF	n/a	ControlNumber_LeadOrganization_FFRDCAuth
SF-LLL Disclosure of Lobbying Activities	PDF	n/a	ControlNumber_LeadOrganization_SF-LLL
Foreign Entity Waiver Requests and Foreign Work Waiver Requests	PDF	n/a	ControlNumber_LeadOrganization_Waiver
Current and Pending Support	PDF	n/a	ControlNumber_LeadOrganization_CPS
Transparency of Foreign Connections	PDF	n/a	ControlNumber_LeadOrganization_TFC
Potentially Duplicative Funding Notice	PDF	n/a	ControlNumber_LeadOrganization_PDFN

Block Flow Diagram and Supplemental Data*	MS Word, PDF	25	ControlNumber_LeadOrganization_ BFD
Proforma Cash Flow Analysis*	MS Excel, MS Word, PDF	5	ControlNumber_LeadOrganization_ TopicArea_Proforma
Life Cycle Assessment*	MS Word, PDF	5	ControlNumber_LeadOrganization_ TopciArea_LCA

*Please reference Appendix H for additional details and guidance

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

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

ii. SF-424: Application for Federal Assistance

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

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

Note: The dates and dollar amounts on the SF-424 are for the complete project period and not just the first project year, first phase, or other subset of the project period.

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

iii. Technical Volume

The Technical Volume must conform to the following content and form requirements. This volume must address the technical review criteria as discussed in Section V. of the FOA.

Save the Technical Volume in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_TechnicalVolume".

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

The Technical Volume to the Full Application may not be more than 40 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all information in the table below. The applicant should consider the weighting of each of the technical review criteria (see Section V.A.ii. of the FOA) when preparing the Technical Volume.

The Technical Volume should clearly describe and expand upon information provided in the Concept Paper.

Technical Volume Content Requirements

SECTION/PAGE LIMIT	DESCRIPTION
Cover Page	The cover page should include the project title, the specific FOA Topic Area being addressed (if applicable), both the technical and business points of contact, names of all team member organizations, names of the PI, Senior/Key Personnel and their organizations, the project location(s), and any statements regarding confidentiality.
Project Overview (Approximately 10% of the Technical Volume)	The Project Overview should contain the following information: • Background: The applicant should discuss the background of its organization, including the history, successes, and current research and development status (i.e., the technical baseline) relevant to the technical topic being addressed in the Full Application. • Project Goal: The applicant should explicitly identify the targeted improvements to the baseline technology and the critical success factors in achieving that goal. • DOE Impact: The applicant should discuss the impact that DOE funding would have on the proposed project. Applicants should specifically explain how DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives.

Technical Description, Innovation, and Impact (Approximately 30% of the Technical Volume)	The Technical Description should contain the following information: • Relevance and Outcomes: The applicant should provide a detailed description of the technology, including the scientific and other principles and objectives that will be pursued during the project. This section should describe the relevance of the proposed project to the goals and objectives of the FOA, including the potential to meet specific DOE technical targets or other relevant performance targets. The applicant should clearly specify the expected outcomes of the project. • Feasibility: The applicant should demonstrate the technical feasibility of the proposed technology and capability of achieving the anticipated performance targets, including a description of previous work done and prior results. • Innovation and Impacts: The applicant should describe the current state-of-the-art in the applicable field, the specific innovation of the proposed technology, the advantages of proposed technology over current and emerging technologies, and the overall impact on advancing the state-of-the-art/technical baseline if the project is successful.
Workplan and Market Transformation Plan (Approximately 40% of the Technical Volume)	The Workplan should include a summary of the Project Objectives, Technical Scope, Work Breakdown Structure (WBS), Milestones, Go/No-Go decision points, and Project Schedule. A detailed SOPO is separately requested. The Workplan should contain the following information: • Project Objectives: The applicant should provide a clear and concise (high-level) statement of the goals and objectives of the project as well as the expected outcomes. • Technical Scope Summary: The applicant should provide a summary description of the overall work scope and approach to achieve the objective(s). The overall work scope is to be divided by performance periods that are separated by discrete, approximately annual decision points (see below for more information on Go/No-Go decision points). The applicant should describe the specific expected end result of each performance period • WBS and Task Description Summary: The Workplan should describe the work to be accomplished and how the applicant will achieve the milestones, will accomplish the final project goal(s), and will produce all deliverables. The Workplan is to be structured with a hierarchy of performance period (approximately annual), task and subtasks, which is typical of a standard WBS for any project. The Workplan shall contain a concise description of the specific activities to be conducted over the life of the project. The description shall be a full explanation and disclosure of the project being proposed (i.e., a statement such as “we will then complete a proprietary process” is unacceptable). It is the applicant’s responsibility to prepare an adequately detailed task plan to

	describe the proposed project and the plan for addressing the objectives of this FOA. The summary provided should be consistent with the SOPO. The SOPO will contain a more detailed description of the WBS and tasks. • Milestone Summary: The applicant should provide a summary of appropriate milestones throughout the project to demonstrate success. A milestone may be either a progress measure (which can be activity based) or a Specific, Measurable, Attainable, Realistic, and Timely (SMART) technical milestone. SMART milestones should be Specific, Measurable, Achievable, Relevant, and Timely, and must demonstrate a technical achievement rather than simply completing a task. Unless otherwise specified in the FOA, the minimum requirement is that each project must have at least one milestone per quarter for the duration of the project with at least one SMART technical milestone per year (depending on the project, more milestones may be necessary to comprehensively demonstrate progress). The applicant should also provide the means by which the milestone will be verified. The summary provided should be consistent with the Milestone Summary Table in the SOPO. • Go/No-Go Decision Points (See Section VI.B.xv. for more information on the Go/No-Go Review): The applicant should provide a summary of project-wide Go/No-Go decision points at appropriate points in the Workplan. At a minimum, each project must have at least one project-wide Go/No-Go decision point for each budget period (12 to 18-month period) of the project. The applicant should also provide the specific technical criteria to be used to evaluate the project at the Go/No-Go decision point. The summary provided should be consistent with the SOPO. Go/No-Go decision points are considered "SMART" and can fulfill the requirement for an annual SMART milestone. • End of Project Goal: The applicant should provide a summary of the end of project goal(s). At a minimum, each project must have one SMART end of project goal. The summary provided should be consistent with the SOPO. • Project Schedule (Gantt Chart or similar): The applicant should provide a schedule for the entire project, including task and subtask durations, milestones, and Go/No-Go decision points. • Buy America Requirements for Infrastructure Projects: Within the first two pages of the Workplan, include a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. See Appendix D for applicable definitions and other information to inform this statement. • Project Management: The applicant should discuss the team's proposed management plan, including the following:

	○ The overall approach to and organization for managing the work; ○ The roles of each project team member; ○ Any critical handoffs/interdependencies among project team members; ○ The technical and management aspects of the management plan, including systems and practices, such as financial and project management practices; ○ The approach to project risk management; ○ A description of how project changes will be handled; ○ If applicable, the approach to Quality Assurance/Control; ○ How communications will be maintained among project team members. • Market Transformation Plan: The applicant should provide a market transformation plan, including the following: ○ Identification of target market, competitors, and distribution channels for proposed technology along with known or perceived barriers to market penetration, including a mitigation plan; ○ Identification of a product development and/or service plan, commercialization timeline, financing, product marketing, legal/regulatory considerations including intellectual property, infrastructure requirements, data dissemination, and product distribution.
Technical Qualifications and Resources (Approximately 20% of the Technical Volume)	The Technical Qualifications and Resources should contain the following information: • A description of the project team's unique qualifications and expertise, including those of key subrecipients; • A description of the project team's existing equipment and facilities, or equipment or facilities already in place on the proposed project site, that will facilitate the successful completion of the proposed project; include a justification of any new equipment or facilities requested as part of the project; • Relevant, previous work efforts, demonstrated innovations, and how these enable the applicant to achieve the project objectives; • The time commitment of the key team members to support the project; • A description of the technical services to be provided by DOE/NNSA FFRDCs, if applicable;

	• The skills, certifications, or other credentials of the construction and ongoing operations workforce;
	• For multi-organizational projects, describe succinctly:
	  ○ The roles and the work to be performed by the PI and Senior/Key Personnel at the prime and sub levels;
	  ○ Business agreements between the applicant and sub;
	  ○ How the various efforts will be integrated and managed;
	  ○ Process for making decisions on technical direction;
	  ○ Publication arrangements;
	  ○ Intellectual property issues; and
	  ○ Communication plans

iv. Resumes

A resume provides information reviewers can use to evaluate an individual's relevant skills and the experience of the key project personnel. Applicants must submit a resume (limited to three pages) for each project manager and Senior/Key Personnel that includes the following:

1. Contact information;
2. Education: All academic institutions attended, major/area, degree;
3. Training: (e.g.,) certification or credential from a Registered Apprenticeship or Labor Management Partnership;
4. Professional experience: Beginning with the current position, list professional/academic positions in chronological order with a brief description;
5. List all current academic, professional, or institutional appointments, foreign or domestic, at the applicant institution or elsewhere, whether or not remuneration is received, and, whether full-time, part-time, or voluntary; and
6. There should be no lapses in time over the past 10 years or since age 18, whichever period is shorter.

As an alternative to a resume, it is acceptable to use the biographical sketch format approved by the National Science Foundation (NSF). The biographical sketch format may be generated by the Science Experts Network Curriculum Vita (SciENcv), a cooperative venture maintained at https://www.ncbi.nlm.nih.gov/sciencv/, also available at https://www.nsf.gov/bfa/dias/policy/researchprotection/commonform_biographicalsketch.pdf. The use of a format required by another agency is intended to

reduce the administrative burden to researchers by promoting the use of common formats.

Save the resumes in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_Resumes".

v. Letters of Commitment

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

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

Letters of support or endorsement for the project from entities that do not have a substantive role (a sub-recipient or cost-share contributor) in the project will not be accepted.

vi. Impacted Indian Tribes Documentation

For any application that potentially impacts Indian Tribes or is on Tribal land[46], 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[47] of each potentially impacted Indian Tribe is, at a minimum, aware of the nature of the application and its potential impacts to the relevant Indian Tribes. The notified authorized representative must be holding their position while the award is open for applications, and documentation must demonstrate affirmative awareness of

[46] Tribal land is as defined in 25 U.S.C. §§ 3501(2), (3), (4)(A) and (13)

[47] 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 application (e.g. a delivery record from certified mail, a reply by the authorized representative).

For any project intended to be sited on Tribal land(s) or intersecting with Tribal subsurface rights, applicants are required to submit documentation demonstrating support from the relevant Indian Tribes at the time of application. Documentation of support submitted at the time of application will be considered to also demonstrate awareness of an Indian Tribe (specified above). Documentation may include either:

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

Applicants are encouraged to reference or include any applicable community benefits agreements in the Tribal support documentation, 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.

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

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

https://www.bia.gov/sites/default/files/dup/inline-files/best_practices_guide.pdf

To help determine if an Indian Tribe's resources or reserved rights may be impacted by the project, applicants must address the following elements. If the applicant is an Indian Tribe, these elements should be addressed to ascertain impacts to Indian Tribes other than the applicant. Applicants do not need to reveal specific details about sacred sites such as specific location or specific ceremonies:

- 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).
- Identify any [other] proposed actions which may impact an Indian Tribe(s) resources or reserved rights. Tribal resources and reserved rights include, and are not limited to, an Indian Reservation or Land (as defined in 25 U.S.C. § 3501) [or intersecting Tribal sub-surface rights], historic homelands from which they were removed, cultural sites, sacred sites, water rights, mineral and other subsurface rights, fishing rights, and hunting rights. Identify the Tribe(s) potentially impacted and any sources of uncertainty or confidentiality.
- Explain any actions taken by the applicant to mitigate or address any potential impacts identified above, including engaging with the potentially impacted Indian Tribe(s), in the application.

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

Any application that may potentially impact Indian Tribe(s) may be shared with the potentially impacted Indian Tribe(s). Applicants should include a Notice of Restriction on Disclosure and Use of Data identifying any business sensitive, trade secrets, proprietary, or otherwise confidential information. Such information shall be used or disclosed only for evaluation of the application or to determine whether the proposed project affects an Indian Tribe(s). If an applicant determines an Indian Tribe(s) will be impacted, the applicant must provide information on the project location, potential impacts and how the applicant will engage with Indian Tribe(s), during the period of performance of

the agreement, and, if necessary, after the end of the agreement. Approval by DOE must be obtained before any activities take place that could impact Tribal resources or reserved rights, including but not limited to lands, cultural sites, sacred sites, water rights, mineral rights, fishing rights, and hunting rights. DOE will determine if formal government-to-government consultation is needed, and DOE will conduct that consultation accordingly, in addition to any engagement by applicant.

Save the Impacted Indian Tribes Documentation in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_ImpactedTribes".

vii. Statement of Project Objectives (SOPO)

Applicants must complete a SOPO. A SOPO template is available on EERE Funding Application and Management Forms and on EERE eXCHANGE at https://eere-eXCHANGE.energy.gov/. The SOPO, including the Milestone Table, must not exceed 10 pages when printed using standard 8.5" x 11" paper with 1" margins (top, bottom, left, and right) with font not smaller than 12-point (except in figures or tables, which may be 10-point font).

Save the SOPO in a single Microsoft Word file using the following convention for the title "ControlNumber_LeadOrganization_SOPO".

viii. Diversity, Equity, and Inclusion Plan

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

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

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

a. Include persons from groups underrepresented in STEM as PI, co-PI, and/or other senior personnel;
b. Include persons from groups underrepresented in STEM as student researchers or post-doctoral researchers;
c. Include faculty or students from Minority Serving Institutions as PI/co-PI, senior personnel, and/or student researchers, as applicable;
d. Enhance or collaborate with existing diversity programs at your home organization and/or nearby organizations;
e. Collaborate with students, researchers, and staff in Minority Serving Institutions;
f. Disseminate results of research and development in Minority Serving Institutions or other appropriate institutions serving underserved communities;
g. Implement evidence-based, diversity-focused education programs (such as implicit bias training for staff) in your organization;
h. Identify Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses and Veteran Owned Businesses to solicit as vendors and sub-contractors for bids on supplies, services and equipment.

The Diversity, Equity, and Inclusion Plan must not exceed 5 pages. Save the Diversity, Equity and Inclusion Plan in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_DEIP".

ix. Budget Justification Workbook

Applicants must complete the Budget Justification Workbook, which is available on EERE Funding Application and Management Forms and on EERE eXCHANGE at https://eere-eXCHANGE.energy.gov/. Applicants must complete each tab of the Budget Justification Workbook for the project, including all work to be performed by the prime recipient and its subrecipients and contractors. Applicants should include costs associated with required annual audits and incurred cost proposals in their proposed budget documents. The "Instructions and Summary" included with the Budget Justification Workbook will auto-populate as the applicant enters information into the Workbook. Applicants must carefully read the "Instructions and Summary" tab provided within the Budget Justification Workbook.

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

x. Summary for Public Release

Applicants must submit a one-page summary of their project that is suitable for dissemination to the public. It should be a self-contained document that identifies the name of the applicant, the project director/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (e.g., benefits, outcomes), and major participants (for collaborative projects). This document must not include any proprietary or business-sensitive information as DOE may make it available to the public after selections are made. The summary must not exceed one page when printed using standard 8.5" x 11" paper with 1" margins (top, bottom, left, and right) with font not smaller than 12-point.

Save the Summary for Public Release in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_Summary".

xi. Summary Slide

Applicants must provide a single slide summarizing the proposed project. The Summary Slide template is available on EERE eXCHANGE at https://eere-eXCHANGE.energy.gov/ and must include the following information:

- A technology summary;
- Project location (location of work);
- A description of the technology's impact;
- Proposed project goals;
- Any key graphics (illustrations, charts and/or tables);
- The project's key idea/takeaway;
- Project title, prime recipient, PI, and Senior/Key Personnel information; and
- Requested EERE funds and proposed applicant cost share.

Save the Summary Slide in a single Microsoft PowerPoint file using the following convention for the title "ControlNumber_LeadOrganization_Slide".

xii. Subrecipient Budget Justification (if applicable)

Applicants must provide a separate budget justification for each subrecipient that is expected to perform work estimated to be more than $250,000 or 25% of the total work effort, whichever is less. The budget justification must include the

same justification information described in the "Budget Justification" section above.

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

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

If a DOE/NNSA 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, Attachment 2, available at: https://www.directives.doe.gov/directives-documents/400-series/0412.1-BOrder-a-chg1-AdmChg.

Save the WP in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_WP".

xiv. Authorization for Non-DOE/NNSA or DOE/NNSA FFRDCs (if applicable)

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

Save the Authorization in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_FFRDCAuth".

xv. SF-LLL: Disclosure of Lobbying Activities

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

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

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

- An employee of a Member of Congress.

Save the SF-LLL in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_SF-LLL".

xvi. Waiver Requests (if applicable)

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

Performance of Work in the United States (Foreign Work Waiver Request)
As set forth in Section IV.K.iii., all work for projects selected under this FOA must be performed in the United States. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. Appendix C lists the information that must be included in a foreign work waiver request.

Save the Waivers in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_Waiver".

xvii. Current and Pending Support

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

For every activity, list the following items:

- The sponsor of the activity or the source of funding;
- The award or other identifying number;

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

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

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

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

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

The information may be provided in the approved common disclosure format available at: https://www.nsf.gov/bfa/dias/policy/researchprotection/commonform_cps.pdf. Regardless of the format used, the individual must include a signature, date, and a certification statement using the language included in the paragraph above.

Save the Current and Pending Support in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_CPS".

Definitions:

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

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

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

Senior/Key Personnel – An individual who contributes in a substantive, meaningful way to the scientific development or execution of a research, development, and demonstration (RD&D) project proposed to be carried out with a DOE award.[48]

xviii. Transparency of Foreign Connections

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

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

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

8. Any technology licensing or intellectual property sales to a foreign country of risk, during the 5-year period preceding submission of the proposal;
9. Any of the following foreign equipment proposed for use on the project:
    a. Unmanned aircraft, control, and communication components originally made or manufactured in a foreign country of risk (including relabeled or rebranded equipment).
    b. Coded equipment where the source code is written in a foreign country of risk.
    c. Equipment from a foreign country of risk that will be connected to the internet or other remote communication system.
    d. Any companies from a foreign country of risk that will have physical or remote access to any part of the equipment used on the project after delivery.
10. Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient;
11. Complete list of all directors (and board observers), including their full name, citizenship and shareholder affiliation, date of appointment, duration of term, as well as a description of observer rights as applicable;
12. Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis. 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%;
13. 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
14. An organization chart to illustrate the relationship between your entity and the immediate parent, ultimate parent, and any intermediate parent, as well as any subsidiary or affiliates. Identify where each entity is incorporated.

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

Save the Transparency of Foreign Connections information in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_TFC."

xix. Potentially Duplicative Funding Notice

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

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

xx. Block Flow Diagram

All topic areas will utilize a Block Flow Diagram and Supplemental Data template (BFD & SD). The purpose of the BFD & SD is to assess the merits of the selected technology and the status of the process technology in order to gain an understanding of project risks and the potential viability of the proposed project. Please refer to the Word documents titled, "BFD & SD Template", for the respective scale, available for download from EERE Exchange for the Block Flow Diagram and Supplemental Data instructions, overview, and recommended templates. **Use of the template is not required, however equivalent data must be submitted with all applications.**

Save the Block Flow Diagram in a single Microsoft Word or PDF file using the following convention for the title "ControlNumber_LeadOrganization_BFD."

xxi. Proforma Cash Flow Analysis

Topic Areas will utilize a Proforma Cash Flow Analysis (proforma). A feasible commercial pro forma cash flow analysis showing the expected cash flow of the proposed integrated biorefinery (IBR) under the performance parameters at steady state production. Include a sensitivity analysis by showing results using a range of reasonable assumptions for such as feedstock cost and market price of products compared to low, reference, and high oil prices cases. All assumptions regarding product and consumable prices, annual product production, inflation, and other inputs must be clearly delineated. **Applicants may use their own model or edit the provided template.** Please refer to the MS Excel file titled, "Proforma Template" available for download from EERE Exchange for the Proforma Cash Flow Analysis instructions, overview, and recommended templates. Use of the template is not required, however equivalent data must be submitted with Topic Areas 1 and 2 applications.

Save the Block Flow Diagram in a single Microsoft Word, Microsoft Excel, or PDF file using the following convention for the title "ControlNumber_LeadOrganization_Proforma."

xxii. Life Cycle Analysis

Topic Areas will utilize Life Cycle Analyses (LCA). The LCA will be utilized to assess the potential GHG reduction and environmental performance of the proposed technology. Applicants may use any standardized approach to calculating life cycle GHG emissions e.g. Argonne National Laboratory GREET model[49] or provide schemes developed the CORSIA (Carbon Offsetting and Reduction Scheme for International Aviation) methodology[50] for calculating life cycle emissions. Argonne National Laboratory has developed publicly available life-cycle assessment tools that Applicants may utilize. **Use of these tools are not required, however equivalent data must be submitted with applications.**

ANL GREET Model Link: https://greet.es.anl.gov/index.php

Save the Life Cycle Analysis in a single Microsoft Word or PDF file using the following convention for the title "ControlNumber_LeadOrganization_LCA."

[49] https://greet.es.anl.gov/

[50] https://www.icao.int/environmental-protection/CORSIA/Pages/CORSIA-Eligible-Fuels.aspx

E. Content and Form of Replies to Reviewer Comments (Optional)

EERE will provide applicants with reviewer comments following the evaluation of all eligible Full Applications. Applicants will have a brief opportunity to prepare a short Reply to Reviewer Comments (Reply). The Reply must not exceed three pages. If a Reply is more than three pages in length, EERE will review only the first three pages and disregard additional pages. Applicants may use the Reply to respond to one or more comments or to supplement their Full Application. The Reply may include text, grphs, charts, or data.

EERE will post the reviewer comments in EERE eXCHANGE. The expected submission deadline is on the cover page of the FOA; however, it is the applicant's responsibility to monitor EERE eXCHANGE if the expected date changes. The deadline will not be extended for applicants who are unable to timely submit their Reply due to failure to check EERE eXCHANGE or relying on the expected date alone. Applicants should anticipate having approximately three (3) business days to submit a Reply.

Applicants are not required to submit a Reply to Reviewer Comments. EERE will review and consider each eligible Full Application, even if no Reply is submitted or if the Reply is found to be ineligible.

F. Post Selection Information Requests

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

- Personnel proposed to work on the project and collaborating organizations (See Section VI.B.xx. Participants and Collaborating Organizations);
- Current and Pending Support (See Sections IV.D.xvii. and VI.B.xxi. Current and Pending Support);
- An Intellectual Property Management Plan (if applicable) describing how the project team/consortia members will handle intellectual property rights and issues between themselves while ensuring compliance with federal intellectual property laws, regulations, and policies in accordance with Section VI.B.xi. Intellectual Property Management Plan;
- A Data Management Plan (if applicable) describing how all research data displayed in publications resulting from the proposed work will be digitally accessible at the time of publications, in accordance with Section VI.B.xxiv.;
- Indirect cost information;
- Other budget information;

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

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

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

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

H. Submission Dates and Times

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

I. Intergovernmental Review

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

J. Funding Restrictions

i. Allowable Costs

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

ii. Pre-Award Costs

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

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

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

1. **National Environmental Policy Act (NEPA) Requirements Related to Pre-Award Costs**
   EERE's decision whether and how to distribute federal funds under this FOA is subject to NEPA. Applicants should carefully consider and should seek legal counsel or other expert advice before taking any action related to the proposed project that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to EERE completing the NEPA review process.

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

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

1. Requirement

All work performed under EERE awards must be performed in the United States. The prime recipient must flow down this requirement to its subrecipients.

2. Failure to Comply

If the prime recipient fails to comply with the Performance of Work in the United States requirement, EERE may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as allowable recipient cost share. The prime recipient is responsible should any work under this award be performed outside the United States, absent a waiver, regardless of whether the work is performed by the prime recipient, subrecipients, contractors or other project partners.

3. Waiver

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

Save the waiver request(s) in a single PDF file. The applicant does not have the right to appeal EERE's decision concerning a waiver request.

iv. Construction

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

v. Foreign Travel

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

vi. Equipment and Supplies

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

vii. Build America Buy America Requirements for Infrastructure Projects

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

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

Whether a given project must apply this requirement is project-specific and dependent on several factors, such as the recipient's entity type, whether the work involves "infrastructure," as defined in Section 70914 of the BIL, and whether the infrastructure in question is publicly owned or serves a public function.

Applicants are strongly encouraged to consult Appendix D of this FOA to determine whether their project may have to apply this requirement, both to

make an early determination as to the need of a waiver, as well as to determine what impact, if any, this requirement may have on the proposed project's budget.

Please note that, based on implementation guidance from the Office of Management and Budget issued on April 18, 2022, the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a "non-Federal entity," e.g., a State, local government, Indian Tribe, Institution of Higher Education, or nonprofit organization. Subawards should conform to the terms of the prime award from which they flow; in other words, for-profit prime recipients are not required to flow down these Buy America requirements to subrecipients, even if those subrecipients are non-Federal entities as defined above. Conversely, prime recipients which are non-Federal entities must flow the Buy America requirements down to all subrecipients, even if those subrecipients are for-profit entities. Finally, for all applicants—both non-Federal entities and for-profit entities—DOE is including a Program Policy Factor that the Selection Official may consider in determining which Full Applications to select for award negotiations that considers whether the applicant has made a commitment to procure U.S. iron, steel, manufactured products, and construction materials in its project.

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

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

viii. Lobbying

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

Recipients and subrecipients are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities" (https://www.grants.gov/web/grants/forms/sf-424-individual-family.html) to ensure that non-federal funds have not been paid and will not be paid to any

person for influencing or attempting to influence any of the following in connection with the application:

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

ix. Risk Assessment

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

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

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

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

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

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

x. Invoice Review and Approval

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

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

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

a. Prohibition

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

b. Definitions

1. **Foreign Government-Sponsored Talent Recruitment Program.** An effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from

abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

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

xii. Affirmative Action and Pay Transparency Requirements

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

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

(1) Recipients, subrecipients, contractors, and subcontractors are prohibited from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin.

(2) Recipients and contractors are required to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. This includes flowing down the appropriate language to all subrecipients, contractors, and subcontractors.

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

DOL's Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical Assistance Guide[51] 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.

xiii. Foreign Collaboration Considerations

a. Consideration of new collaborations with foreign entities, organizations and governments. The recipient will be required to provide DOE with advanced written notification of any potential collaboration with foreign entities, organizations or governments in connection with its DOE-funded award scope. The recipient will then be required to await further guidance from DOE prior to contacting the proposed foreign entity, organization, or government regarding the potential collaboration or negotiating the terms of any potential agreement.

b. Existing collaborations with foreign entities, organizations, and governments. The recipient will be required to provide DOE with a written list of all existing foreign collaborations in which has entered in connection with its DOE-funded award scope.

c. Description of collaborations that should be reported. In general, a collaboration will involve some provision of a thing of value to, or from, the recipient. A thing of value includes but may not be limited to all resources made available to, or from, the recipient in support of and/or related to the DOE award, regardless of whether or not they have monetary value. Things of value also may include in-kind contributions (such as office/laboratory space, data, equipment, supplies, employees, students). In-kind contributions not intended for direct use on the DOE award but resulting in provision of a thing of value from or to the DOE award must also be reported. Collaborations do not include routine workshops, conferences, use of the recipient's services and facilities by foreign investigators resulting from its standard published process for evaluating requests for access, or the routine use of foreign facilities by awardee staff in accordance with the recipient's standard policies and procedures.

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

V. Application Review Information

A. Technical Review Criteria

i. Concept Papers

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

Concept Paper Criterion: Overall FOA Responsiveness and Viability of the Project (Weight: 100%)
This criterion involves consideration of the following factors:

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

ii. Full Applications

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

Criterion 1: Technical Merit, Innovation, and Impact (50%)
This criterion involves consideration of the following factors:

Technical Merit and Innovation

- Extent to which the proposed technology, process, or project is innovative or replicable;
- Degree to which the current state of the technology and the proposed advancement to demonstration and commercialization are clearly described;
- Extent to which the application specifically and convincingly demonstrates how the applicant will move the state of the art to the proposed advancement to demonstration and commercialization;
- Sufficiency of technical detail in the application to assess whether the proposed work is scientifically meritorious and revolutionary, including

relevant data, calculations, and discussion of prior work, with analyses that support the viability of the proposed work;
- Extent to which project has buy-in from needed stakeholders to ensure success of the demonstration;
- Degree to which key manufacturing and supply chain challenges are considered, as applicable, for viable scale-up in this and future demonstrations;
- Degree to which siting and environmental constraints are considered for deployment;
- Extent to which project has the potential to reduce emissions and provide clean energy acceleration benefits for a community or region; and
- Sufficiency of existing infrastructure to support addition of proposed demonstration.

Impact of Technology Advancement
- Ability of the project to advance industry adoption;
- Extent to which the project supports the topic area objectives and target specifications and metrics;
- Potential impact of the project on advancing the state of the art;
- Extent to which demonstration/deployment is replicable and may lead to future demonstrations; and
- Extent to which the project facilitates stakeholder relationships across new or existing stakeholders to gain technical buy-in and increase potential for future deployments.

Project Management
- Adequacy of proposed project management systems including the ability to track scope, cost, and schedule progress and changes;
- Reasonableness of budget and spend plan as detailed in the budget justification workbook for proposed project and objectives;
- Adequacy of contingency funding based on quality of cost estimate and identified risks;
- Adequacy, reasonableness, and soundness of the project schedule, as well as periodic Go/No-Go decisions prior to further funds disbursement, interim milestones, and metrics to track process;
- Adequacy, reasonableness, and soundness of the project schedule, as well as annual Go/No-Go decisions prior to a budget period continuation application, interim milestones, and metrics to track process;
- Adequacy of the identification of risks, including labor and community opposition or disputes, and “timely” and appropriate strategies for mitigation and resolution; and

- Soundness of a plan to expeditiously address environmental, siting, and other regulatory requirements for the project, including evaluation of resilience to climate change.

Criterion 2: Project Research and Market Transformation Plan (20%)
This criterion involves consideration of the following factors:

Research Approach, Workplan, and SOPO

- Degree to which the approach and critical path have been clearly described and thoughtfully considered; and
- Degree to which the task descriptions are clear, detailed, timely, and reasonable, resulting in a high likelihood that the proposed Workplan and SOPO will succeed in meeting the project goals.

Identification of Technical Risks

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

Baseline, Metrics, and Deliverables

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

Market Transformation Plan

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

Industry Adoption Plan

- Identification of the interest and extent of industry adoption of the technology/process.

Criterion 3: Team and Resources (10%)
This criterion involves consideration of the following factors:

- Capability of the Principal Investigator(s) and the proposed team to address all aspects of the proposed work with a high probability of success. The qualifications, relevant expertise, and time commitment of the individuals on the team;
- Diversity of expertise and perspectives of the team and the inclusion of industry partners that will amplify impact;
- Sufficiency of the facilities to support the work;
- Degree to which the proposed consortia/team demonstrates the ability to facilitate and expedite further demonstration, development, and commercial deployment of the proposed technologies;
- Level of participation by project participants as evidenced by letter(s) of commitment and how well they are integrated into the Workplan; and
- Reasonableness of the budget and spend plan for the proposed project and objectives.

Criterion 4: Diversity, Equity, and Inclusion (20%)
This criterion involves consideration of the following factors:

Energy Equity and Environmental Justice

- Clear workplan tasks, staffing, research, and timeline for engaging energy equity stakeholders and/or evaluating the possible near and long-term implications of the project for the benefit of the American public, including, but not limited to public health and public prosperity benefits;
- Degree to which applicant has identified business-as-usual practices and how the proposed approach could confer benefits to the community;
- Degree to which the proposed project will share learnings with community members and other interested communities;
- Approach, methodology, and expertise articulated in the plan for addressing energy equity and justice issues associated with the technology innovation; and
- Likelihood that the plan will result in improved understanding of distributional public benefits and costs related to the innovation if successful.

Workforce Implications

- Clear and comprehensive workplan tasks, staffing, research, and timeline for engaging workforce stakeholders and/or evaluating the possible near- and long-term implications of the project for the U.S. workforce;
- Approach to document the knowledge, skills, and abilities of the workforce required for successful commercial deployment of innovations resulting from

this research;

- Extent to which the proposed approach is likely to build organizational and/or staff capacity to support the installation of clean energy technologies located in the community/ies, and/or support the community's/ies' participation in the clean energy economy; and
- Likelihood that the plan will result in improved understanding of the workforce implications related to the innovation if successful.

Diversity, Equity, Inclusion and Accessibility (DEIA)

- Clear articulation of the project's goals related to diversity, equity, inclusion, and accessibility;
- Quality of the project's DEIA goals, as measured by the goals' depth, breadth, likelihood of success, inclusion of appropriate and relevant SMART milestones, and overall project integration;
- Degree of commitment and ability to track progress toward meeting each of the DEIA goals; and
- Extent of engagement of organizations that represent DACs as a core element of their mission, including Minority Serving Institutions (MSIs), Minority Business Entities, and nonprofit or community-based organizations.

iii. Criteria for Replies to Reviewer Comments

EERE has not established separate criteria to evaluate Replies to Reviewer Comments. Instead, Replies to Reviewer Comments are attached to the original applications and evaluated as an extension of the Full Application.

B. Standards for Application Evaluation

Applications that are determined to be eligible will be evaluated in accordance with this FOA, by the standards set forth in EERE's Notice of Objective Merit Review Procedure (76 Fed. Reg. 17846, March 31, 2011) and the guidance provided in the "DOE Merit Review Guide for Financial Assistance," effective September 2020, which is available at: https://energy.gov/management/downloads/merit-review-guide-financial-assistance-and-unsolicited-proposals-current.

C. Other Selection Factors

i. Program Policy Factors

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

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

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

D. Evaluation and Selection Process

i. Overview

The evaluation process consists of multiple phases; each includes an initial eligibility review and a thorough technical review. Rigorous technical reviews of eligible submissions are conducted by reviewers that are experts in the subject matter of the FOA. Ultimately, the Selection Official considers the recommendations of the reviewers, along with other considerations such as program policy factors and risk reviews, in determining which applications to select.

ii. Pre-Selection Clarification

EERE may determine that pre-selection clarifications are necessary from one or more applicants. Pre-selection clarifications are distinct from and less formal than pre-selection interviews. These pre-selection clarifications will solely be for the purposes of clarifying the application. The pre-selection clarifications may occur before, during or after the merit review evaluation process. Information provided by an applicant that is not necessary to address the pre-selection clarification question will not be reviewed or considered. Typically, a pre-selection clarification will be carried out through either written responses to EERE's written clarification questions or video or conference calls with EERE representatives.

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

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

iii. Recipient Responsibility and Qualifications

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

The applicant, at its option, may review information in the entity information domain in SAM.gov and comment on any information about itself that a federal

awarding agency previously entered and is currently in the entity information domain in SAM.gov.

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

iv. Selection

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

E. Anticipated Notice of Selection and Award Negotiation Dates

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

VI. Award Administration Information

A. Award Notices

i. Ineligible Submissions

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

ii. Concept Paper Notifications

EERE will notify applicants of its determination to encourage or discourage the submission of a Full Application. EERE will post these notifications to EERE eXCHANGE. EERE may include general comments provided from reviewers on an applicant's Concept Paper in the encourage/discourage notifications.

Applicants may submit a Full Application even if they receive a notification discouraging them from doing so. By discouraging the submission of a Full Application, EERE intends to convey its lack of programmatic interest in the proposed project. Such assessments do not necessarily reflect judgments on the merits of the proposed project. The purpose of the Concept Paper phase is to

save applicants the considerable time and expense of preparing a Full Application that is unlikely to be selected for award negotiations.

A notification encouraging the submission of a Full Application does not authorize the applicant to commence performance of the project.

iii. Full Application Notifications

EERE will notify applicants of its determination via a notification letter by email to the technical and administrative points of contact designated by the applicant in EERE eXCHANGE. The notification letter will inform the applicant whether or not its Full Application was selected for award negotiations. Alternatively, EERE may notify one or more applicants that a final selection determination on particular Full Applications will be made at a later date, subject to the availability of funds or other factors.

iv. Applicants Selected for Award Negotiations

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

The award negotiation process will take approximately 60 days. Applicants must designate a primary and a backup point-of-contact in EERE eXCHANGE with whom EERE will communicate to conduct award negotiations. The applicant must be responsive during award negotiations (i.e., provide requested documentation) and meet the negotiation deadlines. If the applicant fails to do so or if award negotiations are otherwise unsuccessful, EERE will cancel the award negotiations and rescind the Selection. EERE reserves the right to terminate award negotiations at any time for any reason.

Please refer to Section IV.J.ii. of the FOA for guidance on pre-award costs.

v. Alternate Selection Determinations

In some instances, an applicant may receive a notification that its application was not selected for award and EERE designated the application to be an alternate. As an alternate, EERE may consider the Full Application for federal funding in the future. A notification letter stating the Full Application is

designated as an alternate does not authorize the applicant to commence performance of the project. EERE may ultimately determine to select or not select the Full Application for award negotiations.

vi. Unsuccessful Applicants

EERE shall promptly notify in writing each applicant whose application has not been selected for award or whose application cannot be funded because of the unavailability of appropriated funds.

B. Administrative and National Policy Requirements

i. Registration Requirements

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

1. **EERE Funding Opportunity Exchange (eXCHANGE)**
   Register and create an account on EERE eXCHANGE at https://eere-eXCHANGE.energy.gov. This account will allow the user to apply to any open EERE FOAs that are currently in EERE eXCHANGE.

   To access EERE eXCHANGE, potential applicants must have a Login.gov account. As part of the eXCHANGE registration process, new users will be directed to create an account in Login.gov. Please note that the email address associated with Login.gov must match the email address associated with the eXCHANGE account. For more information, refer to the eXCHANGE Multi-Factor Authentication (MFA) Quick Guide in the Manuals section of eXCHANGE.

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

2. **System for Award Management**
   Register with the SAM at https://www.sam.gov. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called

a Marketing Partner ID Number (MPIN) are important steps in SAM registration. Please update your SAM registration annually.

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

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

Electronic Authorization of Applications and Award Documents
Submission of an application and supplemental information under this FOA through electronic systems used by the DOE, including EERE eXCHANGE and FedConnect.net, constitutes the authorized representative's approval and electronic signature.

ii. Award Administrative Requirements

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

iii. Foreign National Participation

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

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

iv. Subaward and Executive Reporting

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

v. National Policy Requirements

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

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

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

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

National Historic Preservation Act (NHPA)

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

vii. Flood Resilience

Applications should indicate whether the proposed project location(s) is within a floodplain, how the floodplain was defined, and how flooding will factor into the project's design. The base floodplain long used for planning has been the 100-year floodplain, which has a 1% chance of flooding in any given year. As directed by Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (2015), federal agencies, including DOE, must continue to avoid development in a floodplain to the extent possible. When doing so is not possible, federal agencies are directed to "expand management from the current base flood level to a higher vertical elevation and corresponding horizontal floodplain to address current and future flood risk and ensure that projects funded with taxpayer dollars last as long as intended." The higher flood elevation is based on one of three approaches: climate-informed science (preferred), freeboard value, or 0.2% annual flood change (500-year floodplain). EO 13690 and related information is available at: https://www.energy.gov/nepa/articles/eo-13690-establishing-federal-flood-risk-management-standard-and-process-further.

viii. Applicant Representations and Certifications

1. Lobbying Restrictions

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

2. Corporate Felony Conviction and Federal Tax Liability Representations

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

a. It is **not** a corporation that has been convicted of a felony criminal violation under any federal law within the preceding 24 months; and

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

For purposes of these representations, a corporation is any for-profit or nonprofit entity that has filed articles of incorporation in any of the 50

states, the District of Columbia, or the various territories of the United States [but not foreign corporations].

3. **Nondisclosure and Confidentiality Agreements Representations**
In submitting an application to this FOA the applicant represents that:

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

   b. It **does not and will not** use any federal funds to implement or enforce any nondisclosure and/or confidentiality policy, form, or agreement it uses unless it contains the following provisions:

      (1) *''These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.''*

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

      (3) Notwithstanding the provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form

or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

ix. Statement of Federal Stewardship

EERE will exercise normal federal stewardship in overseeing the project activities performed under EERE awards. Stewardship Activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing assistance and/or temporary intervention in unusual circumstances to correct deficiencies that develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the project objectives have been accomplished.

x. Statement of Substantial Involvement

EERE has substantial involvement in work performed under awards made as a result of this FOA. EERE does not limit its involvement to the administrative requirements of the award. Instead, EERE has substantial involvement in the direction and redirection of the technical aspects of the project. Substantial involvement includes, but is not limited to, the following:

1. EERE shares responsibility with the recipient for the management, control, direction, and performance of the project.

2. EERE may intervene in the conduct or performance of work under this award for programmatic reasons. Intervention includes the interruption or modification of the conduct or performance of project activities.

3. EERE may redirect or discontinue funding the project based on the outcome of EERE's evaluation of the project at the Go/No-Go decision point(s).

4. EERE participates in major project decision-making processes.

xi. Intellectual Property Management Plan

As a quarter 1 milestone if selected for award, applicants must submit an executed Intellectual Property Management Plan (IPMP) between the members of the consortia or team.

The award will set forth the treatment of and obligations related to intellectual property rights between EERE and the individual members. The IPMP should

describe how the members will handle intellectual property rights and issues between themselves while ensuring compliance with federal intellectual property laws, regulations, and policies (see Sections VIII.K.-VIII.N. of this FOA for more details on applicable federal intellectual property laws and regulations). Guidance regarding the contents of IPMP is available from EERE upon request.

The following is a list of examples of items the IPMP may cover:

- The treatment of confidential information between members (e.g., the use of NDAs);
- The treatment of background intellectual property (e.g., any requirements for identifying it or making it available);
- The treatment of inventions made under the award (e.g., any requirements for disclosing to the other members on an application, filing patent applications, paying for patent prosecution, and cross-licensing or other licensing arrangements between the members);
- The treatment of data produced, including software, under the award (e.g., any publication process or other dissemination strategies, copyrighting strategy or arrangement between members);
- Any technology transfer and commercialization requirements or arrangements between the members;
- The treatment of any intellectual property issues that may arise due to a change in membership of the consortia or team; and
- The handling of disputes related to intellectual property between the members.

xii. Subject Invention Utilization Reporting

To ensure that prime recipients, subrecipients, and contractors holding title to subject inventions are taking the appropriate steps to commercialize subject inventions, EERE may require that each prime recipient holding title to a subject invention submit annual reports for ten (10) years from the date the subject invention was disclosed to EERE on the utilization of the subject invention and efforts made by prime recipient or their licensees or assignees to stimulate such utilization. The reports must include information regarding the status of development, date of first commercial sale or use, gross royalties received by the prime recipient, and such other data and information as EERE may specify.

xiii. Intellectual Property Provisions

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

xiv. Reporting

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

xv. Go/No-Go Review

Each project selected under this FOA will be subject to a periodic project evaluation referred to as a Go/No-Go Review. A Go/No-Go Review is a risk management tool and a project management best practice to ensure that, for the current phase or period of performance, technical success is definitively achieved and potential for success in future phases or periods of performance is evaluated, prior to beginning the execution of future phases. At the Go/No-Go decision points, EERE will evaluate project performance, project schedule adherence, meeting milestone objectives, compliance with reporting requirements, and overall contribution to the program goals and objectives. Federal funding beyond the Go/No-Go decision point (continuation funding) is contingent upon (1) availability of federal funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) recipient's technical progress compared to the Milestone Summary Table stated in Attachment 1 of the award; (4) recipient's submittal of required reports; (5) recipient's compliance with the terms and conditions of the award; (6) EERE's Go/No-Go decision; (7) the recipient's submission of a continuation application;[52] and (8) written approval of the continuation application by the Contracting Officer.

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

[52] A continuation application is a non-competitive application for an additional budget period within a previously approved project period. At least ninety (90) days before the end of each budget period, the recipient must submit its continuation application, which includes the following information:

i. A progress report on the project objectives, including significant findings, conclusions, or developments, and an estimate of any unobligated balances remaining at the end of the budget period. If the remaining unobligated balance is estimated to exceed 20 percent of the funds available for the budget period, explain why the excess funds have not been obligated and how they will be used in the next budget period.
ii. A detailed budget and supporting justification if there are changes to the negotiated budget, or a budget for the upcoming budget period was not approved at the time of award.
iii. A description of any planned changes from the SOPO and/or Milestone Summary Table.

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

xvi. Conference Spending

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

xvii. Uniform Commercial Code (UCC) Financing Statements

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

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

xviii. Real Property and Equipment

Real property and equipment purchased with project funds (federal share and recipient cost share) are subject to the requirements at 2 CFR 200.310, 200.311,

200.313, and 200.316 (non-federal entities, except for-profit entities) and 2 CFR 910.360 (for-profit entities).

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

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

xix. 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.

xx. Participants and Collaborating Organizations

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

xxi. Current and Pending Support

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

responsibility to submit 1) current and pending support disclosure statements and resumes for any new PI and Senior/Key Personnel and 2) updated disclosures if there are changes to the current and pending support previously submitted to DOE. Also see Section IV.E.xvii.

xxii. U.S. Manufacturing Commitments

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

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

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

DOE will modify the award terms and conditions for the requesting entity accordingly.

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

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

xxiii. Interim Conflict of Interest Policy for Financial Assistance

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)[53] is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The term "Investigator" means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. Recipients must flow down the requirements of the interim COI Policy to any subrecipient non-federal entities. Further, for DOE funded projects, the recipient must include all financial conflicts of interest (FCOI) (i.e., managed and unmanaged/ unmanageable) in its initial and ongoing FCOI reports.

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

[53] DOE's interim COI Policy can be found at PF 2022-17 FAL 2022-02 Department of Energy Interim Conflict of Interest Policy Requirements for Financial Assistance.

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.

xxiv. Data Management Plan

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

xxv. Fraud, Waste, and Abuse

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

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

Additionally, recipients of DOE awards must be cognizant of the requirements of 2 CFR 200.113 Mandatory disclosures, which states:

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

Applicants and subrecipients (if applicable) are encouraged to allocate sufficient costs in the project budget to cover the costs associated for personnel and data infrastructure needs to support performance

management and program evaluation needs, including but not limited to independent program and project audits to mitigate risks for fraud, waste, and abuse.

xxvi. Human Subjects Research

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

C. Program Down-Select

For Topic Areas 1, 2, and 3, EERE intends to conduct a competitive project review (down-selection process) upon the completion of Phase 1. Recipients will present their projects to EERE individually (not to other recipients). Subject matter experts from academia, national laboratories, and industry may be used as reviewers, subject to conflict of interest and non-disclosure considerations. Projects will be evaluated based on the criteria listed in **Appendix I – Preliminary Design Requirements**.

To ensure rapid execution of Phase 2, the readiness of all projects will be evaluated at the down-select review. Within the availability of DOE funding, only the projects demonstrating the most mature project execution plans prepared in Phase 1 will be considered to proceed to Phase 2. Successful completion of a Phase 1 award does not guarantee a Phase 2 award. Phase 2 funds are subject to future appropriations and availability of funds.

All Project Phase 1 deliverables will be evaluated based on the following criteria:

- The degree to which the Phase 1 deliverables present a comprehensive and complete description of the scope, schedule, and budget that will be required to successfully execute Phase 2.
- Demonstration that all prior-scale data which will be necessary to rapidly execute Phase 2 has been obtained and incorporated into the project plans.
- The degree to which sufficient cost share, contingency, and other financial resources have been secured to enable rapid execution of Phase 2.

- The degree to which all other project resources, such as, but not limited to: site access, required permitting and regulatory approvals, stakeholder and sponsor support, and any licensing agreements have been secured.

Upon completion of the competitive project review (down-selection process), EERE will select which projects will receive federal funding beyond Phase 1. Due to the availability of funding and program considerations, none or only a portion of the recipients will be selected to receive funding for project continuation. As a result of this down-select process, certain projects will not receive federal funding beyond Phase 1 even if the project is meeting the predefined metrics.

VII. Questions/Agency Contacts

Upon the issuance of a FOA, EERE personnel are prohibited from communicating (in writing or otherwise) with applicants regarding the FOA except through the established question and answer process described below. Questions regarding this FOA must be submitted to FY24BETOSCALE-UP@ee.doe.gov no later than three (3) business days prior to the application due date and time. Please note, feedback on individual concepts will not be provided through Q&A.

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

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

VIII. Other Information

A. FOA Modifications

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

B. Government Right to Reject or Negotiate

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

C. Commitment of Public Funds

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

D. Treatment of Application Information

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

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

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

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

Notice of Restriction on Disclosure and Use of Data:

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

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

E. Evaluation and Administration by Non-Federal Personnel

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

F. Notice Regarding Eligible/Ineligible Activities

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

G. Notice of Right to Conduct a Review of Financial Capability

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

H. Requirement for Full and Complete Disclosure

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

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

I. Retention of Submissions

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

J. Title to Subject Inventions

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

- Domestic Small Businesses, Educational Institutions, and Nonprofits: Under the Bayh-Dole Act (35 U.S.C. § 200 et seq.), domestic small businesses, educational institutions, and nonprofits may elect to retain title to their subject inventions;
- All other parties: The federal Non-Nuclear Energy Act of 1974, 42. U.S.C. § 5908, provides that the government obtains title to new inventions unless a waiver is granted (see below);
- Class Patent Waiver: DOE has issued a class waiver that applies to this FOA. Under this class waiver, domestic large businesses may elect title to their subject inventions similar to the right provided to the domestic small businesses, educational institutions, and nonprofits by law. To avail itself of the class waiver, a domestic large business must agree that any products embodying or produced through the use of a subject invention first created or reduced to practice under this program will be substantially manufactured in the United States.
- Advance and Identified Waivers: Applicants not covered by a Class Patent Waiver or the Bayh-Dole Act may request a patent waiver that will cover subject inventions that may be invented under the award, in advance of or within 30 days after the effective date of the award. Even if an advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver for identified inventions, i.e., individual subject inventions that are disclosed to EERE within the timeframes set forth in the award's intellectual property terms and conditions. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784.
- DEC: On June 07, 2021, DOE approved a Determination of Exceptional Circumstances (DEC) under the Bayh-Dole Act to further promote domestic manufacture of DOE science and energy technologies. In accordance with this

DEC, all awards, including sub-awards, under this FOA shall include the U.S. Competitiveness Provision in accordance with Section VI.B.xxii. U.S. Manufacturing Commitments of this FOA. A copy of the DEC can be found at https://www.energy.gov/gc/determination-exceptional-circumstances-decs. Pursuant to 37 CFR § 401.4, any nonprofit organization or small business firm as defined by 35 U.S.C. 201 affected by any DEC has the right to appeal it by providing written notice to DOE within 30 working days from the time it receives a copy of the determination.

- DOE may issue and publish further DECs on the website above prior to the issuance of awards under this FOA. DOE may require additional submissions or requirements as authorized by any applicable DEC.

K. Government Rights in Subject Inventions

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

i. Government Use License

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

ii. March-In Rights

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

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

- The owner or licensee has not taken or is not expected to take effective steps to achieve practical application of the invention within a reasonable time;
- The owner or licensee has not taken action to alleviate health or safety needs in a reasonably satisfied manner;
- The owner has not met public use requirements specified by federal statutes in a reasonably satisfied manner; or
- The United States manufacturing requirement has not been met.

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

L. Rights in Technical Data

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

"Limited Rights Data": The U.S. government will not normally require delivery of confidential or trade secret-type technical data developed solely at private expense prior to issuance of an award, except as necessary to monitor technical progress and evaluate the potential of proposed technologies to reach specific technical and cost metrics.

Government Rights in Technical Data Produced Under Awards: The U.S. government normally retains unlimited rights in technical data produced under government financial assistance awards, including the right to distribute to the public. However, pursuant to special statutory authority, certain categories of data generated under EERE awards under this FOA may be protected from public disclosure for up to five years after the data is generated ("Protected Data"). For awards permitting Protected Data, the protected data must be marked as set forth in the award's intellectual property terms and conditions and a listing of unlimited rights data (i.e., non-protected data) must be inserted into the data clause in the award. In addition, invention disclosures may be protected from public disclosure for a reasonable time in order to allow for filing a patent application.

M. Copyright

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

N. Export Control

The United States government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the United States to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of federal agencies and regulations that govern exports that are collectively

referred to as "Export Controls." All recipients and subrecipients are responsible for ensuring compliance with all applicable United States Export Control laws and regulations relating to any work performed under a resulting award.

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

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

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

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

P. Personally Identifiable Information (PII)

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

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

Q. Annual Independent Audits

If a for-profit entity is a prime recipient and has expended $750,000 or more of DOE awards during the entity's fiscal year, an annual compliance audit performed by an

independent auditor is required. For additional information, please refer to 2 CFR 910.501 and Subpart F.

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

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

R. Informational Webinar

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

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

APPENDIX A – COST SHARE INFORMATION

Cost Sharing or Cost Matching

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

How Cost Sharing Is Calculated

As stated above, cost sharing is calculated as a percentage of the Total Project Cost. FFRDC costs must be included in Total Project Costs. The following is an example of how to calculate cost sharing amounts for a project with $1,000,000 in federal funds with a minimum 20% non-federal cost sharing requirement:

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

- Formula: Total Project Cost ($) minus federal share ($) = Non-federal share ($)
  Example: $1,250,000 minus $1,000,000 = $250,000

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

What Qualifies for Cost Sharing

While it is not possible to explain what specifically qualifies for cost sharing in one or two sentences, in general, if a cost is allowable under the cost principles applicable to the organization incurring the cost and is eligible for reimbursement under an EERE grant or cooperative agreement, it is allowable as cost share. Conversely, if the cost is not allowable under the cost principles and not eligible for reimbursement, it is not allowable as cost share. In addition, costs may not be counted as cost share if they are paid by the federal government under another award unless authorized by federal statute to be used for cost sharing.

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

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

In addition to the above regulations, other factors may also come into play such as timing of donations and length of the project period. For example, the value of 10 years of donated maintenance on a project that has a project period of five years would not be fully allowable as cost share. Only the value for the five years of donated maintenance that corresponds to the project period is allowable and may be counted as cost share.

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

General Cost Sharing Rules on a DOE Award

1. **Cash Cost Share** encompasses all contributions to the project made by the recipient or subrecipient(s), for costs incurred and paid for during the project. This includes when an organization pays for personnel, supplies, equipment for their own company with organizational resources. If the cost of the item or service is reimbursed, it is cash cost share. All cost share items must be necessary to the performance of the project.

2. **In-Kind Cost Share** encompasses all contributions to the project made by the recipient or subrecipient(s) that do not involve a payment or reimbursement and represent donated items or services. In-Kind cost share items include volunteer personnel hours, donated existing equipment, and donated existing supplies. The cash value and calculations thereof for all In-Kind cost share items must be justified and explained in the Cost Share section of the project Budget Justification. All cost share items must be necessary to the performance of the project. Consult your DOE contact if you have questions before filling out the In-Kind cost share section of the Budget Justification.

3. **Funds from other federal sources** may **not** be counted as cost share. This prohibition includes FFRDC subrecipients. Non-federal sources include any source not originally derived from federal funds. Cost sharing commitment letters from subrecipients must be provided with the original application.

4. **Fee or profit**, including foregone fee or profit, are not allowable as project costs (including cost share) under any resulting award. The project may only incur those costs that are allowable and allocable to the project (including cost share) as determined in accordance with the applicable cost principles prescribed in FAR Part 31 for For-Profit entities and 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.

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

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

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

(1) They are verifiable from the recipient's records.

(2) They are not included as contributions for any other federally assisted project or program.

(3) They are necessary and reasonable for the proper and efficient accomplishment of project or program objectives.

(4) They are allowable under the cost principles applicable to the type of entity incurring the cost as follows:

a. For-profit organizations. Allowability of costs incurred by for-profit organizations and those nonprofit organizations listed in Attachment C to OMB Circular A–122 is determined in accordance with the for-profit cost principles in 48 CFR Part 31 in the FAR, except that patent prosecution costs are not allowable unless specifically authorized in the award document. (v) Commercial Organizations. FAR Subpart 31.2—Contracts with Commercial Organizations; and

b. Other types of organizations. For all other non-federal entities, allowability of costs is determined in accordance with 2 CFR Part 200 Subpart E.

(5) They are not paid by the federal government under another award unless authorized by federal statute to be used for cost sharing or matching.

(6) They are provided for in the approved budget.

(B) Valuing and documenting contributions

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

the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value must be the lesser or the following:

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

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

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

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

(4) Valuing property donated by third parties.

a. Donated supplies may include such items as office supplies or laboratory supplies. Value assessed to donated supplies included in the cost sharing or matching share must be reasonable and must not exceed the fair market value of the property at the time of the donation.

b. Normally only depreciation or use charges for equipment and buildings may be applied. However, the fair rental charges for land and the full value of equipment or other capital assets may be allowed, when they will be consumed in the performance of the award or fully depreciated by the end of the award, provided that the Contracting Officer has approved the charges. When use charges are applied, values must be determined in accordance with the usual accounting policies of the recipient, with the following qualifications:

i. The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of

comparable space and facilities in a privately-owned building in the same locality.

ii. The value of loaned equipment must not exceed its fair rental value.

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

a. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.

b. The basis for determining the valuation for personal services and property must be documented.

APPENDIX B – SAMPLE COST SHARE CALCULATION FOR BLENDED COST SHARE PERCENTAGE

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

Task	Proposed Federal Share	Federal Share %	Recipient Share %
Task 1 (RD&D)	$1,000,000	80%	20%
Task 2 (RD&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)

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

1. Waiver for Foreign Entity Participation

Many of the technology areas DOE funds fall in the category of critical and emerging technologies (CETs). CETs are a subset of advanced technologies that are potentially significant to United States national and economic security.[54] For projects selected under this FOA, all recipients and subrecipients must be organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

Waiver Criteria

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

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

Content for Waiver Request

A Foreign Entity waiver request must include the following:

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

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

ownership/control by foreign entities, foreign shareholders, foreign state or foreign individuals;

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

DOE may also require:

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

DOE may require additional information before considering the waiver request.

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

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

As set forth in Section IV.J.iii., all work funded under this FOA must be performed in the United States. To seek a waiver of the Performance of Work in the United States requirement, the applicant must submit an explicit waiver request in the Full Application. A separate waiver request must be submitted for each entity proposing performance of work outside of the United States.

Overall, a waiver request must demonstrate to the satisfaction of DOE that it would further the purposes of this FOA and is otherwise in the economic interests of the

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

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

DOE may require additional information before considering the waiver request.

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

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

A. Definitions

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

Construction materials includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives[55] —that is or consists primarily of:

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

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

Moreover, according to the OMB guidance document:

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

[55] BIL, § 70917(c)(1).

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

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

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

B. Buy America Requirements for Infrastructure Projects ("Buy America" requirements)
In accordance with Section 70914 of the BIL, none of the project funds (includes federal share and recipient cost share) may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials[56] are produced in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

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

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

These requirements must flow down to all sub-awards, all contracts, subcontracts, and purchase orders for work performed under the proposed project, except where the prime recipient is a for-profit entity. Based on guidance from the Office of Management and Budget (OMB), the Buy America requirements of the BIL do not apply to DOE projects in which the prime recipient is a for-profit entity; the requirements only apply to projects whose prime recipient is a State, local government, Indian Tribe, Institution of Higher Education, or non-profit organization.

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

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

C. Waivers

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

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

(1) Applying the Buy America requirements would be inconsistent with the public interest;

(2) The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

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

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

DOE may require additional information before considering the waiver request.

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

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

APPENDIX E – ACCEPTABLE FEEDSTOCKS

The Bioenergy Technologies Office works with biomass-based feedstocks, per the authorizing language in EPAct 2005 (see below). Each Subtopic Area in this FOA has specific feedstock requirements which are identified in the Table below. **Applications proposing the use of any feedstock not identified as an acceptable feedstock for the particular Topic Area will not be further considered.**

Topic Area	Acceptable Feedstock Breakdown per Subtopic Area										
	Ligno-cellulosic	Algae	Organic Wet Waste	Sorted MSW	Food Waste	Biogas	Grain Starch	Oilseed Crops	C&D Waste	Waste Carbon Dioxide	Carbon Dioxide from Ambient Air
Topic Area 1	Yes	Yes						Yes	Yes	Yes	Yes
Topic Area 2	Yes	Yes						Yes	Yes	Yes	Yes
Topic Area 3	Yes	Yes						Yes	Yes	Yes	Yes

Feedstock Definitions:

"Biomass" is defined generally in the authorizing language of EPAct 2005, §932 (reproduced below). More specifically for the purposes of this FOA, biomass includes agricultural residues, forest resources, perennial grasses, woody energy crops, algae, organic wet waste (e.g., biosolids), sorted municipal solid waste, food waste, and biogas.

"Lignocellulosic Feedstocks" are defined generally in the authorizing language of EPAct 2005, §932 (reproduced below). More specifically for the purposes of this FOA, are defined as any portion of a plant or coproduct from conversion, including crops, trees, forest residues, and agricultural residues not specifically grown for food, [emphasis added] including from barley grain, grape seed, rice bran, rice hulls, rice straw, soybean matter, and sugarcane bagasse.

"Algae" for the purpose of this FOA, as included in the definition of "biomass" above is defined as eukaryotic microalgae, macroalgae (seaweed), and cyanobacteria.

"Organic Wet Waste" for the purpose of this FOA, "wet waste" refers to the following: primary, secondary, tertiary, and post-anaerobic digestion sludge (i.e., biosolids) from municipal wastewater treatment systems; food wastes from industrial, commercial, and residential sources; organic-rich wastewaters from industrial and commercial operations; manure slurries from animal husbandry operations.

"Sorted Municipal Solid Waste" for the for the purposes of this FOA, is defined as the organic and plastic constituents of the MSW stream going to the landfill (typically known as municipal garbage). See chapter 2 in the Resource Conservation and Recovery Act Orientation Manual 2014 - https://www.epa.gov/sites/production/files/2015-07/documents/rom.pdf

"Food Waste" for the purposes of this FOA, is defined as food from industrial, commercial, and residential sources that is no longer suitable for human consumption which would have otherwise entered an anaerobic digester, landfill or other post consumer disposition.

"Biogas" for the purpose of this FOA, refers to the mixture of gases produced by the breakdown of organic matter in the absence of oxygen, primarily consisting of methane and carbon dioxide.

"Grain Starch" for the purposes of this FOA, refers to commercially available starch derived yellow dent feed corn, wheat and grain sorghum/milo. Please note that Greenhouse Gas reductions of at least 70% must be met if utilizing grain starch.

"Oilseed Crops" for the purposes of this FOA, refers to US-produced, oil producing crops including, but not limited to soybeans, cottonseed, sunflower seed, canola, rapeseed, peanuts, camelina, carinata, pennycress, and oil producing annual cover crops[57][58]. Please note that Greenhouse Gas reductions of at least 70% must be met if utilizing an oil seed crop(s).

"Construction and Demolition Waste" or "C&D Waste" for the purposes of this FOA, refers to a type of waste that is not included in municipal solid waste (MSW). Materials included in the C&D debris generation estimates are steel, wood products, drywall and plaster, brick and clay tile, asphalt shingles, concrete, and asphalt concrete. These materials are used in buildings, roads and bridges, and other sectors.

"Waste Carbon Dioxide" for the purpose of this FOA, refers to any waste carbon dioxide (CO_2) produced as a byproduct from fermentation or the combustion of biomass or other biopower processes.

"Carbon Dioxide by Direct Air Capture" for the purposes of this FOA, refers to carbon dioxide (CO_2) from the ambient air, which has been either captured in Direct Air Capture (DAC) machines and delivered to algal systems or captured through chemically, biologically, or mechanically assisted accelerated diffusion of air into algal system growth media.

EPAct 2005, §932, codified at 42 U.S.C. § 16232. BIOENERGY PROGRAM.

[57] https://www.ers.usda.gov/topics/crops/soybeans-oil-crops/oil-crops-sector-at-a-glance/#:~:text=The%20major%20U.S.%20oilseed%20crops,percent%20of%20U.S.%20oilseed%20production.&text=Field%20Crops%20for%20soybean%20dates%20by%20region).

[58] https://www.epa.gov/renewable-fuel-standard-program/approved-pathways-renewable-fuel

(a) DEFINITIONS:—In this section:

(1) BIOMASS.—The term "biomass" means—

(A) any organic material grown for the purpose of being converted to energy;

(B) any organic byproduct of agriculture (including wastes from food production and processing) that can be converted into energy; or

(C) any waste material that can be converted to energy, is segregated from other waste materials, and is derived from—

(i) any of the following forest-related resources: mill residues, precommercial thinnings, slash, brush, or otherwise non-merchantable material; or

(ii) wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste, gas derived from the biodegradation of municipal solid waste or paper that is commonly recycled.

(2) LIGNOCELLULOSIC FEEDSTOCK.—The term "lignocellulosic feedstock" means any portion of a plant or coproduct from conversion, including crops, trees, forest residues, and agricultural residues not specifically grown for food, [emphasis added] including from barley grain, grape seed, rice bran, rice hulls, rice straw, soybean matter, and sugarcane bagasse.

(b) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for bioenergy, including—

(1) biopower energy systems;

(2) biofuels;

(3) bioproducts;

(4) integrated biorefineries that may produce biopower, biofuels, and bioproducts;

(5) cross-cutting research and development in feedstocks; and

(6) economic analysis

(c) BIOFUELS AND BIOPRODUCTS.—The goals of the biofuels and bioproducts programs shall be to develop, in partnership with industry and institutions of higher education—

(1) advanced biochemical and thermochemical conversion technologies capable of making fuels from lignocellulosic feedstocks that are price-competitive with gasoline or diesel in either internal combustion engines or fuel cell-powered vehicles;

(2) advanced biotechnology processes capable of making biofuels and bioproducts with emphasis on development of biorefinery technologies using enzyme-based processing systems;

(3) advanced biotechnology processes capable of increasing energy production from lignocellulosic feedstocks, with emphasis on reducing the dependence of industry on fossil fuels in manufacturing facilities; and

(4) other advanced processes that will enable the development of cost-effective bioproducts, including biofuels.

APPENDIX F – DEFINITION OF TECHNOLOGY READINESS LEVELS

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

APPENDIX G – LIST OF ACRONYMS

ANL	Argonne National Laboratory
ASTM	ASTM International
BETO	Bioenergy Technologies Office
BFD	Block Flow Diagram
BFD & SD	Block Flow Diagram and Supplemental Data
BP	Budget Period
BTU	British Thermal Unit
CD	Critical Decision
CFR	Code of Federal Regulation
CO	Carbon Monoxide
CO_2 or CO2	Carbon Dioxide
COI	Conflict of Interest
CORSIA	Carbon Offsetting and Reduction Scheme for International Aviation
CRADA	Cooperative Research and Development Agreement
C&D	Construction and Demolition
DEC	Determination of Exceptional Circumstances
DEI	Diversity, Equity, and Inclusion
DMP	Data Management Plan
DOE	Department of Energy
DOI	Digital Object Identifier
DMP	Data Management Plan
DTPD	Dry Tons Per Day
DUNS	Dun and Bradstreet Universal Numbering System
EERE	Energy Efficiency and Renewable Energy
EPA	Environmental Protection Agency
FAR	Federal Acquisition Regulation
FEL	Front-End Loaded
FCOI	Financial Conflicts of Interest
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
FY	Fiscal Year
GAAP	Generally Accepted Accounting Principles
GGE	Gallons of Gasoline Equivalent
GHG	Greenhouse Gas
GREET	Greenhouse Gases, Regulated Emissions, and Energy Use in Technologies
HAZOP	Hazard and Operability
HBCU	Historically Black Colleges and Universities
IBR	Integrated Biorefinery

IE	Independent Engineer
IER	Independent Engineer Review
IP	Intellectual Property
IPMP	Intellectual Property Management Plan
IRB	Institutional Review Board
LCA	Life Cycle Analysis
LPG	Liquefied Petroleum Gas
M&O	Management and Operating
MFA	Multi-Factor Authentication
MMBTU	Million British Thermal Units
MPIN	Marketing Partner ID Number
MSI	Minority-Serving institution
MSW	Municipal Solid Waste
MYPP	Multi-Year Program Plan
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Agency
NREL	National Renewable Energy Laboratory
NREL-SI	National Renewable Energy Laboratory Systems Integration
NSF	National Science Foundation
OIG	Office of Inspector General
OMB	Office of Management and Budget
OMI	Other Minority Institutions
OSTI	Office of Scientific and Technical Information
OPEX	Operating Expenses
OTA	Other Transactions Authority
P&ID	Piping and Instrumentation Diagram
PMP	Project Management Plan
PII	Personal Identifiable Information
R&D	Research and Development
RD&D	Research, Development and Demonstration
RDD&D	Research, Development, Demonstration and Deployment
RFI	Request for Information
RFP	Request for Proposal
RNG	Renewable Natural Gas
SAF	Sustainable Aviation Fuel
SCF	Standard Cubic Foot
SAM	System for Award Management
SCF	Standard Cubic Foot
SciENcv	Science Experts Network Curriculum Vita
SMART	Specific, Measurable, Attainable, Realistic, and Timely
SOPO	Statement of Project Objectives
SPOC	Single Point of Contact
STEM	Science, Technology, Engineering, and Mathematics

STP	Standard Temperature and Pressure
TAA	Technical Assistance Agreement
TEA	Techno-Economic Analysis
TIA	Technology Investment Agreement
TRL	Technology Readiness Level
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
VOC	Volatile Organic Compound
WBS	Work Breakdown Structure
WP	Work Proposal
WTE	Waste-to-Energy

APPENDIX H – SUPPLEMENTAL CONTENT REQUIREMENTS & INSTRUCTIONS

- A Block Flow Diagram and Supplemental Data is required with the application for Topic Areas 1, 2, and 3. Please See **Block Flow Diagram Instructions in section i.** below.

- A Proforma Cash Flow Analysis is required with the application for Topic Areas 1, 2, and 3. Please see **Proforma Cash Flow Analysis Instructions in section ii.** below.

- Life Cycle Assessment is required with the application for Topic Areas 1, 2, and 3. Please see **Life Cycle Assessment Instructions in section iii.** below.

Use of the provided templates is not required, however equivalent data must be submitted with all applications.

i. Block Flow Diagram Instructions and Overview:

All topic areas will utilize a Block Flow Diagram and Supplemental Data template (BFD & SD). The purpose of the BFD & SD is to assess the merits of the selected technology and the status of the process technology in order to gain an understanding of project risks and the potential viability of the proposed project. Please refer to the Word documents titled, "BFD & SD Template", for the respective scale, available for download from EERE Exchange for the Block Flow Diagram and Supplemental Data instructions, overview, and recommended templates. **Use of the template is not required, however equivalent data must be submitted with all applications.**

Save the Block Flow Diagram in a single Microsoft Word or PDF file using the following convention for the title "ControlNumber_LeadOrganization_BFD."

ii. Proforma Cash Flow Analysis Instructions:

Topic Areas will utilize a Proforma Cash Flow Analysis (proforma). A feasible commercial pro forma cash flow analysis showing the expected cash flow of the proposed integrated biorefinery (IBR) under the performance parameters at steady state production. Include a sensitivity analysis by showing results using a range of reasonable assumptions for such as feedstock cost and market price of products compared to low, reference, and high oil prices cases. All assumptions regarding product and consumable prices, annual product production, inflation, and other inputs must be clearly delineated. **Applicants may use their own model or edit the provided template.** Please refer to the MS Excel file titled, "Proforma Template" available for download from EERE Exchange for the Proforma Cash Flow Analysis instructions, overview, and recommended templates. Use

of the template is not required, however equivalent data must be submitted with Topic Areas 1 and 2 applications.

Save the Block Flow Diagram in a single Microsoft Word, Microsoft Excel, or PDF file using the following convention for the title "ControlNumber_LeadOrganization_Proforma."

iii. Life Cycle Analysis Instructions:

Topic Areas will utilize Life Cycle Analyses (LCA). The LCA will be utilized to assess the potential GHG reduction and environmental performance of the proposed technology. Applicants may use any standardized approach to calculating life cycle GHG emissions e.g. Argonne National Laboratory GREET model[59] or provide schemes developed the CORSIA (Carbon Offsetting and Reduction Scheme for International Aviation) methodology[60] for calculating life cycle emissions. Argonne National Laboratory has developed publicly available life-cycle assessment tools that Applicants may utilize. **Use of these tools are not required, however equivalent data must be submitted with applications.**

ANL GREET Model Link:
https://greet.es.anl.gov/index.php

Save the Life Cycle Analysis in a single Microsoft Word or PDF file using the following convention for the title "ControlNumber_LeadOrganization_LCA."

[59] https://greet.es.anl.gov/

[60] https://www.icao.int/environmental-protection/CORSIA/Pages/CORSIA-Eligible-Fuels.aspx

APPENDIX I – PRELIMINARY DESIGN REQUIREMENTS

For projects to move from Phase 1 (Verification & Design Basis Definition) into Phase 2 (Design, Construction, Operation)), Recipients will be required to provide key deliverables to DOE for review in order to show project readiness prior to moving into Phase 2. These deliverables include, but are not limited to:

- Independent Engineers (IE) verification of work at prior scale to confirm that the proposed integrated biorefinery (IBR) meets the appropriate TRL. The IE will be retained by DOE to verify the accuracy of application data, observe the reproduction of process experimental data, and prepare an Independent Engineers Report (IER) with an assessment of technology readiness to proceed to Phase 2;
- Successful completion of the Go/No-Go review at the conclusion of the Independent Engineer verification of work at prior scale;
- FEED Study/Front-End Loaded – 3 (FEL-3) Engineering Design package including but not limited to a Project Background and Scope, Project Design Basis, Contracting and Purchasing Strategy, Process Engineering (BFD, PFD, P&ID, Steam and Power requirements, Process Simulation out and Refined Mass and Energy Balances, Equipment Lists, Equipment vendor drawings, HAZOP, Cause and Effect Diagrams), Civil Engineering, Structural Engineering, Mechanical Engineering (Site layout, 3-D model, Piping Isometrics / layout drawings), Electrical Engineering (Load lists, One-Line diagram, Major Equipment specifications), Instrumentation & Controls Engineering (Instrument lists, control system architecture), Fire Protection Engineering, Facilities Engineering, Project Security (Physical and Cyber), Transportation & Logistics Study, Constructability.
- Project Cost Estimate (AACE Class 3) -20% / +30%.
  - Individual component capital cost, including quantity (weight, lengths, numbers, etc.), unit rate, process equipment cost, material cost, labor cost including unit labor rate for individual line items, and man-hours required to complete individual line item tasks. Details regarding what is included in the capital cost estimate (labor, materials, equipment, contingency, engineering fees, delivery, etc.) need to be provided.
  - Breakdown of variable operating costs
  - Detailed accounting of fixed costs
- Integrated Project Schedule
  - A level 3 schedule identifying milestones and critical path
  - Strategy for tracking schedule performance

- An appropriate NEPA Determination;
- A Project Management Plan (PMP) and Risk Mitigation Plan (RMP) that clearly demonstrate sufficient project controls are in place and that the Recipient is ready to execute Phase 2;
- A strategy to qualify for or obtain any necessary regulatory approvals to ensure that the biofuel(s) and bioproduct(s) are acceptable for sale into commerce;
- An updated Life Cycle Analysis (LCA) showing that the biofuel(s) and bioproducts(s) meet or exceed the 70% GHG reduction requirement and describe how the proposed project presents a significant LCA improvement over competing technologies;
    - Applicants may use any standardized approach to calculating life cycle GHG emissions e.g. Argonne National Laboratory GREET model[61] or provide schemes developed through the CORSIA methodology[62] for calculating life cycle emissions;
- An updated Project Pro-Forma Cash Flow Analysis;
    - A feasible commercial (nth plant) pro-forma cash flow analysis of the expected cash flow of the proposed IBR under the performance parameters at steady state production. A sensitivity analysis by showing results using a range of reasonable assumptions such as feedstock cost and market price of products compared to low, reference, and high oil prices cases should be included. All assumptions regarding product and consumable prices, annual product production, inflation, and other inputs must be clearly delineated. Applicants may use their own model or edit the provided Cash Flow pro forma.xls as detailed in Appendix H.
- A business plan that clearly shows the Recipient has:
    - secured the rights to practice all necessary intellectual property to construct and operate the proposed IBR facility;
    - a firm written commitment for the project site, including all key permits, contracts and agreements;
    - the appropriately skilled team to execute the project to completion;
    - the financial and project management capabilities to complete the project from construction through commissioning, startup, and operations;
    - a scale-up analysis that clearly addresses the scale-up factors and risks associated with each of the process units;

[61] https://greet.es.anl.gov/

[62] https://www.icao.int/environmental-protection/CORSIA/Pages/CORSIA-Eligible-Fuels.aspx

  - feedstock purchase contracts for sufficient quantities of material to execute the proposed project;
  - any necessary utility supply, interconnect, or export agreements indicating sufficient power, water, or similar services will be available to the facility;
  - off-take agreements for any product(s) that will be produced from the facility;
  - market analysis of all major facility inputs and outputs at initial (first facility), transitional, and mature (10 or more facilities) market share points considering any planned transitions in the fuel to products ratio as market share and number of plants increase in the U.S.
- A Techno-Economic Analysis (TEA) that clearly shows how the pioneer (1st commercial scale) and follow-on mature commercial facilities, should they become operational, would result in substantive and measurable reductions in the cost of producing drop-in hydrocarbon biofuels and bioproducts;
  - Additional factors to be incorporated into the required TEA include, but are not limited to:
    - Economic competitiveness of proposed solutions compared to existing alternatives, with and without incentives or subsidies;
    - Avoided costs when compared to alternative solutions, such as biosolids disposal costs; and
    - Production of any co-products
- Sufficient cost share in the form of allowable and readily available resources to complete Phase 2. All cost share must be available prior to start of construction.
- The continuation application for Phase 2 must include documentation showing that the Recipient has access to the minimum 25% required contingency reserve funds based on Total Project Cost. Contingency reserve funds must be: (a) liquid, (b) immediately available, and (c) unrestricted funds dedicated exclusively to the project for the purpose of mitigating project performance baseline risk. The contingency reserve fund is in addition to Total Project Costs and cannot count towards cost share, until expended. If expended, the contingency will not result in reimbursement by DOE above the total federal share approved in the award. DOE highly discourages recipients from reducing total project scope to comply with the contingency reserve funds requirement.

APPENDIX J – GLOSSARY

1. Technology Specific Definitions

"Algae" for the purpose of this FOA, as included in the definition of "biomass" above is defined as eukaryotic microalgae, macroalgae (seaweed), and cyanobacteria.

"Biodiesel" as defined by the U.S. Energy Information Administration, is a fuel typically made from soybean, canola, or other vegetable oils; animal fats; and recycled grease. It can serve as a substitute for petroleum-derived diesel or distillate fuel. For EIA reporting, it is a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM (American Society for Testing materials) D 6751.

"Biogas" for the purpose of this FOA, refers to the mixture of gases produced by the breakdown of organic matter in the absence of oxygen, primarily consisting of methane and carbon dioxide.

"Biomass" is defined generally in the authorizing language of EPAct 2005, §932 (reproduced below). More specifically for the purposes of this FOA, biomass includes agricultural residues, forest resources, perennial grasses, woody energy crops, algae, organic wet waste (e.g., biosolids), sorted municipal solid waste, food waste, and biogas.

"Carbon Dioxide by Direct Air Capture" for the purposes of this FOA, refers to carbon dioxide (CO_2) from the ambient air, which has been either captured in Direct Air Capture (DAC) machines and delivered to algal systems or captured through chemically, biologically, or mechanically assisted accelerated diffusion of air into algal system growth media.

"Construction and Demolition Waste" or "C&D Waste" for the purposes of this FOA, refers to a type of waste that is not included in municipal solid waste (MSW). Materials included in the C&D debris generation estimates are steel, wood products, drywall and plaster, brick and clay tile, asphalt shingles, concrete, and asphalt concrete. These materials are used in buildings, roads and bridges, and other sectors.

"Food Waste" for the purposes of this FOA, is defined as food from industrial, commercial, and residential sources that is no longer suitable for human consumption which would have otherwise entered an anaerobic digester, landfill or other post consumer disposition.

"Grain Starch" for the purposes of this FOA, refers to commercially available starch derived yellow dent feed corn, wheat and grain sorghum/milo. Please note that Greenhouse Gas reductions of at least 70% must be met if utilizing grain starch.

"Heavy-duty Truck" for the purposes of this FOA, are Class 7 or higher multi-axle vehicles as classified by the Federal Highway Administration with gross average vehicle weights above 26,000 pounds.

"Lignocellulosic Feedstocks" are defined generally in the authorizing language of EPAct 2005, §932 (reproduced below). More specifically for the purposes of this FOA, are defined as any portion of a plant or coproduct from conversion, including crops, trees, forest residues, and agricultural residues not specifically grown for food, [emphasis added] including from barley grain, grape seed, rice bran, rice hulls, rice straw, soybean matter, and sugarcane bagasse.

"**Off-road vehicle**" for the purpose of this FOA means equipment that is primarily designed to operate away from existing roadways. This category contains a disparate and diverse set of vehicles and use cases, including construction and mining equipment, industrial equipment, agriculture equipment, lawn and garden equipment, and recreational vehicles. Diesel accounts for the majority of off-road fuel use with gasoline, liquified petroleum gas, and compressed natural gas making up the remaining fuel consumption.

"Oilseed Crops" for the purposes of this FOA, refers to US-produced, oil producing crops including, but not limited to soybeans, cottonseed, sunflower seed, canola, rapeseed, peanuts, camelina, carinata, pennycress, and oil producing annual cover crops[63][64]. Please note that Greenhouse Gas reductions of at least 70% must be met if utilizing an oil seed crop(s).

"Organic Wet Waste" for the purpose of this FOA, "wet waste" refers to the following: primary, secondary, tertiary, and post-anaerobic digestion sludge (i.e., biosolids) from municipal wastewater treatment systems; food wastes from industrial, commercial, and residential sources; organic-rich wastewaters from industrial and commercial operations; manure slurries from animal husbandry operations.

"**Renewable Diesel"** as defined by the U.S. Energy Information Administration, is a biofuel that is chemically the same as petroleum diesel fuel. Renewable diesel meets the American Society for Testing and Materials (ASTM) specification ASTM D975 for petroleum diesel and may be used in existing petroleum pipelines, storage tanks, and diesel engines. It can be produced from cellulosic biomass materials such as crop residues, wood and sawdust, and switchgrass, and it qualifies as an advanced biofuel under the Renewable Fuel Standard (RFS) Program.

"Scale-up Factor" for the purposes of this FOA, are the ratio of the proposed scale to the previous scale on a unit operation basis.

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[63] https://www.ers.usda.gov/topics/crops/soybeans-oil-crops/oil-crops-sector-at-a-glance/#:~:text=The%20major%20U.S.%20oilseed%20crops,percent%20of%20U.S.%20oilseed%20production.&text=Field%20Crops%20for%20soybean%20dates%20by%20region).

[64] https://www.epa.gov/renewable-fuel-standard-program/approved-pathways-renewable-fuel

"Sorted Municipal Solid Waste" for the for the purposes of this FOA, is defined as the organic and plastic constituents of the MSW stream going to the landfill (typically known as municipal garbage). See chapter 2 in the Resource Conservation and Recovery Act Orientation Manual 2014 - https://www.epa.gov/sites/production/files/2015-07/documents/rom.pdf

"Sustainable Aviation Fuel" or SAF is defined as a renewable or waste derived aviation fuel that achieves net greenhouse gas emissions reductions and other sustainability criteria for aviation fuel on a life cycle basis. SAF must be approved through the ASTM D4054 process and produced to meet the ASTM D7566 standard specification for aviation turbine fuel containing synthesized hydrocarbons.

"**Sustainable Marine Fuel"** (SMF) for the purposes of this FOA, is any sustainable low-carbon fuel employed to power a ship or boat while providing at least a 70% life cycle GHG emissions compared to conventional heavy fuel oil (HFO) (96 gCO2e/MJ). Depending on the feedstock and technologies used to produce it, SMF can reduce life cycle GHG emissions dramatically compared to HFO and other petroleum-based fuels and can even result in net negative carbon emissions. For the purposes of this FOA SMF fuels must result from an allowable biomass feedstock (see Appendix E) and must result in a carbon based fuel, specifically ammonia and hydrogen are not allowable SMFs under this FOA as these potential fuels have been funded through HFTO.

"**Sustainable Rail Fuel"** for the purposes of this FOA, , is defined as a renewable or waste derived liquid fuel (at standard temperature and pressure) that achieves net greenhouse gas emissions reductions of at least 70% on a life cycle basis when compared to traditional off-road diesel (as defined by ASTM D975) with a carbon intensity of 92 CO2e/MJ. Please note that this FOA will exclude biodiesels, straight vegetable oil, and any other commercially produced fuel as sustainable rail fuels.

"Unit Operation" for the purposes of this FOA, is a basic process operations involving a physical or chemical transformation.

"Utilizable Biogenic Carbon" or **"Utilizable Carbon"** for the purposes of this FOA, is define as the carbon contained in all the biofuels and coproducts generated from a process. Carbon found in waste streams, or streams consumed as a part of the production process, is not included in this calculation.

"Waste Carbon Dioxide" for the purpose of this FOA, refers to any waste carbon dioxide (CO_2) produced as a byproduct from fermentation or the combustion of biomass or other biopower processes.

2. General FOA Definitions

Applicant – The lead organization submitting an application under the FOA.

Continuation application – A non-competitive application for an additional budget period within a previously approved project period. At least ninety (90) days before the end of each budget period, the Recipient must submit to EERE its continuation application, which includes the following information:

i. A report on the Recipient's progress towards meeting the objectives of the project, including any significant findings, conclusions, or developments, and an estimate of any unobligated balances remaining at the end of the budget period. If the remaining unobligated balance is estimated to exceed 20 percent of the funds available for the budget period, explain why the excess funds have not been obligated and how they will be used in the next budget period.

ii. A detailed budget and supporting justification if there are changes to the negotiated budget, or a budget for the upcoming budget period was not approved at the time of award.

iii. A description of any planned changes from the negotiated Statement of Project Objectives and/or Milestone Summary Table.

Cooperative Research and Development Agreement (CRADA) – a contractual agreement between a national laboratory contractor and a private company or university to work together on research and development. For more information, see https://www.energy.gov/gc/downloads/doe-cooperative-research-and-development-agreements

Federally Funded Research and Development Centers (FFRDC) - FFRDCs are public-private partnerships which conduct research for the United States government. A listing of FFRDCs can be found at http://www.nsf.gov/statistics/ffrdclist/.

Go/No-Go Decision Points: – A decision point at the end of a budget period that defines the overall objectives, milestones and deliverables to be achieved by the recipient in that budget period. As of a result of EERE's review, EERE may take one of the following actions: 1) authorize federal funding for the next budget period; 2) recommend redirection of work; 3) discontinue providing federal funding beyond the current budget period; or 4) place a hold on federal funding pending further supporting data.

Project – The entire scope of the cooperative agreement which is contained in the recipient's Statement of Project Objectives.

Recipient or "Prime Recipient" – A non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program. The term recipient does not include subrecipients.

Subrecipient – A non-federal entity that receives a subaward from a pass-through entity to carry out part of a federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency. Also, a DOE/NNSA and non-DOE/NNSA FFRDC may be proposed as a subrecipient on another entity's application. See section III.E.ii.