

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

**Water Power Innovation Network**

**Funding Opportunity Announcement (FOA) Number: DE-FOA-0003323**

**FOA Type: Modification 0003**

**Assistance Listing Number: 81.087**

|                                                        |                                   |
|--------------------------------------------------------|-----------------------------------|
| <b>FOA Issue Date:</b>                                 | June 26, 2024                     |
| <b>Informational Webinar:</b>                          | July 11, 2024                     |
| <b>Submission Deadline for Concept Papers:</b>         | August 28, 2024, at 5:00 p.m. ET  |
| <b>Submission Deadline for Full Applications:</b>      | October 23, 2024, at 5:00 p.m. ET |
| <b>Expected Date for EERE Selection Notifications:</b> | January 2025                      |
| <b>Expected Timeframe for Award Negotiations:</b>      | January 2025 – March 2025         |

- Applicants must submit a Concept Paper by 5:00 p.m. ET on the due date listed above to be eligible to submit a Full Application.
- To apply to this FOA, applicants must register with and submit application materials through EERE eXCHANGE at <https://eere-eXCHANGE.energy.gov>, EERE's online application portal.
- Applicants must designate primary and backup points-of-contact in EERE eXCHANGE with whom EERE will communicate to conduct award negotiations. If an application is selected for award negotiations, it is not a commitment to issue an award. It is imperative that the applicant/selectee be responsive during award negotiations and meet negotiation deadlines. Failure to do so may result in cancelation of further award negotiations and rescission of the selection.
- **Unique Entity Identifier (UEI) and System for Award Management (SAM)** - Each applicant (unless the applicant is excepted from those requirements under 2 CFR 25.110) is required to: (1) register in the SAM at <https://www.sam.gov> before submitting an application; (2) provide a valid UEI number in the application; and (3) maintain an active SAM registration with current information when the applicant has an active federal award or an application or plan under consideration by a federal awarding agency. DOE may not make a federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award, DOE

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

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

## Modifications

All modifications to the FOA are **HIGHLIGHTED** in the body of the FOA.

| Mod. No. | Date      | Description of Modification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0001     | 8/2/2024  | The purpose of this modification is to adjust the timeline for this FOA, which includes changes to the following dates <ul style="list-style-type: none"><li>• Submission Deadline for Concept Papers</li><li>• Submission Deadline for Full Applications</li><li>• Expected Date for EERE Selection Notifications</li><li>• Expected Timeframe for Award Negotiations</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 0002     | 8/19/2024 | The purpose of this modification is to provide clarity to the following areas: <ul style="list-style-type: none"><li>• Added language that clarifies the proposed programming and services will be further developed during Budget Period 1.</li><li>• Added language that applicants' proposed programs should provide incubation, acceleration, and commercialization support to entrepreneurs and small businesses in water power.</li><li>• Added language to the Content and Form of the Concept Paper and Full Application that clarifies the proposed program could be a new water power incubator or accelerator program, or could be an existing incubator or accelerator program that will be expanded upon in water power.</li><li>• Technical Volume Work Plan to focus on Budget Period 1. An associated SOPO template is provided.</li></ul> |

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|------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |           | <ul style="list-style-type: none"><li>• The Down-Select deliverable, Updated Budget, SOPO, and Project Schedule, should be updated to include information for Budget Period 2.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 0003 | 10/1/2024 | <p>The purpose of this modification is to:</p> <ul style="list-style-type: none"><li>• Update the Expected Date for EERE Selection Notifications and Expected Timeframe for Award Negotiations</li><li>• Add clarification to the down-select deliverable, “Updated Budget, SOPO, and Project Schedule”.</li><li>• Add clear requirements to the Content for the Full Application regarding what information to include for Budget Period 1 versus Budget Period 2. This includes the following changes:<ul style="list-style-type: none"><li>○ The Technical Volume Workplan should include goals, objectives, and anticipated outcomes for each budget period.</li><li>○ The Technical Volume Workplan should include a detailed Workplan summary for Budget Period 1 and a preliminary high-level overview for Budget Period 2 of activities to be conducted over Budget Period 2.</li><li>○ The Technical Volume Workplan should describe at least one end of project Specific, Measurable, Attainable, Realistic, and Timely (SMART) goal for each budget period.</li><li>○ The Technical Volume Workplan should include a summary of appropriate milestones throughout each budget period. For Budget Period 2 milestones, however, it is sufficient to list approximate, reasonable estimates of what the milestones will be. It is understood that Budget Period 2 activities will be progressively developed over the course of Budget Period 1 and as such precise information on Budget Period 2 activities may not be available during the application process. Project applications will not be penalized for having a lower level of detail of Budget Period 2 activities during the application process. Rather, Budget Period 2 activities will be comprehensively evaluated during the down-select process at the end of Budget Period 1.</li><li>○ The Technical Volume Workplan should include a detailed schedule for Budget Period 1 and a</li></ul></li></ul> |

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|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <p>preliminary high-level/approximate schedule for Budget Period 2. As with the work plan, it is expected that the Budget Period 2 schedule will be developed over the course of Budget Period 1. Project applications will not be penalized for providing a lower level of detail during the application process. Rather, Budget Period 2 schedules will be comprehensively evaluated during the down-select process at the end of Budget Period 1.</p> <ul style="list-style-type: none"><li>○ An updated associated SOPO template is provided.</li><li>● Add clarification to the Budget Justification Workbook for what to include for Budget Period 1 versus Budget Period 2.</li><li>● Update the Technical Review Criteria, Criterion 3: Workplan, to be consistent with the updates to the Technical Volume and associated SOPO.</li></ul> |
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## I. Funding Opportunity Description

### A. Background and Context

#### i. Background and Purpose

The U.S. Department of Energy's (DOE) Water Power Technologies Office (WPTO) is issuing this \$4.8 million funding opportunity announcement (FOA) "Water Power Innovation Network" to support business creation, entrepreneurship, and regional innovation for water power systems and solutions.

WPTO enables research, development, and testing of emerging technologies to advance marine energy as well as next-generation hydropower and pumped storage systems for a flexible, reliable grid. WPTO defines marine energy and hydropower as follows:

**Marine Energy**, also known as marine and hydrokinetic energy or marine renewable energy, is a renewable power source that is harnessed from the natural movement of water, including waves, tides, and river and ocean currents. Marine energy can also be harnessed from temperature differences in water through a process known as ocean thermal energy conversion.<sup>1</sup>

**Hydropower**, or hydroelectric power, is one of the oldest and largest sources of renewable energy, which uses the flow of moving water to generate electricity. Hydropower currently accounts for 28.7% of total U.S. renewable electricity generation and about 6.2% of total U.S. electricity generation.<sup>2</sup>

Through this FOA, WPTO seeks to fund new and/or expanded incubator or accelerator programs that enable entrepreneurship and accelerate water power innovation, business creation, and growth in communities and regions throughout the United States. Through this FOA, new and/or expanded incubators and accelerators in water power will be able to collaborate with one another and build a stronger water power innovation network in support of accelerating water power technologies to market.

Both the marine energy and hydropower sectors pose tremendous opportunities for innovation. Providing unique **incubation, acceleration, and** commercialization

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<sup>1</sup> Water Power Technologies Office, Marine Energy Basics, <https://www.energy.gov/eere/water/marine-energy-basics>

<sup>2</sup> Water Power Technologies Office, Hydropower Basics, <https://www.energy.gov/eere/water/hydropower-basics>  
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services and support to entrepreneurs and small businesses in water power can accelerate innovation and enhance economic development and resiliency of communities and regions. Additionally, new and/or expanded incubators and accelerators in water power will be able to collaborate with one another and build a water power innovation network towards accelerating water power technologies to market.

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"<sup>3</sup> to the benefit of all Americans. The U.S. 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.

This FOA supports the administration's goals laid out above by accelerating innovations in marine energy and hydropower that contribute to decarbonized and reliable energy. Innovations in water power can lower energy costs for American families and business and increase both resiliency and economic development in communities and regional economies.

The incubation and acceleration 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 fund incubator or accelerator programs that support entrepreneurship and the commercialization of water power technologies.

## **ii. Technology Space and Strategic Goals**

This FOA seeks applications for new and/or expanded water power incubation or accelerator programs to address the **incubation, acceleration, and** commercialization needs of entrepreneurs and small businesses in marine energy and/or hydropower. The strategic goals of this FOA are to:

- Foster business creation, innovation, and competition in the water power field.
- Increase the diversity of people, perspectives, and ideas in water power.

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<sup>3</sup> Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.

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- Ease commercialization pathways for water power entrepreneurs and small businesses to accelerate the commercialization of water power systems and solutions.

Detailed technical descriptions of the specific Topic Areas are provided in the sections that follow.

### **iii. Teaming Partner List**

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

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

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

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

## **B. Topic Areas**

This FOA includes one topic area.

### **Topic Area 1: Water Power Incubation and Acceleration**

This topic area will fund programs that accelerate the commercialization and adoption of water power systems and solutions through incubation and acceleration

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programming and services that support entrepreneurs and small businesses in marine energy and/or hydropower.

Programming and services may include, but are not limited to, business development support and training, private sector fundraising readiness, public funding education and workshops (e.g., Small Business Innovation Research/Small Business Technology Transfer [SBIR/STTR] workshops), end-user engagement and partnerships to advance water power solutions, and connections between entrepreneurs, technology developers, academic institutions, and state, local, and Tribal entities toward building a water power innovation ecosystem. Programming and services should address identified needs in water power commercialization pathways.

Programming and services proposed will be further developed during Budget Period 1. See Section I.C for more information.

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

### c. Down-Select

This Topic Area consists of **two budget periods**. Applicants selected for award will be selected for Budget Period 1. At the end of Budget Period 1 there will be a down-select of recipients that will continue forward into Budget Period 2. The down-select will be based on the Budget Period 1 deliverables and down-select criteria described in the sections below. Subject matter experts from academia, national laboratories, and industry may be used as reviewers, subject to conflict of interest and non-disclosure considerations. Only Recipients of Budget Period 1 funding may apply for funding for Budget Period 2. The table below describes the budget periods, anticipated awards, and anticipated award duration.

*Table 1: Budget periods, anticipated number of awards, anticipated amounts per award, and anticipated award duration.*

| Budget Periods  | Anticipated Number of Awards | Anticipated Amount per Award | Anticipated Award Duration |
|-----------------|------------------------------|------------------------------|----------------------------|
| Budget Period 1 | Up to 8 awards               | \$100,000                    | 6-9 months                 |
| Budget Period 2 | Up to 4 awards               | \$1,000,000                  | 2-3 years                  |

**Budget Period 1:** In the first budget period of the award (approximately 6-9 month duration), funded applicants will develop water power incubation and/or acceleration programming and services for entrepreneurs and small businesses.

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These should be based on gap assessments, include appropriate strategic partnerships, and demonstrate sustainable program models ready to pilot.

**Budget Period 2:** In the second budget period of the award (approximately 2-3 year duration), funded applicants will implement and pilot the incubation and acceleration programming and services developed in Budget Period 1.

Each budget period will have a schedule, budget, scope, set of deliverables, and programmatic objectives and metrics that applicants must deliver as summarized in the section below.

**i. Down-Select Application: Budget Period 1 Deliverables**

Recipients seeking additional funding will submit a competitive application for an additional budget period within a previously approved project period. Only Recipients of Budget Period 1 funding will be eligible to submit a Down-Select Application for Budget Period 2 funding. At least ninety (90) days before the end of Budget Period 1, the Recipient must submit to EERE its down-select application, which includes the following information:

- **Gap Assessment:** This deliverable should include:
  - Identification, with supporting evidence, of the gaps in **incubation, acceleration, and** commercialization support for water power entrepreneurs and small businesses informed by stakeholder engagement and other research.
  - Details on the outreach activities performed and engagements with relevant stakeholders and interested parties. Describe the findings, including interests, buy-in, and feedback. Include any metrics recorded from the outreach and engagement activities.
  - Details and findings of any additional research performed in Budget Period 1.
- **Program Design and Services:** The deliverable should include:
  - An updated program description based on the findings from the gap assessment.
  - An outline and details on the programming and/or services the team intends to run in Budget Period 2.
  - An identification of the programmatic goals to be achieved by the end of Budget Period 2.
  - A discussion of target program participants and the anticipated communication channels—such as website and recruitment strategies—to reach target program participants. Include a discussion of known or perceived barriers to program

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- participation for target program participants and mitigation plans to lower or eliminate barriers to participation.
- If applicable, a discussion of evaluation practices that prospective participants will be graded against that ensures fairness and unbiased evaluations.
  - A discussion of the existing and recruited resources and expertise that are necessary for successfully creating, implementing, and financially sustaining the proposed program. If applicable, include an explanation of how the team will obtain access to any new resources and expertise needed.
  - A discussion of how the program will be implemented in Budget Period 2 and by whom. Include details on how the program will be managed, estimated implementation timelines, and how the program's progress and accomplishments will be reported to the stakeholders, including the DOE.
- **Updated Budget, SOPO, and Project Schedule:** Update information in the Budget, Statement of Project Objectives (SOPO<sup>4</sup>) and project schedule to include a detailed work plan, budget, and schedule to be performed in Budget Period 2. Please make any necessary adjustments to Budget Period 1 Budget, Statement of Project Objectives (SOPO<sup>5</sup>) and project schedule to align with the work plan, budget, and schedule performed in Budget Period 1.
  - **Updated Diversity, Equity, Inclusion, and Accessibility Plan:** The updated plan should include:
    - A description of how the program would support investment in America's workforce and labor engagement, advance diversity, equity, inclusion, and accessibility (DEIA) and direct material benefits to local or disadvantaged communities and/or small or disadvantaged businesses.
    - A clear, actionable, and measurable plan to incorporate DEIA into program policies, practices, and activities.
    - A clear, actionable, and measurable plan to bring in more diverse people, perspectives, and ideas to the water power field through the proposed program and activities.
    - At least one SMART (Specific, Measurable, Assignable, Realistic and Time-Related) milestone per budget period supported by metrics to measure the success of the proposed actions.

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<sup>4</sup> For information about the SOPO, see Section IV.D.vi.

<sup>5</sup> For information about the SOPO, see Section IV.D.vi.

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- **Presentation:** Recipients will present their proposed programs to WPTO individually (not to other Recipients). WPTO will schedule 30-minute sessions with Recipients who have successfully submitted the written Budget Period 1 deliverables detailed above. Presentations should be 20 minutes long, allowing room for up to 10 minutes of Q&A. The presentation content should include:
  - A summary of Budget Period 1 accomplishments including any significant milestones accomplished, findings, conclusions, or developments.
  - An overview of the program design, structure, and programming and/or services to be offered to prospective program participants, and evaluation practices (if applicable).
  - Information on how the program will meet specific gaps in **incubation, acceleration, and** commercialization support for water power entrepreneurs and small businesses informed by stakeholder engagement and other research.
  - A discussion of target program participants, anticipated communication channels, such as website and recruitment strategies, to reach target program participants. Include a discussion of known or perceived barriers to program participation for target participants and mitigation plans to lower or eliminate barriers to participation.
  - A discussion of how DEIA will be incorporated into the program and activities.
  - The programmatic goals to be achieved by the end of Budget Period 2.

## ii. **Down-Select Process**

WPTO intends to conduct a competitive project review (down-select process) upon the completion of Budget Period 1. Recipients will submit Budget Period 1 deliverables and present to WPTO individually (not to other Recipients). Subject matter experts from academia, national laboratories, and industry may be used as reviewers, subject to conflict of interest and non-disclosure considerations. Projects will be evaluated based on the following criteria:

### **Criterion 1: Critical Gaps (30%)**

- All Budget Period 1 deliverables are complete and of high quality.
- Extent to which the team meaningfully facilitated engagements and interactions with new or existing relevant stakeholders and interested parties, gathered buy-in, and incorporated feedback on the proposed program.

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- Extent to which the details, findings, and supporting evidence from the Gap Assessment clearly identify critical gaps in **incubation, acceleration, and** commercialization support for water power entrepreneurs and small businesses.

## **Criterion 2: Program Alignment, Readiness, and Sustainability (45%)**

### About the Program

- Degree to which the proposed program description, design, and structure are clearly described and aligned with the goals of the FOA.
- Extent to which the proposed programming and/or services are clearly described and likely to fill critical commercialization gaps posed by water power entrepreneurs and small businesses.
- Extent to which the appropriate target program participants and adequate communication and distribution channels have been identified and thoughtfully considered known or perceived barriers to program participation, including mitigation plans.
- Sufficiency of the resources and expertise to implement a water power incubator or accelerator program and are likely to result in the longevity of the program beyond Budget Period 2 funding.

### Budget, SOPO, Project Schedule

- Degree to which SOPO and Project Schedule are clear, detailed, timely, and reasonable and the proposed program will result in a high likelihood of success in Budget Period 2.
- Relative to a clearly defined project baseline, the strength of the milestones and quantifiable metrics that will be used in Budget Period 2 to measure and track meaningful progress.
- Discussion and demonstrated understanding of potential risks and challenges involved in the proposed work and the “timely,” appropriate, and quality of the mitigation strategies to address them.
- Applicants demonstrate financial readiness to proceed into Budget Period 2.

## **Criterion 3: Diversity, Equity, Inclusion, and Accessibility (25%)**

- Extent to which the program benefits disadvantaged communities and/or small and disadvantaged businesses.
- The quality and manner in which the plan to incorporate DEIA into program policies, perspectives, practices, and activities is clear, feasible, actionable, and measurable.
- The proposed DEIA plan and activities are likely to bring in more diverse people, perspectives, and ideas to the water power field.

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- The milestones described outline a clear, feasible, actionable, and measurable pathway to success and are supported by metrics.

Upon completion of the competitive project review (down-select process), EERE will select which projects will receive federal funding beyond Budget Period 1. Due to the availability of funding and program considerations, only a portion of the recipients will be selected to receive funding for project continuation. As a result of this down-select process, certain projects will not receive federal funding beyond Budget Period 1 even if the project is meeting the predefined metrics.

WPTO will down-select up to 4 programs to proceed into Budget Period 2. DOE reserves the right to select no programs for funding beyond Budget Period 1.

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

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

- Applications that fall outside the parameters specified in Sections I.A. and I.B. of the FOA.
- Applications that do not support either marine energy or hydropower systems and solutions, as defined by WPTO in Section I.A. of the FOA.
- Applications that fall outside the purview of incubation, acceleration, and commercialization support programs for entrepreneurship and small business support.
- Applications that include activities that fall outside the purview of outreach and engagement activities, including:
  - Applications for research and development of a proposed technology.
  - Applications that involve demonstration-scale or commercial-scale deployments of a proposed technology.
  - Applications that involve new construction or modifications of existing facilities.
  - Applications that involve field studies and/or field testing of prototypes and/or equipment.

#### **E. Diversity, Equity, Inclusion, and Accessibility**

It is the policy of the Biden Administration that:

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[T]he Federal Government should pursue a comprehensive approach to advancing equity<sup>6</sup> for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments, and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

By advancing equity across the Federal Government, we can create opportunities for the improvement of communities that have been historically underserved, which benefits everyone.<sup>7</sup>

As part of this whole of government approach, this FOA seeks to encourage the participation of underserved communities<sup>8</sup> and underrepresented groups. Applicants are highly encouraged to include individuals from groups historically

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<sup>6</sup> The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

<sup>7</sup> Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” (Jan. 20, 2021).

<sup>8</sup> The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list of in the definition of “equity.” E.O. 13985. For purposes of this FOA, as applicable to geographic communities, applicants can refer to economically distressed communities identified by the Internal Revenue Service as Qualified Opportunity Zones; communities identified as disadvantaged or underserved communities by their respective States; communities identified on the Index of Deep Disadvantage referenced at <https://news.umich.edu/new-index-ranks-americas-100-most-disadvantaged-communities/>, and communities that otherwise meet the definition of “underserved communities” stated above.

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underrepresented<sup>9,10</sup> in STEM on their project teams. As part of the application, applicants are required to describe how diversity, equity, inclusion, and accessibility objectives will be incorporated in the project, particularly in Budget Period 2. Specifically, applicants are required to submit a Diversity, Equity, Inclusion, and Accessibility Plan that describes the actions the applicant will take to foster a welcoming and inclusive environment, support people from underrepresented groups in STEM, advance equity, and encourage the inclusion of individuals from these groups in the project, along with the extent project activities will be located in or benefit underserved communities (see Section IV.D.vii.). The plan should include at least one SMART (Specific, Measurable, Assignable, Realistic and Time-Related) milestone per budget period supported by metrics to measure the success of the proposed actions. This plan will be evaluated as part of the technical review process and incorporated into the award if selected.

Further, minority-serving institutions<sup>11</sup>, minority business enterprises, minority-owned businesses, woman-owned businesses, veteran-owned businesses, or entities located in an underserved community that meet the eligibility requirements (see Section III.) are encouraged to apply as the prime applicant or participate on an application as a proposed partner to the prime applicant. The Selection Official may consider the inclusion of these types of entities as part of the selection decision (see Section V.C.i.).

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

<sup>10</sup> See also. Note that Congress recognized in section 305 of the American Innovation and Competitiveness Act of 2017, Public Law 114-329:

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

<sup>11</sup> Minority-serving institutions (MSIs), including historically Black colleges and universities/other minority institutions as educational entities recognized by the Office of Civil Rights (OCR), U.S. Department of Education, and identified on the OCR's Department of Education U.S. accredited postsecondary minorities' institution list. See <https://www2.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>.

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## F. Authorizing Statutes

The programmatic authorizing statute is Energy Independence and Security Act (EISA) of 2007, Public Law 110-140, sections 633 and 637. Added by Energy Act of 2020, Public Law 116-260, Division Z, Title III, Section 3001 (Dec. 27, 2020). Codified at 42 U.S.C § 17212(4) and § 17216(e).

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

## II. Award Information

### A. Award Overview

#### i. Estimated Funding

EERE expects to make a total of approximately \$4.8 million of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. EERE anticipates making approximately 8 initial awards under this FOA. EERE may issue one, multiple, or no awards. Individual awards are anticipated to be approximately \$100,000 for Budget Period 1 and approximately \$1,000,000 for Budget Period 2.

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

Table 2: Estimated Funding

| Topic Area Number | Topic Area Title                        | Anticipated Number of Awards | Anticipated Award Size for Any One Individual Award (Fed Share) | Approximate Total Federal Funding Available for All Awards | Anticipated Period of Performance (months) |
|-------------------|-----------------------------------------|------------------------------|-----------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------|
| Topic Area 1      | Water Power Incubation and Acceleration | Budget Period 1:<br>Up to 8  | Budget Period 1:<br>\$100,000                                   | \$4,800,000                                                | Budget Period 1:<br>6-9 months             |
|                   |                                         | Budget Period 2:<br>Up to 4  | Budget Period 2:<br>\$1,000,000                                 |                                                            | Budget Period 2:<br>2-3 years              |

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

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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 six months duration up to three years duration, comprised of two budget periods. Project continuation will be contingent upon several elements, including satisfactory performance and the continuation application scored against the down-select criteria. For a complete list, see Section I.C.

**iii. New Applications Only**

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

**B. EERE Funding Agreements**

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

**i. Cooperative Agreements**

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

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

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

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**ii. Funding Agreements with Federally Funded Research and Development Center (FFRDCs)<sup>12</sup>**

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

**iii. Grants**

Although EERE has the authority to provide financial support to prime recipients through grants, EERE generally does not fund projects through grants. EERE may fund a limited number of projects through grants, as appropriate.

**III. Eligibility Information**

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

**A. Eligible Applicants****i. Domestic Entities**

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

1. Institutions of higher education
2. For-profit entities
3. Nonprofit entities
4. State and local governmental entities and federally recognized Indian Tribes (Indian Tribes).

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

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<sup>12</sup> FFRDCs are public-private partnerships that conduct research for the U.S. government. A listing of FFRDCs can be found at <http://www.nsf.gov/statistics/ffrdclist/>.

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

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

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

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

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

## **ii. Foreign Entities**

In limited circumstances, DOE may approve a waiver to allow a foreign entity to participate as a subrecipient. If the applicant seeks to include a foreign entity as a subrecipient, the applicant must submit a separate explicit written waiver request in the Full Application for each proposed foreign subrecipient.

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

## **B. Cost Sharing**

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

**Cost sharing is not required under this FOA.**

## **C. Compliance Criteria**

All applicant submissions must:

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

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- Be submitted by the deadline stated in the FOA.

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

**Applicants are strongly encouraged to submit their Concept Papers and Full Applications at least 48 hours in advance of the submission deadline.** Under normal conditions (i.e., at least 48 hours before the submission deadline), applicants should allow at least one hour to submit a Concept Paper or Full Application. Once the Concept Paper or Full Application 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 or Full Application before the applicable deadline. EERE will not extend the submission deadline for applicants that fail to submit required information by the applicable deadline due to server/connection congestion.

#### **D. Responsiveness Criteria**

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

#### **E. Other Eligibility Requirements**

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

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

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



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

c. Funding, Cost Share, and Subaward with FFRDCs

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

Unless instructed otherwise by the DOE Contracting Officer for the DOE award, all FFRDCs are required to enter into a Cooperative Research and Development Agreement<sup>13</sup> (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 IP, e.g., data protection and background IP. The CRADA or TAA must be agreed upon by all parties and submitted to DOE or other sponsoring agency, when applicable, for approval, or submitted to DOE for notice under the Master Scope of Work process, when applicable, using any DOE or other sponsoring agency approved CRADA or TAA template without substantive changes by the time the award is made to the prime recipient.

d. Responsibility

The prime recipient will be the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues

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<sup>13</sup> See OFCCP's Technical Assistance Guide at:

<https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec> Also see the National Policy Assurances <http://www.nsf.gov/awards/managing/rtc.jsp>

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including, but not limited to, disputes and claims arising out of any agreement between the prime recipient and the FFRDC.

e. Limit on FFRDC Effort

The scope of work to be performed by the FFRDC should not be more significant than the scope of work to be performed by the applicant.

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

An entity may submit only one Concept Paper and one Full Application to this FOA. The Concept Paper and Full Application must address no more than one topic area identified in Section I.B. of the FOA. If an entity submits more than one Concept Paper and Full Application, EERE will request a determination from the applicant's authorizing representative as to which application should be reviewed. Any other submissions received listing the same entity as the applicant will not be eligible for further consideration. This limitation does not prohibit an applicant from collaborating on other applications (e.g., as a potential subrecipient or partner) so long as the entity is only listed as the applicant on one Concept Paper and one Full Application submitted under this FOA.

## **G. Questions Regarding Eligibility**

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

# **IV. Application and Submission Information**

## **A. Application Process**

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

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

- Each must be submitted in Adobe PDF format unless stated otherwise.
- Each must be written in English.
- All pages must be formatted to fit on 8.5" x 11" paper with margins not less than one inch on every side. Use Calibri typeface, a black font color, and a font size of

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12-point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement.

- A **control number** will be issued when an applicant begins the EERE eXCHANGE application process. The control number must be included with all application documents. Specifically, the control number must be prominently displayed on the upper right corner of the header of every page and included in the file name (i.e., *Control Number\_Applicant Name\_Full Application*).
- Page numbers must be included in the footer of every page.
- Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, EERE will review only the authorized number of pages and disregard any additional pages.

**i. Additional Information on EERE eXCHANGE**

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

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

**B. Application Forms**

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

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

**TechnicalVolume\_Part\_1**

**TechnicalVolume\_Part\_2**

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

### **C. Content and Form of the Concept Paper**

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

| <b>Section</b>                      | <b>Page Limit</b> | <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Cover Page</b>                   | 1 page maximum    | The cover page should include the preliminary program title, primary points of contact, names of all team member organizations, the program location(s), and any statements regarding confidentiality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Program Description and Team</b> | 2 pages maximum   | Applicants are required to succinctly describe: <ul style="list-style-type: none"> <li>• A preliminary program description of a new water power incubator or accelerator program, or if it is an existing incubator or accelerator program, how the program will be expanded upon in water power. Describe how the program would meet the goals of the FOA. Include any preliminary ideas on program design, structure, and services.</li> <li>• Why the applicant is interested in standing up and implementing an incubator or accelerator program focused on the water power field.</li> <li>• How the applicant intends to engage diverse stakeholders in the proposed program's design and implementation.</li> <li>• The potential impact that the proposed program would have on the water power field if successful.</li> <li>• The impact that DOE funding would have on the proposed program.</li> <li>• Foreseeable risks and challenges associated with standing up and implementing the proposed program and mitigation strategies to overcome those risks and challenges.</li> </ul> |
| <b>Addendum</b>                     | 2 pages maximum   | Applicants are required to describe succinctly the qualifications, experience, and capabilities of the proposed program team, including: <ul style="list-style-type: none"> <li>• Whether the applicant has prior experience running incubator or accelerator programs and/or providing incubation, acceleration, and commercialization support to entrepreneurs and small businesses, which demonstrates an ability to perform tasks of similar risk and complexity.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|--|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <ul style="list-style-type: none"> <li>Whether the applicant has adequate access to the resources and expertise necessary to stand up and implement a <b>new or expanded</b> water power incubator or accelerator or explain how it intends to obtain access to the necessary resources and expertise.</li> <li>Applicants may provide graphs, charts, or other data to supplement the information included in the Program Description and Team.</li> </ul> |
|--|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

## D. Content and Form of the Full Application

Applicants must complete the following application forms found at [EERE Funding Application and Management Forms](#) and on the EERE eXCHANGE website at <https://eere-eXCHANGE.energy.gov/>.

Applicants will have approximately 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.

### i. Full Application Content Requirements

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

| Component                                  | File Format | Page Limit   | File Name                                      |
|--------------------------------------------|-------------|--------------|------------------------------------------------|
| SF-424: Application for Federal Assistance | PDF         | n/a          | ControlNumber_LeadOrganization_App424          |
| Technical Volume                           | PDF         | 15           | ControlNumber_LeadOrganization_TechnicalVolume |
| Resumes                                    | PDF         | 3 pages each | ControlNumber_LeadOrganization_Resumes         |

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| Letters of Commitment                                           | PDF           | 1 page each | ControlNumber_LeadOrganization_LOCs                              |
| Statement of Project Objectives                                 | MS Word       | 10          | ControlNumber_LeadOrganization_SOPO                              |
| Diversity Equity, Inclusion, and Accessibility Plan             | PDF           | 3           | ControlNumber_LeadOrganization_DEIAP                             |
| Budget Justification Workbook                                   | MS Excel      | n/a         | ControlNumber_LeadOrganization_Budget_Justification              |
| Summary/Abstract for Public Release                             | PDF           | 1           | ControlNumber_LeadOrganization_Summary                           |
| Summary Slide                                                   | MS PowerPoint | 1           | ControlNumber_LeadOrganization_Slide                             |
| Subrecipient Budget Justification                               | MS Excel      | n/a         | ControlNumber_LeadOrganization_Subrecipient_Budget_Justification |
| DOE Work Proposal for FFRDC, (see DOE O 412.1A, Attachment 2)   | PDF           | n/a         | ControlNumber_LeadOrganization_WP                                |
| Authorization from cognizant Contracting Officer for FFRDC      | PDF           | n/a         | ControlNumber_LeadOrganization_FFRDCAuth                         |
| SF-LLL Disclosure of Lobbying Activities                        | PDF           | n/a         | ControlNumber_LeadOrganization_SF-LLL                            |
| Foreign Entity Waiver Requests and Foreign Work Waiver Requests | PDF           | n/a         | ControlNumber_LeadOrganization_Waiver                            |
| Location(s) of Work                                             | Excel         | n/a         | ControlNumber_LeadOrganization_LOW                               |
| Transparency of Foreign Connections                             | PDF           | n/a         | ControlNumber_LeadOrganization_TFC                               |
| Potentially Duplicative Funding Notice                          | PDF           | n/a         | ControlNumber_LeadOrganization_PDFN                              |

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

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

**ii. SF-424: Application for Federal Assistance (Required)**

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

Effective January 1, 2020, the System for Award Management (SAM) is the central repository for common government-wide certifications and representations required of Federal grants recipients. As registration in SAM is

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required for eligibility for a federal award and registration must be updated annually, Federal agencies use SAM information to comply with award requirements and avoid increased burden and costs of separate requests for such information, unless the recipient fails to meet a federal award requirement, or there is a need to make updates to their SAM registration for other purposes.

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

Save the SF-424 in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_424”.

**iii. Technical Volume (Required)**

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

Save the Technical Volume in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_TechnicalVolume”.

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

The Technical Volume to the Full Application may not be more than 15 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all information in the table below. The applicant should consider the weighting of each of the technical review criteria (see Section V.A. of the FOA) when preparing the Technical Volume.

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

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| Technical Volume Content Requirements                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| SECTION/PAGE LIMIT                                                                                | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Cover Page</b>                                                                                 | The cover page should include the program title, both the technical and business points of contact, primary points of contact including project managers, names of all team member organizations, Senior/Key Personnel and their organizations, the program location(s), and any statements regarding confidentiality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Program Description and Impact</b><br>(Approximately 20% of the Technical Volume)              | <p>The Program Description should contain the following information:</p> <ul style="list-style-type: none"><li>• Program Description: The applicant should provide a preliminary program description for a new water power incubator or accelerator program, or if it is an existing incubator or accelerator program, how the program will be expanded upon in water power. Describe how it would meet the goals of this FOA. Include any preliminary ideas on program design, structure, and services.</li><li>• Commitment: A description of why the proposed team is interested in standing up and implementing a new or expanded incubator or accelerator program focused on water power.</li><li>• DOE Impact: A description of the impact that DOE funding would have on the proposed program. 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 program objectives.</li></ul>                                                                                                                                                                                                                                                                                                  |
| <b>Background and Commercialization Experience</b><br>(Approximately 30% of the Technical Volume) | <p>The Applicant's Background should contain the following information:</p> <ul style="list-style-type: none"><li>• Background: The applicant should discuss the background of its organization, including the history, any experience with running incubator or accelerator programs, providing incubation, acceleration, and commercialization support to entrepreneurs and small businesses and/or expertise in water power or an adjacent relevant industry that would be transferable to water power.</li><li>• Lessons Learned: The applicant should discuss any lessons learned from previous experiences standing up and running incubator or accelerator programs and how those will be incorporated into the proposed program.</li><li>• Team Qualifications and Expertise: The applicant should discuss the qualifications, skill, and expertise of the program team, including those of key subrecipients, to successfully create, implement, and financially sustain an incubator or accelerator program.</li><li>• Program Resources and Expertise: The applicant should describe existing resources and expertise that are necessary for successfully creating, implementing, and financially sustaining the proposed program; if applicable, include an explanation of how the team will</li></ul> |

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|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                | obtain access to any new resources and expertise as part of the program plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Workplan</b><br>(Approximately 50% of the Technical Volume) | <p>The Workplan should include a detailed summary of the Objectives, Scope, Work Breakdown Structure (WBS), Milestones, and Project Schedule for Budget Period 1, and a preliminary high-level overview of the WBS, Milestones, and Project Schedule for Budget Period 2. It is anticipated that additional detail will be added or updated to the Budget Period 2 WBS, Milestones, and Project Schedule over the course of Budget Period 1. See Section I.C for more information about Budget Period 1 deliverables and what to expect in Budget Period 2. A detailed SOPO is separately requested. The Workplan should contain the following information:</p> <ul style="list-style-type: none"><li>• Goals, Objectives, and Outcomes: The applicant should explicitly identify the targeted goals of the proposed project and the objectives that will be pursued during each budget period to meet the goals. Additionally, the applicant should clearly specify the anticipated outcomes or end results for each budget period.</li><li>• WBS and Task Description Summary: The applicant should summarize how a detailed Workplan for Budget Period 1 will be accomplished, including how the applicant will achieve the milestones, accomplish the final project goal(s), and produce all deliverables. The Workplan is to be structured with a hierarchy of Budget Periods, tasks 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 Budget Period 1 and a preliminary high-level summary of activities to be conducted over Budget Period 2. The description shall be a full explanation and disclosure of the program 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 stand up and implement the proposed project and the plan for addressing the goals of this FOA. The summary provided should be consistent with the SOPO. The SOPO will contain a more detailed description of the WBS and tasks.</li><li>• End of Project Goal: The applicant should describe at least one end of project Specific, Measurable, Attainable, Realistic, and Timely (SMART) goal for each budget period, consistent with the SOPO.</li><li>• Milestone Summary: The applicant should provide a summary of appropriate milestones throughout each budget period to demonstrate progress towards the end of project goal. 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 an achievement rather than simply completing a task. The minimum requirement for this FOA is that each project must have at least one SMART milestone per Budget Period (depending</li></ul> |

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|  | <p>on the project, more milestones may be necessary to comprehensively demonstrate progress). The applicant should also explain how the milestone will be verified. The summary provided should be consistent with the Milestone Summary Table in the SOPO. For Budget Period 2 milestones, it is sufficient to list approximate, reasonable estimates of what the milestones will be. It is understood that Budget Period 2 activities will be progressively developed over the course of Budget Period 1 and as such precise information on Budget Period 2 activities may not be available during the application process. Project applications will not be penalized for having a lower level of detail of Budget Period 2 activities and milestones during the application process. Rather, Budget Period 2 milestones will be comprehensively evaluated during the down-select process at the end of Budget Period 1.</p> <ul style="list-style-type: none"><li>• Project Schedule (Gantt Chart or similar): The applicant should provide a detailed schedule for Budget Period 1, including task and subtask durations, and milestones, and a preliminary high-level/approximate schedule for Budget Period 2. It is understood that the schedule for Budget Period 2 will be progressively developed over the course of Budget Period 1. Project applications will not be penalized for having a lower level of schedule detail during the application process. Rather, the Budget Period 2 schedule will be comprehensively evaluated during the down-select process at the end of Budget Period 1.</li><li>• Risks and Mitigation: The applicant should discuss any foreseeable risks and challenges associated with the proposed plan and mitigation strategies to overcome those risks and challenges.</li><li>• Management Plan: The applicant should discuss the team's approach to project management, including the following:<ul style="list-style-type: none"><li>○ The overall approach to and organization for managing the proposed work.</li><li>○ The roles of each Senior/Key Personnel at the prime and sub levels and any business agreements between the applicant and sub.</li><li>○ Any critical handoffs/interdependencies.</li><li>○ The time commitment of Senior/Key Personnel to support the program development and implementation.</li><li>○ Any systems and practices, such as financial and project management practices.</li><li>○ How communications will be maintained among team members.</li><li>○ If applicable, a description of the technical services to be provided by DOE/NNSA FFRDCs.</li></ul></li><li>• Stakeholder Engagement Plan: The applicant should discuss the team's approach to stakeholder engagement during Budget Period 1 in order to:<ul style="list-style-type: none"><li>○ Identify commercialization gaps of water power entrepreneurs and small businesses.</li></ul></li></ul> |
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|  | <ul style="list-style-type: none"><li>○ Gain interest, buy-in, and/or feedback on the proposed program.</li><li>○ Grow a network of support personnel to support program implementation and the <b>incubation, acceleration, and</b> commercialization of water power technologies.</li><li>○ Ensure the team is gaining diverse perspectives from diverse stakeholders.</li></ul> |
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#### iv. **Resumes (Required)**

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

1. Contact information.
2. Education: All academic institutions attended, major/area, degree.
3. Training: (e.g.,) certification or credential from a Registered Apprenticeship or Labor Management Partnership.
4. Professional experience: Beginning with the current position, list professional/academic positions in chronological order with a brief description.
5. List all current academic, professional, or institutional appointments, foreign or domestic, at the applicant institution or elsewhere, whether remuneration is received, and, whether full-time, part-time, or voluntary.
6. There should be no lapses in time over the past 10 years or since age 18, whichever period is shorter.

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

Save the resumes in a single PDF file using the following convention for the title "ControlNumber\_LeadOrganization\_Resumes".

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**v. Letters of Commitment (Optional)**

Submit letters of commitment from all subrecipient and third-party cost share providers. The letter must include the name of the organization and must state what the third party is committed to providing. Each letter must not exceed one page.

Save the letters of commitment in a single PDF file using the following convention for the title "ControlNumber\_LeadOrganization\_LOCs".

Letters of support or endorsement for the project from entities that do not have a substantive role in the project will not be accepted.

**vi. Statement of Project Objectives (SOPO) (Required)**

Applicants must complete a SOPO. A SOPO template is available on [EERE Funding Application and Management Forms and](https://eere-exCHANGE.energy.gov/) 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. Diversity, Equity, Inclusion, and Accessibility Plan (Required)**

As part of the application, applicants are required to describe how diversity, equity, inclusion, and accessibility objectives will be incorporated in the program. Specifically, applicants are required to submit a Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan that describes the actions the applicant will take to foster a welcoming and inclusive environment, support people from groups underrepresented in STEM, advance equity, and encourage the inclusion of individuals from these groups in the program, along with the extent the program activities will be located in or benefit underserved communities (also see Section I.E.). The DEIA Plan should contain the following information:

- **Equity Impacts:** The impacts of the proposed program on underserved communities and/or small and disadvantaged businesses, including social and environmental impacts. Include how the team will specifically engage with underserved communities and/or small and disadvantaged businesses as a part of the project.
- **Benefits:** If applicable, the overall benefits of the proposed program, if funded, to underserved communities and/or small and disadvantaged businesses.

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- Diverse Perspectives: How the team will conduct outreach to and engage with new and diverse stakeholders to gain diverse perspectives and ideas.
- Objectives: How DEIA objectives will be incorporated in the project.
- Milestones and Metrics: At least one relevant SMART milestone per Budget Period supported by metrics to measure the success of the proposed actions and will be incorporated into the award if selected.

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

- a. Include persons from groups underrepresented in STEM as senior personnel.
- b. Include persons from groups underrepresented in STEM as student interns.
- c. Include staff or students from minority-serving institutions as senior personnel, and/or student interns, as applicable.
- d. Include staff or students from diverse non-profit science and engineering societies, as applicable.
- e. Enhance or collaborate with existing diversity programs at your home organization and/or nearby organizations.
- f. Collaborate with students, researchers, and staff in minority-serving institutions.
- g. Disseminate results of research and development in minority-serving institutions or other appropriate institutions serving underserved communities.
- h. Implement evidence-based, diversity-focused education programs (such as implicit bias training for staff) in your organization.
- i. Identify small and disadvantaged businesses, such as minority business enterprises, minority-owned businesses, woman-owned businesses and veteran-owned businesses, to solicit as vendors and sub-contractors for bids on supplies, services and equipment.

The DEIA Plan must not exceed 3 pages. Save the DEIA Plan in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_DEIAP”.

#### **viii. Budget Justification Workbook (Required)**

Applicants must complete the Budget Justification Workbook, which is available on [EERE Funding Application and Management Forms and](https://eere-eXCHANGE.energy.gov/) on EERE eXCHANGE at <https://eere-eXCHANGE.energy.gov/>. Applicants must complete each tab of the Budget Justification Workbook for the project, including all work to be

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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.

The Budget Justification Workbook should include a detailed budget for Budget Period 1. For Budget Period 2, applicants should enter a budget for up to \$1,000,000. A breakout by cost category is not required for Budget Period 2 during the application process. It is expected that a detailed budget breakdown for Budget Period 2 will be developed over the course of Budget Period 1 and provided during the down-select process at the end of Budget Period 1.

Save the Budget Justification Workbook in a single Microsoft Excel file using the following convention for the title “ControlNumber\_LeadOrganization\_Budget\_Justification”.

**ix. Summary for Public Release (Required)**

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

Save the Summary for Public Release in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_Summary”.

**x. Summary Slide (Required)**

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

- A program description
- A description of the program’s anticipated impact

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- Proposed program goals
- Any key graphics (illustrations, charts and/or tables)
- The program's key idea/takeaway
- Program title, prime recipient, and Senior/Key Personnel information.

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% 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 is to perform a portion of the work, the applicant must provide a DOE work proposal (WP) in accordance with the requirements in DOE Order 412.1A, Work Authorization System, Attachment 2, available at:  
<https://www.directives.doe.gov/directives-documents/400-series/0412.1-BOrder-a-chg1-AdmChg>.

Save the WP in a single PDF file using the following convention for the title  
"ControlNumber\_LeadOrganization\_WP".

**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".

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

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
- 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 (if applicable)****Foreign Entity Participation**

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

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

As set forth in Section IV.I.iii., all work for projects selected under this FOA must be performed in the United States. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. Appendix A lists the information that must be included in a foreign work waiver request.

Save the Waivers in a single PDF file using the following convention for the title "ControlNumber\_LeadOrganization\_Waiver".

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**xvi. Locations of Work (Required)**

The applicant must provide a list of locations where project work will be performed by the prime recipient or subrecipient(s) including the following information for each location:

- Location type
- Location type category
- Is this a principal place of performance?
- Prime or subrecipient location?
- If subrecipient, subrecipient/community name
- Facility name (if applicable)
- Is location in a foreign country?
- Street address, city, state, 5-digit zip code - +4
- Briefly describe the primary activity at this location or with this population. For example, management headquarters; construction, operations, production; raw materials extraction, etc.
- Latitude/longitude
- Does the location or community qualify as a disadvantaged community (DAC) according to the Climate and Economic Justice Screening Tool (CEJST)?
- If DAC, add the census tract number or describe the distributed disadvantaged community served (e.g., migrant workers)
- % of work performed at this location.

For your convenience, a Locations of Work template is available on EERE eXCHANGE at <https://eere-eXCHANGE.energy.gov/>. Applicants are strongly encouraged to use the template. If the template is not used, the submission must include all of the elements described above, and as outlined in the template.

Applicants must provide the Locations of Work Documentation as a Microsoft Excel file using the following convention for the title: "Control Number\_LeadOrganization\_LOW."

**xvii. Transparency of Foreign Connections (if applicable)**

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

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1. Entity name, website address, and physical address.
2. The identity of all owners, principal investigators, project managers, and Senior/Key Personnel who are a party to any *Foreign Government-Sponsored Talent Recruitment Program* of a foreign country of risk (i.e., China, Iran, North Korea, and Russia).
3. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk.
4. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity.
5. Percentage, if any, that the proposed recipient or subrecipient has foreign ownership or control.
6. Percentage, if any, that the proposed recipient or subrecipient is wholly or partially owned by an entity in a foreign country of risk.
7. Percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk.
8. Any technology licensing or intellectual property sales to a foreign country of risk, during the 5-year period preceding submission of the proposal.
9. Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient.
10. Complete list of all directors (and board observers), including their full name, citizenship and shareholder affiliation, date of appointment, duration of term, as well as a description of observer rights as applicable.
11. Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the recipient or subrecipient is a publicly traded company, provide the above information for shareholders with an interest greater than 5 percent.
12. A summary table identifying all rounds of financing, the purchase dates, the investors for each round, and all the associated governance and information rights obtained by investors during each round of financing.
13. An organization chart to illustrate the relationship between your entity and the immediate parent, ultimate parent, and any intermediate parent, as well as any subsidiary or affiliates. Identify where each entity is incorporated.

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

Save the Transparency of Foreign Connections information in a single PDF file using the following convention for the title  
“ControlNumber\_LeadOrganization\_TFC.”

**xviii. Potentially Duplicative Funding Notice (if applicable)**

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

Save the Potentially Duplicative Funding Notice in a single PDF file using the following convention for the title “ControlNumber\_LeadOrganization\_PDFN.”

**E. Post Selection Information Requests**

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

- Personnel proposed to work on the project and collaborating organizations (see Section VI.B.xvi. Participants and Collaborating Organizations)
- Current and Pending Support (see Sections IV.E.xvii. and VI.B.xxi. Current and Pending Support)
- Indirect cost information
- Other budget information

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

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

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

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

## **G. Submission Dates and Times**

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

## **H. Intergovernmental Review**

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

## **I. Funding Restrictions**

### **i. Allowable Costs**

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

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

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

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

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

#### **1. National Environmental Policy Act (NEPA) Requirements Related to Pre-Award Costs**

EERE's decision whether and how to distribute federal funds under this FOA is subject to NEPA. Applicants should carefully consider and should seek legal counsel or other expert advice before taking any action related to the proposed project that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to EERE completing the NEPA review process.

EERE does not guarantee or assume any obligation to reimburse pre-award costs incurred prior to receiving written authorization from the Contracting

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

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

#### **1. Requirement**

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

#### **2. Failure to Comply**

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

#### **3. Waiver**

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

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

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**v. Foreign Travel**

Foreign travel costs are not allowable under this FOA.

**vi. Equipment and Supplies**

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

**vii. 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
- An employee of a Member of Congress.

**viii. Risk Assessment**

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

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

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

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

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

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

#### **ix. 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
- Other items as required by DOE.



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

**a. Prohibition**

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

**b. Definitions**

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

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

**xi. Affirmative Action and Pay Transparency Requirements**

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

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

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

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

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

DOE's Office of Federal Contractor Compliance Programs (OFCCP) uses a neutral process to schedule compliance evaluations. Consult OFCCP's Technical Assistance Guide<sup>14</sup> to gain an understanding of the requirements and possible actions the recipients, subrecipients, contractors, and subcontractors must take. Additional guidance may also be found in the National Policy Assurances.

**xii. Foreign Collaboration Considerations**

- a. Consideration of new collaborations with foreign entities, organizations, and governments.** The recipient will be required to provide DOE with

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<sup>14</sup> See OFCCP's Technical Assistance Guide at:

<https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf?msclkid=9e397d68c4b111ec9d8e6fecb6c710ec> Also see the National Policy Assurances <http://www.nsf.gov/awards/managing/rtc.jsp>

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

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

## 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 Program (Weight: 100%)**

This criterion involves consideration of the following factors:

- The applicant clearly describes a preliminary program description that is in alignment with the goals of the FOA.

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- The applicant has identified risks and challenges with standing up and implementing the proposed program, including possible mitigation strategies to overcome those risks and challenges.
- The applicant has the qualifications, experience, capabilities, and other resources that demonstrates the ability to successfully stand up and implement an incubator or accelerator program.

## ii. **Full Applications**

Applications will be evaluated against the review criteria shown below. All sub-criteria are weighted according to the percentages included.

### **Criterion 1: Programmatic Merit (25%)**

This criterion involves consideration of the following factors:

- Degree to which the preliminary program description is clearly described and aligned with the goals of the FOA.
- Degree to which the applicant has specifically and convincingly demonstrated a commitment to supporting water power entrepreneurs and/or small businesses through incubation, acceleration, and commercialization support.
- Degree to which the proposed program would be impactful on the water power field.
- Specific evidence of prior relevant work, including relevant data and lessons learned, that demonstrates the feasibility of the program.

### **Criterion 2: Team and Experience (30%)**

This criterion involves consideration of the following factors:

- The background, qualifications, and relevant expertise of the individuals on the team demonstrate strong capability of the proposed team to address all aspects of the proposed work with a high probability of success.
- The background, qualifications, and relevant expertise of the individuals on the team demonstrate the ability of the proposed team to successfully run an incubator or accelerator program and provide incubation, acceleration, and commercialization support to entrepreneurs and small businesses and/or expertise in water power or an adjacent relevant industry that would be transferable to water power.
- Diversity of expertise and perspectives of the team and the inclusion of partners that will amplify impact.
- Sufficiency of evidence of the previous relevant work that demonstrates the ability to create, implement, and financially sustain an incubator or accelerator program.

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- Sufficiency of the resources and expertise to create, implement, and financially sustain an incubator or accelerator program focused on water power or sufficient strategies to obtain the resources and expertise necessary to do so.

**Criterion 3: Workplan (30%)**

This criterion involves consideration of the following factors:

Goals, Workplan, and SOPO

- Degree to which the **Budget Period 1** project goals, objectives, and outcomes are clear, detailed, timely, and reasonable, resulting in a high likelihood that the proposed Workplan and SOPO will succeed in meeting the FOA goals. **Project goals, objectives, and outcomes are described for Budget Period 2 and are consistent with the goals of the FOA.**
- Degree to which the **Budget Period 1** task descriptions are clear, detailed, timely, and reasonable, resulting in a high likelihood that the proposed Workplan and SOPO will succeed in meeting the FOA goals. **A high-level preliminary task overview is included for Budget Period 2 and is consistent with the goals of the FOA.**
- Level of clarity in the definition and timeline of the baseline, end of project goals, milestones, and metrics.
- Relative to a clearly defined project baseline, the strength of the milestones and metrics such that meaningful interim progress will be made.
- Discussion and demonstrated understanding of potential risks and challenges involved in the proposed work and the degree to which the mitigation strategies used to address them are timely, appropriate, and effective.
- Reasonableness of budget and spend plan as detailed in the budget justification workbook for proposed program and objectives.

Management Plan

- Degree to which the applicant and team is organized appropriately for the proposed work and communications necessary.
- Degree to which the Senior/Key Personnel at the prime and sub levels have clearly defined roles, business agreements (if applicable), and sufficient time commitments to ensure the successful completion of the project.
- Adequacy of proposed program management systems and practices, including the ability to track scope, cost, and schedule progress and changes.

Budget Period 1 Stakeholder Engagement Plan

- Extent to which the applicant's plan for stakeholder engagement in Budget Period 1 is feasible and would successfully lead to the identification of commercialization gaps for water power entrepreneurs and small businesses.

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- Extent to which the applicant’s plan for stakeholder engagement in Budget Period 1 would engage relevant and diverse stakeholders to gain interests, buy-in, and/or feedback on the proposed program.
- Extent to which the applicant’s plan for stakeholder engagement in Budget Period 1 would grow a network of commercialization support personnel to support program implementation and the commercialization of water power technologies.

**Criterion 4: Diversity, Equity, Inclusion, and Accessibility (15%)**

This criterion involves consideration of the following factors:

- Extent to which the proposed program would engage underserved communities and/or small and disadvantaged businesses as a part of the project and result in benefits to underserved communities and/or small and disadvantaged businesses.
- Extent to which the team would facilitate engagements and relationships with new and diverse stakeholders to gain diverse perspectives and ideas.
- The quality and manner in which the proposed project includes metrics to track progress for incorporating diversity, equity and inclusion milestones in the proposed program.

**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.

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- The degree to which the proposed project, including proposed cost share, optimizes the use of available EERE funding to achieve programmatic objectives.
- The level of industry involvement and demonstrated ability to accelerate commercialization and overcome key market barriers.
- The degree to which the proposed project will accelerate transformational technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty.
- The degree to which the proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications).
- The degree to which the proposed project incorporates applicant or team members from minority-serving institutions (e.g., historically Black colleges and universities (HBCUs)/other minority institutions (OMIs)); and partnerships with minority business enterprises, minority-owned businesses, woman-owned businesses, veteran-owned businesses, or Indian Tribes.
- The degree to which the proposed project will employ procurement of U.S. iron, steel, manufactured products, and construction materials. The degree to which the proposed project contributes to the diversity of organizations and organization types and sizes selected from the subject FOA when compared to the existing DOE project portfolio.
- The degree to which the project promotes increased coordination with nongovernmental entities for demonstration of technologies and research applications to facilitate technology transfer.

## **D. Evaluation and Selection Process**

### **i. Overview**

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

### **ii. Pre-Selection 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.ii. and Section V.D.iii. of the FOA). The invited applicant(s) will meet with

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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. 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.

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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 Responsibility and Qualifications**

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

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

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

**v. Selection**

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

**E. Anticipated Notice of Selection and Award Negotiation Dates**

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

## **VI. Award Administration Information**

### **A. Award Notices**

**i. Ineligible Submissions**

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

which the Concept Paper or the Full Application is ineligible and not considered for further review.

**ii. Concept Paper Notifications**

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

Applicants may submit a Full Application even if they receive a notification discouraging them from doing so. By discouraging the submission of a Full Application, EERE intends to convey its lack of programmatic interest in the proposed project. Such assessments do not necessarily reflect judgments on the merits of the proposed project. The purpose of the Concept Paper phase is to save applicants the considerable time and expense of preparing a Full Application that is unlikely to be selected for award negotiations.

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

**iii. Full Application Notifications**

EERE will notify applicants of its determination via a notification letter by email to the technical and administrative points of contact designated by the applicant in EERE eXCHANGE. The notification letter will inform the applicant whether its Full Application was selected for award negotiations. Alternatively, EERE may notify one or more applicants that a final selection determination on particular Full Applications will be made at a later date, subject to the availability of funds or other factors.

**iv. Applicants Selected for Award Negotiations**

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

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

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

**v. Alternate Selection Determinations**

In some instances, an applicant may receive a notification that its application was not selected for award and EERE designated the application to be an alternate. As an alternate, EERE may consider the Full Application for federal funding in the future. A notification letter stating the Full Application is designated as an alternate does not authorize the applicant to commence performance of the project. EERE may ultimately determine to select or not select the Full Application for award negotiations.

**vi. Unsuccessful Applicants**

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

**B. Administrative and National Policy Requirements**

**i. Registration Requirements**

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

**1. EERE Funding Opportunity Exchange (eXCHANGE)**

Register and create an account on EERE eXCHANGE at <https://eere-eXCHANGE.energy.gov>. This account will allow the user to apply to any open EERE FOAs that are currently in EERE eXCHANGE.

To access [EERE eXCHANGE](#), potential applicants must have a [Login.gov](#) account. As part of the eXCHANGE registration process, new users will be

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directed to create an account in Login.gov. Please note that the email address associated with Login.gov must match the email address associated with the eXCHANGE account. For more information, refer to the eXCHANGE Multi-Factor Authentication (MFA) Quick Guide in the [Manuals section](#) of eXCHANGE.

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

## **2. System for Award Management**

Register with the SAM at <https://www.sam.gov>. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called a Marketing Partner ID Number (MPIN) are important steps in SAM registration. Please update your SAM registration annually.

## **3. FedConnect**

Register in FedConnect at <https://www.fedconnect.net>. To create an organization account, your organization's SAM MPIN is required. For more information about the SAM MPIN or other registration requirements, review the FedConnect Ready, Set, Go! Guide at [https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf).

## **4. Grants.gov**

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

## **Electronic Authorization of Applications and Award Documents**

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

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**ii. Award Administrative Requirements**

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

**iii. Foreign National Participation**

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

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

**iv. Subaward and Executive Reporting**

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

**v. National Policy Requirements**

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

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

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

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

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

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

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

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

- a. It **does not and will not** require its employees or contractors to sign internal nondisclosure or confidentiality agreements or statements prohibiting or otherwise restricting its employees or contractors from

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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.

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**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. 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. 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>.

**xi. Reporting**

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

**xii. 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

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government of a conference held by any Executive branch department, agency, board, commission, or office for which the cost to the U.S. government would otherwise exceed \$20,000, thereby circumventing the required notification by the head of any such Executive Branch department, agency, board, commission, or office to the Inspector General (or senior ethics official for any entity without an Inspector General), of the date, location, and number of employees attending such conference.

**xiii. Uniform Commercial Code (UCC) Financing Statements**

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

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

**xiv. Real Property and Equipment**

Real property and equipment purchased with project funds (federal share and recipient cost share) are subject to the requirements at 2 CFR 200.310, 200.311, 200.313, and 200.316 (non-federal entities, except for-profit entities) and 2 CFR 910.360 (for-profit entities).

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

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

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

**xvi. Participants and Collaborating Organizations**

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

**xvii. 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.xiv.

**xviii. Interim Conflict of Interest Policy for Financial Assistance**

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy)<sup>15</sup> is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The term “Investigator” means the PI and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. Recipients must flow down the requirements of the interim COI Policy to any subrecipient non-federal entities. Further, for DOE funded projects, the

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<sup>15</sup> DOE’s interim COI Policy can be found at [PF 2022-17 FAL 2022-02 Department of Energy Interim Conflict of Interest Policy Requirements for Financial Assistance](#).

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recipient must include all financial conflicts of interest (FCOI) (i.e., managed and unmanaged/ unmanageable) in its initial and ongoing FCOI reports.

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

**xix. Fraud, Waste, and Abuse**

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

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

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

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

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

**xx. Human Subjects Research**

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

**c. Project Down-Select**

EERE intends to conduct a competitive project review (down-select) upon the completion of Budget Period 1. Recipients will submit Budget Period 1 deliverables and present their projects to EERE individually (not to other recipients). Subject matter experts from academia, national laboratories, and industry may be used as reviewers, subject to conflict of interest and non-disclosure considerations. Projects will be evaluated based on the down-select criteria detailed in Section I.C.

Upon completion of the competitive project review (down-select process), EERE will select which projects will receive federal funding for Budget Period 2. Due to the availability of funding and program considerations, only a portion of the recipients will be selected to receive funding for project continuation. As a result of this down-select process, certain projects will not receive federal funding beyond Budget Period 1 even if the project is meeting the predefined metrics.

## **VII. Questions/Agency Contacts**

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

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

Questions related to the registration process and use of the EERE eXCHANGE website should be submitted to: [EERE-eXCHANGEsupport@hq.doe.gov](mailto:EERE-eXCHANGEsupport@hq.doe.gov).

## **VIII. Other Information**

### **A. FOA Modifications**

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

### **B. Government Right to Reject or Negotiate**

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

### **C. Commitment of Public Funds**

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

### **D. Treatment of Application Information**

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

If an application includes trade secrets or business-sensitive, proprietary, or otherwise confidential information, it is furnished to the federal government in confidence with the understanding that the information shall be used or disclosed only for evaluation of the application. Such information will be withheld from public disclosure to the extent permitted by law, including the Freedom of Information Act.

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Without assuming any liability for inadvertent disclosure, EERE will seek to limit disclosure of such information to its employees and to outside reviewers when necessary for merit review of the application or as otherwise authorized by law. This restriction does not limit the federal government's right to use the information if it is obtained from another source.

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

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

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

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

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

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

In conducting the merit review evaluation, the Go/No-Go Reviews, and Peer Reviews, the government may seek the advice of qualified non-federal personnel as

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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
- 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. 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 retains unlimited rights in technical data produced under government financial assistance awards, including the right to distribute to the public. One exception to the foregoing is that invention disclosures may be protected from public disclosure for a reasonable time in order to allow for filing a patent application.

## **K. 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.

## **L. Export Control**

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

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

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

As set forth in 2 CFR 200.216, recipients and subrecipients are prohibited from obligating or expending project funds (federal funds and recipient cost share) to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use *covered telecommunications equipment or services* as a

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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.

## **N. 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).

## **O. Annual Independent Audits**

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

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

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

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## **P. Informational Webinar (Optional)**

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

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

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## **APPENDIX A – WAIVER REQUESTS FOR: 1. FOREIGN ENTITY PARTICIPATION; AND 2. FOREIGN WORK**

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

Many of the technology areas DOE funds fall in the category of critical and emerging technologies (CETs). CETs are a subset of advanced technologies that are potentially significant to United States national and economic security.<sup>16</sup> For projects selected under this FOA, all recipients and subrecipients must be organized, chartered, or incorporated (or otherwise formed) under the laws of a state or territory of the United States; have majority domestic ownership and control; and have a physical location for business operations in the United States. To request a waiver of this requirement for a subrecipient, an applicant must submit an explicit waiver request in the Full Application.

#### **Waiver Criteria**

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

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

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

A Foreign Entity waiver request must include the following:

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

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<sup>16</sup> See [Critical and Emerging Technologies List Update \(whitehouse.gov\)](https://www.whitehouse.gov/critical-emerging-technologies/).

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

DOE may also require:

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

DOE may require additional information before considering the waiver request.

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

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

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

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

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

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

DOE may require additional information before considering the waiver request.

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

## APPENDIX B – LIST OF ACRONYMS

|           |                                                                       |
|-----------|-----------------------------------------------------------------------|
| COI       | Conflict of Interest                                                  |
| 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                                        |
| FCOI      | Financial Conflicts of Interest                                       |
| FFATA     | Federal Funding and Transparency Act of 2006                          |
| FOA       | Funding Opportunity Announcement                                      |
| FOIA      | Freedom of Information Act                                            |
| FFRDC     | Federally Funded Research and Development Center                      |
| GAAP      | Generally Accepted Accounting Principles                              |
| IPMP      | Intellectual Property Management Plan                                 |
| IRB       | Institutional Review Board                                            |
| M&O       | Management and Operating                                              |
| MFA       | Multi-Factor Authentication                                           |
| MPIN      | Marketing Partner ID Number                                           |
| MSI       | Minority-Serving institution                                          |
| MYPP      | Multi-Year Program Plan                                               |
| NDA       | Non-Disclosure Acknowledgement                                        |
| NEPA      | National Environmental Policy Act                                     |
| NNSA      | National Nuclear Security Agency                                      |
| NSF       | National Science Foundation                                           |
| OIG       | Office of Inspector General                                           |
| OMB       | Office of Management and Budget                                       |
| OSTI      | Office of Scientific and Technical Information                        |
| OTA       | Other Transactions Authority                                          |
| PII       | Personal Identifiable Information                                     |
| R&D       | Research and Development                                              |
| RFI       | Request for Information                                               |
| RFP       | Request for Proposal                                                  |
| SAM       | System for Award Management                                           |
| SBIR/STTR | Small Business Innovation Research/Small Business Technology Transfer |
| SciENCv   | Science Experts Network Curriculum Vita                               |
| SMART     | Specific, Measurable, Attainable, Realistic, and Timely               |
| SOPO      | Statement of Project Objectives                                       |
| SPOC      | Single Point of Contact                                               |
| STEM      | Science, Technology, Engineering, and Mathematics                     |

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|------|---------------------------------|
| 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                   |
| WPTO | Water Power Technologies Office |