Department of Energy (DOE)
Office of Energy Efficiency and Renewable Energy (EERE)

Hydrogen and Fuel Cell Technologies Office FOA in Support of Hydrogen Shot

Funding Opportunity Announcement (FOA) Number: DE-FOA-0002920
FOA Type: Initial
Assistance Listing Number: 81.087

FOA Issue Date:	1/27/2023
Submission Deadline for Concept Papers:	2/24/2023 5:00pm ET
Submission Deadline for Full Applications:	4/28/2023 5:00pm ET
Expected Submission Deadline for Replies to Reviewer Comments:	6/23/2023 5:00pm ET
Expected Date for EERE Selection Notifications:	September 2023
Expected Timeframe for Award Negotiations:	November 2023

- Applicants must submit a Concept Paper by 5:00pm 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) Be registered in the SAM at https://www.sam.gov before submitting its application; (2) provide a valid UEI number in its application; and (3) continue to 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 and, if an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award,

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

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

Table of Contents

I. Funding Opportunity Description 1

A. Background and Context 1
i. Background and Purpose 1
ii. Technology Space and Strategic Goals 2
iii. R&D Community Benefits Plan 5
iv. Teaming Partner List 6
B. Topic Areas 8
i. Topic Area 1: Hydrogen Carrier Development 8
ii. Topic Area 2: Onboard Storage Systems for Liquid Hydrogen 12
iii. Topic Area 3: Liquid Hydrogen Fueling/Transfer Components and Systems 16
iv. Topic Area 4: M2FCT: High Performing and Durable Membrane Electrode Assemblies for Medium- and Heavy-Duty Applications 20
C. Applications Specifically Not of Interest 24
D. Authorizing Statutes 25

II. Award Information 25

A. Award Overview 25
i. Estimated Funding 25
ii. Period of Performance 26
iii. New Applications Only 26
B. EERE Funding Agreements 26
i. Cooperative Agreements 26
ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs) 27

III. Eligibility Information 27

A. Eligible Applicants 27
i. Individuals 27
ii. Domestic Entities 27
iii. Foreign Entities 28
iv. Incorporated Consortia 29
v. Unincorporated Consortia 29
B. Cost Sharing 29
i. Legal Responsibility 30
ii. Cost Share Allocation 30
iii. Cost Share Types and Allowability 31
iv. Cost Share Contributions by FFRDCs 32
v. Cost Share Verification 32
vi. Cost Share Payment 32
C. Compliance Criteria 33
i. Compliance Criteria 34
D. Responsiveness Criteria 34
E. Other Eligibility Requirements 34
i. Requirements for DOE/NNSA and non-DOE/NNSA Federally Funded Research and Development Centers Included as a Subrecipient 34
F. Limitation on Number of Concept Papers and Full Applications Eligible for Review 37
G. Questions Regarding Eligibility 37

IV. Application and Submission Information 37

A. Application Process 37
i. Additional Information on EERE eXCHANGE 38

B. Application Forms 39
C. Content and Form of the Concept Paper 39
i. Concept Paper Content Requirements 39
D. Content and Form of the Full Application 41
i. Full Application Content Requirements 41
ii. Technical Volume 42
iii. Resumes 47
iv. Letters of Commitment 48
v. Community Partnership Documentation 48
vi. Statement of Project Objectives (SOPO) 49
vii. SF-424: Application for Federal Assistance 49
viii. Budget Justification Workbook 49
ix. Summary/Abstract for Public Release 49
x. Summary Slide 50
xi. Subrecipient Budget Justification (if applicable) 50
xii. Budget for DOE/NNSA FFRDC (if applicable) 50
xiii. Authorization for non-DOE/NNSA or DOE/NNSA FFRDCs (if applicable) 51
xiv. SF-LLL: Disclosure of Lobbying Activities (required) 51
xv. Waiver Requests: Foreign Entity and Foreign Work (if applicable) 51
xvi. R&D Community Benefits Plan 52
xvii. Current and Pending Support 53
xviii. Buy American Requirement for Infrastructure Waiver 56
E. Content and Form of Replies to Reviewer Comments 56
F. Post Selection Information Requests 57
G. Unique Entity Identifier (UEI) and System for Award Management (SAM) 58
H. Submission Dates and Times 58
I. Intergovernmental Review 58
J. Funding Restrictions 58
i. Allowable Costs 58
ii. Pre-Award Costs 58
iii. Performance of Work in the United States (Foreign Work Waiver) 59
iv. Construction 60
v. Foreign Travel 60
vi. Equipment and Supplies 61
vii. Buy America Requirements for Infrastructure Projects 61
viii. Lobbying 63
ix. Risk Assessment 63
x. Invoice Review and Approval 63

V. Application Review Information 65

A. Technical Review Criteria 65
i. Concept Papers 65
ii. Full Applications 65
iii. Criteria for Replies to Reviewer Comments 68
B. Standards for Application Evaluation 68
C. Other Selection Factors 68
i. Program Policy Factors 68
D. Evaluation and Selection Process 69
i. Overview 69
ii. Pre-Selection Interviews 69
iii. Pre-Selection Clarification 70
iv. Recipient Integrity and Performance Matters 70
v. Selection 71

E. Anticipated Notice of Selection and Award Negotiation Dates 71

VI. Award Administration Information 71

A. Award Notices 71
i. Ineligible Submissions 71
ii. Concept Paper Notifications 71
iii. Full Application Notifications 72
iv. Successful Applicants 72
v. Alternate Selection Determinations 72
vi. Unsuccessful Applicants 73
B. Administrative and National Policy Requirements 73
i. Registration Requirements 73
ii. Award Administrative Requirements 74
iii. Foreign National Access 74
iv. Subaward and Executive Reporting 75
v. National Policy Requirements 75
vi. Environmental Review in Accordance with National Environmental Policy Act (NEPA) 75
vii. Applicant Representations and Certifications 75
viii. Statement of Federal Stewardship 77
ix. Statement of Substantial Involvement 77
x. Subject Invention Utilization Reporting 78
xi. Intellectual Property Provisions 78
xii. Reporting 78
xiii. Go/No-Go Review 79
xiv. Conference Spending 80
xv. Uniform Commercial Code (UCC) Financing Statements 80
xvi. Implementation of Executive Order 13798, Promoting Free Speech and Religious Liberty 81
xvii. Participants and Collaborating Organizations 81
xviii. Current and Pending Support 81
xix. U.S. Manufacturing Commitments 82
xx. Data Management Plan (DMP) (if applicable) 83

VII. Questions/Agency Contacts 83

VIII. Other Information 84

A. FOA Modifications 84
B. Government Right to Reject or Negotiate 84
C. Commitment of Public Funds 84
D. Treatment of Application Information 84
E. Evaluation and Administration by Non-Federal Personnel 85
F. Notice Regarding Eligible/Ineligible Activities 85
G. Notice of Right to Conduct a Review of Financial Capability 85
H. Requirement for Full and Complete Disclosure 86
I. Retention of Submissions 86
J. Title to Subject Inventions 86
K. Government Rights in Subject Inventions 87
L. Rights in Technical Data 88
M. Copyright 88
N. Export Control 89
O. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment 89
P. Personally Identifiable Information (PII) 89
Q. Annual Independent Audits 90

Appendix A – Cost Share Information 91

Appendix B – Sample Cost Share Calculation for Blended Cost Share Percentage 96

Appendix C – Waiver Requests and Approval Processes: 1. Foreign Entity Participation as the Prime Recipient; and 2. Performance of Work in the United States (Foreign Work Waiver) 98

Appendix D – Required Use of American Iron, Steel, Manufactured Products, and Construction Materials..... 100

Appendix E – Glossary..... 104

Appendix F – Definition of Technology Readiness Levels 106

Appendix G – List of Acronyms 107

Appendix H – R&D COMMUNITY BENEFITS PLAN GUIDANCE 109

I. Funding Opportunity Description

A. Background and Context

The Office of Energy Efficiency and Renewable Energy (EERE) is issuing Funding Opportunity Announcement (FOA) DE-FOA-0002920 on behalf of the Hydrogen and Fuel Cell Technologies Office (HFTO), which coordinates hydrogen activities with offices across DOE as described in the DOE Hydrogen Program Plan.[1] These activities align with the DOE National Clean Hydrogen Strategy and Roadmap[2] and specific DOE initiatives as described below.

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 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"[3] to the benefit of all Americans. The Department of Energy is committed to pushing the frontiers of science and engineering, catalyzing clean energy jobs through research, development, demonstration, and deployment (RDD&D), and ensuring environmental justice and inclusion of underserved communities.

The research and development (R&D) activities to be funded under this FOA will support the government-wide approach to the climate crisis by driving the innovation that can lead to the deployment of clean energy technologies, which are critical for climate protection. Specifically, this FOA will support the goals of the H2@Scale Initiative,[4] which aims to advance affordable hydrogen production, transport, storage, and utilization to enable decarbonization and revenue opportunities across multiple sectors. These objectives align with DOE's Hydrogen Shot,[5] which targets affordable clean hydrogen production at $1/kg within the decade. Advancing technologies that will facilitate the adoption of clean hydrogen technologies will support the goal of net zero GHG emissions by 2050.

As part of the whole-of-government approach to advance equity across the Federal Government, it is the policy of the Biden Administration that the Federal

[1] U.S. Department of Energy, Department of Energy Hydrogen Program Plan, https://www.hydrogen.energy.gov/pdfs/hydrogen-program-plan-2020.pdf
[2] U.S. Department of Energy National Clean Hydrogen Strategy and Roadmap (Draft) https://www.hydrogen.energy.gov/clean-hydrogen-strategy-roadmap.html
[3] Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.
[4] H2@Scale | Department of Energy, https://www.energy.gov/eere/fuelcells/h2scale
[5] Hydrogen Shot | Department of Energy, https://www.energy.gov/eere/fuelcells/hydrogen-shot

Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. As part of this approach, this FOA encourages the participation of underserved communities and underrepresented groups.

ii. Technology Space and Strategic Goals

This FOA will support RD&D of affordable hydrogen and fuel cell technologies, as aligned with the vision outlined in DOE's draft national clean hydrogen strategy and roadmap[6] targeting four topics of interest critical to enabling the use of clean hydrogen across sectors, particularly in medium- and heavy-duty (MD/HD) vehicles and other heavy-duty transportation applications. Increased adoption of hydrogen technologies will help achieve economies of scale, drive down costs, and support efforts to reach the Hydrogen Shot goal and to achieve net-zero GHG emissions by 2050.

Hydrogen and fuel cell technologies are part of a comprehensive portfolio of solutions to address the climate crisis and position America as a global leader in clean energy technology and clean energy jobs. Hydrogen is a unique and flexible energy carrier due to diverse domestic options for hydrogen production as well as the broad spectrum of end uses, as shown in the H2@Scale vision illustrated in Figure 1. The versatility of hydrogen offers opportunities to address priorities in the Administration's clean energy plan through affordable clean hydrogen in strategic, high-impact applications across sectors. Clean hydrogen and fuel cell technologies are especially relevant for use in hard-to-decarbonize sectors of the economy (such as heavy-duty transportation and industrial applications) and to enable long duration energy storage for a clean electric grid. For hydrogen to achieve its potential as an energy carrier, key challenges around affordability, durability, and reliability must still be addressed. Innovations to produce, store, transport, and utilize hydrogen across multiple sectors are key to enabling these cost reductions and performance improvements.

[6] U.S. Department of Energy, "DOE National Clean Hydrogen Strategy and Roadmap (Draft)", https://www.hydrogen.energy.gov/clean-hydrogen-strategy-roadmap.html.

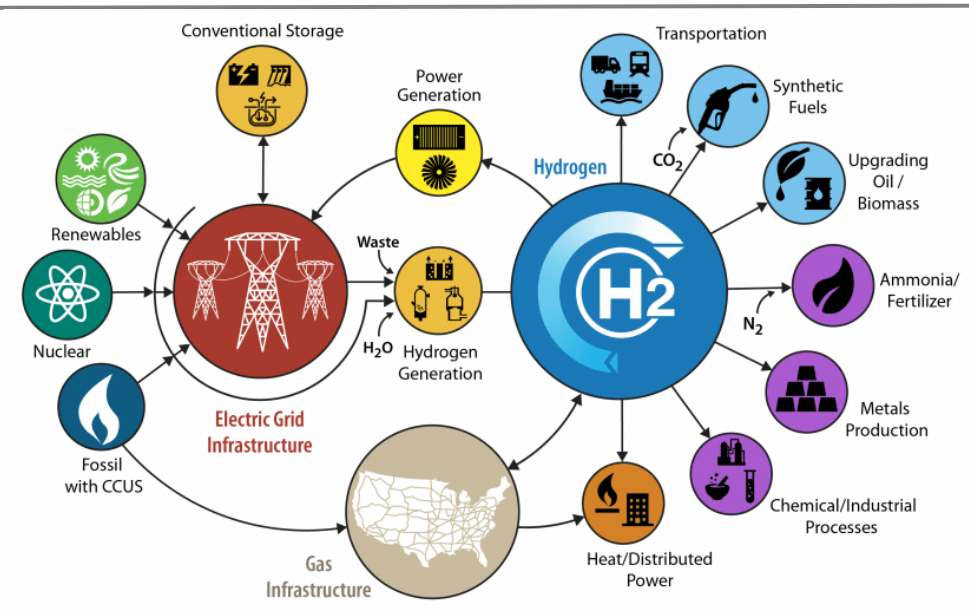

Figure 1. The H2@Scale vision.

The Hydrogen Shot, announced June 7, 2021, by Energy Secretary Granholm as DOE's first *Energy Earthshot Initiative*, sets an ambitious goal for hydrogen cost reduction. Achieving the Hydrogen Shot's goal to reduce the cost of clean hydrogen by 80% to $1 per 1 kilogram in 1 decade ("1 1 1")[7] can unlock a significant increase in markets for hydrogen, including steel manufacturing, clean ammonia, energy storage, and heavy-duty transportation. This would create more clean energy jobs, reduce greenhouse gas and criteria pollutant emissions, increase energy security and resiliency, and position America to compete in the clean energy market on a global scale.

HFTO supports a broad RD&D portfolio addressing materials-, component- and systems-level RD&D on clean hydrogen and fuel cell technologies (e.g., hydrogen production from renewable fuels, fuel cells for medium and heavy-duty transportation applications, and hydrogen delivery and fueling infrastructure, among others). Technology acceleration efforts are also conducted to address first-of-a-kind demonstrations of integrated energy systems, as well as manufacturing innovations and safety codes and standards. HFTO RD&D relies heavily on collaborations among various industry and university stakeholders and the national laboratories, including through HFTO-managed consortia.

Additional supporting activities include efforts to reduce vulnerabilities and build supply chain resilience, strengthen, and diversify the STEM workforce in the

[7] The 80% cost reduction refers to a 2020 baseline cost of approximately $5/kg of hydrogen from electrolysis Hydrogen Shot | Department of Energy

hydrogen and fuel cell communities, and support partnerships and activities that ensure the economic and environmental benefits of HFTO investments are available to disadvantaged communities (underserved or overburdened communities).

The specific topics to be funded in this interest area are summarized below. Detailed topic descriptions are provided in Section I.B.

Topic 1: Hydrogen Carrier Development
This topic seeks applications for R&D of novel hydrogen carriers and hydrogen carrier hydrogenation/dehydrogenation catalysts and catalyst supports with the goal of providing quantitative cost and performance advantages over conventional compressed gas or liquid hydrogen (LH_2) systems. Hydrogen carriers are a unique storage and delivery medium that have the potential to enable efficient, compact, and low-cost transport, on-site generation, and storage of hydrogen across multiple sectors in the economy. Carriers exhibit a wide range of properties and behaviors, allowing for the matching of different hydrogen-rich materials to the needs of a specific end use. Relevant end uses that address the overall performance needs, such as pressure, temperature, rates of hydrogen release, purity, and cost at scale, must be considered within the topic. One example of interest includes catalysts that are based on perovskite materials, or that use perovskite materials as catalyst supports. Such materials and other innovative concepts with potential to meet specific metrics are of interest and projects will be expected to collaborate with HFTO's HyMARC consortium.[8]

Topic 2: Onboard Storage Systems for Liquid Hydrogen
This topic solicits applications for the development of LH_2 storage vessels and the required balance-of-plant hardware to enable low-cost, energy dense LH_2 storage onboard medium- and heavy-duty (MD/HD) transportation applications. Hydrogen fuel cell systems can offer benefits in MD/HD transportation, particularly for long-haul trucks, such as long driving ranges, short refueling times, and high payload capacities. However, to do so, significant quantities of hydrogen are required (e.g., 40 – 120 kg for long-haul trucks and several hundred kg for other heavy-duty applications such as off-road mining and construction vehicles). As LH_2 has a considerably higher energy density compared to 700 bar compressed hydrogen gas, there is significant interest in the development of onboard LH_2 storage systems. Analyses have shown the potential of LH_2 systems

[8] U.S. Department of Energy, Hydrogen Materials Advanced Research Consortium (HyMARC), https://www.hymarc.org/.

to meet capacity requirements for MD/HD applications and achieve the storage cost target of less than or equal to $8/kWh.[9,10]

Topic 3: Liquid Hydrogen Transfer/Fueling Components and Systems
This topic seeks applications to develop LH_2 transfer and vehicular fueling technologies and approaches to enable high-flow LH_2 transfers and/or LH_2 fueling for MD and HD transportation applications. Hydrogen fueling stations for MD/HD fuel cell transportation applications, which encompass trucks, buses, off-road, marine, and rail, are expected to dispense tons of hydrogen per day. The large-scale storage and transfer of LH_2 for such end-users requires the development of advanced LH_2 transfer and fueling components and systems that address the challenges of hydrogen losses, materials compatibility, and safety while enabling fueling times comparable to incumbent technologies (i.e., liquid fuels). This will require much higher hydrogen flow rates, for instance over five times greater (at least 10 kg/min average) than those in current light-duty vehicle hydrogen fueling stations.

Topic 4: M2FCT: High Performing, Durable Membrane Electrode Assemblies for Medium- and Heavy-duty Applications
This topic solicits applications that, in coordination with DOE's Million Mile Fuel Cell Truck (M2FCT) consortium, will develop membrane electrode assemblies (MEAs) that will reduce the cost and enhance the durability and performance of proton-exchange membrane (PEM) fuel cell stacks for MD/HD applications. R&D needs for both applications have been identified with industry, university, and national laboratory expert stakeholder input. The topic targets advances in MEAs to enable significant progress towards meeting 2030 system level HD truck targets of 25,000-hour durability and $80/kW system cost.

iii. R&D Community Benefits Plan

DOE is committed to investing in research and development (R&D) innovations that deliver benefits to the American public and leads to commercialization of technologies and products that foster sustainable, resilient, and equitable access to clean energy. Further, DOE is committed to supporting the development of more diverse, equitable, inclusive, and accessible workplaces to help maintain the nation's leadership in science and technology.

To support the goal of building a clean and equitable energy economy, projects funded under this FOA are expected to (1) advance diversity, equity, inclusion, and accessibility (DEIA); (2) contribute to energy equity; and (3) invest in

[9] DOE Hydrogen and Fuel Cells Program Record 19006: Hydrogen Class 8 Long Haul Truck Targets (energy.gov)
[10] Million Mile Fuel Cell Truck Consortium, https://millionmilefuelcelltruck.org/

America's workforce. To ensure these objectives are met, applications must include a Research and Development Community Benefits Plan (R&D Community Benefits Plan[11]) that addresses three objectives stated above. See Section IV.D.xvi. and Appendix H for the more information on the R&D Community Benefits Plan content requirements.

iv. Teaming Partner List

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

SUBMISSION INSTRUCTIONS: Any organization that would like to be included on this list should access EERE eXCHANGE and choose the menu item labelled Teaming Partners. From the pulldown menu, select TPL-0000008: Teaming Partner List, Hydrogen and Fuel Cell Technologies Office Funding Opportunity Announcement DE-FOA-0002920 and press Submit Entry to Teaming Partner List. Enter your organization, contact information, the Topic in which you are interested, and any background information on your particular interests and capabilities, and press Register. You may also access and register for this Teaming Partner List at the following link: https://eere-exchange.energy.gov/TeamingPartners.aspx?foaid=385313fc-691d-4362-b28b-be1fc04f5772.

See the document titled "Topic and Background Information" posted on EERE eXCHANGE for instructions on what to include in these fields. Each entry should only include one topic area. Submit multiple entries if you are interested in partnering on more than one topic area. For further information regarding teaming partner lists, see https://eere-exchange.energy.gov/Manuals.aspx.

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 this Teaming Partner List, DOE is not endorsing, sponsoring, or otherwise evaluating the qualifications of the individuals and organizations that are self-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.

[11] Most DOE FOAs focused on demonstration and deployment (D&D) also require a Community Benefits Plan; however, the plan content requirements for R&D-focused FOAs vary from the D&D Community Benefits Plan content requirements.

H2 Matchmaker

As another avenue to find potential project partners, DOE Launched H2 Matchmaker,[12] a voluntary online tool created to aid in fostering partnerships among key stakeholders by allowing potential partners to identify each other. H2 Matchmaker is an online information resource intended to help foster partnerships by increasing awareness and aligning potential needs in specific regions of the U.S.

H2 Matchmaker includes an interactive map containing self-reported clean hydrogen producers, hydrogen consumers, infrastructure provider/operators, and other key stakeholders (e.g., government, Tribal, labor, workforce development, safety codes and standards, financier/investor, environmental justice organizations), as well as contact information and capabilities of DOE's National Laboratories. Participation by underrepresented groups and workforce organizations, including labor unions, is highly encouraged. H2 Matchmaker includes a Justice40[13] status designation to indicate participants that may be relevant to a Justice40 Initiative's intent to increase benefits and reduce harm.

H2 Matchmaker will be regularly updated to reflect new teaming partners who provide their organization's information. Any organization that would like to be included in H2 Matchmaker is encouraged to fill out the H2 Matchmaker Self-Identification form available at https://www.energy.gov/eere/fuelcells/h2-matchmaker.

Teams that include representation from diverse entities such as, but not limited to: Minority Serving Institutions (MSIs), including Historically Black Colleges and Universities (HBCUs)/Other Minority Institutions (OMIs),[14] or through linkages with Opportunity Zones,[15] are encouraged.

[12] https://www.energy.gov/eere/fuelcells/h2-matchmaker

[13] The Justice40 initiative, created by Executive Order 14008, establishes a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf.

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

[15] Opportunity Zones were added to the Internal Revenue Code by section 13823 of the Tax Cuts and Jobs Act of 2017, codified at 26 U.S.C. 1400Z-1. The list of designated Qualified Opportunity Zones can be found in IRS Notices 2018-48 (PDF) and 2019-42 (PDF). Further, a visual map of the census tracts designated as Qualified Opportunity Zones may also be found at Opportunity Zones Resources. Also see, frequently asked questions about Qualified Opportunity Zones.

B. Topic Areas

i. Topic Area 1: Hydrogen Carrier Development

Topic 1 Introduction and Background

The development, demonstration, and deployment of low cost, efficient, and safe hydrogen transport and storage technologies at relevant scales are critical components of the DOE's clean hydrogen program[16] and key enablers to achieving the vision in DOE's national clean hydrogen strategy and roadmap. Although hydrogen is a versatile energy carrier with the highest energy content of any fuel by weight, it has significantly less energy density by volume, which makes delivery and storage a major challenge compared to conventional fuels.

Hydrogen is currently transported and stored as either a compressed gas or a cryogenic liquid. There are currently over 1,600 miles of gaseous hydrogen pipelines in the U.S., but high cost and regulatory challenges (such as siting and permitting) impede near-term expansion of this network for more facile distribution to broader end users. Compressed gaseous hydrogen is also transported in tube trailers, typically at pressures ranging from 200 to 500 bar, with payloads in the range of 250 to 1,000 kg of hydrogen. The need for compression leads to energy inefficiencies, and the high costs for compressors, tube trailers and required infrastructure increase the cost of hydrogen dispensed for vehicle applications. In addition, the relatively low delivery payload is a challenge for high-volume applications which would necessitate multiple deliveries per day.

Liquefied hydrogen is transported in tanker trailers equipped with multi-layer vacuum insulated, double-walled vessels, with payloads that can exceed 4,000 kg of hydrogen.[17] However, hydrogen liquefaction is an energy intensive and expensive process, and long-term liquid hydrogen (LH_2) storage is challenging due to insulation inefficiencies and heat leakage causing boil-off loss of stored hydrogen.

Although compressed gaseous and liquid hydrogen are already in use and will continue to enable ramp up of the hydrogen industry, hydrogen carriers offer a unique storage and delivery methodology that can circumvent some of the challenges associated with conventional compressed gas or LH_2. This broad class of hydrogen-rich liquid or solid phase materials can be used to store, transport, and liberate hydrogen on-demand, and includes small molecules (e.g., ammonia, formic acid), liquid organic hydrogen carriers (LOHCs), metal hydrides, and sorbents. Attractive hydrogen carriers are readily available or can be economically produced at mass scale; exhibit high gravimetric and/or volumetric hydrogen capacity; are safely and easily stored and transported using common chemical transport methods as both charged and uncharged materials; can be cycled many times with negligible loss of performance; and exhibit facile hydrogen uptake and release at reasonable pressures, temperatures, and adequate rates.

[16] U.S. Department of Energy, Department of Energy Hydrogen Program Plan, https://www.hydrogen.energy.gov/pdfs/hydrogen-program-plan-2020.pdf

[17] https://www.energy.gov/sites/prod/files/2015/08/f25/fcto_myrdd_delivery.pdf

Hydrogen carriers have the potential to provide benefits over compressed and LH_2 delivery in several end uses. Because they exhibit a wide range of properties and behavior, matching different carriers to the needs of specific end uses is essential, and it is unlikely that a single carrier will meet the requirements for all potential end uses. In certain scenarios requiring large amounts of hydrogen, carriers may be the most viable option, such as in areas where geologic storage is not available, for long-distance transmission, or for export markets. Consequently, hydrogen carriers are a significant opportunity that enable the storage, distribution, and end use of clean hydrogen across multiple sectors in the economy.

Depending on the type of hydrogen carrier, processes such as dehydrogenation to release hydrogen from the material will be required. This typically requires heat from an external source. In addition, some carriers are reversible, as the dehydrogenated product may be re-hydrogenated to complete a closed cycle by adding hydrogen back to the carrier. Many hydrogenation and dehydrogenation processes for hydrogen carriers require catalysts to operate at reasonable conditions. A catalyst may also be used to tailor the uptake and release processes to match the specific temperature, pressure, or rate of hydrogen output from a specific source, or input requirements for a specific end use application. Attractive catalysts for hydrogen carriers have high activity at low concentrations and under mild conditions; high selectivity for the targeted reaction; high stability and reusability over many cycles; use primarily earth-abundant elements; and do not require large quantities of costly elements. These features can minimize energy requirements as well as lower initial and replacement costs for both catalyst and carrier. In some cases, a bifunctional catalyst, or combination of catalysts, may simplify reactor system designs. Similarly, multifunctional carriers may address multiple end-use needs simultaneously and reduce system complexity and cost.

HFTO's Hydrogen Materials—Advanced Research Consortium (HyMARC) carries out applied R&D on all aspects of hydrogen carriers. Established as part of the U.S. Department of Energy's Energy Materials Network (EMN), HyMARC provides an enduring national laboratory-based network, enabling industry to utilize the national labs unique capabilities related to solid-state hydrogen storage and carriers. The effort addresses gaps in foundational knowledge needed to accelerate materials discovery and performs synthesis and characterization of advanced storage material concepts. HyMARC is implementing a co-design strategy to push hydrogen storage materials and carriers past the materials development stage and beyond lab-scale demonstration activities. This strategy integrates systems modeling and techno-economic analysis with previously developed novel materials, synthetic methods, multiscale models, high-resolution in-situ characterization tools, and databases to accelerate development and assess deployment strategies for all types of storage materials.

Topic 1 Anticipated Funding Level and Award Details

DOE's anticipated funding levels, including the federal funding per award are given below:

Topic Area	Total Funding Level ($000)	Anticipated Number of Awards	Federal Funding per Award ($000)	Max. Project Duration (years)	Min Required Non-Federal Cost Share %
Topic #1: Hydrogen Carrier Development	**$7,000****	**7 to 10**	**$1,000**	**3**	**20%***

**For Institutions of Higher Education and Non-Profit Organizations, cost sharing is not required.*[18]
***Additional federal funding of $3,000,000 will be provided for core national laboratories within HyMARC to support the selected FOA projects after the selection of awards.*

Topic 1 Description and Objectives

HFTO seeks applications for RD&D on novel hydrogen carriers and/or hydrogen carrier hydrogenation/dehydrogenation catalysts with the goal of providing quantitative cost and performance advantages over conventional compressed gas or LH_2 systems, for relevant hydrogen end uses. HFTO is interested in all types of hydrogen carrier materials (small molecules, LOHCs, metal hydrides, and sorbents), and applicants should specify the carrier system(s) of focus. The use of perovskites as catalysts or catalyst supports for hydrogen carrier hydrogenation and dehydrogenation reactions are a key area of interest. Applicants are encouraged to target potential end use applications with impactful, large-scale benefit instead of smaller-scale, niche end uses.

Applications should provide an estimate of the ultimate cost or performance improvements expected for a specific carrier-end use pair as a result of the proposed project. Selected applicants will be expected to collaborate closely with the HyMARC national laboratory teams to take advantage of their broader system-level analysis expertise, advanced characterization methods, and computational modeling tools. Projects with workplans that include tightly coupled computational modeling, experimental characterization, and controlled synthetic methods, are encouraged.

Since specific cost and performance targets for hydrogen carriers or catalysts are highly dependent on the end use application (e.g., hydrogen delivery for a fueling station, use at a data center or other critical load for resiliency, use for hydrogen export, or other end use) generic quantitative metrics for all applications are not provided. Instead, applicants should detail the hydrogen requirements at the end use (temperature, pressure, purity, rate, etc.),

[18] Section 10725 of the Research and Development, Competition, and Innovation Act, P.L. 117-167 (Aug. 9, 2022) extends the cost share waiver pilot program enacted by Section 108 of the Department of Energy Research and Innovation Act, Public Law 115–246 (Innovation Act) and provides an exemption for institutions of higher education and non-profit organizations from the 20% cost share requirement for Research and Development activities. The exemption is available for the two-year period beginning on August 9, 2022. Codified at 42 U.S.C. 16352.

establish whether the carrier(s) of choice can meet those requirements, and/or identify what must be improved for the carrier to fulfill those requirements. Applicants should describe how the proposed work will make the carrier system advantageous over conventional gaseous or LH_2 storage systems, and/or suitable competing technologies (e.g. batteries), as appropriate.[19,20] The application should include quantitative carrier- and end use-specific project targets (e.g., % cost reduction for the entire carrier lifecycle from production to reuse, hydrogen release rate, overall efficiency, purity of released hydrogen) to the greatest extent possible, based on their selected carrier system and end-use of focus. Applicants are encouraged to leverage carrier properties or behavior that can further improve performance through system integration, such as thermal management, the use of waste heat, or the ability of a carrier to generate high-pressure hydrogen to mitigate compression needs, in a specific end-use scenario.

Topic 1 General Requirements

Applications should describe the carrier(s) and/or catalyst(s) of focus and the targeted end use case(s), including details on the hydrogen input and output requirements and the scales at which the technology is relevant. Applicants must describe the characterization and measurements that will be collected and how they relate to advancing the state of the technology. Potential projects that focus on reactor or system designs should include a description of the components and overall system requirements, and the scale at which the processes have been examined to date. While applications may include some degree of carrier/catalyst discovery and synthesis, materials characterization, or reaction mechanism elucidation, they should clearly describe how, and to what degree, the project will advance the adoption of a carrier in a realistic end-use scenario.

Applicants should focus on carriers that can be readily produced/cycled using clean hydrogen. Emissions associated with the carrier system (e.g., dehydrogenation and hydrogenation or other relevant steps) should be described and considered as part of the overall value proposition and feasibility assessment. Proposals must describe any potentially harmful environmental and human health and safety impacts particular to the selected carrier or catalyst system and describe how these will be mitigated to the greatest extent possible.

Topic 1 Project Structure

Applicants should propose projects up to 3 years in length for a maximum total DOE funding of $1,000,000 per project. EERE intends to select up to 10 projects based on available funds and proposed scope. The funding request should be commensurate with the level of work proposed. Applicants should plan projects as two or three multi-phase efforts with a quantitative Go/No-Go decision point separating each phase (budget period). Phase 1 should be planned for a maximum of $300,000 and a 12 to 18-month duration to demonstrate the

[19] Papadias, D.P., Peng, J-K., Ahluwalia, R.K.; Hydrogen carriers: Production, transmission, decomposition, and storage. *Int. J. Hydrogen Energy.* **46**(47), 24169-24189 (2021). https://doi.org/10.1016/j.ijhydene.2021.05.002

[20] Peng, P., Anastasopoulou, A., Brooks, K. *et al.* Cost and potential of metal–organic frameworks for hydrogen back-up power supply. *Nat Energy* **7**, 448–458 (2022). https://doi.org/10.1038/s41560-022-01013-w

feasibility of the proposed carrier material concept. Projects must satisfy the agreed upon quantitative performance criteria for Go/No-Go decisions before DOE will commit support for additional phases. Projects must include **at least 20% cost share** consistent with R&D activities. The phase 1 Go/No-Go milestone must show potential to result in a hydrogen carrier capable of providing benefits over existing bulk storage and transport options, such as compressed gas or cryogenic liquid, in meeting the needs for the target end use. Projects will need to demonstrate that they have met the agreed upon quantitative performance criteria for each phase Go/No-Go decision before HFTO will support subsequent phases. HFTO may also require that samples of materials developed be sent to a third-party laboratory specified by HFTO for independent material evaluation and testing prior to the Go/No-Go decision.

Topic 1 Teaming Arrangements

Selected project teams will be integrated into HyMARC as individual seedling projects and will be expected to collaborate with the core national laboratory teams through their suite of synthetic, computational, and characterization capabilities. This action allows applicants to significantly accelerate progress as opposed to previously selected conventional FOA projects that were not included in the consortium approach.

Each project selected for award must execute the HyMARC standard non-disclosure agreement (NDA).[21] Since these projects will be integrated into HyMARC, the application and proposed work plan should include potential activities that leverage HyMARC's national lab core team capabilities such as synthetic, characterization, or computational activities. The applicant's proposed budget should not include funds associated with the use of HyMARC resources. HFTO will directly support national laboratory capabilities. HFTO strongly discourages applications that propose duplication of capabilities and efforts already within HyMARC.

Topic 1 Applications Specifically Not of Interest

Under this topic EERE is not interested in applications focused primarily on the following:

- Efforts that are duplicative of ongoing or recent work within the HyMARC consortium[22]
- Projects that are analysis-based with no carrier improvement work

ii. Topic Area 2: Onboard Storage Systems for Liquid Hydrogen

Topic 2 Introduction and Background

Aligned with the DOE National Clean Hydrogen Strategy and Roadmap, DOE is targeting strategic, high-impact uses for clean hydrogen where limited deep decarbonization alternatives exist including medium- and heavy-duty (MD/HD) vehicles and other transportation

[21] See https://www.energy.gov/eere/fuelcells/hymarc-hydrogen-materials-advanced-research-consortium for the current draft of the standard NDA required of all awardees selected to work with HyMARC.

[22] For recent and ongoing work within HyMARC, please refer to their website (hymarc.org) and/or their most recent HFTO Annual Merit Review presentation, available here: https://www.hydrogen.energy.gov/pdfs/review22/st127_allendorf_2022_p.pdf

applications. Other opportunities include the potential for exporting clean hydrogen (e.g., via liquid hydrogen or hydrogen carriers) and enabling energy security for our allies.

In MD/HD vehicle applications, hydrogen fuel cell vehicles can be competitive with diesel-fueled vehicles of comparable driving range and payload capacity, though significant quantities of onboard hydrogen storage will be required (on the order of 40 – 120 kg for long-haul trucks and several hundred kg for other heavy-duty applications such as off-road mining and construction vehicles). Currently, the most mature approach for onboard storage is based on 700 bar compressed hydrogen in carbon fiber composite overwrapped pressure vessels (COPVs), which has been adopted as an industry standard for light-duty fuel cell vehicles but would struggle to meet volumetric capacity and cost requirements for MD/HD vehicles.

A potential solution is the onboard storage of liquid hydrogen (LH_2) which has a higher energy density than compressed gaseous hydrogen, and could enable greater storage capacity, longer ranges, and faster refueling times. Additionally, since LH_2 storage tanks are expected to be smaller and lighter compared with COPVs for compressed hydrogen storage, the vehicle's payload capacity could be increased. There is specific interest in developing efficient and affordable onboard LH_2 storage systems for Class 8 long haul trucks. For this vehicle class with its associated capacity requirements, DOE has established an onboard hydrogen storage cost target of less than or equal to $8/kWh (equivalent to $266/kg).[23]

One key challenge to LH_2 storage is that it must be stored at low cryogenic temperatures in vessels with advanced insulation to prevent evaporation and boil-off losses. The normal boiling point of LH_2 is 20 K (-253 °C), with a critical temperature of 33 K (-240 °C). Boil-off losses can occur during LH_2 transfers (e.g., during vehicle refueling) or during long-term storage. These losses tend to increase with storage time as heat leakage occurs through the insulation. Mitigating or eliminating boil-off losses is critical, not only to preserve the stored fuel, but also to prevent hydrogen release to the environment. Zero boil-off large scale LH_2 storage technologies are in the process of being developed,[24] however, further research and development (R&D) is needed to adapt these for affordable onboard vehicle storage.

Onboard LH_2 storage systems for Class 8 trucks need to address range and payload requirements while minimizing, or preferably eliminating, boil-off losses during operations and down-times. Duty cycles for these trucks range from 8 to 14 driving hours per day and can also include several hours of idling and engine-off time.[25] Based on stakeholder feedback, approximately 1 to 3 days of dormancy is required for typical operation of semi-trailer long-haul

[23] U.S. Department of Energy "Hydrogen Class 8 Long Haul Truck Targets" Program Record, December 12, 2019: https://www.hydrogen.energy.gov/pdfs/19006_hydrogen_class8_long_haul_truck_targets.pdf

[24] See for example, DOE HFTO funded project DE-EE0009387: First Demonstration of a Commercial Scale Liquid H2 Storage Tank Design for International Trade Applications (energy.gov)

[25] Ahluwalia, R.K., et al., "On-board Liquid Hydrogen Storage for Long Haul Trucks", DOE Liquid Hydrogen Technologies Workshop, https://www.energy.gov/sites/default/files/2022-03/Liquid%20H2%20Workshop-ANL2.pdf, February 23, 2022.

trucks. To further minimize losses, the LH_2 storage system design (including multi-tank configurations) should be compatible with refueling modes (e.g., pump or pressure transfers) that facilitate quick refueling.[26]

Topic 2 Anticipated Funding and Award Details

DOE's anticipated funding levels, including the federal funding per award are given below:

Topic Area	Total Funding Level ($000)	Anticipated Number of Awards	Federal Funding per Award ($000)	Max. Project Duration (years)	Min Required Non-Federal Cost Share %
Topic 2: Onboard liquid hydrogen storage	**$10,000**	**2 to 3**	**$3,000-5,000**	**3**	**20%***

**For Institutions of Higher Education and Non-Profit Organizations, cost sharing is not required.*[27]

<u>Topic 2 Description and Objectives</u>

EERE seeks applications to develop LH_2 storage vessels and required balance-of-plant (BOP) hardware, to allow low-cost onboard LH_2 storage with high specific energy and energy density for MD/HD vehicles. R&D for the various system components should be pursued to address the challenges and barriers related to LH_2 storage system development (e.g., insulation, tank liner and shell design, tank and system BOP, and safety devices). The construction and demonstration of a prototype LH_2 onboard storage vessel is expected by the end of the project.

Applications will be evaluated, and progress tracked, by both the demonstrated performance of the produced storage vessel and its projected cost. Subscale demonstrations may be permitted but they must be convincingly translatable (via detailed analysis) to a full-scale storage vessel. Designs should abide by relevant codes, standards, and best engineering practices.[28]

<u>Topic 2 General Requirements</u>

Applications should include a detailed description, justification, and evaluation plan for the LH_2 storage vessel and required BOP, including addressing any potential safety or leakage issues. If

[26] Development of high-flow LH_2 refueling components and systems is an area of interest to HFTO being addressed under Topic 3: Liquid Hydrogen Fueling/Transfer Components and Systems of this FOA.

[27] Section 10725 of the Research and Development, Competition, and Innovation Act, P.L. 117-167 (Aug. 9, 2022) extends the cost share waiver pilot program enacted by Section 108 of the Department of Energy Research and Innovation Act, Public Law 115–246 (Innovation Act) and provides an exemption for institutions of higher education and non-profit organizations from the 20% cost share requirement for Research and Development activities. The exemption is available for the two-year period beginning on August 9, 2022. Codified at 42 U.S.C. 16352.

[28] Baird, A.R., et al., "Liquid Hydrogen Heavy-Duty Vehicle Safety Review and Refueling Facility Design", Sandia Report, SAND2022-11745, September 2022.

the system design requires multiple tanks onboard one vehicle, all required BOP to connect the tanks should be included, onboard tank configuration should be addressed, and fueling implications should be considered. Applications should detail the expected fueling methods and proposed protocols for the chosen tank design and configuration. Required project deliverables include a thorough description of the tank design concept, design strategies to mitigate boil-off, as well as data from structural, thermal, and fluid dynamics analyses. The LH_2 tank performance must be validated via prototype demonstration (**minimum H_2 storage capacity: 20 kg**). Deliverables also include validation data from the testing of the prototype tank, such as tank mass, overall tank dimensions, minimum burst pressure, and boil-off rate (percentage vaporized from total amount per day (%/day) at 80% of nominal capacity).[29] Ideally, the LH_2 storage vessel will demonstrate zero boil-off. Technoeconomic assessments of the storage system should also be provided. Applications should identify key challenges for the onboard LH_2 storage system and present appropriate mitigation strategies.

Topic 2 Project Structure

Applicants should propose projects up to 3 years in length for a maximum total DOE funding of $3,000,000 to 5,000,000 for each project. EERE intends to select up to 3 projects based on available funds and proposed scope. The funding request should be commensurate with the level of work proposed. Applicants should plan projects as two or three multi-phase efforts with a strong quantitative Go/No-Go decision point separating each phase (budget period). Each budget period should nominally be 12-18 months long. Projects must satisfy the agreed upon quantitative performance criteria for Go/No-Go decisions before DOE will commit support for additional phases. Projects must include **at least 20% cost share** consistent with R&D activities.

Topic 2 Teaming Arrangements

Teaming arrangements that include multiple stakeholders across academia, industry, national laboratories as appropriate, and across technical disciplines are strongly encouraged. Applicants should succinctly describe the qualifications, experience, and capabilities of the proposed project team to execute the project plan successfully. Strong preference will be given to applicants with domestic manufacturing capabilities and intent to manufacture in the United States.

Topic 2 Applications Specifically Not of Interest

Under this topic EERE is not interested in applications focused primarily on the following:

- LH_2 storage systems for stationary storage applications, or onboard ships and trains
- Onboard hydrogen storage for light duty vehicles
- Onboard gaseous or cryo-compressed hydrogen storage
- Projects that are analysis-based with no prototype development and demonstration

[29] Validation testing may take place at internal facilities, through subrecipients, or in partnership with capable laboratories.

iii. Topic Area 3: Liquid Hydrogen Fueling/Transfer Components and Systems

Topic 3 Introduction and Background

DOE is focused on enabling large-scale hydrogen production, delivery, storage, and use, particularly for heavy-duty transportation applications. Light-duty hydrogen fuel cell electric vehicles (FCEVs) have been successfully deployed, employing compressed (700 bar) gaseous hydrogen for onboard storage. Many light-duty vehicle (LDV) hydrogen fueling stations are supplied by liquid hydrogen (LH_2) which is vaporized and compressed prior to dispensing. Given that its volumetric density is more than four times higher than compressed gaseous hydrogen in typical storage containers, LH_2 reduces the onsite storage footprint of a fueling station and can reduce the number of deliveries. Fueling for medium- and heavy-duty (MD/HD) vehicles and for marine and rail applications are expected to require tons of hydrogen per day that is unlikely to be met by compressed gas delivery. These applications will require significantly more hydrogen fuel than LDVs, making LH_2 an attractive option for the onboard storage.[30]

The deployment of LH_2 fuel for high-use and high-capacity MD/HD applications will require fueling times comparable to incumbent technologies (i.e., liquid fuels). In some applications where LH_2 is delivered onsite but onboard gaseous hydrogen is delivered to the end-use application, heavy-duty fueling needs may not be adequately met by simply scaling up LDV fueling station designs. MD/HD fueling will require much higher hydrogen flow rates, at least five times greater[31] (at least 10 kg/min) than those in current LDV hydrogen fueling stations.[32] With higher flow rates, accurately measuring LH_2 delivered in fueling and transfer operations could be challenging.

LH_2 requires very low temperature cryogenic storage (about 20 K, -253 °C). Maintaining hydrogen in the liquid state is challenging, and gaseous hydrogen losses may result from venting and boil-off during the storage and handling of LH_2. In fueling and transfer operations, hydrogen losses can arise from, for example, purging hydrogen lines, cryogenic pump losses, and venting hydrogen from cryogenic trailers to reduce pressure for trailer road travel. In addition to the economic impact of hydrogen losses, atmospheric hydrogen can indirectly generate a warming effect in the atmosphere by reacting with other elements in a manner that produces greenhouse gases (GHGs) or extends their life. The detection, quantification, and effects of atmospheric hydrogen are separate challenges currently under investigation.

Hydrogen exposure is known to affect the performance of many materials, potentially leading to premature failure. It is necessary to understand and account for LH_2 effects (both chemically

[30] Onboard liquid hydrogen storage for HD vehicles is an area of interest to HFTO being addressed under Topic 2: Onboard Liquid Hydrogen Storage of this FOA.

[31] U.S. Department of Energy "Hydrogen Class 8 Long Haul Truck Targets" Program Record, December 12, 2019: https://www.hydrogen.energy.gov/pdfs/19006_hydrogen_class8_long_haul_truck_targets.pdf

[32] https://www.sae.org/standards/content/j2601_202005/

and thermally) on materials used in components for LH_2 applications. H-Mat, the Hydrogen Materials Consortium, is focused on cross-cutting R&D to understand and improve the performance of polymers and metals in hydrogen service.[33]

Finally, LH_2 fueling and transfer operations, if handled incorrectly, can present safety concerns that differ from those of compressed gaseous hydrogen. Cryogenic temperatures can pose potential hazards to personnel involved in fueling and transfer operations. Typically, operator training and personal protective equipment (PPE), such as facial shields and specialized gloves and aprons, are required. While safety needs to be a primary consideration, the typical PPE requirements could pose a challenge to adoption in some applications, particularly MD/HD road vehicle fueling. Fueling/transfer technologies that address safety concerns and/or alleviate extensive PPE or operator training are needed to facilitate LH_2 acceptance in the MD/HD markets.

Enabling the large-scale LH_2 fueling and transfer operations necessary for MD/HD end uses requires the development of advanced LH_2 components and systems that address the challenges of fueling/transfer times, hydrogen losses, materials compatibility, cost, and safety. The development of these technologies is needed to allow LH_2 to play an important role in enabling the adoption of hydrogen in demanding applications and supporting the H2@Scale vision of decarbonization and revenue opportunities across multiple sectors.

Topic 3 Anticipated Funding and Award Details

DOE's anticipated funding levels, including the range of federal funding per award are given below:

Topic Area	Total Funding Level ($000)	Anticipated Number of Awards	Federal Funding per Award ($000)	Max. Project Duration (years)	Min Required Non-Federal Cost Share %
Topic 3: Liquid Hydrogen Fueling/Transfer Components and Systems	**$12,000**	**2 to 4**	**$2,000-6,000**	**3**	**20%***

**For Institutions of Higher Education and Non-Profit Organizations, cost sharing is not required.*[34]

[33] H-Mat Consortium: https://www.energy.gov/eere/fuelcells/h-mat-hydrogen-materials-consortium

[34] Section 10725 of the Research and Development, Competition, and Innovation Act, P.L. 117-167 (Aug. 9, 2022) extends the cost share waiver pilot program enacted by Section 108 of the Department of Energy Research and Innovation Act, Public Law 115–246 (Innovation Act) and provides an exemption for institutions of higher education and non-profit organizations from the 20% cost share requirement for Research and Development activities. The exemption is available for the two-year period beginning on August 9, 2022. Codified at 42 U.S.C. 16352.

Topic 3 Description and Objectives

EERE seeks applications to develop LH_2 technologies and approaches to enable high-flow LH_2 fueling and transfers to support the deployment of MD/HD vehicles and other transportation applications. Potential technologies and approaches should address the challenges and barriers related to high-flow LH_2 transfers, which include fueling/transfer times, hydrogen losses and loss recovery, material issues related to hydrogen and cryogenic exposures, cost, and safety. Proposals may seek to develop technologies for transfers related to LH_2 delivery pathways (e.g., loading/unloading LH_2 transport containers), transfers associated with fueling stations (e.g., the LH_2 pathway from onsite storage to the dispenser), and fueling onboard vehicle storage (e.g., high-flow LH_2 nozzle designs, hoses, and flow meters).

Some specific areas of interest for this topic include but are not limited to:

- High-flow LH_2 hoses, nozzles, and valves
- High-flow LH_2 meters
- High-flow, low-loss cryopumps
- Mitigation or recovery of LH_2 fueling or transfer losses resulting from venting and purging of lines, pumps, delivery trailers, or other sources
- Mitigation or recovery of boil-off from pumps or other fueling/transfer mechanisms
- High-flow transfer pumps or approaches
- High-flow transfer connections, preferably requiring low or no PPE
- Direct gaseous fueling from a LH_2 source that greatly reduces or eliminates on-site gaseous storage

Proposed components and approaches should target: (1) flow rates of at least 10 kg/min, with higher flow rates encouraged, (2) cycle life in the thousands while accounting for materials compatibility effects of thermal and pressure cycling, and (3) commercial viability based on cost and manufacturability (e.g., avoid the use of specialized high-cost materials or manufacturing processes). Applicants should collaborate with H-Mat as appropriate and avoid duplicating materials compatibility studies already underway or completed through the Consortium.

Topic 3 General Requirements

Applicants should include a detailed description and evaluation of the proposed technology and/or approach and how it relates to the current state-of-the-art. They should provide sufficient justification, supported by analysis, that the proposed technology and/or approach has the potential to achieve stated performance targets. Applicants whose proposals include fueling/transfer connection technology development should provide information regarding the ability of the technology to reduce the need for PPE in use.

The construction and operation of the proposed technology and/or approach is expected by the end of the project to validate the operability of the technology or approach against stated performance targets. Projects should target the TRL range of 4-6 over the project period. This range represents the bridge from scientific research to engineering. As such, projects that

include new materials development should have established functional materials and specific parameters and pathways to improvement identified. Projects should not rely on the success of new materials development to achieve the stated project objective to construct and operate the proposed technology or approach. Projects that include hydrogen carrier materials (e.g., LOHCs, sorbents, hydrides) for boil-off mitigation should include detailed justification that the material and system is of sufficient TRL level that no significant materials or system development will be required, and only validation is needed. Subscale demonstrations are allowed but they must be convincingly translatable (via detailed analysis) to a full-scale fueling/transfer technology and/or approach. Designs should conform to available safety codes and standards to the greatest extent possible.[35]

Topic 3 Project Structure

Applicants should propose projects up to three years in length for a maximum total DOE funding of $2,000,000 to $6,000,000 for each project. EERE intends to select two to four projects based on available funds and proposed scope. The funding request should be commensurate with the level of work proposed. Applicants should plan projects as two or three multi-phase efforts (depending on the duration of the project) with a strong quantitative Go/No-Go decision point separating each phase (budget period). Each budget period should nominally be 12 to 18 months long.

Projects must satisfy the agreed upon quantitative performance criteria for each Go/No-Go decision point before DOE will commit support for additional phases. DOE anticipates that not all selected projects will achieve their Go/No-Go criteria. A No-Go decision will result in a discontinuation of support beyond the applicable phase. Projects must include **at least 20% cost share** consistent with R&D activities.

Topic 3 Teaming Arrangements

Teaming arrangements that include multiple stakeholders across academia, industry, and national laboratories (as appropriate) are strongly encouraged. Applicants should succinctly describe the qualifications, experience, and capabilities of the proposed project team to execute the project plan successfully. If the project lead does not have the facilities/capabilities to carry out the operability and performance testing, it will be necessary to include a project partner or partners who can perform that role. Strong preference will be given to applicants with domestic manufacturing capabilities and intent to manufacture in the United States.

Topic 3 Applications Specifically Not of Interest

Under this topic EERE is not interested in applications focused primarily on the following:

[35] Baird, A.R., et al., "Liquid Hydrogen Heavy-Duty Vehicle Safety Review and Refueling Facility Design", Sandia Report, SAND2022-11745, September 2022.

- Liquid or gaseous storage systems which are not part of a larger fueling or transfer system design, for example LH_2 bulk storage systems as well as LH_2 tankers, trailers, and other mobile storage containers
- Analysis projects with no prototype development and operability/performance testing
- Materials development projects with no prototype development and operability/performance testing

iv. Topic Area 4: M2FCT: High Performing and Durable Membrane Electrode Assemblies for Medium- and Heavy-Duty Applications

Topic 4 Introduction and Background

Hydrogen-fueled proton-exchange membrane fuel cells (PEMFCs) are an attractive technology to power multiple applications, particularly zero-emission medium- and heavy-duty (MD/HD) vehicles for on-road (trucks and buses), off-road (e.g., mining and construction), and other applications, such as marine and rail. They offer several advantages over incumbent technologies such as diesel engines, including higher efficiency, reduced emissions, higher torque, and no noise pollution. Additionally, fuel cell vehicles offer fast fueling and adequate fuel storage for applications demanding long range.

MD/HD truck applications demand a lifetime of up to one million miles, and therefore require fuel cells with highly durable components including membranes, catalysts, and electrode structures. For PEMFC systems, and membrane electrode assemblies (MEAs) in particular, cost is driven by platinum group metal (PGM) catalyst content while durability decreases with decreasing PGM loading. This makes it difficult to concurrently meet durability and cost targets for medium- and heavy-duty vehicle applications. In the most demanding applications, additional challenges include thermal management; operation in the presence of fuel and air impurities; start/stop, freeze/thaw, humidity, and load cycling that result in mechanical and chemical stresses on fuel cell materials, components, and interfaces.

Regardless of application, it is critical to provide a total cost of ownership that is competitive with incumbent and advanced alternative powertrains, considering capital costs, fuel costs, and lifetime. High fuel cell system durability is essential to amortize capital costs over a longer lifetime. For example, long haul trucks require a lifetime of over one million miles, which is roughly equivalent to 25,000 operating hours. Significantly longer vehicle lifetimes and range requirements also mean that hydrogen fuel costs comprise a greater proportion of vehicle lifecycle cost. As such, increased fuel cell efficiency is a key parameter for economic viability. Cost-competitiveness with incumbent and advanced alternative powertrains requires continued R&D to simultaneously reduce capital costs of fuel cell components and systems while maintaining high efficiency and durability.

The DOE has set 2030 targets for long-haul class 8 fuel cell trucks at 25,000-hour lifetime, 68% peak efficiency, and $80/kW$_{net}$ fuel cell system cost.[36] To meet these targets, advances are required for fuel cell stack and balance-of-plant components and their associated manufacturing technologies and processes.

To expedite fuel cell competitiveness for heavy-duty vehicles, DOE launched the Million Mile Fuel Cell Truck consortium (M2FCT), which includes multiple national laboratories with demonstrated leadership in the topic area in partnership with universities and industry to accelerate R&D to enable meeting a fuel cell durability of a million miles and other relevant targets.[37] The M2FCT cross-disciplinary national laboratory core team serves as a resource for industry and the research community. Applications selected in this Topic are expected to partner with M2FCT to leverage capabilities and expertise in areas such as testing, characterization, and utilizing appropriate accelerated stress tests (ASTs).

Topic 4 Anticipated Funding and Award Details

DOE's anticipated funding levels, including the range of federal funding per award are given below. The funding requested should be commensurate with the level of work proposed.

Topic Area	Total Funding Level ($000)	Anticipated Number of Awards	Federal Funding per Award ($000)	Max. Project Duration (years)	Min Required Non-Federal Cost Share %
Topic 4: M2FCT: High Performing and Durable Membrane Electrode Assemblies for Medium- and Heavy-Duty Applications	**$15,000**	**3 to 5**	**$3,000 to $5,000**	**3**	**20%***

**For Institutions of Higher Education and Non-Profit Organizations, cost sharing is not required.[38]*

Topic 4 Description and Objectives

This topic seeks applications that, in coordination with the M2FCT consortium, will develop MEAs that will reduce the cost and enhance the durability and performance of PEM fuel cell

[36] U.S. Department of Energy "Hydrogen Class 8 Long Haul Truck Targets" Program Record, December 12, 2019: https://www.hydrogen.energy.gov/pdfs/19006_hydrogen_class8_long_haul_truck_targets.pdf

[37] Million Mile Fuel Cell Truck (M2FCT) consortium: millionmilefuelcelltruck.org

[38] Section 10725 of the Research and Development, Competition, and Innovation Act, P.L. 117-167 (Aug. 9, 2022) extends the cost share waiver pilot program enacted by Section 108 of the Department of Energy Research and Innovation Act, Public Law 115–246 (Innovation Act) and provides an exemption for institutions of higher education and non-profit organizations from the 20% cost share requirement for Research and Development activities. The exemption is available for the two-year period beginning on August 9, 2022. Codified at 42 U.S.C. 16352.

stacks for heavy-duty applications, in line with DOE targets. Specifically, proposed MEA component integration and designs submitted in response to this topic should exceed the following M2FCT 2025 end-of-life MEA target:

- Demonstration of 2.5 kW/g_{PGM} power output (1.07 A/cm^2 current density at 0.7 V; 750 mW/cm^2 at 0.7 V) after running a heavy-duty AST equivalent to 25,000 hours

The target is for MEA-level performance with total PGM loading constrained to 0.3 mg/cm^2.[39] The heavy-duty MEA AST developed by M2FCT should be followed.[40] DOE seeks proposals for commercially viable approaches that can be manufactured at high volumes with minimal environmental/toxicity issues, emissions, and energy footprint. Approaches that allow for ease of end-of-life disassembly and recovery of PGM/other components are strongly encouraged. In addition, commercially viable concepts that can eliminate other subsystem components (e.g., humidifier) and reduce parasitic losses, are encouraged.

The topic focuses on developing high-performing electrodes that meet heavy-duty application performance and durability requirements. Applicants in this topic should clearly articulate their path for exceeding the M2FCT 2025 MEA target by the end of the project. While the applicant should prioritize total PGM loading of 0.3 mg/cm^2, higher loadings can be investigated. The project should focus on MEA integration activities (e.g., support, ionomer optimization, and electrode engineering), but can also include work on improving components (e.g., membrane, catalyst) towards reaching the MEA targets.

Project proposals should emphasize MEA approaches and designs that address both performance and durability challenges, as well as enable fuel cell cost reduction. Concepts that duplicate current activities within M2FCT or the DOE portfolio are not solicited.

Topic 4 General Requirements

Applicants are required to describe how they will engage with DOE's M2FCT core lab consortium team, specifically including which national labs and capabilities are necessary for the project. The full list of capabilities can be found on the M2FCT website: https://millionmilefuelcelltruck.org.

Applications must additionally include the following:

- Details of electrode layer design (≤0.25 mg_{PGM}/cm^2 cathode loading and ≤0.30 mg_{PGM}/cm^2 total loading).
- Details of how the approach improves durability of lower-cost fuel cells under realistic conditions.
- Details of how the approach will exceed the M2FCT 2025 MEA target.
- Details of the MEA components and any required component development.

[39] MEA test conditions: 88°C, 2.5 atm, SR: 1.5 cathode/2 anode, 40% relative humidity, integral cell conditions.
[40] https://millionmilefuelcelltruck.org/astwg

- The approach for MEA integration and testing.
- The approach for MEA manufacturing, including feasibility for high volumes and estimate of maximum throughput (e.g., meters per minute for roll-to-roll processes).
- The approach towards ease of end-of-life disassembly and recovery of PGM/other components
- Proposed accelerated stress testing using the MEA test protocols from M2FCT.
- Plans to deliver a set of MEAs (6 or more, each with active area ≥ 50 cm^2) for independent testing and evaluation by the M2FCT core lab consortium.

Topic 4 Project Structure

The maximum DOE funding for this topic is $15,000,000. Applicants should propose projects up to 3 years in length for a total DOE funding of $3,000,000 to $5,000,000 for each project, and the funding requested should be commensurate with the level of work proposed. EERE intends to select 3 to 5 projects based on available funds and proposed scope. Projects should be planned as two or three multi-phase efforts (depending on the duration of the project) with a Go/No-Go decision point separating each phase (budget period). Each phase (budget period) should be planned for approximately 12 to 18 months. Applicants should provide project work plans with strong quantitative Go/No-Go decision points including clear metrics that demonstrate progress in meeting the project's schedule, performance objectives and overall goals. Projects must include **at least 20% cost share**, consistent with R&D activities.

Topic 4 Teaming Arrangements

Applicants are required to work with DOE's M2FCT consortium, which leverages national laboratory resources to develop a better mechanistic understanding of fuel cell components enabling improvements (https://millionmilefuelcelltruck.org). EERE encourages applicants to visit the M2FCT website to identify expertise, capabilities, or facilities that would benefit the project. While applications should clearly identify the specific M2FCT capabilities they would like to utilize, applicants should not include the cost of using M2FCT capabilities in their proposed budget. EERE will provide access to M2FCT capabilities at no cost[41] to the selected projects based on award negotiations. EERE encourages applicants to list by priority the capabilities they would like to leverage, as M2FCT may not have the funding to perform all requested activities. The applicant is expected to perform the majority of the project's research effort while strategically collaborating with M2FCT. Depending on EERE resources and the level of availability, EERE may de-scope or negotiate this list during award negotiation.

Teaming arrangements that include multiple stakeholders across academia, industry, national laboratories as appropriate, and across technical disciplines are encouraged. Please see Section I.A.iv. for more information on teaming. Strong preference will be given to applicants with domestic manufacturing capabilities and intent to manufacture in the United States.

Topic 4 Applications Specifically Not of Interest

[41] Subject to review of work scope and funding required.

Under this Topic, applications focused on the following are not of interest:

- Anion-exchange membrane fuel cell technologies
- PGM-free catalysts and electrodes
- Phosphoric acid-based fuel cell technologies
- Solid oxide fuel cells
- Very low TRL (1-2) concepts
- High Temperature PEM fuel cell technologies

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

C. Applications Specifically Not of Interest

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

- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics).
- Applications that fall outside the technical parameters specified in Section I.A. and I.B. of the FOA, including:
  - Topic 1
    - Efforts that are duplicative of ongoing or recent work within the HyMARC consortium
    - Projects that are analysis-based with no carrier improvement work
  - Topic 2
    - LH_2 storage systems for stationary storage applications
    - Onboard hydrogen storage for light duty vehicles
    - Onboard gaseous or cryo-compressed hydrogen storage
    - Projects that are analysis-based with no prototype development and demonstration
  - Topic 3
    - Liquid or gaseous storage systems which are not part of a larger fueling or transfer system design, for example LH_2 bulk storage systems as well as LH_2 tankers, trailers, and other mobile storage containers
    - Analysis projects with no prototype development and operability/performance testing
    - Materials development projects with no prototype development and operability/performance testing
  - Topic 4
    - Anion-exchange membrane fuel cell technologies
    - PGM-free catalysts and electrodes
    - Phosphoric acid-based fuel cell technologies
    - Solid oxide fuel cell technologies
    - Very low TRL (1-2) concepts

D. Authorizing Statutes

The programmatic authorizing statutes are (1) Energy Policy Act of 2005 (EPAct 2005) Public Law 109-58 (Aug 8, 2005), Title VIII, Sections 801 to 816; 42 U.S.C. Sections 16151 to 16165 and (2) Consolidated Appropriations Act, 2021, Public Law 116-260 (Dec 27, 2020), Division Z--Energy Act of 2020, Section 9009.

Awards made under this announcement will fall under the purview of 2 Code of Federal Regulation (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 $47M of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. EERE anticipates making approximately 14-22 awards under this FOA. EERE may issue one, multiple, or no awards. Individual awards may vary between $1M and $6M.

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	Hydrogen Carrier Development	7-10	$750,000	$1,000,000	$7,000,000*	36
2	Onboard Storage Systems for Liquid Hydrogen	2-3	$3,000,000	$5,000,000	$10,000,000	36
3	Liquid Hydrogen Transfer/Fueling Components and Systems	2-4	$2,000,000	$6,000,000	$12,000,000	36
4	M2FCT: High Performing and Durable Membrane Electrode Assemblies	3-5	$3,000,000	$5,000,000	$15,000,000	36

	for Medium- and Heavy-Duty Applications					

**Additional federal funding of $3,000,000 will be provided for core national laboratories within HyMARC to support the selected FOA projects after the selection of awards for Topic 1.*

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. Before the expiration of the initial budget period(s), EERE may perform a down-select among different recipients and provide additional funding only to a subset of recipients.

ii. Period of Performance

EERE anticipates making awards that will run from 24 up to 36 months in length, comprised of one or more budget periods. Project continuation will be contingent upon several elements, including satisfactory performance and Go/No-Go decision review. For a complete list, see Section VI.B.xiii. At the Go/No-Go decision points, EERE will evaluate project performance, project schedule adherence, the extent milestone objectives are met, compliance with reporting requirements, and overall contribution to the program goals and objectives. As a result of this evaluation, EERE may, at its discretion, authorize the following actions: (1) continue to fund the project, contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority; (2) recommend redirection of work under the project; (3) place a hold on federal funding for the project, pending further supporting data or funding; or (4) discontinue funding the project because of insufficient progress, change in strategic direction, or lack of funding.

iii. New Applications Only

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

B. EERE Funding Agreements

Through cooperative agreements and other similar agreements, EERE provides financial and other support to projects that have the potential to realize the FOA objectives. EERE does not use such agreements to acquire property or services for the direct benefit or use of the United States 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.ix. of the FOA for more information on what substantial involvement may involve.

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

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.

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. Individuals

U.S. citizens and lawful permanent residents are eligible to apply for funding as a prime recipient or subrecipient.

ii. Domestic Entities

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

State, local, and tribal government entities are eligible to apply for funding as a prime recipient or subrecipient.

DOE/NNSA FFRDCs are eligible to apply for funding as a subrecipient but are not eligible to apply as a prime recipient.

- FFRDC members of the HyMARC consortium[42] are not eligible to apply as either a prime recipient or subrecipient under Topic 1. FFRDC members of the HyMARC consortium are eligible to apply as a subrecipient under Topics 2, 3, and 4.[43]
- FFRDCs that are core members of the M2FCT consortium[44] are not eligible to apply as either a prime recipient or subrecipient under Topic 4. All FFRDC members of the M2FCT consortium are eligible to apply as a subrecipient under Topics 1, 2, and 3.43

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

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

iii. Foreign Entities

Foreign entities, whether for-profit or otherwise, are eligible to apply for funding under this FOA. Other than as provided in the "Individuals" or "Domestic Entities" sections above, all prime recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a state or territory of the United States and have a physical location for business operations in the United States. If a foreign entity applies for funding as a prime recipient, it must designate in the Full Application a subsidiary or affiliate incorporated (or otherwise formed) under the laws of a state or territory of the United States to be the prime recipient. The Full Application must state the nature of the corporate relationship between the foreign entity and domestic subsidiary or affiliate.

Foreign entities may request a waiver of the requirement to designate a subsidiary in the United States as the prime recipient in the Full Application (i.e., a foreign entity may request that it remains the prime recipient on an award). To do so, the applicant must submit an explicit written waiver request in the Full Application. Appendix C lists the necessary information that must be included in a request to waive this requirement. The applicant does not have the right to appeal EERE's decision concerning a waiver request.

[42] National Renewable Energy Laboratory, Sandia National Laboratories, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory

[43] HyMARC and M2FCT national labs that are ineligible under Topics 1 and 4 may pursue other opportunities from HFTO for core lab engagement, such as the Bipartisan Infrastructure Law: Clean Hydrogen Electrolysis, Manufacturing, and Recycling FOA and other potential FOAs and lab calls.

[44] Los Alamos National Laboratory, Lawrence Berkeley National Laboratory, Argonne National Laboratory, National Renewable Energy Laboratory, and Oak Ridge National Laboratory.

iv. Incorporated Consortia

Incorporated consortia, which may include domestic and/or foreign entities, are eligible to apply for funding as a prime recipient or subrecipient. For consortia incorporated (or otherwise formed) under the laws of a state or territory of the United States, please refer to "Domestic Entities" above. For consortia incorporated in foreign countries, please refer to the requirements in "Foreign Entities" above.

Each incorporated consortium must have an internal governance structure and a written set of internal rules. Upon request, the consortium must provide a written description of its internal governance structure and its internal rules to the EERE Contracting Officer.

v. Unincorporated Consortia

Unincorporated Consortia, which may include domestic and foreign entities, must designate one member of the consortium to serve as the prime recipient/consortium representative. The prime recipient/consortium representative must be incorporated (or otherwise formed) under the laws of a state or territory of the United States. The eligibility of the consortium will be determined by the eligibility of the prime recipient/consortium representative under Section III.A. of the FOA.

Upon request, unincorporated consortia must provide the EERE Contracting Officer with a collaboration agreement, commonly referred to as the articles of collaboration, which sets out the rights and responsibilities of each consortium member. This agreement binds the individual consortium members together and should discuss, among other things, the consortium's:

- Management structure;
- Method of making payments to consortium members;
- Means of ensuring and overseeing members' efforts on the project;
- Provisions for members' cost sharing contributions; and
- Provisions for ownership and rights in intellectual property developed previously or under the agreement.

B. Cost Sharing

The cost share must be at least 20% of the total allowable costs for research and development projects (i.e., the sum of the government share, including FFRDC costs if applicable, and the recipient share of allowable costs equals the total allowable cost of the project) and must come from non-federal sources unless otherwise

allowed by law. (See 2 CFR 200.306 and 2 CFR 910.130 for the applicable cost sharing requirements.)

All cost share must come from non-federal sources unless otherwise allowed by law. (See 2 CFR 200.306 and 2 CFR 910.130 for the applicable cost sharing requirements.) To assist applicants in calculating 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.

Topic Area Number	Topic Area Title	Recipient Cost Share (%)
Topic 1	Hydrogen Carrier Development	20%*
Topic 2	Onboard Storage Systems for Liquid Hydrogen	20%*
Topic 3	Liquid Hydrogen Transfer/Fueling Components and Systems	20%*
Topic 4	M2FCT: High Performing and Durable Membrane Electrode Assemblies for Medium- and Heavy-Duty Applications	20%*

**For Institutions of Higher Education and Non-Profit Organizations, cost sharing is not required.*[45]

i. Legal Responsibility

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

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

ii. Cost Share Allocation

Each project team is free to determine how best to allocate the cost share requirement among the team members. The amount contributed by individual

[45] Section 10725 of the Research and Development, Competition, and Innovation Act, P.L. 117-167 (Aug. 9, 2022) extends the cost share waiver pilot program enacted by Section 108 of the Department of Energy Research and Innovation Act, Public Law 115–246 (Innovation Act) and provides an exemption for institutions of higher education and non-profit organizations from the 20% cost share requirement for Research and Development activities. The exemption is available for the two-year period beginning on August 9, 2022. Codified at 42 U.S.C. 16352.

project team members may vary, as long as the cost share requirement for the project as a whole 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.

Project teams may provide cost share in the form of cash or in-kind contributions. 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 funding was not provided to the state or local government by the federal government.

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

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

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

Cost share contributions must be specified in the project budget, verifiable from the prime recipient's records, and necessary and reasonable for proper and efficient accomplishment of the project. As all sources of cost share are

considered part of total project cost, the cost share dollars will be scrutinized under the same federal regulations as federal dollars to the project. Every cost share contribution must be reviewed and approved in advance by the Contracting Officer and incorporated into the project budget before the expenditures are incurred.

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

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

EERE 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 EERE 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

Concept Papers, Full Applications, and Replies to Reviewer Comments must meet all compliance criteria listed below or they will be considered noncompliant. EERE will not review or consider noncompliant submissions, including Concept Papers, Full Applications, and Replies to Reviewer Comments that were: submitted through means other than EERE eXCHANGE; submitted after the applicable deadline; and/or submitted incomplete. EERE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

i. Compliance Criteria

i. Concept Papers

Concept Papers are deemed compliant if:

- The Concept Paper complies with the content and form requirements in Section IV.C. of the FOA; and
- The applicant successfully uploaded all required documents and clicked the "Submit" button in EERE eXCHANGE by the deadline stated in this FOA.

ii. Full Applications

Full Applications are deemed compliant if:

- The applicant submitted a compliant Concept Paper;
- The Full Application complies with the content and form requirements in Section IV.D. of the FOA; and
- The applicant successfully uploaded all required documents and clicked the "Submit" button in EERE eXCHANGE by the deadline stated in the FOA.

iii. Replies to Reviewer Comments

Replies to Reviewer Comments are deemed compliant if:

- The Reply to Reviewer Comments complies with the content and form requirements in Section IV.E. of the FOA; and
- The applicant successfully uploaded all required documents to EERE eXCHANGE by the deadline stated in the FOA.

D. Responsiveness Criteria

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

E. Other Eligibility Requirements

i. Requirements for DOE/NNSA and non-DOE/NNSA Federally Funded Research and Development Centers 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:

i. 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.

ii. 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.

iii. 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 CO for the DOE award, all FFRDCs are required to enter into a Cooperative Research and Development Agreement[46] (CRADA) or, if the role of the DOE/NNSA FFRDC is limited to technical assistance and intellectual property is not anticipated to be generated from the DOE/NNSA FFRDC's work, a Technical Assistance Agreement (TAA), with at least the prime recipient before any project work begins. Any questions regarding the use of a CRADA or TAA should be directed to the cognizant DOE field intellectual property (IP) counsel.

The CRADA or TAA is used to ensure accountability for project work and provide the appropriate management of intellectual property (IP), e.g., data

[46] 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

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.

iv. 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 contractor.

v. Limit on FFRDC Effort

The FFRDC effort, in aggregate, shall not exceed 25% 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 provided that 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 submit an application in response to this FOA lies solely with the applicant.

IV. Application and Submission Information

A. Application Process

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

At each phase, EERE performs an initial eligibility review of the applicant submissions to determine whether they meet the eligibility requirements of Section III. of the FOA. EERE will not review or consider submissions that do not meet the eligibility requirements of Section III. All submissions must conform to the following form and content requirements, including maximum page lengths (described below) and must be submitted via EERE eXCHANGE at https://eere-eXCHANGE.energy.gov, unless specifically stated otherwise. **EERE will not review or consider submissions submitted through means other than EERE eXCHANGE, submissions submitted after the applicable deadline, or incomplete submissions**. EERE will not extend deadlines for applicants who fail to submit required information and documents due to server/connection congestion.

A **Control Number** will be issued when an applicant begins the EERE eXCHANGE application process. This control number must be included with all application documents, as described below.

The Concept Paper, Full Application, and Reply to Reviewer Comments must conform to the following requirements:

- Each must be submitted in Adobe PDF format unless stated otherwise;
- Each must be written in English;
- All pages must be formatted to fit on 8.5 x 11-inch paper with margins not less than one inch on every side. Use 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;
- The Control Number must be prominently displayed on the upper right corner of the header of every page. 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.

Applicants are responsible for meeting each submission deadline. Applicants are strongly encouraged to submit their 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 in advance of the submission deadline), applicants should allow at least 1 hour to submit a Concept Paper, Full Application, or Reply to Reviewer Comments. Once the 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 Concept Paper, Full Application, or Reply to Reviewer Comments before the applicable deadline.

EERE urges applicants to carefully review their Concept Papers, Full Applications, and Replies to Reviewer Comments to allow sufficient time for the submission of required information and documents. All Full Applications that pass the initial eligibility review will undergo comprehensive technical merit review according to the criteria identified in Section V.A.ii. of the FOA.

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. Should applicants experience problems with EERE eXCHANGE, the following information may be helpful.

Applicants that experience issues with submission PRIOR to the FOA deadline: In the event an applicant experiences technical difficulties with a submission, the applicant should contact the EERE eXCHANGE helpdesk for assistance (EERE-eXCHANGESupport@hq.doe.gov). The EERE eXCHANGE helpdesk and/or the EERE eXCHANGE system administrators will assist applicants in resolving issues.

B. Application Forms

The application forms and instructions are available on EERE eXCHANGE. To access these materials, 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 10MB. Files in excess of 10MB cannot be uploaded, and hence cannot be submitted for review. If a file exceeds 10MB but is still within the maximum page limit specified in the FOA, it must be broken into parts and denoted to that effect. For example:
TechnicalVolume_Part_1
TechnicalVolume_Part_2

C. Content and Form of the Concept Paper

To be eligible to submit a Full Application, applicants must submit a Concept Paper by the specified due date and time.

i. Concept Paper Content Requirements

EERE will not review or consider ineligible Concept Papers (see Section III. of the FOA).

Each Concept Paper must be limited to a single concept or technology. Unrelated concepts and technologies should not be consolidated into a single Concept Paper.

The Concept Paper must conform to the following content requirements:

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, and any statements regarding confidentiality.
Technology Description	3 pages maximum	Applicants are required to describe succinctly: • 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; • 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 page 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 worked together with its teaming partners on prior projects or programs; and • 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. • 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. An applicant who receives a "discouraged" notification may still submit a Full Application. EERE will review all eligible Full Applications. However, by discouraging the submission of a Full Application, EERE intends to convey its lack of programmatic interest in the proposed project in an effort to save the applicant the time and expense of preparing an application that is unlikely to be selected for award negotiations.

EERE may include general comments provided from reviewers on an applicant's Concept Paper in the encourage/discourage notification posted on EERE eXCHANGE at the close of that phase.

D. Content and Form of the Full Application

Applicants must submit a Full Application by the specified due date and time to be considered for funding under this FOA. Applicants must complete the following application forms found on the EERE eXCHANGE website at https://eere-eXCHANGE.energy.gov/, in accordance with the instructions.

Applicants will have approximately 30 days 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. Applicants will receive a control number upon clicking the "Create Concept Paper" button in EERE eXCHANGE and should include that control number in the file name of their Full Application submission (i.e., *Control number_Applicant Name_Full Application*).

i. Full Application Content Requirements

EERE will not review or consider ineligible Full Applications (see Section III. of the FOA).

Each Full Application shall be limited to a single concept or technology. Unrelated concepts and technologies shall not be consolidated in a single Full Application. Full Applications must conform to the following requirements:

Component	File Format	Page Limit	File Name
Technical Volume	PDF	15	ControlNumber_LeadOrganization_TechnicalVolume
Resumes	PDF	3 pages each	ControlNumber_LeadOrganization_Resumes
Letters of Commitment	PDF	1 page each	ControlNumber_LeadOrganization_LOCs
Community Partnership Documentation (if applicable)	PDF	10 pages mx, 1 per letter	ControlNumber_LeadOrganization_PartnerDoc
Statement of Project Objectives	MS Word	10	ControlNumber_LeadOrganization_SOPO
SF-424	PDF	n/a	ControlNumber_LeadOrganization_App424

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 (if applicable)	MS Excel	n/a	ControlNumber_LeadOrganization_Subrecipient_Budget_Justification
DOE Work Proposal for FFRDC, if applicable (see DOE O 412.1A, Attachments 1 & 2)	PDF	n/a	ControlNumber_LeadOrganization_WP
Authorization from cognizant Contracting Officer for FFRDC (if applicable)	PDF	n/a	ControlNumber_LeadOrganization_FFRDCAuth
SF-LLL Disclosure of Lobbying Activities (required)	PDF	n/a	ControlNumber_LeadOrganization_SF-LLL
Foreign Entity and Foreign Work Waivers (if applicable)	PDF	n/a	ControlNumber_LeadOrganization_Waiver
R&D Community Benefits Plan	PDF	5	ControlNumber_LeadOrganization_CBP
Current and Pending Support	PDF	n/a	ControlNumber_LeadOrganization_CPS
Buy American Requirement for Infrastructure Waiver (if applicable)	PDF	1	ControlNumber_LeadOrganization_BABAWaiver

Note: The maximum file size that can be uploaded to the EERE eXCHANGE website is 10MB. Files in excess of 10MB cannot be uploaded, and hence cannot be submitted for review. If a file exceeds 10MB but is still within the maximum page limit specified in the FOA it must be broken into parts and denoted to that effect. For example:
TechnicalVolume_Part_1
TechnicalVolume_Part_2

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

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

ii. Technical Volume

The Technical Volume must be submitted in PDF format. The Technical Volume must conform to the following content and form requirements, including maximum page lengths. If applicants exceed the maximum page lengths indicated below, EERE will review only the authorized number of pages and disregard any additional pages. This volume must address the Merit Review Criteria as discussed in Section V.A.ii. 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 15 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all the information in the table below. The applicant should consider the weighting of each of the evaluation 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. The Technical Volume must conform to the following 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 senior/key personnel and their organizations, 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 their 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 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: The applicant should provide a summary of project-wide Go/No-Go decision points at appropriate points in the Workplan. A Go/No-Go decision point 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 actually beginning the execution of future phases. 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. See Section VI.B.xiii. 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 2 pages of the proposed workplan or project description, include a short statement on whether the project will involve the construction, alteration, maintenance and/or repair of public

	infrastructure in the United States. See Appendix D for applicable definitions and other information.
	• 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: • Describe the project team's unique qualifications and expertise, including those of key subrecipients. • Describe the project team's existing equipment and facilities 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. • This section should also include relevant, previous work efforts, demonstrated innovations, and how these enable the applicant to achieve the project objectives.

	• Describe the time commitment of the key team members to support the project.
	• Describe the technical services to be provided by DOE/NNSA FFRDCs, if applicable.
	• For multi-organizational or multi-investigator projects, describe succinctly:
	  ○ The roles and the work to be performed by each PI and senior/key personnel;
	  ○ Business agreements between the applicant and each PI and senior/key personnel;
	  ○ How the various efforts will be integrated and managed;
	  ○ Process for making decisions on scientific/technical direction;
	  ○ Publication arrangements;
	  ○ Intellectual Property issues; and
	  ○ Communication plans

iii. Resumes

A resume provides information that can be used by reviewers to evaluate the individual's skills, experience, and potential for leadership within the scientific community. Applicants are required to submit three-page resumes for the Principal Investigator and all Senior/Key Personnel that include the following:

1. Contact Information;
2. Education and training: Provide institution, major/area, degree, and year for undergraduate, graduate, and postdoctoral training;
3. Research and Professional Experience: Beginning with the current position, list professional/academic positions in chronological order with a brief description. List all current academic, professional, or institutional appointments, foreign or domestic, at the applicant institution or elsewhere, whether or not remuneration is received, and, whether full-time, part-time, or voluntary;
4. Awards and honors;
5. A list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address if available electronically. Patents, copyrights, and software systems developed may be provided in addition to or substituted for publications. An abbreviated style such as the Physical Review Letters (PRL) convention for

citations (list only the first author) may be used for publications with more than 10 authors; and

6. Synergistic Activities: List up to five professional and scholarly activities related to the proposed effort.

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

In future FOAs, EERE may require a biographical sketch for the PI and senior/key personnel. In the meantime, in lieu of a resume, it is acceptable to use the biographical sketch format approved by the National Science Foundation (NSF). The biographical sketch format may be generated by the Science Experts Network Curriculum Vita (SciENcv), a cooperative venture maintained at https://www.ncbi.nlm.nih.gov/sciencv/, and is also available at https://nsf.gov/bfa/dias/policy/nsfapprovedformats/biosketch.pdf. The use of a format required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats.

iv. Letters of Commitment

Submit letters of commitment from all subrecipient and third-party cost share providers. If applicable, also include any letters of commitment from partners/end users (one-page maximum per letter). Save the letters of commitment in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_LOCs".

v. Community Partnership Documentation

In support of the Community Benefits Plan, applicants may submit documentation to demonstrate existing or planned partnerships with community entities, such as, organizations that work with local stakeholders most vulnerable to or affected by the project, such as organizations that carry out workforce development programs, labor unions, tribal organizations, and community-based organizations that work with disadvantaged communities. The Partnership Documentation could be in the form of a letter on the partner's letterhead outlining the planned partnership signed by an officer of the entity, a Memorandum of Understanding, or other similar agreement. Such letters must state the specific nature of the partnership and must not be general letters of support. If the applicant intends to enter into a Workforce and Community Agreement as part of the Community Benefits Plan, please include letters from proposed partners as appropriate. Each letter must not exceed 1 page. In total, the partnership documentation must not exceed 10 pages. Save the partnership documentation in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_PartnerDoc".

vi. Statement of Project Objectives (SOPO)

Applicants are required to complete a SOPO. A SOPO template is available 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".

vii. SF-424: Application for Federal Assistance

Applicants are required to complete the SF-424 Application for Federal Assistance. This form is available on EERE eXCHANGE at https://eere-eXCHANGE.energy.gov/. Complete all required fields in accordance with the instructions on the form. The list of certifications and assurances in Field 21 can be found at http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms, under Certifications and Assurances. Note: The dates and dollar amounts on the SF-424 are for the complete project period and not just the first project year, first phase or other subset of the project period. Save the SF-424 in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_424".

viii. Budget Justification Workbook

Applicants are required to complete the Budget Justification Workbook. This form is available on EERE eXCHANGE at https://eere-eXCHANGE.energy.gov/. Prime recipients must complete each tab of the Budget Justification Workbook for the project, as a whole, 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".

ix. Summary/Abstract for Public Release

Applicants are required to submit a one-page summary/abstract of their project. The project summary/abstract must contain a summary of the proposed activity 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 sensitive business information as DOE may make it available to the public after selections are made. The project summary must not exceed 1 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".

x. Summary Slide

Applicants are required to provide a single slide summarizing the proposed project. This slide is used during the evaluation process.

The Summary Slide template requires the following information:

- A technology summary;
- A description of the technology's impact;
- Proposed project goals;
- Any key graphics (illustrations, charts and/or tables);
- The project's key idea/takeaway;
- Topline community benefits;
- Project title, prime recipient, Principal Investigator, 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".

xi. 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 percent of the total work effort (whichever is less). The budget justification must include the same justification information described in the "Budget Justification" section above. Save each subrecipient budget justification in a Microsoft Excel file using the following convention for the title "ControlNumber_LeadOrganization_Subrecipient_Budget_Justification".

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

If a DOE/NNSA FFRDC contractor is to perform a portion of the work, the applicant must provide a DOE WP in accordance with the requirements in DOE Order 412.1A, Work Authorization System, Attachments 1 & 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".

xiii. 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".

xiv. SF-LLL: Disclosure of Lobbying Activities (required)

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

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".

xv. Waiver Requests: Foreign Entity and Foreign Work (if applicable)

i. Foreign Entity Participation:

As set forth in Section III.A.iii., all prime recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a State or territory of 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 necessary information that must be included in a request to waive this requirement.

ii. Performance of Work in the United States (Foreign Work Waiver)
As set forth in Section IV.J.iii., all work under EERE funding agreements must be performed in the United States. This requirement does not apply to the purchase of supplies and equipment, so a waiver is not required for foreign purchases of these items. However, the prime recipient should make every effort to purchase supplies and equipment within the United States. Appendix C lists the necessary 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".

xvi. R&D Community Benefits Plan

The R&D Community Benefits Plan must set forth the applicant's approach to ensuring the Federal investments advance the following three objectives: (1) advance diversity, equity, inclusion, and accessibility (DEIA); (2) contribute to energy equity; and (3) invest in America's workforce. The below sections set forth the content requirements for the R&D Community Benefits Plan, which addresses each of the foregoing objectives. Applicants must address all three sections.

The applicant's R&D Community Benefits Plan must include at least one Specific, Measurable, Assignable, Relevant, and Timely (SMART) milestone per budget period to measure progress on the proposed actions. The R&D Community Benefits Plan will be evaluated as part of the technical review process. If EERE selects a project, EERE will incorporate the R&D Community Benefits Plan into the award and the recipient must implement its R&D Community Benefits Plan as part of carrying out its project. During the life of the EERE award, EERE will evaluate the recipient's progress, including as part of the Go/No-Go review process.

The plan should be specific to the proposed project and not a restatement of an organizational policies. Applicants should describe the future implications or a milestone-based plan for identifying future implications of their research on energy equity, including, but not limited to, benefits for the U.S. workforce.

These impacts may be uncertain, occur over a long period of time, and/or have many factors within and outside the specific proposed research. Applicants are encouraged to describe the influencing factors and the most likely workforce and energy equity implications of the proposed research if the research is successful. While some guidance and example activities are provided in Appendix H, applicants are encouraged to leverage promising practices and develop a plan that is tailored for their project.

The R&D Community Benefits Plan must not exceed five (5) pages. It must be submitted in PDF format using the following convention name for the title: "Control Number_LeadOrganization_CBP." This Plan must address the technical review criterion titled, "R&D Community Benefits Plan." See Section V.A.ii. of the FOA.

The applicant's R&D Community Benefits Plan must address the following three sections:

i. **Diversity, Equity, Inclusion, and Accessibility:**
To building a clean and equitable energy economy, it is important that there are opportunities for people of all racial, ethnic, socioeconomic, and geographic backgrounds, sexual orientation, gender identity, persons with disabilities, and those re-entering the workforce from incarceration. This section of the plan must demonstrate how DEIA is incorporated in the technical project objectives. The plan must identify the specific action the applicant would undertake that integrated into the research goals and project teams. Submitting an institutional DEIA plan without specific integration into the project will be deemed insufficient.

ii. **Energy Equity:**
This section must articulate the applicant's consideration of long-term equity implications of the research. It must identify how the specific project integrates equity considerations into the project design to support equitable outcomes should the innovation be successful. Like cost reductions and commercialization plans, the R&D Community Benefits Plan requires description of the equity implications of the innovation if successful.

iii. **Workforce Implications:**
This section must articulate the applicant's consideration of long-term workforce impacts and opportunities of the research. It must identify how the project is designed and executed to include an understanding of the future workforce needs should the resulting innovation be successful.

See Appendix H for more guidance.

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 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 – end date)
- The person-months of effort per year being dedicated to the award or activity

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

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

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

> I, [Full Name and Title], certify to the best of my knowledge and belief that the information contained in this Current and Pending Support Disclosure Statement is true, complete, and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729-3730 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 format approved by the National Science Foundation (NSF), which may be generated by the Science Experts Network Curriculum Vita (SciENcv), a cooperative venture maintained at https://www.ncbi.nlm.nih.gov/sciencv/, and is also available at https://www.nsf.gov/bfa/dias/policy/nsfapprovedformats/cps.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. If the NSF format is used, the individual must still include a signature, date, and a certification statement using the language included in the paragraph above.

Save the Current and Pending Support in a single PDF file using the following 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 relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to United States entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

Senior/key personnel – an individual who contributes in a substantive, meaningful way to the scientific development or execution of a research, development and demonstration (RD&D) project proposed to be carried out with DOE award.[47]

xviii. Buy American Requirement for Infrastructure Waiver

See Appendix D, Section C for information on Buy America requirements.

E. Content and Form of Replies to Reviewer Comments

If replies to reviewer comments are applicable, EERE will provide applicants with reviewer comments following the evaluation of all eligible Full Applications. Applicants will have a brief opportunity to review the comments and to prepare a short Reply to Reviewer Comments responding to the comments however they desire or supplementing their Full Application. The Reply to Reviewer Comments is an optional submission; applicants are not required to submit a Reply to Reviewer Comments. 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 in the event that 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

[47] 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.

expected date alone. Applicants should anticipate having approximately three (3) business days to submit Replies to Reviewer Comments.

EERE will not review or consider ineligible Replies to Reviewer Comments (see Section V.A.iii. of the FOA). EERE will review and consider each eligible Full Application, even if no Reply is submitted or if the Reply is found to be ineligible.

Replies to Reviewer Comments must conform to the following content and form requirements, including maximum page lengths, described below. If a Reply to Reviewer Comments is more than three (3) pages in length, EERE will review only the first three (3) pages and disregard any additional pages.

SECTION	PAGE LIMIT	DESCRIPTION
Text	2 pages max	Applicants may respond to one or more reviewer comments or supplement their Full Application.
Optional	1 page max	Applicants may use this page however they wish; text, graphs, charts, or other data to respond to reviewer comments or supplement their Full Application are acceptable.

F. Post Selection Information Requests

If selected for award, EERE reserves the right to request additional or clarifying information regarding the following (non-exhaustive list):

- Personnel proposed to work on the project and collaborating organizations (See Section VI.B.xvii. Participants and Collaborating Organizations);
- Current and Pending Support (See Sections IV.D.xvii. and VI.B.xvii. Current and Pending Support);
- A Data Management Plan describing how all research data displayed in publications resulting from the proposed work will be digitally accessible at the time of publications, in accordance with Section VI.B.xx.;
- Indirect cost information;
- Other budget information;
- Commitment Letters from Third Parties Contributing to Cost Share, if applicable;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- 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) Be registered in the SAM at https://www.sam.gov before submitting its application; (2) provide a valid UEI in its application; and (3) continue to 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 and, if an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award, the DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

H. Submission Dates and Times

All required submissions must be submitted in EERE eXCHANGE no later than 5 p.m. Eastern Time 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.

Refer to the following applicable federal cost principles for more information:

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

ii. Pre-Award Costs

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 assigned to the award.

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.

i. **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 override these NEPA requirements 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)

i. **Requirement**

All work performed under EERE awards must be performed in the United States. This requirement does not apply to the purchase of supplies and equipment; however, the prime recipient should make every effort to purchase supplies and equipment within the United States. The prime recipient must flow down this requirement to its subrecipients.

ii. 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.

iii. Waiver

There may be limited circumstances where it is in the interest of the project to perform a portion of the work outside the United States. To seek a foreign work waiver, the applicant must submit a written waiver request to EERE. Appendix C lists the necessary information that must be included in a request for a foreign work waiver.

The applicant must demonstrate to the satisfaction of EERE that a waiver would further the purposes of the FOA and is in the economic interests of the United States. EERE may require additional information before considering a waiver request. 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 U.S. 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

Property disposition may be required at the end of a project if the current fair market value of property exceeds $5,000. Real property and equipment purchased with project funds (federal share and recipient cost share) are subject to the requirements at 2 CFR 200.310, 200.311, 200.313, and 200.316 (non-Federal entities, except for-profit entities) and 2 CFR 910.360 (for-profit entities). For projects selected for award under this FOA, the recipient may (1) take disposition action on the real property and equipment; or (2) continue to use the real property and equipment after the conclusion of the award period of performance, with Contracting Officer approval.

The recipient's written Request for Continued Use must identify the property and include:

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

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

vii. 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 which involve infrastructure work, undertaken by applicable recipient types, require that:

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

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

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

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

Prior to making a federal award, the DOE is required by 31 U.S.C. 3321 and 41 U.S.C. 2313 to review information available through any Office of Management and Budget (OMB)-designated repositories of government-wide eligibility qualification or financial integrity information, such as SAM Exclusions and "Do Not Pay."

In addition, DOE evaluates the risk(s) posed by applicants before they receive federal awards. This evaluation may consider: results of the evaluation of the applicant's eligibility; the quality of the application; financial stability; quality of management systems and ability to meet the management standards prescribed in this part; history of performance; reports and findings from audits; and the applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities.

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.

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.

V. Application Review Information

A. Technical Review Criteria

i. Concept Papers

Concept Papers are evaluated based on consideration of 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, describes 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, 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 merit 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 or process is innovative;
- Degree to which the current state of the technology and the proposed advancement are clearly described;
- Extent to which the application specifically and convincingly demonstrates how the applicant will move the state-of-the-art to the proposed advancement; and
- 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 in the literature with analyses that support the viability of the proposed work.

Impact of Technology Advancement

- How the project supports the topic area objectives and target specifications and metrics; and
- The potential impact of the project on advancing the state-of-the-art.

Criterion 2: Project Research and Market Transformation Plan (25%)

This criterion involves consideration of the following factors:

Research Approach, 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

- The level of clarity in the definition of the baseline, metrics, and milestones; and
- Relative to a clearly defined experimental baseline, the strength of the quantifiable metrics, milestones, and mid-point deliverable(s) defined in the application, such that meaningful interim progress will be made.

Market Transformation Plan

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

Criterion 3: Team and Resources (15%)

This criterion involves consideration of the following factors:

- The 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;
- The sufficiency of the facilities to support the work;

- The degree to which the proposed consortia/team demonstrates the ability to facilitate and expedite further development and commercial deployment of the proposed technologies;
- The level of participation by project participants as evidenced by letter(s) of commitment and how well they are integrated into the Workplan; and
- The reasonableness of the budget and spend plan for the proposed project and objectives.

Criterion 4: Community Benefits Plan (10%)

This criterion involves consideration of the following factors:

Diversity, Equity, Inclusion, and Accessibility (DEIA)

- Clear articulation of the project's goals related to diversity, equity, inclusion, and accessibility. These are four different, but related, concepts that should not be conflated. That is, you can achieve diversity without equity; all four are necessary for top scores.
- 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.
- Commitment and ability to track progress towards meeting each of the diversity, equity, inclusion, and accessibility goals.
- Extent of engagement of organizations that represent disadvantaged communities as a core element of their mission, including MSIs, Minority Business Entities, and non-profit or community-based organizations.

Energy Equity

- 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 the public health and public prosperity benefits.
- Approach, methodology, and expertise articulated in the plan for addressing energy equity and justice issues associated with the technology innovation.
- 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.

- Likelihood that the plan will result in improved understanding of the workforce implications related to the innovation if successful.

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 DOE funding to achieve programmatic objectives;
- The level of industry involvement and demonstrated ability to accelerate demonstration and 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 provides funding to disadvantaged communities or seeks to address environmental injustices that disproportionately affect disadvantaged communities in accordance with Executive Order 14008;
- The extent the proposed project will lead to advancements that will support the just transition of energy workers and communities to clean energy;

- 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 Serving Institutions); and partnerships with Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses, or tribal nations;
- The degree to which the proposed project, when compared to the existing DOE project portfolio and other projects to be selected from the subject FOA, contributes to the total portfolio meeting the goals reflected in the Community Benefits Plan criteria; and
- The degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials.

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, in determining which applications to select.

ii. Pre-Selection Interviews

As part of the evaluation and selection process, EERE may invite one or more applicants to participate in Pre-Selection Interviews. Pre-Selection Interviews are distinct from and more formal than pre-selection clarifications (See Section V.D.iii. of the FOA). The invited applicant(s) will meet with EERE representatives to provide clarification on the contents of the Full Applications and to provide EERE an opportunity to ask questions regarding the proposed project. The information provided by applicants to EERE through Pre-Selection Interviews contributes to EERE's selection decisions.

EERE will arrange to meet with the invited applicants in person at EERE's offices or a mutually agreed upon location. EERE may also arrange site visits at certain applicants' facilities. In the alternative, EERE may invite certain applicants to participate in a one-on-one conference with EERE via webinar, videoconference, or conference call.

EERE will not reimburse applicants for travel and other expenses relating to the Pre-Selection Interviews, nor will these costs be eligible for reimbursement as pre-award costs.

EERE may obtain additional information through Pre-Selection Interviews that will be used to make a final selection determination. EERE may select applications for funding and make awards without Pre-Selection Interviews. Participation in Pre-Selection Interviews with EERE does not signify that applicants have been selected for award negotiations.

iii. Pre-Selection Clarification

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

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

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

iv. Recipient Integrity and Performance Matters

DOE, prior to making a federal award with a total amount of federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313).

The applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any

information about itself that a federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.

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

v. Selection

The Selection Official may consider the technical merit, the Federal Consensus Board's recommendations, program policy factors, 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.

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

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 a particular Full Application will be made at a later date, subject to the availability of funds or other factors.

iv. Successful Applicants

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

The award negotiation process 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 before submitting an application in response to this FOA, and it is vital that applicants address these items as soon as possible. Some may take several weeks, and failure to complete them could interfere with an applicant's ability to apply to this FOA, or to meet the negotiation deadlines and receive an award if the application is selected. These requirements are 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.

   Beginning on July 29, 2022*, eXCHANGE will be updated to integrate with Login.gov. As of September 30, 2022*, potential applicants will be required to have a Login.gov account to access EERE eXCHANGE. 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.

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

* Please note that these dates are tentative and subject to change.

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. However, please note that Concept Papers, and Full Applications will not be accepted through Grants.gov.

5. **Electronic Authorization of Applications and Award Documents**
   Submission of an application and supplemental information under this FOA through electronic systems used by the DOE, including 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 Access

All applicants selected for an award under this FOA may be required to provide information to DOE in order to satisfy requirements for foreign nationals' access to DOE sites, information, technologies, equipment, programs or personnel. A foreign national is defined as any person who is not a U.S. citizen by birth or naturalization. If a selected applicant (including any of its subrecipients, contractors or vendors) anticipates involving foreign nationals in the performance of its award, the selected applicant may be required to provide DOE with specific information about each foreign national to ensure compliance

with the requirements for access approval. National laboratory personnel already cleared for site access may be excluded.

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.

vii. Applicant Representations and Certifications

1. Lobbying Restrictions

By accepting funds under this award, the prime recipient agrees that none of the funds obligated on the award shall be expended, directly or indirectly, to influence Congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of

Congress as described in 18 U.S.C. § 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

2. **Corporate Felony Conviction and Federal Tax Liability Representations**
In submitting an application in response to this FOA, the applicant represents that:

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

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

   For purposes of these representations the following definitions apply:

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

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

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

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

      (1) *''These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or*

mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.''

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

(3) Notwithstanding the provision listed in paragraph (a), a nondisclosure or confidentiality policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States government. Such nondisclosure or confidentiality forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

viii. Statement of Federal Stewardship

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

ix. Statement of Substantial Involvement

EERE has substantial involvement in work performed under awards made as a result of this FOA. EERE does not limit its involvement to the administrative requirements of the award. Instead, EERE has substantial involvement in the

direction and redirection of the technical aspects of the project as a whole. Substantial involvement includes, but is not limited to, the following:

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

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

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

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

x. Subject Invention Utilization Reporting

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

xi. Intellectual Property Provisions

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

xii. Reporting

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

- Quarterly Financial and Technical Reports
- Final Technical Report
- Yearly participation at the DOE Hydrogen Program Merit Review and Peer Evaluation (AMR) meeting, typically held in Washington, D.C.
- DOE may request that material samples, components, and/or prototype systems resulting from the R&D effort be sent for independent, standardized testing at a facility specified by DOE, as appropriate
- Work with independent system and/or cost analysis projects within DOE portfolio for independent performance and model validation as appropriate

- **Project Safety Plan**: Safe practices in the production, storage, distribution, and use of hydrogen are essential for the widespread acceptance of hydrogen and fuel cell technologies. The recipient must comply with the following requirements:
    1. The recipient is required to coordinate with the Hydrogen Safety Panel (HSP), a resource of the DOE Hydrogen and Fuel Cells Program, throughout the project life cycle. Examples of opportunities for HSP involvement include participation in post- award project kickoff meetings, project design and document reviews, risk assessments, and pre-startup reviews prior to beginning field demonstrations. To minimize project impacts, these engagements should be coordinated with regularly scheduled project activities rather than be unique efforts, and should be based on discussions with HSP.
    2. All projects are required to submit safety plans. Guidance for the creation of the Safety Plan can be found at https://h2tools.org/sites/default/files/Safety_Planning_for_Hydrogen_and_Fuel_Cell_Projects.pdf. The Safety Plan should cover the full scope of the project, including work by the prime as well as any subrecipients, and should be complete before the work is started. The Safety Plan is due to DOE within 90 days after the award is signed unless alternative timing is approved due to project constraints. The HSP will review the Safety Plan and provide feedback to the Recipient (through DOE) within approximately 30 days of receipt. The Recipient will then have 30 days to respond to the HSP's feedback (e.g., either by incorporating comments into the Plan or by providing rationale for not incorporating comments) and resubmit a revised Safety Plan to DOE.
    3. DOE may request HSP involvement in site visits or via teleconferences. If a safety-focused site visit/teleconference is requested, the HSP will provide a written site visit report to the recipient for review and comment and may conduct a follow-up interview with the recipient and their project team. All such HSP reports are also provided to DOE.

For all of the items noted above in this section, please ensure that estimated costs associated with the requirements are included within the proposed budget.

xiii. 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. 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 EERE 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; 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.

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.

xiv. Conference Spending

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

xv. 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 $1,000,000, the recipient or subrecipient must:

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

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

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

xvii. Participants and Collaborating Organizations

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

xviii. Current and Pending Support

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

xix. U.S. Manufacturing Commitments

A primary objective of DOE's multi-billion dollar research, development, and demonstration investments is to cultivate new research and development ecosystems, manufacturing capabilities, and supply chains for and by United States industry and labor. Therefore, in exchange for receiving taxpayer dollars to support an applicant's project, the applicant 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 to practice in performance of work under an award. An invention is any invention or discovery which is or may be patentable. The recipient includes any awardee, recipient, sub-awardee, or sub-recipient.

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

More information and guidance on the waiver and modification request process can be found in the DOE Financial Assistance Letter on this topic, available at https://www.energy.gov/management/pf-2022-09-fal-2022-01-implementation-

doe-determination-exceptional-circumstances-under. Additional information on DOE's Commitment to Domestic Manufacturing for DOE-funded R&D is available at https://www.energy.gov/gc/us-manufacturing.

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

xx. Data Management Plan (DMP) (if applicable)

Each applicant whose Full Application is selected for award negotiations will be required to submit a 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 in order 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.

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 as described below. Specifically, questions regarding the content of this FOA must be submitted to: H2FCFOA@ee.doe.gov. Questions must be submitted not later than 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. **Please note that you must first select this specific FOA Number in order to view the questions and answers specific to this FOA**. EERE will attempt to respond to a question within 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 the EERE eXCHANGE website and the Grants.gov system. However, you will only receive an email when an amendment or a FOA is posted on these sites if you register for email notifications for this FOA in Grants.gov. 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 commercial or financial information that is privileged or confidential 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 information that is commercial or financial, or information that is confidential or privileged, it is furnished to the 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 Government's right to use the information if it is obtained from another source.

Full Applications, and other submissions containing confidential, proprietary, or privileged information must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The U.S.

Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.

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

> **Notice of Restriction on Disclosure and Use of Data:**
> Pages [list applicable pages] of this document may contain trade secrets, confidential, proprietary, or privileged 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 or loan 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]

The header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: "Contains Trade Secrets, Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure." In addition, each line or paragraph containing proprietary, privileged, or trade secret information must be clearly marked with double brackets or highlighting.

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. In order 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: For an applicant not covered by a Class Patent Waiver or the Bayh-Dole Act, the applicant 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.xix. 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.

K. Government Rights in Subject Inventions

Where prime recipients and subrecipients 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 contractors doing work on behalf of the government.

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 U.S. 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 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 U.S. government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. 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". To ensure compliance with Export Controls, it is the prime recipient's responsibility to determine when its project activities trigger Export Controls and to ensure compliance.

Export Controls may apply to individual projects, depending on the nature of the tasks. When Export Controls apply, the recipient must take the appropriate steps to obtain any required governmental licenses, monitor and control access to restricted information, and safeguard all controlled materials. Under no circumstances may foreign entities (organizations, companies, or persons) receive access to export controlled information unless proper export procedures have been satisfied and such access is authorized pursuant to law or regulation.

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 uses *covered telecommunications equipment or services* as a substantial or essential component of any system, or as critical technology as part of any system. As described in Section 889 of Public Law 115-232, *covered telecommunications equipment* is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

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

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, then a Single or Program-Specific Audit is required. For additional information, please refer to 2 CFR 200.501 and Subpart F.

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

APPENDIX A – COST SHARE INFORMATION

Cost Sharing or Cost Matching

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

How Cost Sharing Is Calculated

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

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

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

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

What Qualifies for Cost Sharing

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

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

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

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

Additionally, 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 item or service is reimbursed for, it is cash cost share. All cost share items must be necessary to the performance of the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Valuing and documenting contributions

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

will be consumed in the performance of the award or fully depreciated by the end of the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value must be the lesser or the following:

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

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

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

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

(4) Valuing property donated by third parties.

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

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

i. The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

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

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

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

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

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

The following example shows the math for calculating required cost share for a project with $2,000,000 in federal funds with four tasks requiring different non-federal cost share percentages:

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

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

Each task must be calculated individually as follows:

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

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

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

Task 4
Federal share = $100,000
Non-federal cost share is not mandated for outreach = $0 (non-federal share)

The calculation may then be completed as follows:

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

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

APPENDIX C – WAIVER REQUESTS AND APPROVAL PROCESSES: 1. FOREIGN ENTITY PARTICIPATION AS THE PRIME RECIPIENT; AND 2. PERFORMANCE OF WORK IN THE UNITED STATES (FOREIGN WORK WAIVER)

1. Waiver for Foreign Entity Participation as the Prime Recipient

As set forth in Section III.A.iii., all prime recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a state or territory of the United States 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.

Overall, the applicant must demonstrate to the satisfaction of EERE that it would further the purposes of this FOA and is otherwise in the economic interests of the United States to have a foreign entity serve as the prime recipient. A request to waive the *Foreign Entity Participation as the prime recipient* requirement must include the following:

- Entity name;
- The rationale for proposing a foreign entity to serve as the prime recipient;
- Country of incorporation and the extent, if any, the entity is state owned or controlled;
- A description of the project's anticipated contributions to the US economy;
- How the project will benefit U.S. research, development, and manufacturing, including contributions to employment in the U.S. and growth in new markets and jobs in the U.S.;
- How the project will promote domestic American manufacturing of products and/or services;
- A description of how the foreign entity's participation as the prime recipient is essential to the project;
- A description of the likelihood of Intellectual Property (IP) being created from the work and the treatment of any such IP; and
- Countries where the work will be performed (Note: if any work is proposed to be conducted outside the U.S., the applicant must also complete a separate request for waiver of the Performance of Work in the United States requirement).

EERE may require additional information before considering the waiver request.

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

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

As set forth in Section IV.J.iii., all work under EERE funding agreements must be performed in the United States. This requirement does not apply to the purchase of supplies and equipment, so a waiver is not required for foreign purchases of these items. However, the prime recipient should make every effort to purchase supplies and equipment within the United States. There may be limited circumstances where it is in the interest of the project to perform a portion of the work outside 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 EERE 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 to waive the *Performance of Work in the United States* requirement must include the following:

- The rationale for performing the work outside the U.S. ("foreign work");
- A description of the work proposed to be performed outside the U.S.;
- An explanation as to how the foreign work is essential to the project;
- A description of the anticipated benefits to be realized by the proposed foreign work and the anticipated contributions to the US economy;
- The associated benefits to be realized and the contribution to the project from the foreign work;
- How the foreign work will benefit U.S. research, development, and manufacturing, including contributions to employment in the U.S. and growth in new markets and jobs in the U.S.;
- How the foreign work will promote domestic American manufacturing of products and/or services;
- A description of the likelihood of Intellectual Property (IP) being created from the foreign work and the treatment of any such IP;
- The total estimated cost (DOE and recipient cost share) of the proposed foreign work;
- The countries in which the foreign work is proposed to be performed; and
- The name of the entity that would perform the foreign work.

EERE may require additional information before considering the waiver request.

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

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[48] —that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

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

Moreover, according to the OMB guidance document:

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

[48] BIL, § 70917(c)(1).

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

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

B. Buy America 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[49] are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

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

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

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

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 nonprofit 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: https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf

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

C. Waivers

The DOE financial assistance agreement will require each recipient: (1) to fulfill the commitments made in its application regarding the procurement of U.S.-produced products and (2) to fulfill the commitments made in its application regarding the procurement of other key component metals and manufactured products domestically that are deemed available in sufficient and 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 percent.

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

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

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

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

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

APPENDIX E – GLOSSARY

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.i.

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

AMR	Annual Merit Review
AST	Accelerated Stress Test
BABA	Build America Buy America
BIL	Bipartisan Infrastructure Law
BOP	Balance of Plant
CFR	Code of Federal Regulations
CO	Contracting Officer
COI	Conflict of Interest
COPV	Composite Overwrapped Pressure Vessel
CRADA	Cooperative Research and Development Agreement
DEC	Determination of Exceptional Circumstances
DEIA	Diversity, Equity, Inclusion, and Accessibility
DMP	Data Management Plan
DOE	Department of Energy
DOI	Digital Object Identifier
EERE	Energy Efficiency and Renewable Energy
FAR	Federal Acquisition Regulation
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
GAAP	Generally Accepted Accounting Principles
GHG	Greenhouse Gas
HBCU	Historically Black College or University
HFTO	Hydrogen and Fuel Cell Technologies Office
H-MAT	Hydrogen Materials Consortium
HyMARC	Hydrogen Materials Advanced Research Consortium
IPMP	Intellectual Property Management Plan
LD/MD/HD	Light-Duty/Medium-Duty/Heavy-Duty
LH_2	Liquid Hydrogen
LOHC	Liquid Organic Hydrogen Carrier
M&O	Management and Operating
MEA	Membrane Electrode Assembly
MPIN	Marketing Partner ID Number
MSI	Minority-Serving institution
MYPP	Multi-Year Program Plan
M2FCT	Million Mile Fuel Cell Truck Consortium
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Agency
NSF	National Science Foundation

OMB	Office of Management and Budget
OSTI	Office of Scientific and Technical Information
PEM	Proton-Exchange Membrane
PGM	Platinum Metal Group
PI	Principle Investigator
PII	Personal Identifiable Information
PPE	Personal Protective Equipment
PRL	Physical Review Letters
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
SAM	System for Award Management
SciEncv	Science Experts Network Curriculum Vita
SMART	Specific, Measurable, Achievable, Relevant, and Timely
SOPO	Statement of Project Objectives
SPOC	Single Point of Contact
STEM	Science, Technology, Engineering, and Mathematics
TAA	Technical Assistance Agreement
TIA	Technology Investment Agreement
TRL	Technology Readiness Level
UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WBS	Work Breakdown Structure
WP	Work Proposal

APPENDIX H – R&D COMMUNITY BENEFITS PLAN GUIDANCE

The DOE is committed to pushing the frontiers of science and engineering; catalyzing high-quality domestic clean energy jobs through research, development, demonstration, and deployment; and ensuring energy equity and energy justice[50] for disadvantaged communities. Therefore, and in accordance with the Administration's priority to empower workers and harness opportunities to create good union jobs as stated in EO 14008 (Executive Order on Tackling the Climate Crisis at Home and Abroad),[51] it is important to consider the impacts of the successful commercial deployment of any innovations resulting from this FOA on current and future workforce.

The goal of the three-section R&D Community Benefits Plan is to allow the application to illustrate engagement in critical thought about implications of how the proposed work will benefit the broadest swaths of American people and lead to broadly shared prosperity, including for workers and disadvantaged communities[52]. The sections of the R&D Community Benefits Plans are considered together because there may be significant overlap between audiences considered in workforce and disadvantaged communities.

Example DEIA, Energy Equity, and Workforce Plan Elements

Outlined below are examples of activities that applicants might consider when developing their R&D Community Benefits Plan. Applicants are not required to implement any of these specific examples and should propose the Plan that best fits their research goals, institutional environment, team composition, and other factors. Creativity is encouraged.

DEIA

DOE strongly encourages applicants to involve individuals and entities from disadvantaged communities. Tapping all of the available talent requires intentional approaches and yields broad benefits.

---

[50] At DOE, we define energy justice as "the goal of achieving equity in both the social and economic participation in the energy system, while also remediating social, economic, and health burdens on those disproportionately harmed by the energy system" (Initiative for Energy Justice, 2019). Aligned with that document, the remainder of this document refers to this as, 'energy equity,' and is meant to encompass energy justice as well as DOE's efforts related to Justice40. https://www.energy.gov/diversity/articles/how-energy-justice-presidential-initiatives-and- executive-orders-shape-equity

[51] https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and- abroad

[52] See footnote 2 for guidance on the definition and tools to locate and identify disadvantaged communities.

Equity extends beyond diversity to equitable treatment. Equitable access to opportunity for members of the project team is paramount. This includes ensuring that all members of the team, including students, are paid a living wage, provided appropriate working conditions, and provided appropriate benefits. In the execution of their project plan, applicants are asked to describe efforts in diversity, equity, inclusion, and accessibility. In this context, efforts toward DEIA are defined as:[53]

1) the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people,
2) the consistent and systematic fair, just, and impartial treatment of all individuals, including protecting workers rights and adhering to Equal Employment Opportunity laws,
3) the recognition, appreciation, and use of the talents and skills of employees of all backgrounds, and
4) the provision of accommodations so that all people, including people with disabilities, can fully and independently access facilities, information and communication technology, programs, and services.

Successful plans will not only describe how the project team seeks to increase DEIA, but will describe the overall approaches to retention, engagement, professional development, and career advancement. Specifically, they will demonstrate clear approaches to ensure all team members' strengths are meaningfully leveraged and all members are provided opportunities and paths for career development, especially including paths for interns and trainees to secure permanent positions. Diversity should be considered at all levels of the project team, not just leveraging early career individuals to meet diversity goals.

DOE strongly encourages applicants to consider partnerships as a means of promoting diversity, equity, inclusion, accessibility, justice, and workforce participation. Minority Serving Institutions, Minority Business Enterprises, Minority Owned Businesses, Disability Owned Business, Women Owned Businesses, Native American-owned Businesses, Veteran Owned Businesses, or entities located in an underserved community that meet the eligibility requirements are encouraged to lead these partnerships as the prime applicant or participate on an application as a proposed partner to the prime applicant.

[53] https://www.whitehouse.gov/wp-content/uploads/2021/11/Strategic-Plan-to-Advance-Diversity-Equity- Inclusion-and-Accessibility-in-the-Federal-Workforce-11.23.21.pdf

When crafting the DEIA section of the Plan, applicants should describe the ways in which they will act to promote each of the four DEIA efforts above into their investigation. It is important to note that diversity, equity, inclusion, and accessibility are four different, but related, concepts that should not be conflated. That is, you can achieve diversity without equity; all four must be addressed. Applicants could discuss how the proposed investigation could contribute to training and developing a diverse scientific workforce. Applicants could describe the efforts they plan to take, or will continue to take, to create an inclusive workplace, free from retaliation, harassment, and discrimination. Applicants could outline any barriers to creating an equitable and inclusive workplace and address the ways in which the team will work to overcome these barriers within the bounds of the specific research project. The plan could detail specific efforts to inform project team members in any capacity of their labor rights and rights under Equal Employment Opportunity laws, and their free and fair chance to join a union. Note that this inclusion of informing project team members is also incorporated into awards through the National Policy Assurances.

Equal treatment of workers, including students, is necessary but overcoming institutional bias requires intentionally reducing sometimes hidden barriers to equal opportunity. Applicants could consider measures like childcare, flexible schedules, paid parental leave, pay transparency, and other supports to ensure that societal barriers are not hindering realization of DEIA intentions. Some of these considerations may result in common approaches in different sections of the plan, and that is acceptable, as long as the submission is not a singular approach to all sections.

EERE especially encourages applicants to form partnerships with diverse and often underrepresented institutions, such as Minority Serving Institutions, labor unions, and community colleges that otherwise meet the eligibility requirements. Underrepresented institutions that meet the eligibility requirements are encouraged to lead these partnerships as the prime applicant. The DEIA section of the Plan could include engagement with underrepresented institutions to broaden the participation of disadvantaged communities and/or with local stakeholders, such as residents and businesses, entities that carry out workforce development programs, labor unions, local government, and community-based organizations that represent, support, or work with disadvantaged communities. Applicants should ensure there is transparency, accountability, and follow-through when engaging with community members and stakeholders.

Specific examples include:

- Building collaborations and partnerships with researchers and staff at Minority Serving Institutions
- Addressing barriers identified in climate surveys to remove inequities
- Providing anti-bias training and education in the project design and implementation teams
- Offering training, mentorship, education, and other support to students and early/mid-career professionals from disadvantaged communities
- Providing efforts toward improving a workplace culture of inclusion
- Developing technology and technology integration innovations to meet the needs of disadvantaged communities
- Creating partnerships with local communities, especially under-resourced and disadvantaged communities
- Voluntary recognition of a union and informing employees of their rights, regardless of their classification
- Making research products and engagement materials accessible in a greater variety of formats to increase accessibility of research outputs
- Implementing training or distributing materials to reduce stigma towards individuals with disabilities
- Designing technologies that strategically fit within the existing workforce for installation and maintenance of the potential innovation

Energy Equity

The Energy Equity section should articulate how project proposals will drive equitable access to, participation in, and distribution of the benefits produced from successful technology innovations to disadvantaged communities and groups. Intentional inclusion of energy equity requires evaluating the anticipated long-term costs and benefits that will accrue to disadvantaged groups as a result of the project, and how research questions and project plans are designed for and support historically disadvantaged communities' engagement in clean energy decisions. Similar to potential cost reductions or groundbreaking research findings resulting from the research, energy equity and justice benefits may be uncertain, occur over a long period of time, and have many factors within and outside the specific proposed research influencing them.

Applicants should describe the influencing factors, and the most likely energy equity implications of the proposed research. Applicants should describe any long-term constraints the proposed technology may pose to communities' access to natural resources and Tribal Cultural resources. There may be existing equity research available to use and citation in this description or the applicant could describe milestone-based efforts toward developing that understanding through this innovation. These near and long term outcomes may include, but are not limited to: a decrease in the percent of income a household spends on energy costs (energy burden[54]); an increase in access to low-cost capital; a decrease in environmental exposure and burdens; increases in clean energy enterprise creation and contracting (e.g., women or minority-owned business enterprises); increased parity in clean energy technology access and adoption; increases in energy democracy, including community ownership; and an increase in energy resilience.

Specific examples include:

- Describing how a successful innovation will support economic development in diverse geographic or demographic communities
- Creating a plan to engage equity and justice stakeholders in evaluating the broader impacts of the innovation or in the development of the research methodology
- Describe how the proposed research strategy and methodology was informed by input from a wide variety of stakeholders
- A literature review of the equity and justice implications of the outcomes of the specific research if the innovation is successful or a plan with dedicated budget and expertise (staffing or subawardee) to evaluate the potential equity implications of successful innovation outcomes.

Workforce

The Workforce section of the R&D Community Benefits Plan should articulate the future workforce implications of the innovation or a milestone-driven plan for understanding those implications. This includes documenting the skills, knowledge, and abilities that would be required of workers installing, maintaining, and operating the technology that may be derivative of the applicant's research, as well as the training pathways and their accessibility for workers to acquire the necessary skills. There may be field-specific or relevant existing research that could be cited in this section. In

[54] Energy burden is defined as the percentage of gross household income spent on energy costs: https://www.energy.gov/eere/slsc/low-income-community-energy-solutions

addition, applicants could detail the process they will use to evaluate long-term impacts on jobs, including job growth or job loss, a change in job quality, disruptions to existing industry and resulting changes to relationships between employers and employees and improvements or reductions in the ability of workers to organize for collective representation, and anything else that could result in changes to regional or national labor markets.

For additional support with developing the Workforce section of a R&D Community Benefits Plan, please refer to the DOE's Community Benefits Plan Frequently Asked Questions (FAQs) webpage (https://www.energy.gov/bil/community-benefits-plan-frequently-asked-questions-faqs). This new resource, though created primarily for demonstration and deployment projects funded by the Bipartisan Infrastructure Law (BIL), may be useful for R&D projects which is the main subject of this FOA template.

Applicants will find section 2 of the FAQ ("Investing in America's Workforce") particularly helpful for understanding key federal policies, terms, and concepts, as well as workforce development strategies relevant to examination of the workforce implications of applicants' proposed research.

Specific examples include:

- Outlining the challenges and opportunities for commercializing the technology in the US
- Creating a literature review of the workforce implications of the outcomes of the specific research if the innovation is successful or a plan with dedicated budget and expertise (staffing or subawardee) to evaluate the potential equity implications of successful innovation outcomes
- Creating a plan and milestones for assessing how a successful innovation will have implications for job savings or loss, either at the macroeconomic level or within specific industries
- Describing how the project will support training of workforce to address needs of successful innovation
- Voluntary recognition of a union and informing employees of their rights, regardless of their classification
- Creating a plan to evaluate how a successful innovation, will result in potential workforce shifts between industries or geographies.

Inclusion of SMART milestones

EERE requires that the applicant's R&D Community Benefits Plan include one Specific, Measurable, Achievable, Relevant, and Timely (SMART) milestone for

each budget period. An exemplar SMART milestone clearly answers the following questions:

- What needs to be accomplished?
- What measures and deliverables will be used to track progress toward accomplishment?
- What evidence suggests that the accomplishment is achievable?
- Why choose this milestone?
- When will the milestone be reached?