

## Request for Information regarding “Assisting Federal Facilities with Energy Conservation Technologies, Fiscal Year 2015”

**DATE:** October 9, 2014

**SUBJECT:** Request for Information (RFI)

**DESCRIPTION:** EERE intends to issue, on behalf of the U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP), a Funding Opportunity Announcement (FOA) entitled “Assisting Federal Facilities with Energy Conservation Technologies, Fiscal Year 2015 (AFFECT 2015).” This RFI seeks input from interested parties and stakeholders regarding the subject of the anticipated FOA and related details. If the FOA is issued, it will likely provide grants to Federal agencies for renewable energy projects that are incorporated into a privately financed performance contract, such as an Energy Savings Performance Contract or Utility Energy Service Contract, or as part of a renewable energy Power Purchase Agreement (PPA). Applications for renewable energy projects that are financed through appropriations will also be considered. A key merit review criterion will likely be how much private and/or agency funds are leveraged against the FEMP AFFECT grant funding. Highly leveraging outside funds through performance contracting is important, because it will lead to projects of greater impact. If the FOA is issued, it will be released at some point in Fiscal Year 2015, which began October 1, 2014 and ends September 30, 2015.

**BACKGROUND:** Section 152 (f) of the Energy Policy Act of 1992 (EPAct 1992), Public Law 102-486, as codified in 42 USC § 8256 (b), authorized the Secretary of Energy to establish a fund with the stated purpose of providing competitive grants to Federal agencies to assist them in meeting the energy and water conservation requirements of the National Energy Conservation Policy Act (NECPA), 42 USC § 8253. (<http://www.law.cornell.edu/uscode/text/42/8256>). The AFFECT FOA is intended to support the Presidential Memorandum on Federal Leadership on Energy Management that includes the target that, by the year 2020, at least 20 percent of Federal agencies’ total electric energy consumed during any fiscal year is renewable energy. (<http://www.whitehouse.gov/the-press-office/2013/12/05/presidential-memorandum-federal-leadership-energy-management>).

**PURPOSE:** The purpose of this RFI is to solicit feedback from industry, academia, research laboratories, government agencies, and other stakeholders on issues related to the appropriate subject(s) to be included in the FY 2015 and future AFFECT FOAs. EERE is also interested in input regarding issues or concerns regarding the AFFECT FY 2014 FOA process. This is solely a request for information and not a Funding Opportunity Announcement (FOA). EERE is not accepting applications.

**DISCLAIMER AND IMPORTANT NOTES:** This RFI is not a Funding Opportunity Announcement (FOA); therefore, EERE is not accepting applications at this time. EERE may issue a FOA in the future based on or related to the content and responses to this RFI; however,

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EERE may also elect not to issue a FOA. There is no guarantee that a FOA will be issued as a result of this RFI. Responding to this RFI does not provide any advantage or disadvantage to potential applicants if EERE chooses to issue a FOA regarding the subject matter. Final details, including the anticipated award size, quantity, and timing of EERE funded awards, will be subject to Congressional appropriations and direction.

Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development; this RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. EERE will review and consider all responses in its formulation of program strategies for the identified materials of interest that are the subject of this request. EERE will not provide reimbursement for costs incurred in responding to this RFI. Respondents are advised that EERE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind EERE to any further actions related to this subject.

**PROPRIETARY INFORMATION:** Because information received in response to this RFI may be used to structure future programs and FOAs and/or otherwise be made available to the public, **respondents are strongly advised to NOT include any information in their responses that might be considered business sensitive, proprietary, or otherwise confidential.** If, however, a respondent chooses to submit business sensitive, proprietary, or otherwise confidential information, it must be clearly and conspicuously marked as such in the response.

Responses containing confidential, proprietary, or privileged information must be conspicuously 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. Federal Government is not liable for the disclosure or use of unmarked information, and may use or disclose such information for any purpose.

If your response contains confidential, proprietary, or privileged information, you must include a cover sheet marked as follows identifying the specific pages containing confidential, proprietary, or privileged information:

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

Pages [list applicable pages] of this response may contain confidential, proprietary, or privileged information that is exempt from public disclosure. Such information shall be used or disclosed only for the purposes described in this RFI [DE-FOA-0001203]. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source.

In addition, (1) the header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: “Contains Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure” and (2) every line and paragraph containing proprietary, privileged, or trade secret information must be clearly marked with double brackets or highlighting.

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Notwithstanding a respondent's marking of its submissions, please be aware that DOE may be required to release information received as a result of this Request for Information, pursuant to the Freedom of Information Act (FOIA). (5 U.S.C. § 552, as amended by Public Law No. 110-175, 121 Stat. 2524, and Public Law No. 111-83, § 564, 123 Stat. 2142, 2184). Marking your responses to this RFI as "confidential, proprietary, or privileged information" does not automatically protect that information from disclosure. In addition to the markings and/or redactions described above, respondents should provide a point of contact, as well as contact details so that a DOE FOIA Officer may contact the respondent to ask for comments on the releasability of submitted information. Prior to DOE's FOIA determination regarding the releasability of the information, respondents will be required to provide specific example(s) of how the release of information would cause it competitive harm. If the respondent is unable to provide such example(s), the information may be subject to public release pursuant to a FOIA request.

**EVALUATION AND ADMINISTRATION BY FEDERAL AND NON-FEDERAL PERSONNEL:** Federal employees are subject to the non-disclosure requirements of a criminal statute, the Trade Secrets Act, 18 USC 1905. The Government may seek the advice of qualified non-Federal personnel. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The respondents, by submitting their response, consent to EERE providing their response to non-Federal parties. Non-Federal parties given access to responses must be subject to an appropriate obligation of confidentiality prior to being given the access. Submissions may be reviewed by support contractors and private consultants.

## **REQUEST FOR INFORMATION CATEGORIES AND QUESTIONS:**

### **CATEGORY 1:** AFFECT FOA in FY 2015

FEMP is considering issuing a FOA that would provide grants to Federal agencies for renewable energy projects that are incorporated into a privately financed performance contract, such as an Energy Savings Performance Contract or Utility Energy Service Contract, or as part of a renewable energy Power Purchase Agreement (PPA). Applications for renewable energy projects that are financed through appropriations will also be considered. A key merit review criterion will likely be how much private and/or agency funds are leveraged against the FEMP AFFECT grant funding.

- 1.1 Please identify and explain what unfunded costs or other barriers can inhibit a Federal agency from incorporating renewable power within a performance contract or PPA.
- 1.2 Please identify and explain any other special factors that need to be considered when integrating renewables with performance contracting and/or PPAs.

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**CATEGORY 2:** AFFECT FOA in FY 2014

In FY 2014, FEMP issued a FOA entitled Assisting Federal Facilities with Energy Conservation Technologies (AFFECT), which is described in detail at the following: <https://eere-exchange.energy.gov/#FoaId1dcad199-9e1a-4de3-8e0b-ef89a9b7dcab>. AFFECT FY 2014 provided grants to Federal agencies for capital projects within the topic areas of “Combined Heat and Power,” and “Renewable Energy.” Technical review criteria included: (1) Project Impact; (2) Cost Leverage and Budget; (3) Technical and Economic Merit; and (4) Project Management Plan.

- 2.1 Please identify and explain any issues you experienced regarding the FY 2014 AFFECT FOA technical review criteria that you felt required clarification or revision.
- 2.2 Please identify and explain any other issues or concerns you had regarding the AFFECT FY 2014 FOA process.

**CATEGORY 3:** Other Subject Areas

In FY 2014, the AFFECT FOA topic areas were “Combined Heat and Power” and “Renewable Energy.” In FY 2015, FEMP anticipates issuing a FOA which will likely provide grants to Federal agencies for renewable energy projects that are incorporated into a privately financed performance contract, such as an Energy Savings Performance Contract or Utility Energy Service Contract, or as part of a renewable energy Power Purchase Agreement (PPA). Applications for renewable energy projects that are financed through appropriations will also be considered

- 3.1 Please identify any other subject areas you would recommend for the anticipated FY 2015 AFFECT FOA and future AFFECT FOAs and explain your reasons for recommending such subject areas. FEMP is especially interested in subject areas within the broad category of “energy efficiency”.

**REQUEST FOR INFORMATION RESPONSE GUIDELINES:** Responses to this RFI must be submitted electronically to [rfi.affect2015@hq.doe.gov](mailto:rfi.affect2015@hq.doe.gov) **no later than 5:00pm (ET) on November 13, 2014**. Responses must be provided as a Microsoft Word (.docx) attachment to the email, of no more than 2 pages in length, 12 point font, 1 inch margins. Only electronic responses will be accepted.

Please identify your answers by responding to a specific question or subject if possible. Respondents may answer as many or as few questions as they wish.

EERE will not respond to individual submissions or publish publicly a compendium of responses. A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed.

Respondents are requested to provide the following information at the start of their response to this RFI:

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- Company / institution name;
- Company / institution contact;
- Contact's address, phone number, and e-mail address.

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