Department of Energy (DOE)
Office of Manufacturing and Energy Supply Chains (MESC) and Office of Energy Efficiency and Renewable Energy (EERE)

Bipartisan Infrastructure Law (BIL) Battery Materials Processing and Battery Manufacturing

Funding Opportunity Announcement (FOA) Number: DE-FOA-0002678
FOA Type: Amendment 000003
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FOA Issue Date:	5/2/2022
Submission Deadline for Letter of Intent:	5/27/2022 5:00pm ET
Submission Deadline for Full Applications:	7/1/2022 5:00pm ET
Expected Submission Deadline for Replies to Reviewer Comments:	~~8/25/2022 5:00pm ET~~ 9/1/2022 5:00pm ET
Expected Date for EERE Selection Notifications:	October 2022
Expected Timeframe for Award Negotiations:	October 2022 – April 2023

- **It is strongly encouraged that applicants ~~must~~ submit a Letter of Intent by 5:00pm ET on the due date listed above ~~to be eligible to submit a Full Application~~.**

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

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

AMENDMENTS

All changes to the Funding Opportunity Announcement are highlighted as follows:

Amendment No.	Date	Description of Amendment
000001	05/09/2022	The purpose of this amendment is to change the Letter of Intent from required to strongly encouraged; to clarify the content and process for a Letter of Intent; to clarify the requirements for AOIs 3,4, 5, and 10; and to correct language in Criterion 2a. Section V.A.
000002	05/24/2022	The purpose of this amendment is to correct the date for Replies to Reviewer Comments; to address the UEI with respect to Exchange; to clarify requirements related to AOIs 1-3 (40207 (b)(3)(A)(iii) & (B)(iii)); to clarify AOI 3; to clarify Applications Specifically Not of Interest Section; to clarify that each application is restricted to a single AOI; and to incorporate BIL priorities in section V.E.i.
000003	06/14/2022	The purpose of this amendment is to make clarifying edits to the requirements of the Justice40 Initiative Plan, and make edits/updates to Appendix C.

NOTE: REGISTRATION/SUBMISSION REQUIREMENTS

Registration Requirements

There are several one-time actions you must complete in order to submit an application in response to this Announcement (e.g., obtain a Universal Entity Identifier (UEI) number, register with EERE eXCHANGE.gov, register with the System for Award Management (SAM), register with Grants.gov, and, if selected for award, be registered in FedConnect). Applicants who are not registered with SAM and Grants.gov, should allow at least 44 days to complete these requirements. It is suggested that the process be started as soon as possible.

Applicants must obtain an UEI from the SAM to uniquely identify the entity. The UEI is available in the SAM entity registration record. NOTE: Subawardees/subrecipients at all tiers must also obtain an UEI from the SAM and provide the UEI to the Prime Recipient before the subaward can be issued.

Applicants must register through the EERE eXCHANGE.
EERE eXCHANGE website: https://eere-exchange.energy.gov/

Applicants must register with the SAM.
SAM website: http://www.sam.gov/ NOTE: Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in SAM registration. The applicant must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration. More information about SAM registration for applicants is found at: https://www.fsd.gov/gsafsd_sp?id=gsafsd_kb_articles&sys_id=650d493e1bab7c105465eaccac4bcbcb.

Applicants must register with Grants.gov.
Grants.gov website: http://grants.gov/
Applicants must register with Grants.gov in order to receive automatic updates, in the event that Amendments to this FOA are posted. However, please note that applications will not be accepted through Grants.gov. More information about the registration steps for Grants.gov is provided at**: https://www.grants.gov/web/grants/applicants/registration.html**

Applicants must register with FedConnect.
FedConnect website: www.fedconnect.net.
In the event that an application is selected for negotiation of award, Applicants must be registered with FedConnect to receive the award. For more information regarding registration with FedConnect review the FedConnect Ready, Set, Go! Guide at **https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf.**

Submission Requirements

All application submissions are to be made via the EERE eXCHANGE at **https://eere-exchange.energy.gov/**. To gain access to the EERE eXCHANGE system, the applicant must first register and create an account on the main EERE eXCHANGE site. This account will then allow the user to submit an application for open EERE Funding Opportunity Announcements (FOAs) that are currently in EERE Exchange. It is recommended that each organization or business unit, whether acting as a team or a single entity, utilize one account as the appropriate contact information for each submission.

Applicants will receive an automated response when the Application is received; this will serve as a confirmation of EERE receipt. Please do not reply to the automated response. A "User Guide" for the EERE eXCHANGE can be found on the EERE website at https://eere-exchange.energy.gov/Manuals.aspx after logging in to the system.

To receive notices via email regarding an FOA in EERE Exchange, such as amendments to the announcement or the posting of new questions and answers from eXCHANGE you must initiate an application submission to the FOA of interest. Please note that you must finalize and submit your application before the specified due date and time to be considered for award.

Questions

Questions related to the use of the EERE eXCHANGE website or technical issues concerning the application submittal should be submitted to: EERE-ExchangeSupport@hq.doe.gov.

Questions related to the content of the Funding Opportunity Announcement must be submitted to: DE-FOA-0002678@netl.doe.gov and shall be submitted not later than five (5) business days prior to the application due date and time. Questions submitted after that date may not allow the Government sufficient time to respond.

All questions and answers related to the content of this FOA will be posted at https://eere-exchange.energy.gov/FAQ.aspx. Applicants are encouraged to check the FAQ prior to submitting a question. DOE will try to respond to questions within 5 business days. Applicants are encouraged to review the posted questions and answers daily. **Please note that you must first select this FOA Number in order to view the questions and answers specific to this FOA**.

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I. Funding Opportunity Description

A. Background and Context

The Office of Manufacturing and Energy Supply Chains in collaboration with the Office of Energy Efficiency and Renewable Energy is issuing this Funding Opportunity Announcement (FOA). Projects awarded under this FOA will be funded, in whole or in part, with funds appropriated by the Infrastructure Investment and Jobs Act[1], also more commonly known as the Bipartisan Infrastructure Law (BIL).

The BIL is a once-in-a-generation investment in infrastructure, which will grow a more sustainable, resilient, and equitable economy through enhancing U.S. competitiveness in the world, creating good jobs, and ensuring stronger access to these economic benefits for disadvantaged communities (DACs). The BIL appropriates more than $62 billion to the Department of Energy (DOE)[2] to deliver a more equitable clean energy future for the American people by investing in American manufacturing and workers; expanding access to energy efficiency and clean energy for families, communities and businesses; delivering reliable, clean and affordable power to more Americans; and building the technologies of tomorrow through clean energy demonstrations.

The BIL will invest more than $7 billion in the batteries supply chain over the five year period encompassing fiscal years (FYs) 2022 through 2026. This includes sustainable sourcing of critical minerals from secondary and unconventional sources, reducing the need for new extraction and mining; sustainable processing of critical minerals; and the end-of-life battery collection and recycling.

The activities to be funded under this FOA support BIL Sections 40207 (b) & (c) and the broader government-wide approach to upgrading and modernizing infrastructure, including by strengthening critical domestic manufacturing and supply chains to maximize the benefits of the clean energy transition as the nation works to curb the climate crisis and advance environmental justice. These BIL Sections are focused on:

- Creating and retaining good-paying jobs, where workers are properly classified as employees, free from discrimination and harassment, with a free and fair choice to join, form, or assist a union;

[1] Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021).
[2] U.S. Department of Energy. November 2021. "DOE Fact Sheet: The Bipartisan Infrastructure Deal Will Deliver For American Workers, Families and Usher in the Clean Energy Future." https://www.energy.gov/articles/doe-fact-sheet-bipartisan-infrastructure-deal-will-deliver-american-workers-families-and-0

- Supporting inclusive and supportive workforce development efforts to strengthen America's competitive advantage based on innovation, efficiency, and a skilled and diverse workforce up and down the supply chain;
- ensuring that the United States has a viable battery materials processing industry to supply the North American battery supply chain;
- expanding the capabilities of the United States in advanced battery manufacturing;
- enhancing national security by reducing the reliance of the United States on foreign competitors for critical materials and technologies;
- enhancing the domestic processing capacity of minerals necessary for battery materials and advanced batteries; and
- ensuring that the United States has a viable domestic manufacturing and recycling capability to support and sustain a North American battery supply chain.

i. Background and Purpose

The Biden Administration has laid out a bold agenda to upgrade and modernize infrastructure, address the climate crisis and build a clean and equitable energy economy that achieves carbon pollution free electricity by 2035, and puts the United States on a path to achieve net-zero emissions economy-wide by no later than 2050[3] to the benefit of all Americans. The DOE is committed to pushing the frontiers of science and engineering, catalyzing clean energy jobs through research, development, demonstration, and deployment (RDD&D), and advancing environmental justice and inclusion of underserved communities and DACs.

Batteries are a critical element of the ongoing transition to an energy economy that is decarbonizing and lowering energy costs to American families and businesses, and also critical to national competitiveness–for grid storage, for the resilience of homes and businesses, and for electrification of the transportation sector. President Biden's Executive Order on America's Supply Chains directed the Department of Energy (DOE) to produce a report identifying the risks in the current and forecasted battery supply chain landscape, and providing policy recommendations to address them. The Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth 100-Day Reviews under Executive Order 14017 report assesses vulnerabilities and opportunities across four key products including high-capacity batteries. Subsequently, DOE published America's Strategy to Secure the Supply Chain for a

[3] Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021.

Robust Clean Energy Transition, including a Supply Chain Deep Dive Assessment of Grid Energy Storage that described actions to address vulnerabilities in the battery storage supply chain. The National Blueprint for Lithium Batteries, a report developed by the Federal Consortium for Advanced Batteries[4], lays out five critical goals and key actions to guide federal agency collaboration to secure the nation's long-term economic competitiveness and create good-paying jobs for American workers, while supporting the Biden Administration's decarbonization goals.

With the demand for electric vehicles (EVs) and stationary storage alone projected to increase the size of the lithium battery market five- to ten-fold by the end of the decade, it is essential that the United States invests in the capacity to accelerate the development of a resilient supply chain for high-capacity batteries.

As part of the whole-of-government approach to advance equity across the Federal Government[5], and in alignment with BIL Sections 40207 (b) & (c), this FOA and any related activities will seek to encourage meaningful engagement and participation of underserved communities and underrepresented groups including consultation with Tribal Nations. Consistent with Executive Order 14008, this FOA is designed to ensure that 40% of the benefits of the overall investments provided through the FOA will be delivered to DACs in accordance with the Justice40 Initiative.

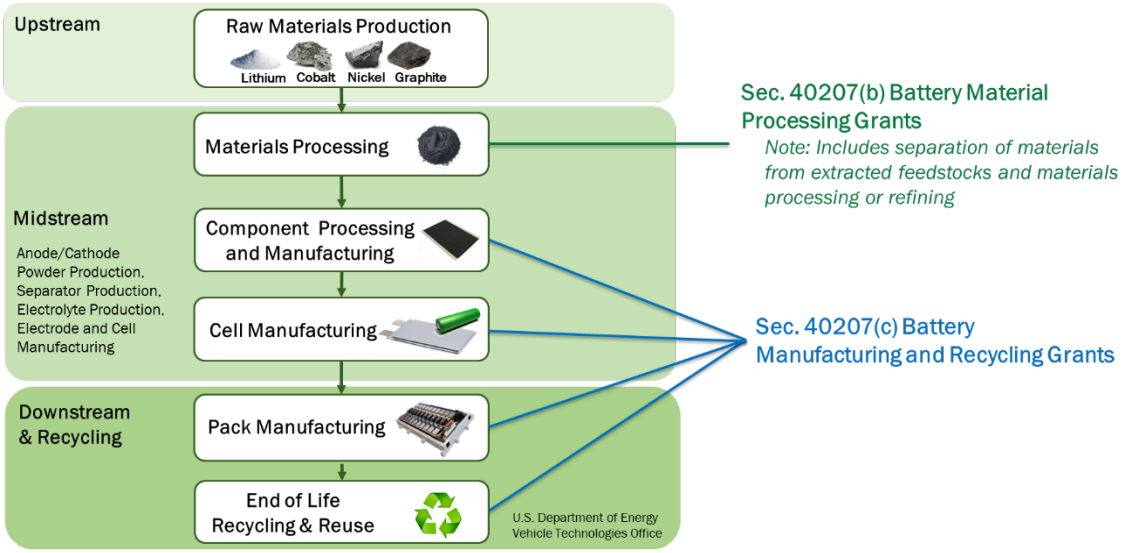
Pursuant to BIL Section 40207(b), the Department shall take into consideration whether projects selected under the FOA: provide workforce opportunities in low- and moderate-income communities; encourage partnership with universities and laboratories to spur innovation and drive down costs; partner with the Tribal Nations; and take into account greenhouse gas emissions reductions and energy efficient battery material processing opportunities throughout the manufacturing process and supply chain logistics (Areas of Interest 1-5 below). Similarly, pursuant to BIL Section 40207(c), the Department will strongly consider applicants that provide a plan on how to recruit, train, and retain a skilled workforce as well as whether a project provides workforce opportunities in low- and moderate-income local or rural communities; provides workforce opportunities in communities that have lost jobs due to the displacements of fossil energy jobs, including jobs in the manufacture of internal

[4] The Federal Consortium for Advanced Batteries (FCAB) provides a framework for cooperation and coordination among federal agencies having a stake in developing advanced battery technology and establishing a domestic supply of lithium batteries. The FCAB is led by the Departments of Energy, Defense, Commerce, and State and includes many organizations across the government.

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

combustion engine vehicles and components; encourages partnership with labor organizations, community-based groups, and universities and laboratories to spur innovation and drive down costs; partners with Tribal Nations; and takes into account greenhouse gas emissions reductions and energy efficient battery material processing opportunities throughout the manufacturing process and supply chain logistics (Areas of Interest 6-12 below).

The high-capacity battery supply chain consists of five main steps including: (1) raw material production, (2) materials processing including material refinement and processing, (3) battery material /component manufacturing and cell fabrication, (4) battery pack and end use product manufacturing, and (5) battery end-of-life and recycling. The graphic below shows how these five steps relate to the BIL investments in the battery supply chain.



This FOA provides approximately $3.1 billion to successful applicants to fund investments within the electric vehicle battery supply chain, increase domestic battery manufacturing, and create good-paying clean energy jobs. The overall scope in this FOA includes demonstration and commercial facilities for battery-grade precursor materials, battery components, and cell manufacturing and recycling. See Section I.B. Areas of Interest.

ii. Technology Space and Strategic Goals

This FOA seeks commercial and demonstration applications to address priorities in the BIL regarding Battery Material Processing Grants as per 40207 (b)(3)(A) and Battery Component Manufacturing and Recycling as per 40207 (c)(3)(A).

Detailed technical descriptions of the specific areas of interest (AOI) are provided in the sections that follow.

iii. Equity Plan: Quality Jobs and Community Benefits

To achieve the greatest impact for all Americans with this once-in-a-generation investment in infrastructure, it is critical that the BIL-funded projects not only contribute to the country's energy technology and climate goals, but also (1) support the BIL objectives to invest in America's workforce by including specific elements to accelerate job growth and job quality, including approaches to give workers a free and fair choice to join or form a union; and (2) advance DOE's equity, environmental and energy justice priorities, including DOE's commitment to the Justice40 Initiative[6].

To ensure these critical priorities are met, applications must include an Equity Plan that illustrates how their proposed project will incorporate (1) Quality Jobs including (a) efforts to attract, train, and retain a skilled workforce and (b) workforce opportunities in communities that have lost jobs due to the displacements of fossil energy jobs; and (2) Community Benefits including (a) Diversity, Equity, Inclusion, and Accessibility; and (b) the Justice40 Initiative. These priorities are explained in more detail below in Section IV.D.xvii.

a. Quality Jobs

Strengthening prosperity by expanding good-paying, safe jobs accessible to all workers and supporting job growth through investments in domestic supply chains is a key goal set by President Biden, discussed in depth in his Executive Orders on Ensuring the Future Is Made in All of America by All of America's Workers (EO 14005), Tackling the Climate Crisis at Home and Abroad (EO 14008), Worker Organizing and Empowerment (EO 14025), Boosting Quality of Federal Construction Contracts (EO 14063), Promoting Competition in the American Economy (EO 14036), and Implementing the Infrastructure Investment and Jobs Act (EO 14052).

In keeping with the administration's goals, and as an agency whose mission includes strengthening our country's energy prosperity, the DOE strongly supports investments that expand jobs with a free and fair choice to join or form

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

a union, improve job quality through the adoption of strong labor standards, and support responsible employers. DOE also supports opportunities that improve job access, foster safe, healthy, and inclusive workplaces and communities, and strategies that develop a skilled and inclusive local workforce to build and maintain the country's energy infrastructure and grow domestic manufacturing. Applicants to this FOA are required to include information about how their project will support these goals as detailed in Section IV. D. xvii.

b. Diversity, Equity, Inclusion, and Accessibility

DOE strongly encourages efforts to reach historically underserved populations, racial minorities, and women. These strategies should create the connectivity and conditions for growth where they may not exist, such as in rural and underserved communities. A project's plan should articulate a strategy for sharing and maximizing the project's benefits across DACs and include a discussion of how resident, worker, and community leadership will be engaged throughout the project's duration.

It is the policy of the Biden Administration that:

> [T]he Federal Government should pursue a comprehensive approach to advancing equity[7] 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 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.[8]

[7] 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. Executive Order 13985.

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

As part of this whole of government approach, this FOA seeks to encourage the participation of underserved communities[9] and underrepresented groups, and deliver benefits to DACs. Applicants are highly encouraged to include individuals from groups historically underrepresented[10,11] 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. 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 underrepresented groups in STEM, advance equity, and encourage the inclusion of individuals from these groups in the project; and the extent the project activities will be located in or benefit underserved communities. (See Section IV.D.xvii.) The concept proposal and outcomes should include historically excluded geographies, racial minorities, and women inclusive of letters of support from groups representing those communities. 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.

[9] 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, 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.

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

[11] 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.

This plan will be evaluated as part of the technical review process and incorporated into the award if selected.

Further, Minority Serving Institutions[12], 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.E.i. Program Policy Factors).

c. Justice40 Initiative

In addition to the Federal government's initiative to achieve greater participation from underserved communities and underrepresented groups, 40% of the overall benefits under this FOA should flow to DACs to support DOE's commitment to the Justice40 Initiative.[13] Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in DACs: (1) a decrease in energy burden; (2) a decrease in environmental exposure and burdens; (3) an increase in access to low-cost capital; (4) an increase in job creation, the clean energy job pipeline, and job training for individuals; (5) increases in clean energy enterprise creation and contracting (e.g., minority-owned or diverse business enterprises); (6) increases in energy democracy, including community ownership; (7) increased parity in clean energy technology access and adoption; and (8) an increase in energy resilience.

For projects funded under this FOA, DOE will provide specific reporting guidance for a subset of the eight policy priorities described above; however, recipients are also required to report how project benefits flow to applicable DACs for the remaining priorities, in furtherance of the advancement of the policy priorities outlined above. For example, a recipient can describe how a project will increase

[12] 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.

[13] The Justice40 initiative, created by E.O. 14008, establishes a goal that 40% of the overall benefits of certain federal investments flow to (DACs). The Justice40 Interim Guidance provides a broad definition of DACs (Page 2): https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf. The DOE, OMB, and/or the Federal Council for Environmental Quality (CEQ) may issue additional and subsequent guidance regarding the designation of DACs and recognized benefits under the Justice40 Initiative.

access to clean energy and decrease harmful emissions in DACs and provide methods for tracking the progress of these outcomes (See Section IV.D.xvii).

iv. Teaming Partner List

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

Updates to the Teaming Partner List will be available in the EERE Exchange website. The Teaming Partner List will be regularly updated to reflect new teaming partners who have provided their organization's teaming partner information.

SUBMISSION INSTRUCTIONS: Any organization that would like to be included on this list should submit the following information: Organization Name, Contact Name, Contact Address, Contact Email, Contact Phone, Organization Type, Area of Technical Expertise, Brief Description of Capabilities, and Area of Interest. Interested parties should email the information to DE-FOA-0002678@netl.doe.gov with the subject line "Teaming Partner Information."

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 enabling and publishing the Teaming Partner List, DOE is not endorsing, sponsoring, or otherwise evaluating the qualifications of the individuals and organizations that are self-identifying themselves for placement on this Teaming Partner List. DOE will not pay for the provision of any information, nor will it compensate any applicants or requesting organizations for the development of such information.*

B. Areas of Interest

Areas of Interest	Title
Battery Material Processing Grants pursuant to Section 40207(b)(3)(A)	
1	Commercial-scale Production Plants for Domestic Separation of Critical Cathode Battery Materials from Domestic Feedstocks
2	Commercial-scale Domestic Production of Battery-Grade Graphite from Synthetic and Natural Feedstocks

3	Commercial-scale Domestic Separation and Production of Battery-grade Precursor Materials (Open Topic)
4	Demonstrations of Domestic Separation and Production of Battery-grade Materials from Unconventional Domestic Sources
5	Demonstrations of Innovative Separation Processing of Battery Materials Open Topic
Battery Component Manufacturing and Recycling Grants pursuant to Section 40207(c)(3)(A)	
6	Commercial-scale Domestic Battery Cell Manufacturing
7	Commercial-scale Domestic Battery Cathode Manufacturing
8	Commercial-scale Domestic Battery Separator Manufacturing
9	Commercial-scale Domestic Next Generation Silicon Anode Active Materials and Electrodes
10	Commercial-scale Domestic Battery Component Manufacturing Open Topic
11	Commercial-scale Domestic Battery Recycling and End-of Life Infrastructure
12	Domestic Battery Cell and Component Manufacturing Demonstration Topic

Introduction: Battery Material Processing Grants pursuant to 40207(b)(3)(A)
Areas of Interest 1-5

Consistent with the goals of the BIL the AOIs under 40207(b) intend to fund projects that promote the use of more clean energy, create new, good-paying jobs and lower costs for American families and workers by guiding the Nation towards a 100% carbon pollution-free electricity sector by 2035 and net-zero economy by 2050. Specifically, the AOIs within 40207(b) will ensure that the U.S. has a viable battery materials processing industry to supply the North American battery supply chain; to expand the capabilities of the U.S. in advanced battery manufacturing; to enhance national security by reducing the reliance of the U.S. on foreign competitors for critical materials and technologies; and to enhance the domestic processing capacity of minerals necessary for battery materials and advanced batteries. The Battery Material Processing AOIs will focus on commercial scale domestic separation of battery materials from extracted feed stocks for cathode production and for producing battery grade graphite and other battery grade materials. The proposed materials must be capable of being used in an advanced battery that will be used in electric vehicles and/or electric grid applications.

Priority consideration will be given to eligible entities that will not use battery material supplied by or originating from a foreign entity of concern as defined in 42 U.S.C. 18741 (a)(5). Commitments will be included in the grant terms if selected for award. The use of battery material supplied by or originating from a foreign entity of concern will not preclude an application from consideration; however, applicants are encouraged to speak to how the project team will minimize the use of battery material supplied by or originating from a foreign entity of concern.

The Areas of Interest below are directed to 40207 (b)(3)(A), which are subject to funding limitations prescribed in 40207 (b)(3)(B). These funding limitations are summarized below:

	Area of Interest	**The award shall not be less than:**	**Sections of Law Referenced**
New commercial-scale battery material processing facilities in the United States	1, 2, & 3	$100,000,000	40207 (b)(3)(A)(ii) & (B)(ii)
Battery material processing projects to retool, retrofit, or expand existing facilities located in the United States and determined qualified by the Secretary	1, 2, & 3	$50,000,000	40207 (b)(3)(A)(iii) & (B)(iii)
Demonstration projects in the United States for the processing of battery materials	4, 5	$50,000,000	40207 (b)(3)(A)(i) & (B)(i)

AOI 1: Commercial-scale Production Plants for Domestic Separation of Critical Cathode Battery Materials from Domestic Feedstocks

Introduction

Domestic sources for processed and purified materials represent a critical gap within the domestic supply chain that is vastly underrepresented relative to the U.S. electric vehicle demand. This gap creates market uncertainty, loss of economic value added in high-capacity battery production and leaves the U.S. vulnerable to future supply chain disruptions. Addressing this critical gap in the supply chain provides an entry point for both mined and recycled battery materials, creates supply chain resilience, and adds to the overall value chain for the electric vehicle sector.

Objective

The objective of this area of interest is to construct new commercial-scale facilities or expand, retool, or retrofit existing commercial-scale facilities to create U.S. battery-grade cathode precursor manufacturing capacity that uses sustainable extracted feedstocks as a supply source and can be used in electric vehicles and/or electric grid energy storage applications.

Requirements

- Applications must use minerals that have been designated as critical to the lithium-ion battery supply chain by the U.S. Geologic Survey (USGS) such as lithium, nickel (class I), cobalt, and manganese. (Graphite is addressed in AOI 2.)
- Applications must include offtake agreements or letters of commitment from one or more battery-grade cathode precursor manufacturers to buy products produced at the proposed manufacturing facility. Both domestic and foreign battery partners may be included. The type, amount, and duration of the commitment shall be included.
- Applications that use the domestic upstream supply chain, and supply domestic downstream customers are highly encouraged.
- Applications must identify expected total plant annual capacity in tonnes, the capacity utilization timeline attributed to this project, as well as battery-grade cathode precursor manufacturing capacity additions in tonnes/year from future expansion, retooling, or retrofitting plans if applicable.
- Applications may utilize sources such as geologic deposits, recycled battery materials, as well as unconventional sources such as coal/hard rock mine tailings, refuse material, and acid mine drainage.
- Applications must include detailed descriptions of product purities, impurity profiles, and waste products in addition to other applicable feed study information.

- Applications must identify any process whereby raw material is concentrated for extraction if scale and capacity utilization is part of the commercialization plan. Though mining and extraction is not considered to be in-scope for this FOA, the viability of this privately funded segment of the supply chain will impact commercial and technical viability. Examples include (but are not limited to), creation of lithium brine (irrigation, etc.), excavation of lithium rock, clay, and nickel and cobalt ore.

Teaming Arrangements

- Applicants must include participation by at least one downstream customer for feedstock qualification. In the event applicants are producing intermediate products that will need additional processing to reach battery-grade materials specifications or products, teaming with a downstream processing partner is required.
- Participation by underrepresented partners and suppliers and labor unions is highly encouraged.

AOI 2: Commercial-scale Domestic Production of Battery Grade Graphite from Synthetic and Natural Feedstocks

Introduction

Battery grade graphite for battery anodes is an essential building block for the acceleration of the domestic lithium-ion battery supply chain. Graphite (natural and synthetic) is by far the most widely used anode for lithium-ion batteries and has been since the lithium-ion battery was commercialized. Graphite has many performance advantages compared to many materials considered for lithium-ion batteries, such as its passivation with electrolyte, its relative natural abundance and ability to be created synthetically, safety performance, and manufacturability at large scales to create relatively low-cost materials. Next-generation materials present potential future battery supply chain impact graphite demand, but fundamental performance barriers need to be improved before widespread commercial adoption of these materials.

Objective

The objective of this area of interest is to construct new facilities or expand, retool, or retrofit existing facilities to create U.S. battery-grade graphite anode manufacturing capacity that uses both synthetic and natural sources as a supply source and will be used in electric vehicles and/or electric grid energy storage applications.

Requirements

- Applications must include letter(s) of commitment or offtake agreement(s) from one or more lithium-ion battery manufacturers to buy products produced at the manufacturing facility. Both domestic and foreign battery partners may be included. The type, amount, and duration of the commitment shall be included.
- Applications that use the domestic upstream supply chain are highly encouraged.
- Applications must identify expected total plant annual capacity in tonnes, the capacity utilization timeline attributed to this project, as well as battery-grade graphite anode manufacturing capacity additions in tonnes/year from future expansion, retooling, or retrofitting plans if applicable.
- Applications must include and describe the entire separation, purification, and synthesis steps to produce battery-grade graphite anode material at scale.
- Applications must identify the synthesis pathway and the precursor feedstock sources of materials to produce battery grade graphite for synthetically derived graphite. Naturally derived sources of graphite must provide details of upstream feedstocks and detail their synthesis from extracted graphite feedstock to battery grade anodes.

- Applications must include a plan to demonstrate electrochemical performance in mAh/g and cycling data using cells greater than 2Ah.
- Applications must include, but are not limited to, BET surface area, typical D/G bands of graphite powder, particle size distribution (d10, d50, d90), tap density, product yield, and production costs.

Teaming Arrangements

- Applicants must include participation by at least one downstream customer. In the event applicants are producing intermediate products that will need additional processing to reach battery-grade materials specifications or products, teaming with a downstream processing partner is required.
- Participation by underrepresented partners and suppliers and labor unions is highly encouraged.

AOI 3: Commercial-scale Domestic Separation and Production of Battery-grade Precursor Materials (Open Topic)

Introduction

There are many advanced precursor materials that are necessary for lithium-~~ion~~ based battery or other alternative advanced battery production. Non-storage materials such as battery current collectors, electrolyte, electrolyte salts, binder, conductive additives, coating precursor materials, and pack materials all play a critical role in meeting battery performance requirements. Advancement of these areas within industry provides an opportunity to advance domestic supply chain economic value added and resilience by creating more economic value added in battery manufacturing and supply chain stability. To enable these markets, the U.S. needs to use innovative materials and processing techniques to ensure global competitiveness. This AOI applies to all lithium-~~ion~~ based battery or other alternative advanced battery grade precursors that are not covered in AOIs 1 & 2. A facility that processes and integrates multiple precursors is eligible.

Objective

The objective of this area of interest is to construct new facilities or expand, retool, or retrofit existing facilities to create U.S. battery-grade lithium-~~ion~~ based battery or other alternative advanced battery manufacturing capacity that uses sustainable advanced precursor materials as a supply source and can be used in electric vehicles and/or electric grid energy storage applications.

Requirements

- Applications must include letter of commitment from one or more lithium-~~ion~~ based battery or other alternative advanced battery manufacturers to buy products produced at the manufacturing facility. The type, amount, and duration of the commitment shall be included.
- Applications that use the domestic upstream supply chain are highly encouraged.
- Applications that have domestic downstream customers are highly encouraged.
- Applications must identify expected total plant annual capacity in tonnes, the capacity utilization timeline attributed to this project, as well as lithium-~~ion~~ based battery or other alternative advanced battery precursor manufacturing capacity additions in tonnes/year from future expansion, retooling, or retrofitting plans if applicable.
- Applications must include the product specifications.
- Applications must include and describe the entire separation, purification, and synthesis steps to produce battery-grade lithium-~~ion~~ based battery or other alternative advanced battery precursor material at scale.

- Applications must NOT use minerals as lithium, nickel (class I), cobalt, manganese, or graphite as the primary product since these items are addressed in other areas of interest.
- Technologies that are of interest include all energy storage precursor materials that can make the largest impact on the automotive and electric grid market and have the strongest economic viability.

Teaming Arrangements

- Applicants must include participation by at least one downstream customer. In the event applicants are producing intermediate products that will need additional processing to reach battery-grade precursor materials specifications or products, teaming with a downstream processing partner is required. Participation by underrepresented partners and suppliers and labor unions is highly encouraged.

AOI 4: Demonstrations of Domestic Separation and Production of Battery-grade Materials from Unconventional Domestic Sources

Introduction

The U.S. has a limited amount of naturally occurring resources to produce battery grade precursor materials. Many of the materials needed to supply the next generation of batteries for electric vehicles and stationary storage do not exist in the quantities necessary to keep up with downstream demand. There is an evident need to expand the resource base for the battery supply chain to ensure the U.S. has the materials necessary in the coming years for the battery supply chain.

Objective

The objective of this area of interest is to accelerate commercialization of battery-grade lithium-~~ion~~ based battery or other alternative advanced battery separation and extraction materials from unconventional domestic sources through pre-commercial large-scale pilot demonstration projects.

Requirements

- Applications must describe the specific battery feedstock to be demonstrated. Coproduction of battery materials with other value-added materials to increase commercial viability of the demonstration project are also of interest.
- Applications that use domestic upstream suppliers are highly encouraged.
- Applications must include analysis that demonstrates the battery feedstock's impact on cost, energy, water usage, and emissions related to the production of battery separation and extraction materials relative to current practices
- Applications must identify the proposed scale, timeline, as well as upstream feedstock and downstream supply markets for their proposed battery precursor material.
- Applications that use unconventional deleterious materials and sources, such as mine tailings, coal ash, and drainage ponds, etc. must describe environmental management and impact.
- Applications must include an economic analysis of the process and battery separation and extraction materials being investigated and materials qualification plans.
- Applications must identify key technical barriers, such as impurities of concern in their proposed plan, and market barriers, such as how to source and produce enough material for qualification into the battery supply chain.

Teaming Arrangements

- Applicant teams are encouraged to include participation by universities and FFRDCs for studies supporting innovation and that drive down costs.
- Applicant teams are encouraged to include upstream suppliers and downstream customers.
- Participation by underrepresented partners and suppliers and labor unions is highly encouraged.
- Applicants are encouraged to include participation by MSI's, including Historically Black Colleges and Universities and Tribal Colleges and Universities.

AOI 5: Demonstrations of Innovative Separation Processing of Battery Materials Open Topic

Introduction

There are many potential separation approaches to refining and extracting high concentrations of material from a diluted feedstock. It is vital to the critical materials, circular economy, and the future of clean energy to create innovative processes that decrease energy usage, waste products, emissions, and cost. Successfully addressing this barrier will enable the U.S. to capitalize on the potential for battery technology to reach its full greenhouse gas reduction potential and secure clean energy goals. In addition, development in this area creates cross-technology economic benefits to other industrial applications.

Objective

The objective of this area of interest is to accelerate commercialization of innovative processes for refining and extracting high concentrations of battery-grade lithium-~~ion~~ based or other alternative advanced battery materials from diluted feedstock through pre-commercial large-scale pilot demonstration projects.

Requirements

- Applications must identify and describe the process innovation and technical maturity being proposed.
- Applications must include analysis that demonstrates the proposed novel process potential to improve yield and decrease cost, energy, water usage, and emissions related to the production of precursor materials.
- Applications must identify the proposed scale, timeline, and economic projections, as well as upstream feedstock and downstream supply markets for their proposed battery precursor material.
- Applications must include a cost estimate of the material(s) produced and materials qualification plans.
- Applications must include an economic analysis of the process and feedstock being investigated, including the potential commercial value of resultant “non-battery material” byproducts.
- Applications must identify key technical barriers, such as impurities of concern in their proposed plan, and market barriers, such as how to source and produce enough material for qualification into the battery supply chain.
- Applications that use the domestic upstream supply chain are highly encouraged.

Teaming Arrangements:

- Applicant teams are encouraged to include participation by universities and FFRDCs for studies supporting innovation and that drive down costs.
- Applicant teams are encouraged to include upstream suppliers and downstream customers.
- Participation by underrepresented partners and suppliers and labor unions is highly encouraged.
- Applicants are encouraged to include participation by MSI's, including Historically Black Colleges and Universities and Tribal Colleges and Universities.

Introduction: Battery Component Manufacturing and Recycling Grants pursuant to Section 40207 (c)(3)(A)
Areas of Interest 6-12

Consistent with the goals of the Bipartisan Infrastructure Law (BIL) the AOIs under Section 40207(c) intend to fund projects that promote the use of more clean energy, create new, good-paying jobs, and lower costs for American families and workers by guiding the Nation towards a 100% carbon pollution-free electricity sector by 2035 and net-zero economy by 2050. Specifically, the AOIs within Section 40207(c) will ensure that the United States has a viable domestic manufacturing and recycling capability to support and sustain a North American battery supply chain. The Battery Component Manufacturing and Recycling AOIs will focus on commercial scale battery cell, cathode, separator, and silicon-based anode production facilities and demonstration manufacturing facilities for new manufacturing processes or techniques. The proposed technologies must be capable of being used in an advanced battery that will be used in electric vehicles and/or electric grid applications.

Priority consideration will be given to eligible entities that will not use battery material supplied by or originating from a foreign entity of concern or export recovered critical materials to a foreign entity of concern as defined in 42 U.S.C. 18741 (a)(5). Commitments will be included in the grant terms if selected for award. The use of battery material supplied by or originating from a foreign entity of concern will not preclude an application from consideration; however, applicants are encouraged to speak to how the project team will minimize the use of battery material supplied by or originating from a foreign entity of concern.

The Areas of Interest below are directed to Section 40207 (c)(3)(A), and are subject to the funding limitations prescribed in Section 40207 (c)(3)(B). These funding limitations are summarized below:

	Area of Interest	The Award shall not be less than:	Sections of Law Referenced
New commercial-scale advanced battery component manufacturing, advanced battery manufacturing, or recycling facilities in the United States	6, 7, 8, 9, 10, & 11	$100,000,000	40207(c)(3)(A)(ii) & (B)(ii)
Projects to retool, retrofit, or expand ~~1 or more~~ existing facilities located in the United States and determined qualified by the Secretary for advanced battery component manufacturing, advanced battery manufacturing, and recycling	6, 7, 8, 9, 10, & 11	$50,000,000	40207(c)(3)(A)(iii) & (B)(iii)

Demonstration projects for advanced battery component manufacturing, advanced battery manufacturing, and recycling	12	$50,000,000	40207(c)(3)(A)(i) & (B)(i)

AOI 6: Commercial-Scale Domestic Battery Cell Manufacturing

Objective

The objective of this area of interest is to construct new facilities or expand, retool, or retrofit existing facilities to create U.S. lithium-ion battery cell production capacity suitable for use in a module, pack, or system and can be used in electric vehicles and/or electric grid energy storage applications.

Requirements

- Applications must include letter of commitment from one or more customers such as pack assemblers or electric vehicle, and/or electric grid original equipment manufacturers (OEMs) to buy products produced at the manufacturing facility. Both domestic and foreign OEM partners may be included. The type, amount, and duration of the commitment shall be included.
- Applications that use the domestic upstream supply chain are highly encouraged.
- Applications must identify expected total plant annual capacity in GWh/year, the capacity utilization timeline attributed to this project, as well as manufacturing capacity additions in tonnes/year from future expansion, retooling, or retrofitting plans if applicable.
- Applications must include a detailed description of the battery technology, including materials, chemistry and performance (including cycle life, power performance, and calendar life at a minimum), as well as cost estimates of the materials and the final battery product ($/kWh).
- Applications must also include specification of the volume, weight, capacity, nominal voltage, power capability and any available supporting data for the battery specifications and performance claims.

Teaming Arrangements

- Applications must include participation by at least one downstream customer.
- Participation by underrepresented partners and suppliers and labor unions is highly encouraged.

AOI 7: Commercial-scale Domestic Battery Cathode Manufacturing

Objective

The objective of this area of interest is to construct new facilities or expand, retool, or retrofit existing facilities to create U.S. lithium-ion cathode powder production capacity suitable for use in a module, pack, or system and can be used in electric vehicles and/or electric grid energy storage applications.

Requirements

- Applications must include letter of commitment from one or more battery manufacturers to buy products produced at the manufacturing facility. Both domestic and foreign battery partners may be included. The type, amount, and duration of the commitment shall be included.
- Applications that use the domestic upstream supply chain are highly encouraged.
- Applications must identify expected total plant annual capacity in tonnes/year, the capacity utilization timeline attributed to this project, as well as manufacturing capacity additions in tonnes/year from future expansion, retooling, or retrofitting plans if applicable.
- Applications must include a detailed description of the battery cathode technology, including material components/chemistry and performance. This should include at a minimum:
    - particle size and distribution, tap density (g/cm^3), particle surface area (m^2/g), impurities (e.g., Fe, Cu, Na, Mg, Ca, Zn ppm),
    - first cycle charge capacity with corresponding voltage range (mAh/g), first cycle discharge capacity with corresponding voltage range and current rate (C-rate) (mAh/g), first cycle irreversible capacity loss (%),
    - cycle life, power performance, and calendar life,
    - cost estimates of the cathode powder ($/kg).
- The cathode powder description must include how the data was acquired, cell construction (e.g., pouch cell or coin cell), whether the data was from half-cell or full cell configurations, electrode loading (mAh/cm^2), electrolyte formulation, and testing temperature.

Teaming Arrangements

- Applicants must include participation by at least one downstream customer. In the event applicants are producing intermediate products that will need additional processing to reach battery-grade materials specifications or products, teaming with a downstream processing partner is required.
- Participation by underrepresented partners and suppliers and labor unions is highly encouraged.

AOI 8: Commercial-scale Domestic Battery Separator Manufacturing

Objective

The objective of this area of interest is to construct new facilities or expand, retool, or retrofit existing facilities to create U.S. lithium-ion separator production capacity suitable for use in a module, pack, or system and can be used in electric vehicles and/or electric grid energy storage applications.

Requirements

- Applications must include letter of commitment from one or more battery manufacturers to buy products produced at the manufacturing facility. Both domestic and foreign battery partners may be included. The type, amount, and duration of the commitment shall be included.
- Applications that use the domestic upstream supply chain are highly encouraged.
- Applications must identify expected total plant annual capacity (million m^2/year), the capacity utilization timeline attributed to this project, as well as manufacturing capacity additions (million m^2/year) from future expansion, retooling, or retrofitting plans if applicable.
- Applications must include a detailed description of the separator technology, including material components/chemistry and performance. This should include at a minimum: film thickness, Gurley and MacMullin numbers, wettability, average pore size, shear and tensile strength, thermal stability, uniformity, shutdown temperature if applicable, and voltage stability as well as cost estimates of the separator ($/$m^2$).
- Applications must evaluate performance in full cells with data showing cell cycle life, power performance, and calendar life. The separator description must include how the data was acquired, cell construction (e.g., pouch cell or coin cell), anode and cathode materials, electrode loadings (mAh/cm^2), electrolyte formulation, and testing temperature.

Teaming Arrangements

- Applicants must include participation by at least one downstream customer. In the event applicants are producing intermediate products that will need additional processing to reach battery-grade materials specifications or products, teaming with a downstream processing partner is required.
- Participation by underrepresented partners and suppliers and labor unions is highly encouraged.

AOI 9: Commercial-scale Domestic Next Generation Silicon Anode Active Materials and Electrodes

Objective

The objective of this area of interest is to construct new facilities or expand, retool, or retrofit existing facilities to create U.S. silicon or silicon-based active material powder and/or silicon containing battery electrode production capacity suitable for use in a module, pack, or system and can be used in electric vehicles and/or electric grid energy storage applications.

Requirements

- Applications must include letter of commitment from one or more battery manufacturers to buy products produced at the manufacturing facility. Both domestic and foreign battery partners may be included. The type, amount, and duration of the commitment shall be included.
- Applications that use the domestic upstream supply chain are highly encouraged.
- Applications must identify expected total plant annual capacity (tonnes/year if producing a powder or GAh/year if producing electrodes), the capacity utilization timeline attributed to this project, as well as manufacturing capacity additions (tonnes/year if producing a powder or GAh/year if producing electrodes) from future expansion, retooling, or retrofitting plans if applicable.
- Applications shall provide a detailed description of the battery silicon technology, including material components/chemistry and performance. This should include at a minimum:
    - particle size and distribution, tap density (g/cm^3), particle surface area (m^2/g), impurities,
    - first cycle charge capacity with corresponding voltage range (mAh/g), first cycle discharge capacity with corresponding voltage range and current rate (C-rate) (mAh/g), first cycle irreversible capacity loss (%),
    - cycle life, power performance, and calendar life,
    - cost estimates of the silicon powder ($/kg) or electrode.
- The silicon material description must include how the data was acquired, cell construction (e.g. pouch cell or coin cell), whether the data was from half-cell or full cell configurations, electrode composition, electrode loading (mAh/cm^2), electrolyte formulation, and testing temperature.

Teaming Arrangements

- Applicants must include participation by at least one downstream customer. In the event applicants are producing intermediate products that will need additional processing to reach battery-grade materials specifications or products, teaming with a downstream processing partner is required.
- Participation by underrepresented partners and suppliers and labor unions is highly encouraged.

AOI 10: Commercial-scale Domestic Battery Component Manufacturing Open Topic

Objective

The objective of this area of interest is to construct new facilities or expand, retool, or retrofit existing facilities to create U.S. lithium-based battery or other advanced battery technology component production capacity suitable for use in a module, pack, or system and can be used in electric vehicles and/or electric grid energy storage applications. The lithium-based battery or other advanced battery technology components could include, but are not limited to enhancements, enclosures, electrolytes, binders, and other associated technologies that comprise an advanced battery.

Requirements

- Applications must include letter of commitment from one or more battery manufacturers to buy products produced at the manufacturing facility. Both domestic and foreign battery partners may be included. The type, amount, and duration of the commitment shall be included.
- Applications that use the domestic upstream supply chain are highly encouraged.
- Applications must identify expected total plant annual capacity, the capacity utilization timeline attributed to this project, as well as manufacturing capacity additions from future expansion, retooling, or retrofitting plans if applicable.
- Applicants are expected to explain how their battery component complies with their customers' product specifications.
- Applications shall provide a detailed description of the battery component technology, including material components/chemistry and performance.

Teaming Arrangements

- Applicants must include participation by at least one downstream customer. In the event applicants are producing intermediate products that will need additional processing to reach battery-grade materials specifications or products, teaming with a downstream processing partner is required. Participation by underrepresented partners and suppliers and labor unions is highly encouraged.

AOI 11: Commercial-scale Domestic Battery Recycling and End-of Life Infrastructure

Introduction

Lithium-ion battery recycling represents a key strategic imperative for the creation of a resilient supply chain, and to create a more circular economy ecosystem for lithium-ion technology. The energy, emissions, and resource utilization benefits of recycling create a multiplicative effect for increasing the clean energy impact for electric vehicles. However, to achieve widespread domestic recycling requires large infrastructure investments to drive down recycling and logistics costs to increase economic viability.

Objective

The objective of this area of interest is to construct new facilities or expand, retool, or retrofit existing facilities to create commercial U.S. Lithium-ion battery recycling capacity that demonstrates a reduction in end-of-life battery recycling costs spanning storage, recycling, and transportation while maintaining compliance with applicable environmental, safety, and transportation regulations.

Requirements

- Applications must address the regulations surrounding transportation of Lithium-ion batteries.
- Applications that use the domestic upstream supply chain are highly encouraged.
- Applications must identify expected total plant annual capacity (i.e. battery packs/year, tonnes/year), the capacity utilization timeline attributed to this project, as well as manufacturing capacity additions (i.e. battery packs/year, tonnes/year) from future expansion, retooling, or retrofitting plans if applicable.

Teaming Arrangements

- Applicants must include participation by at least one downstream customer supported by a letter of commitment. In the event the proposed process will produce intermediate products that will need additional processing to reach battery-grade materials specifications or products, teaming with a downstream processing partner is required.
- Applicants must also include active participation by at least one upstream partner to provide end-of-life battery feedstocks supported by a letter of commitment.
- Participation by underrepresented partners and suppliers and labor unions is highly encouraged.

AOI 12: Domestic Battery Cell and Component Manufacturing Demonstration Topic

Objective

The objective of this area of interest is to accelerate commercialization of innovative manufacturing processes for battery cells, materials, or components that have never been utilized at scale for the electric vehicle and electric grid market through large-scale pilot demonstration projects. The innovative manufacturing process could focus on improving cost or performance of commercialized battery chemistries or enabling next-generation battery chemistries.

Requirements

- Applications must identify the process innovation being proposed.
- Applications that use the domestic upstream supply chain are highly encouraged.
- Applications must include analysis that demonstrates the proposed benefits of the innovative process such as the battery chemistry enabled and/or cost savings through experimental data demonstrating similar or better performance to components made using traditional methods.
- Applications must identify the proposed scale, timeline, and economic projections, as well as upstream feedstock and downstream supply markets for their proposed product.
- Applications must include a material economic analysis and qualification plans.
- Applications must identify key technical barriers and market barriers as well as plans to overcome them.

Teaming Arrangements

- Applicant teams are encouraged to include participation by universities and FFRDCs for studies supporting innovation and that drive down costs.
- Applicant teams are encouraged to include upstream suppliers and downstream customers. Participation by underrepresented partners and suppliers and labor unions is highly encouraged.
- Applicants are encouraged to include participation by MSI's, including Historically Black Colleges and Universities and Tribal Colleges and Universities.

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

C. Applications Specifically Not of Interest

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

- Applications that fall outside the technical parameters specified in Section I.B. of the FOA.
- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics).
- Applications for Demonstration Projects that have less than $50,000,000 for Federal Share.
- Applications for new Commercial-Scale Projects that have less than $100,000,000 for Federal Share.
- Applications for retooling, retrofitting, or expanding Commercial-Scale Projects that have less than $50,000,000 for Federal Share.
- Applications that include mining operations (mining and extraction) or mining equipment, excavation, labor, siting, etc. within the project scope.
- Applications that propose cost share contributions in the form of donation of land, existing buildings, or existing equipment.
- Applications that propose the purchase or donation of land in the scope of the award (as part of the budget).
- Applications that propose purchase or donation of existing building(s) ~~or equipment~~ in the scope of the award (as part of the budget).
- Applications that propose the value of previously acquired or used equipment as cost share.
- Applications that propose to subordinate Federal government interest in property or equipment to obtain project financing.
- Applications that propose exporting recovered or critical materials to a foreign entity of concern as defined in 42 U.S.C. 18741 (a)(5).
- For AOIs-1-3 and 6-11 only:
    - Applications that do not include a “letter of commitment” from at least one customer.

D. Authorizing Statutes

The programmatic authorizing statutes are Public Law (P.L.) 102-486, Energy Policy Act (EPAct) of 1992, amended by P.L. 109-58, EPAct 2005, Section 911, as amended (codified at 42 U.S.C. § 16191), and P.L. 110-140,

Public Law 117-58, Infrastructure Investment and Jobs Act of 2021 (referred to as BIL), Section 40207 (codified at 42 U.S.C. § 18741.)

Awards made under this announcement will fall under the purview of Title 2 of the Code of Federal Regulations (CFR) Part 200 as amended by 2 CFR Part 910.

II. Award Information

A. Award Overview

i. Estimated Funding

DOE's Office of Manufacturing and Energy Supply Chains (MESC) and the Office of Energy Efficiency and Renewable Energy (EERE) expect to make a total of approximately $3.1 billion of federal funding available for new awards under this FOA, subject to the availability of appropriated funds. MESC/EERE anticipates making approximately 17-34 awards under this FOA. MESC/EERE may issue one, multiple, or no awards. Individual awards may vary between $50,000,000 and $400,000,000.

With respect to funding, applications must comply with BIL Section 40207 (b)(3)(B)(i)-(iii) and Section 40207 (c)(3)(B)(i)-(iii).

- Applications for Demonstration Projects must have at least $50,000,000 for Federal Share;
- Applications for new Commercial-Scale Projects must have at least $100,000,000 for Federal Share; and
- Applications for retooling, retrofitting, or expanding existing Commercial-Scale Projects must have at least $50,000,000 for Federal Share.

MESC/EERE may issue awards in one, multiple, or none of the following Areas of Interest:

Areas of Interest Number	Areas of Interest Title	Anticipated Number of Awards	Award Type	Federal Funds			Anticipated Period of Performance (months)
				Minimum Award Size for Any One Individual Award	Anticipated Maximum Award Size for Any One Individual Award	Approximate Total Funding Available for All Awards	
1	Commercial-scale Production Plants for Domestic Separation of Critical Cathode Battery Materials from Domestic Feedstocks	2-5	Retrofit / Retool / Expansion	$50,000,000	$400,000,000	$600,000,000	24-60
			New Facility	$100,000,000			
2	Commercial-scale Domestic Production of Battery Grade Graphite from Synthetic and Natural Feedstocks	2-4	Retrofit / Retool / Expansion	$50,000,000	$300,000,000	$400,000,000	24-60
			New Facility	$100,000,000			
3	Commercial-scale Domestic Production of Separation and Production of Battery-grade Precursor Materials (Open Topic)	2-3	Retrofit / Retool / Expansion	$50,000,000	$200,000,000	$300,000,000	24-60
			New Facility	$100,000,000			
4	Demonstrations of Domestic Separation and Production of Battery-grade Materials from Unconventional Domestic Sources	1-2	Demonstra-tion	$50,000,000	$100,000,000	$100,000,000	24-60
5	Demonstrations of Innovative Separation Processing Demonstrations of Battery Materials Open Topic	1-2	Demonstra-tion	$50,000,000	$100,000,000	$100,000,000	24-60
6	Commercial-scale Domestic Battery Cell Manufacturing	2-3	Retrofit / Retool / Expansion	$50,000,000	$300,000,000	$600,000,000	24 - 60
			New Facility	$100,000,000			
7	Commercial-scale Domestic Battery Cathode Manufacturing	2-3	Retrofit / Retool / Expansion	$50,000,000	$200,000,000	$300,000,000	24 - 60
			New Facility	$100,000,000			

8	Commercial-scale Domestic Battery Separator Manufacturing	1-3	Retrofit / Retool / Expansion	$50,000,000	$200,000,000	$200,000,000	24 - 60
			New Facility	$100,000,000			
9	Commercial-scale Domestic Next Generation Silicon Anode Active Materials and Electrodes	1-2	Retrofit / Retool / Expansion	$50,000,000	$100,000,000	$100,000,000	24 - 60
			New Facility	$100,000,000			
10	Commercial-scale Domestic Battery Component Manufacturing Open Topic	1-3	Retrofit / Retool / Expansion	$50,000,000	$100,000,000	$150,000,000	24 - 60
			New Facility	$100,000,000			
11	Commercial-scale Domestic Battery Recycling and End-of Life Infrastructure	1-2	Retrofit / Retool / Expansion	$50,000,000	$150,000,000	$150,000,000	24 - 60
			New Facility	$100,000,000			
12	Domestic Battery Cell and Component Manufacturing Demonstration Topic	1-2	Demonstra-tion	$50,000,000	$50,000,000	$100,000,000	24 - 60

MESC/EERE may establish more than one budget period for each award and fund only the initial budget period(s). Funding for all budget periods, including the initial budget period, is not guaranteed. Before the expiration of the initial budget period(s), MESC/EERE may perform a down-select among different recipients and provide additional funding only to a subset of recipients.

ii. Period of Performance

MESC/EERE anticipates making awards that will run from 24 months up to 60 months in length, comprised of one or more budget periods.

Budget Period	Budget Period Length
1	12 months
2	12 months
3	12 months
4	12 months
5	12 months

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

iii. New Applications Only

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

B. MESC/EERE Funding Agreements

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

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

If an FFRDC is part of the project team, the FFRDCs will be funded through the prime recipient as a member of the project team.

ii. Grants

MESC/EERE will fund projects selected under this FOA through grants.

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. Restricted Eligibility

The National Energy Technology Laboratory is ineligible to participate as a prime applicant or as a team member/sub-recipient on any application because of its role in developing the requirements for this announcement. The Idaho National Laboratory is ineligible to participate as a prime applicant or as a team member/sub-recipient on any application because of its role in developing the requirements for this announcement.

ii. Individuals

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

iii. Domestic Entities

The proposed prime recipient and subrecipients 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. Non-profit entities; and
4. State, local, and Tribal Nations.

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

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 for funding under this FOA. Nonprofits described in Section 501(c)5 of the IRS code are eligible to apply for funding.

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.

Entities identified on a Department of Homeland Security (DHS), Binding Operational Directives (BOD) as an entity publicly banned from doing business with the Unites States government are not eligible. See https://cyber.dhs.gov/directives/.

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 apply for funding as a subrecipient, but are not eligible to apply as a prime recipient.

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

iv. Foreign Entities

If a foreign entity applies for funding as a prime recipient, it must designate in the Full Application a subsidiary or affiliate that qualifies as a domestic entity to be the prime recipient. The Full Application must state the nature of the corporate relationship between the foreign entity and domestic subsidiary or affiliate.

Foreign entities may request a waiver of the requirement to designate a subsidiary or affiliate that qualifies as a domestic entity to be the prime recipient in the Full Application (i.e., a foreign entity may request that it remains the prime recipient on an award). To do so, the applicant must submit an explicit written waiver request in the Full Application. Likewise, if the applicant seeks to include a foreign entity as a subrecipient, the applicant must submit a separate explicit written waiver request in the Full Application for each proposed foreign subrecipient.

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

v. Incorporated Consortia

Domestic incorporated consortia are eligible to apply for funding as a prime recipient or subrecipient. Please refer to "Domestic Entities" above. For foreign consortia, please refer to the requirements in "Foreign Entities" above.

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

vi. Unincorporated Consortia

Unincorporated Consortia must designate one member of the consortium to serve as the prime recipient/consortium representative. The prime recipient/consortium representative must qualify as a domestic entity.

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

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

B. Cost Sharing

The cost share must be at least 50% of the total allowable costs for demonstration and for commercial projects (i.e., the sum of the government share, including FFRDC costs if applicable, and the recipient share of allowable costs equals the total allowable cost of the project) and must come from non-federal sources unless otherwise allowed by law. (See 2 CFR 200.306 and 2 CFR 910.130 for the applicable cost sharing requirements.)

To assist applicants in calculating proper cost share amounts, MESC/EERE has included a cost share information sheet and sample cost share calculation as Appendices A and B to this FOA.

i. Legal Responsibility

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

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

ii. Cost Share Allocation

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

iii. Cost Share Types and Allowability

Every cost share contribution must be allowable under the applicable federal cost principles, as described in Section IV.J.i. of the FOA. In addition, cost share must be verifiable upon submission of the Full Application.

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

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

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

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

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

- Revenues or royalties from the prospective operation of an activity beyond the project period;
- Proceeds from the prospective sale of an asset of an activity;

- Federal funding or property (e.g., federal grants, equipment owned by the federal government); or
- Expenditures that were reimbursed under a separate federal program.

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

For this FOA, the following **may not** be used as cost share:

- Land
- Buildings
- Existing equipment (retrofit costs allowed)

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

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

iv. Cost Share Contributions by FFRDCs

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

v. Cost Share Verification

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

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

vi. Cost Share Payment

MESC/EERE requires prime recipients to contribute the cost share amount incrementally over the life of the award. Specifically, the prime recipient's cost

share for each billing period must always reflect the overall cost share ratio negotiated by the parties (i.e., the total amount of cost sharing on each invoice when considered cumulatively with previous invoices must reflect, at a minimum, the cost sharing percentage negotiated).

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

C. Compliance Criteria

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

a. *Letters of Intent*
Letters of Intent are **strongly encouraged** and should ~~deemed compliant if~~:
- Be submitted ~~The applicant entered all required information and clicked the "Submit" button~~ in EERE Exchange by the deadline stated in the FOA.
- Reflect a SINGLE AOI per Letter of Intent. If the applicant is interested in multiple AOI's, multiple corresponding Letters of Intent are strongly encouraged to be submitted.

b. *Full Applications*
Full Applications are deemed compliant if:
- ~~The applicant submitted a compliant Letter of Intent;~~
- The Full Application complies with the content and form requirements in Section IV.D. of the FOA; and

- The applicant successfully uploaded all required documents and clicked the "Submit" button in EERE Exchange by the deadline stated in the FOA.

c. *Replies to Reviewer Comments*
Replies to Reviewer Comments are deemed compliant if:
- The Reply to Reviewer Comments complies with the content and form requirements in Section IV.E. of the FOA; and
- The applicant successfully uploaded all required documents to EERE Exchange by the deadline stated in the FOA.

D. Responsiveness Criteria

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

E. Other Eligibility Requirements

i. Requirements for DOE/NNSA and non-DOE/NNSA Federally Funded Research and Development Centers (FFRDCs) Included as a Subrecipient

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

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

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

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

c. *Value/Funding*

The value of, and funding for, the FFRDC/National Laboratory (NL) portion of the work will be included in the award to a successful applicant. DOE/NNSA will not fund a DOE/NNSA FFRDC/NL through the DOE field work authorization process and other FFRDC/NLs through an interagency agreement with the sponsoring agency.

FFRDCs/NLs will be treated as subawards for applicants. Therefore, applicants should prepare the budgets utilizing rates appropriate for such an arrangement. For subawards to DOE FFRDCs, the recipient shall use the Department's strategic partnership projects program and the terms and conditions established for that program.

d. *Cost Share*
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.

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

f. *Limit on FFRDC Effort*
There is no limit on FFRDC effort.

F. Limitation on Number of Full Applications Eligible for Review

An entity may submit more than one Full Application to this FOA, provided that each application describes a unique, scientifically distinct project. Applicants are strongly encouraged to submit a ~~and provided that an eligible~~ Letter of Intent (LOI) for each ~~was submitted for each~~ application the Applicant is intending to submit.
Each application must be submitted to a single Area of Interest in Exchange.

G. Questions Regarding Eligibility

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

IV. Application and Submission Information

A. Application Process

The application process will include two phases: a Letter of Intent phase and a Full Application phase. ~~**Only applicants who have submitted an eligible Letter of Intent will be eligible to submit a Full Application**~~.

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

A **Control Number** will be issued when an applicant begins the EERE Exchange application process (i.e. when the Letter of Intent is submitted by the Applicant, the control number will be generated). This control number must be included with all application documents, as described below.

The Letter of Intent, Full Application, and Reply to Reviewer Comments must conform to the following requirements:

- Each must be submitted in WORD format unless stated otherwise (e.g., the Letter of Intent is a form that is filled out in Exchange);
- Each must be written in English;
- All pages must be formatted to fit on 8.5 x 11 inch paper with margins not less than one inch on every side. Use Calibri typeface, a black font color, and a font size of 12 point or larger (except in figures or tables, which may be 10 point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References must be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;

- The Control Number must be prominently displayed on the upper right corner of the header of every page. Page numbers must be included in the footer of every page; and
- Each submission must not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, MESC/EERE will review only the authorized number of pages and disregard any additional pages.

Applicants are responsible for meeting each submission deadline. **Applicants are strongly encouraged to submit their Letters of Intent, Full Applications, and Replies to Reviewer Comments at least 48 hours in advance of the submission deadline**. Under normal conditions (i.e., at least 48 hours in advance of the submission deadline), applicants should allow at least 1 hour to submit a Letter of Intent, Full Application, or Reply to Reviewer Comments. Once the Letter of Intent, Full Application, or Reply to Reviewer Comments is submitted in EERE Exchange, applicants may revise or update that submission until the expiration of the applicable deadline. If changes are made to any of these documents, the applicant must resubmit the Letter of Intent, Full Application, or Reply to Reviewer Comments before the applicable deadline.

MESC/EERE urges applicants to carefully review the deadlines and requirements for Letters of Intent, Full Applications, and Replies to Reviewer Comments to allow sufficient time for the submission of required information and documents. All Full Applications that pass the initial eligibility review will undergo comprehensive technical merit review according to the criteria identified in Section V. of the FOA.

i. Additional Information on EERE Exchange

EERE Exchange is designed to enforce the deadlines specified in this FOA. The "Apply" and "Submit" buttons will automatically disable at the defined submission deadlines. Should applicants experience problems with EERE Exchange, the following information may be helpful.

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

B. Application Forms

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

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

C. Content and Form of the Letter of Intent

Applicants ~~must~~ are strongly encouraged to submit a Letter of Intent by the specified due date and time ~~to be eligible to submit a Full Application~~. Letters of Intent will be used by MESC/EERE to plan for the merit review process. The letters must not contain any proprietary or sensitive business information. The letters will not be used for down-selection purposes, and do not commit an applicant to submit an application. The Letter of Intent is created by filling out a form in Exchange. There is no PDF to upload. Please preview the form and ensure you have all of the required information available before you start.

~~MESC/EERE will not review or consider ineligible Letters of Intent (see Section III. of the FOA).~~

Each applicant should ~~must~~ provide the following information as part of the Letter of Intent, all of which is entered into Exchange:

- Whether the application has been previously submitted to DOE;
- Project Title;
- Abstract – The abstract provided should be not more than 200 words in length, and should provide a truncated explanation of the proposed project. *Note*: Exchange permits a max of 4,000 characters;
- The Topic / Area of Interest of the FOA the application will be for;
- UEI Number (If a UEI is not available at the time the application is submitted in EERE Exchange, the applicant may check the N/A box for that field in EERE Exchange and proceed with their submission.);
- Lead Organization Type (~~Business < 500 Employees; Business > 1000 Employees; Business 500-1000 Employees; FFRDC; Government-Owned, Government Operated; Non-Profit; University~~ Academic;

Federal Government; FFRDC; GOGO; North American Tribal Government; Individual; Large Business; Non-Profit; Small Business; State or Local Government);

- Lead Organization Name;
- % of effort contributed by the Lead Organization;
- Team Members (i.e., subrecipients);
  - Organization Type
  - Organization Name
  - Percent of Project effort
  - Address
  - Country
  - First and Last name of main contact
  - Business email
- Key Participants (*i.e.*, individuals who contribute in a substantive, measurable way to the execution of the proposed project. To facilitate the identification of actual and potential conflicts of interest, you are required to identify every individual who contributes in a substantive, measurable way to the execution of the proposed project. At least one point of contact must be added from the applicant organization.)
  - Organization Name
  - Title
  - First and Last Name
- Technical Point of Contact (The Principal Investigator (PI) for the prime recipient);
  - First & Last Name
  - Email
  - Country
  - Address (Street, City, Zip)
  - Phone
- ~~The Project Team, including:~~
  - ~~The Principal Investigator (PI) for the prime recipient;~~
  - ~~Team Members (i.e., subrecipients); and~~
  - ~~Senior/Key Personnel (i.e., individuals who contribute in a substantive, measurable way to the execution of the proposed project);~~
- ~~Area of Interest to which they are applying; and~~
- ~~Abstract – The abstract provided should be not more than 200 words in length, and should provide a truncated explanation of the proposed project.~~

D. Content and Form of the Full Application

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

All Full Application documents must be marked with the Control Number issued to the applicant. Applicants will receive a control number upon submitting the Letter of Intent in EERE Exchange, and MUST include that control number in the file name of their Full Application submission (i.e., *Control number_Applicant Name_Full Application*).

i. Full Application Content Requirements

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

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

Component	File Format	Page Limit	File Name
Technical Volume	PDF	50	ControlNumber_LeadOrganization_TechnicalVolume
Resumes	PDF	2 pages each	ControlNumber_LeadOrganization_Resumes
Letters of Commitment	PDF	1 page each	ControlNumber_LeadOrganization_LOCs
Statement of Project Objectives	MS Word	10	ControlNumber_LeadOrganization_SOPO
SF-424 (Applicants must use the template available in EERE Exchange)	PDF	n/a	ControlNumber_LeadOrganization_App424
Budget Justification Workbook	MS Excel	n/a	ControlNumber_LeadOrganization_Budget_Justification
Summary/Abstract for Public Release	PDF	1	ControlNumber_LeadOrganization_Summary
Summary Slide	MS PowerPoint	1	ControlNumber_LeadOrganization_Slide
Subrecipient Budget Justification	MS Excel	n/a	ControlNumber_LeadOrganization_Subrecipient_Budget_Justification
Data Management Plan	Word	n/a	ControlNumber_LeadOrganization_DMP
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 Waivers and Foreign Work Waivers	PDF	n/a	ControlNumber_LeadOrganization_FW_Waiver
Buy American Requirement for Infrastructure Waiver	PDF	n/a	ControlNumber_LeadOrganization_BA_Waiver
Equity Plan: Quality Jobs and Community Benefits	PDF	20	ControlNumber_LeadOrganization_Equity
Current and Pending Support	PDF	n/a	ControlNumber_LeadOrganization_CPS
Environmental Information Volume (Applicants must use the template in Exchange)	PDF	n/a	ControlNumber_LeadOrganization_EIV
Environmental Questionnaire (Applicants must use the template in Exchange)	PDF	n/a	ControlNumber_LeadOrganization_EQ
Locations of Work (Applicants must use the template in Exchange)	MS Excel	n/a	ControlNumber_LeadOrganization_LOW

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

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

When naming the file, the Lead Organization's name may be shortened. This is especially helpful if the Lead Organization's name is longer than 15 letters.

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

ii. Technical Volume

The Technical Volume must be submitted in PDF format. The Technical Volume must conform to the following content and form requirements, including maximum page lengths. If applicants exceed the maximum page lengths indicated below, MESC/EERE will review only the authorized number of pages and disregard any additional pages. This volume must address the Merit Review Criteria listed under Criteria 1-4 as discussed in Sections V.A. and V.B. of the FOA. Save the Technical Volume in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_TechnicalVolume". (Criterion 5 will be addressed below in Section IV.D.xvii. Equity Plan: Quality Jobs and Community Benefits.)

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

The Technical Volume to the Full Application may not be more 50 pages, including the cover page, table of contents, and all citations, charts, graphs, maps, photos, or other graphics, and must include all of the information in the table below. The applicant should consider the weighting of each of the evaluation criteria (see Sections V.A. and V.B. of the FOA) when preparing the Technical Volume.

The Technical Volume should clearly describe and expand upon information provided in the Letter of Intent (if submitted). The Technical Volume must conform to the following content requirements:

SECTION/PAGE LIMIT	DESCRIPTION
Cover Page (1 page)	The cover page should include the project title, the specific FOA Area of Interest being addressed, both the technical and business points of contact, names of all team member organizations, names of the senior/key personnel and their organizations, and any statements regarding confidentiality.
Project Overview (Approximately 10% of the Technical Volume)	The Project Overview should contain the following information: • Background: The applicant should discuss the background of their organization, including the history, successes, and current research and development status (i.e., the technical baseline) relevant to the technical topic being addressed in the Full Application. • Project Goal: The applicant should explicitly identify the targeted improvements to the baseline technology and the critical success factors in achieving that goal. • DOE Impact: The applicant should discuss the impact that DOE funding would have on the proposed project. Applicants should specifically explain how DOE funding, relative to prior, current, or anticipated funding from other public and private sources, is necessary to achieve the project objectives. • Equity Plan: Quality Jobs and Community Benefits: The applicant should summarize the overall anticipated benefits that will accrue to the local community and DACs (including, but not limited to, the support of minority business enterprises). The applicant should summarize a plan to attract, train, and retain a skilled labor force with strong labor standards and potential partners they are working with to support these objectives.
Technical Description, Innovation, and Impact (Approximately 30% of the Technical Volume)	The Technical Description should contain the following information: • Relevance and Outcomes: The applicant should provide a detailed description of the technology, including the scientific and other principles and objectives that will be pursued during the project. This section should describe the relevance of the proposed project to the goals and objectives of the FOA, including the potential to meet specific DOE technical targets, BIL policy priorities, or other relevant performance targets. The applicant should clearly specify the expected outcomes of the project. • Feasibility: The applicant should demonstrate the technical feasibility of the proposed technology and capability of achieving the anticipated performance targets, including a description of previous work done and prior results. This section should also address how the project will secure and/or

	retain trained and qualified workers to meet the performance targets • Innovation and Impacts: The applicant should describe the current state-of-the-art in the applicable field, the specific innovation of the proposed technology, the advantages of proposed technology over current and emerging technologies, and the overall impact on advancing the state-of-the-art/technical baseline if the project is successful.
Workplan and Market Transformation Plan (Approximately 40% of the Technical Volume)	The Workplan should include a summary of the Project Objectives, Technical Scope, Work Breakdown Structure (WBS), Milestones, Go/No-Go Decision Points, and Project Schedule. A detailed SOPO is separately requested. The Workplan should contain the following information: • Project Objectives: The applicant should provide a clear and concise (high-level) statement of the goals and objectives of the project as well as the expected outcomes. • Technical Scope Summary: The applicant should provide a summary description of the overall work scope and approach to achieve the objective(s). The overall work scope is to be divided by performance periods that are separated by discrete, approximately annual decision points (see below for more information on Go/No-Go decision points). The applicant should describe the specific expected end result of each performance period, including milestones detailed in the Equity Plan. • WBS and Task Description Summary: The Workplan should describe the work to be accomplished and how the applicant will achieve the milestones, will accomplish the final project goal(s), and will produce all deliverables. The Workplan is to be structured with a hierarchy of performance period (approximately annual), task and subtasks, which is typical of a standard WBS for any project. The Workplan shall contain a concise description of the specific activities to be conducted over the life of the project. The description shall be a full explanation and disclosure of the project being proposed (i.e., a statement such as "we will then complete a proprietary process" is unacceptable). It is the applicant's responsibility to prepare an adequately detailed task plan to describe the proposed project and the plan for addressing the objectives of this FOA. The summary provided should be consistent with the SOPO. The SOPO will contain a more detailed description of the WBS and tasks. • Milestone Summary: The applicant should provide a summary of appropriate milestones throughout the project to demonstrate success. A milestone may be either a progress measure (which can be activity based) or a SMART technical milestone. SMART milestones should be Specific, Measurable,

	Achievable, Relevant, and Timely, and must demonstrate a technical achievement or policy outcome rather than simply completing a task. Unless otherwise specified in the FOA, the minimum requirement is that each project must have at least one milestone per quarter for the duration of the project with at least one SMART technical milestone per year (depending on the project, more milestones may be necessary to comprehensively demonstrate progress). The applicant should also provide the means by which the milestone will be verified. The summary provided should be consistent with the Milestone Summary Table in the SOPO. • Go/No-Go Decision Points: The applicant should provide a summary of project-wide Go/No-Go decision points at appropriate points in the Workplan. A Go/No-Go decision point is a risk management tool and a project management best practice to ensure that, for the current phase or period of performance, technical success is definitively achieved and potential for success in future phases or periods of performance is evaluated, prior to actually beginning the execution of future phases. At a minimum, each project must have at least one project-wide Go/No-Go decision point for each budget period (12 to 18-month period) of the project. See Section VI.B.xii. The applicant should also provide the specific technical and policy criteria to be used to evaluate the project at the Go/No-Go decision point. The summary provided should be consistent with the SOPO. Go/No-Go decision points are considered "SMART" and can fulfill the requirement for an annual SMART milestone. • End of Project Goal: The applicant should provide a summary of the end of project goal(s). At a minimum, each project must have one SMART end of project goal. The summary provided should be consistent with the SOPO. • Project Schedule (Gantt Chart or similar): The applicant should provide a schedule for the entire project, including task and subtask durations, milestones, and Go/No-Go decision points. • Buy American Requirements for Infrastructure Projects: The applicant should include a short statement regarding whether their project will include applicable infrastructure work. See Section IV.D.xxii. • Project Management: The applicant should discuss the team's proposed management plan, including the following: o The overall approach to and organization for managing the work o The roles of each project team member

	○ Any critical handoffs/interdependencies among project team members ○ The technical and management aspects of the management plan, including systems and practices, such as financial and project management practices ○ The approach to project risk management, including a plan for securing a qualified workforce and mitigating risks to project performance including but not limited to community or labor disputes. ○ A description of how project changes will be handled ○ If applicable, the approach to Quality Assurance/Control ○ How communications will be maintained among project team members • Market Transformation Plan: The applicant should provide a market transformation plan, including the following: ○ Identification of target market, competitors, and distribution channels for proposed technology along with known or perceived barriers to market penetration, including a mitigation plan ○ Identification of a product development and/or service plan, commercialization timeline, financing, product marketing, legal/regulatory considerations including intellectual property, infrastructure requirements, data dissemination, and product distribution.
Technical Qualifications and Resources (Approximately 20% of the Technical Volume)	The Technical Qualifications and Resources should contain the following information: • Describe the project team's unique qualifications and expertise, including those of key subrecipients. • Describe the project team's existing equipment and facilities that will facilitate the successful completion of the proposed project; include a justification of any new equipment or facilities requested as part of the project. • This section should also include relevant, previous work efforts, demonstrated innovations, and how these enable the applicant to achieve the project objectives. • Describe the time commitment of the key team members to support the project. • Describe the technical services to be provided by DOE/NNSA FFRDCs, if applicable. • State to what extent the applicant and the project team exports recovered or critical materials to a foreign entity of

	concern as defined in 42 U.S.C. 18741 (a)(5). State whether the applicant and the project team commits to not use battery material supplied by or originating from a foreign entity of concern as defined in 42 U.S.C. 18741 (a)(5). • For multi-organizational or multi-investigator projects, describe succinctly: o The roles and the work to be performed by each PI and senior/key personnel; o Business agreements between the applicant and each PI and senior/key personnel; o How the various efforts will be integrated and managed; o Process for making decisions on scientific/technical direction; o Publication arrangements; o Intellectual Property issues; and o Communication plans

iii. Resumes

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

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

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

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

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

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

iv. Letters of Commitment or Offtake Agreements

Submit letters of commitment or offtake agreements from all subrecipient and third-party cost share providers. Also include any letters of commitment from suppliers/partners/end users/future customers/labor unions/community-based organizations (one-page maximum per letter). Save the letters of commitment in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_LOCs".

v. Statement of Project Objectives (SOPO)

Applicants are required to complete a SOPO. A SOPO template is available on EERE Exchange at https://eere-Exchange.energy.gov/. The SOPO, including the Milestone Table, must not exceed 10 pages when printed using standard 8.5 x 11 paper with 1" margins (top, bottom, left, and right) with font not smaller than 12 point (except in figures or tables, which may be 10 point font). Save the SOPO in a single Microsoft Word file using the following convention for the title "ControlNumber_LeadOrganization_SOPO".

vi. SF-424: Application for Federal Assistance

Complete all required fields in accordance with the instructions on the form. The list of certifications and assurances in Field 21 can be found at http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms, under Certifications and Assurances. Note: The dates and dollar amounts on the SF-424 are for the complete project period and not just the first project year, first phase

or other subset of the project period. Save the SF-424 in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_424".

vii. Budget Justification Workbook

Applicants are required to complete the Budget Justification Workbook. This form is available on EERE Exchange at https://eere-Exchange.energy.gov/. Prime recipients must complete each tab of the Budget Justification Workbook for the project as a whole, including all work to be performed by the prime recipient and its subrecipients and contractors. Applicants should include costs associated with required annual audits and incurred cost proposals in their proposed budget documents. The "Instructions and Summary" included with the Budget Justification Workbook will auto-populate as the applicant enters information into the Workbook. Applicants must carefully read the "Instructions and Summary" tab provided within the Budget Justification Workbook. Save the Budget Justification Workbook in a single Microsoft Excel file using the following convention for the title "ControlNumber_LeadOrganization_Budget_Justification".

viii. Summary/Abstract for Public Release

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

ix. Summary Slide

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

The Summary Slide template requires the following information:

- A technology summary;
- A description of the technology's impact;
- Proposed project goals;

- Any key graphics (illustrations, charts and/or tables);
- The project's key idea/takeaway;
- Project title, prime recipient, Principal Investigator, and senior/key personnel information; and
- Requested MESC/EERE funds and proposed applicant cost share.

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

x. Subrecipient Budget Justification (if applicable)

Applicants must provide a separate budget justification for each subrecipient that is expected to perform work estimated to be more than $250,000 or 25 percent of the total work effort (whichever is less). The budget justification must include the same justification information described in the "Budget Justification" section above. Save each subrecipient budget justification in a Microsoft Excel file using the following convention for the title "ControlNumber_LeadOrganization_Subrecipient_Budget_Justification".

xi. Data Management Plan

Applicants are required to submit a DMP with their Full Application.

An applicant may select one of the template Data Management Plans (DMP) listed below. Alternatively, instead of selecting one of the template DMPs below, an applicant may submit another DMP provided that the DMP, at a minimum, (1) describes how data sharing and preservation will enable validation of the results from the proposed work, how the results could be validated if data are not shared or preserved and (2) has a plan for making all research data, if applicable, displayed in publications resulting from the proposed work digitally accessible at the time of publications. DOE Public Access Plan dated July 24, 2014 provides additional guidance and information on DMPs.

Option 1 (for when protected data is allowed): For the deliverables under the award, the recipient does not plan on making the underlying research data supporting the findings in the deliverables publicly-available for up to five (5) years after the data were first produced because such data will be considered protected under the award. The results from the DOE deliverables can be validated by DOE who will have access, upon request, to the research data. Other than providing deliverables as specified in the award, the recipient does not intend to publish the results from the project. However, in an instance where a publication includes results of the project, the underlying research data will be made available according to the policies of the publishing media. Where no such policy exists, the recipient must indicate on the publication a means for

requesting and digitally obtaining the underlying research data. This includes the research data necessary to validate any results, conclusions, charts, figures, images in the publications.

Option 2: For any publication that includes results of the project, the underlying research data will be made available according to the policies of the publishing media. Where no such policy exists, the recipient must indicate on the publication a means for requesting and digitally obtaining the underlying research data. This includes the research data necessary to validate any results, conclusions, charts, figures, images in the publications.

Save the DMP in a single MS Word file using the following convention for the title "ControlNumber_LeadOrganization_DMP."

xii. 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".

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

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

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

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

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

xiv. Foreign Entity Participation

As set forth in Section III.A.iii., all prime recipients and subrecipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a State or territory of the United States with majority domestic ownership or control and have a physical place of business in the United States. To request a waiver of this requirement, the applicant must submit an explicit waiver request in the Full Application. Appendix C lists the necessary information that must be included in a request to waive this requirement.

xv. Foreign Work Waiver Request

As set forth in Section IV.J.iii., all work under MESC/EERE funding agreements must be performed in the United States. Appendix C lists the necessary information that must be included in a foreign work waiver request.

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

xvi. Waiver of the Buy American Requirement for Infrastructure Projects

As set forth in Section IV.J.viii., all of the iron, steel, manufactured products and construction materials used in the infrastructure activities of the project must be produced in the United States. Appendix C lists the necessary information that must be included in a Waiver request.

Save the waivers in a single PDF file using the following convention for the title "ControlNumber_LeadOrganization_BA_Waiver".

xvii. Equity Plan: Quality Jobs and Community Benefits (Equity Plan)

The Equity Plan: Quality Jobs and Community Benefits (Equity Plan) must set forth the applicant's framework to ensure that federal investments in the battery manufacturing and materials processing sector support sustainable community economic development and prosperity, and advance the following principles and priorities: community and worker engagement; job quality; diversity, equity, inclusion, and accessibility (DEIA); and Justice40. The below sections set forth the Plan requirements in each of the foregoing areas. For applications selected for funding, DOE will incorporate the Equity Plan into the award as part of the project requirements and the recipient will be required to meet the elements proposed in the plan.

The Equity Plan must be submitted in PDF format. The Plan must conform to the following content and form requirements, and must not exceed 20 pages, including all citations, charts, graphs, maps, photos, or other graphics. If applicants exceed the maximum page lengths indicated below, MESC/EERE will review only the authorized number of pages and disregard any additional pages. This Plan must address the Merit Review sub-criteria listed under Criterion 5 as discussed in Sections V.A. and V.B. of the FOA.

Community Engagement: The Equity Plan shall set forth the applicant's plans and actions to engage with community-based organizations representing local stakeholder, including residents and businesses, labor unions and worker organizations, local government, DACs and community-based organizations that support or work with DACs. The applicant should detail its anticipated community engagement efforts before project initiation, during the project, and after the project is complete. Applicant should also describe its plan to negotiate a Community Benefits Agreement, Good Neighbor Agreement, or similar agreement. Such agreements facilitate community input and social buy-in, identify how concerns will be mitigated, and specify the distribution of community benefits, including access to jobs and business opportunities for local residents, thus reducing or eliminating project risks associated with project development.

Such project-specific agreements between developers and community organizations should include provisions on how a project will help the community, such as by paying wages and benefits at or above the prevailing rate when not already required, committing to recruit and hire local workers, especially from underserved communities, including workers from impoverished neighborhoods, and sending job opportunity notices to and recruiting from local residents and organizations.

Job Quality and Skilled Workforce: The Equity Plan shall provide a framework for the creation and retention of good-paying jobs, devoid of hostility and harassment, where workers are properly classified as employees, and have a free and fair choice to join, form, or assist a union.

This portion of the Equity Plan should detail how the proposed project will advance high wages, reduce income disparities across race and gender lines, ensure a trained and available workforce that is reflective of the community where the projects is located, and create a safe work environment. In addition, the Equity Plan should articulate how any proposed workforce development activities will support broad occupational training leading to industry-recognized credentials and career-track employment.

Specific components of the plan shall:

1. Describe the applicant's plan to attract, train, and retain a skilled and well qualified workforce for planed manufacturing and construction activity in a timely fashion to **ensure project stability, continuity, and success**. This may include, but is not limited to:
    a. Documenting the quality of jobs to be created (i.e., pay, benefits, classification as employees, permanent jobs, predictable schedules, etc.) Described how these jobs will be sufficiently attractive to skilled workers.
    b. Plan to ensure project success and continuity in the face of a labor dispute or strike (i.e., neutrality with respect to union organizing).
    c. Skilled workforce training (i.e., labor-management training programs, registered apprenticeships, partnerships with community colleges, sector-based approach to workforce development, etc.)
    d. Use of an appropriately credentialed workforce (i.e., requirements for appropriate and relevant professional training, certification, and licensure, including where appropriate utilization of graduates from registered apprenticeship programs).
    e. For construction activity, Project Labor Agreements (i.e., collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project).

2. Describe how the project will ensure the **highest standards of workplace safety and health**, including creating workplaces free from harassment and discrimination in order to support project continuity and success and employment that safeguards employee health and well-being. This should detail how employees will be involved in the development and execution of a workplace safety and health plan, including worksite analysis, hazard prevention and control, safety and health training, and anti-harassment training.

3. Describe the job retention and/or transition and other workforce development opportunities associated with the project noting efforts to create jobs particularly for workers in low and moderate income communities that have lost or anticipate losing jobs due to the displacement of fossil energy, including manufacturing of internal combustion engine vehicles and powertrains.

Note: If the applicant is repurposing a former industrial site, or locating in a region experiencing or anticipating industrial transition particularly where industrial facilities have been in operation for 25 years or more, please describe plans for employing workers from that site.

When developing the Plan, the applicants should consider that for large construction projects (above $35M or possibly lower, on a case by case basis), DOE may require a Project Labor Agreement (PLA), an agreement between contractors and labor unions, as well as participation in Department of Labor's Mega-Construction Project program that provides technical assistance to promote work opportunities for disadvantaged workers. Assessment of applicability will be conducted on a case-by-case basis and in consultation with awardees to ensure project feasibility.

DEIA: The Equity Plan shall include a section describing how diversity, equity, inclusion, and accessibility objectives will be incorporated into the project. The section should detail how the applicant will partner with underrepresented businesses and project partners. The plan should include at least one SMART milestone per Budget Period supported by metrics to measure the success of the proposed actions and will be incorporated into the award if selected.

The following is a non-exhaustive list of potential DEIA actions that can serve as examples of ways the proposed project could incorporate DEIA elements. These examples should not be considered either comprehensive or prescriptive. Applicants may include appropriate actions not covered by these examples and should include a comprehensive set of specific DEIA actions anticipated in connection with the project.

a. Identify Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses to solicit as vendors and sub-contractors for bids on supplies, services and equipment;
b. Efforts to increase the representation of Minority Serving Institutions as partners, as applicable;
c. Collaborate with researchers, and staff in Minority Serving Institutions, as applicable;
d. Identify diversity workforce training partners to foster improved access to jobs for members of the community, including under-represented individuals and those facing barriers to employment such as those with disabilities;
e. Describe how the application will support quality pre-apprenticeship programs in the local community to improve access to career-track

training and jobs for underrepresented workers, including returning citizens. Describe Local and/or Economic Hire efforts (i.e., preferences for economically disadvantaged populations).

Justice40 Initiative Plan: Applicants are required to submit a Justice40 Initiative Plan, which should provide an overview of benefits that can be supported by measurable metrics and describe the benefits to DACs. This section of the plan will be incorporated into the award and memorialized in a legally enforceable Community Benefits Agreement or similar document if selected, and shall include appropriate milestones for benefit delivery.

Specifically, the Justice40 Initiative Plan must include:

1. Identification of applicable DACs to which the anticipated project benefits will flow.
2. Identification of Applicable Benefits.
3. Benefits should be quantifiable, measurable, and trackable.
4. Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in DACs: (1) a decrease in energy burden; (2) a decrease in environmental exposure and burdens; (3) an increase in access to low-cost capital; (4) an increase in job creation, the clean energy job pipeline, and job training for individuals; (5) increases in clean energy enterprise creation and contracting (e.g., minority-owned or diverse business enterprises); (6) increases in energy democracy, including community ownership; (7) increased parity in clean energy technology access and adoption; and (8) an increase in energy resilience. ~~In addition, the plan, should include a discussion of Applicants should also provide a plan for maximizing all of the benefits listed in #4.~~
5. A Discussion of Anticipated Negative Impacts on DACs. For example, what are the anticipated environmental impacts associated with the project, and how applicants will mitigate such impacts?
6. A Description of How Anticipated Benefits Are Expected to Flow to DACs. For example, will the benefits be provided directly within the DAC(s) identified in the Justice40 Initiative Plan, or are the benefits expected to flow in another way?
7. Describe in detail how the targeted DAC(s) will receive the anticipated benefits.

Save the Equity Plan in a single PDF file using the following convention for the title "Control Number_LeadOrganization_Equity."

xviii. Current and Pending Support

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

For every activity, list the following items:

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

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

Details of any obligations, contractual or otherwise, to any program, entity, or organization sponsored by a foreign government must be provided on request to either the applicant institution or DOE.

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

> I, [Full Name and Title], certify to the best of my knowledge and belief that the information contained in this Current and Pending Support Disclosure Statement is true, complete and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729-3730 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to DOE's funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.

The information may be provided in the format approved by the National Science Foundation (NSF), which may be generated by the Science Experts Network Curriculum Vita (SciENcv), a cooperative venture maintained at https://www.ncbi.nlm.nih.gov/sciencv/, and is also available at https://www.nsf.gov/bfa/dias/policy/nsfapprovedformats/cps.pdf. The use of a format required by another agency is intended to reduce the administrative burden to researchers by promoting the use of common formats. If the NSF format is used, the individual must still include a signature, date, and a certification statement using the language included in the paragraph above.

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

xix. Environmental Information Volume (EIV)

You must complete the Environmental Information Volume. This form is available on EERE Exchange at https://eere-Exchange.energy.gov/. Save the Environmental Information Volume in a single PDF file using the following convention for the title "Control Number_LeadOrganization_EIV."

xx. Environmental Questionnaire (EQ)

You must complete the Environmental Questionnaire. This form is available on EERE Exchange at https://eere-Exchange.energy.gov/. Save the Environmental

Questionnaire in a single PDF file using the following convention for the title "Control Number_LeadOrganization_EQ."

xxi. Locations of Work

The applicant must complete the supplied template by listing the City, State, and zip code + 4 and State for each location where project work will be performed by the prime recipient or subrecipient(s). Save the completed template as a MS Excel file using the following convention for the title "Control Number_LeadOrganization_LOW."

xxii. Buy American Requirements for Infrastructure Projects

Recipients whose projects involve the construction, alteration, and/or repair of public infrastructure must ensure that all iron, steel, manufactured goods and/or construction materials are procured domestically. Recipients must include a short statement in the workplan of their technical volume regarding whether their project will include applicable infrastructure work.

When determining whether a project involves the construction, alteration, or repair or public infrastructure, applications should use the following definitions:

For purposes of this determination, "public" generally includes infrastructure that is (1) Publicly owned; (2) Privately owned but utilized primarily for a public purpose; or (3) is a place of public accommodation. This list is not exhaustive.

"Infrastructure" includes the following:

- Roads, highways, and bridges;
- Public Transportation;
- Dams, ports, harbors, and other maritime facilities;
- Intercity passenger and freight railroads;
- Freight and intermodal facilities;
- Airports;
- Water systems, including drinking water and wastewater systems;
- Electrical transmission facilities and systems;
- Utilities;
- Broadband Infrastructure; and
- Buildings and Real Property.

The ultimate determination about whether a recipient's project includes the construction, alteration, or repair of public infrastructure remains with the Department, but the applicant's determination required in the workplan will assist project planning and integration of domestic preference requirements,

which may impact the recipient's proposed budget. Waivers, discussed in Section IV.D.xvi of this FOA, may be granted, if properly justified.

E. Content and Form of Replies to Reviewer Comments

MESC/EERE will provide applicants with reviewer comments following the evaluation of all eligible Full Applications. Applicants will have a brief opportunity to review the comments and to prepare a short Reply to Reviewer Comments responding to the comments however they desire or supplementing their Full Application. The Reply to Reviewer Comments is an optional submission; applicants are not required to submit a Reply to Reviewer Comments. MESC/EERE will post the Reviewer Comments in EERE Exchange. The expected submission deadline is on the cover page of the FOA; however, it is the applicant's responsibility to monitor EERE Exchange in the event that the expected date changes. The deadline will not be extended for applicants who are unable to timely submit their reply due to failure to check EERE Exchange or relying on the expected date alone. Applicants should anticipate having approximately five (5) business days to submit Replies to Reviewer Comments.

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

Replies to Reviewer Comments must conform to the following content and form requirements, including maximum page lengths, described below. If a Reply to Reviewer Comments is more than five (5) pages in length, MESC/EERE will review only the first five (5) pages and disregard any additional pages.

SECTION	PAGE LIMIT	DESCRIPTION
Content	5 pages max	Applicants may respond to one or more reviewer comments or supplement their Full Application including text, graphs, charts, or other data to respond to reviewer comments or supplement their Full Application.

F. Post Selection Information Requests

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

- Personnel proposed to work on the project and collaborating organizations (See Section VI.B.xvi. Participants and Collaborating Organizations);

- Current and Pending Support (See Sections IV.D.xviii and VI.B.xvii. Current and Pending Support);
- Indirect cost information;
- Other budget information;
- Intellectual Property Management Plan;
- Commitment Letters from Third Parties Contributing to Cost Share, if applicable;
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5);
- Representation of Limited Rights Data and Restricted Software, if applicable;
- Information related to Davis-Bacon Act Requirements;
- Environmental Questionnaire; and
- Environmental Impact Volume.

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

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

H. Submission Dates and Times

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

I. Intergovernmental Review

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

J. Funding Restrictions

i. Allowable Costs

All expenditures must be allowable, allocable, and reasonable in accordance with the applicable federal cost principles.

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

- Federal Acquisition Regulation (FAR) Part 31 for For-Profit entities; and
- 2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities.
- Project funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

ii. Pre-Award Costs

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

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

Pre-award expenditures are made at the selectee's risk. MESC/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**

   MESC/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 MESC/EERE completing the NEPA review process.

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

Contracting Officer. If the applicant elects to undertake activities that DOE determines may have an adverse effect on the environment or limit the choice of reasonable alternatives prior to receiving such written authorization from the Contracting Officer, the applicant is doing so at risk of not receiving federal funding for their project and such costs may not be recognized as allowable cost share. Nothing contained in the pre-award cost reimbursement regulations or any pre-award costs approval letter from the Contracting Officer override these NEPA requirements to obtain the written authorization from the Contracting Officer prior to taking any action that may have an adverse effect on the environment or limit the choice of reasonable alternatives. Likewise, if an application is selected for negotiation of award, and the prime recipient elects to undertake activities that are not authorized for federal funding by the Contracting Officer in advance of MESC/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 MESC/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, MESC/EERE may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as allowable recipient cost share. The prime recipient is responsible should any work under this award be performed outside the United States, absent a waiver, regardless of whether the work is performed by the prime recipient, subrecipients, contractors or other project partners.

3. Waiver

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

The applicant must demonstrate to the satisfaction of MESC/EERE that a waiver would further the purposes of the FOA and is in the economic interests of the United States. EERE may require additional information before considering a waiver request. Save the waiver request(s) in a single

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

iv. Construction

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

v. Foreign Travel

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

vi. Equipment and Supplies

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.

Property disposition will be required at the end of a project if the current fair market value of property exceeds $5,000. For-profit entity disposition requirements are set forth at 2 CFR 910.360. Property disposition requirements for other non-federal entities are set forth in 2 CFR 200.310 – 200.316.

vii. Domestic Preference Standard Buy American Requirement

As appropriate and to the extent consistent with law, Applicants shall ensure that, to the greatest extent practicable, iron and aluminum as well as steel, cement, and other manufactured products (construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber) used in the proposed project shall be produced in the United States. This requirement shall flow down to all sub-awards including all contracts, subcontracts and purchase orders for work performed under the proposed project.

Refer to Build America Buy America executive order:
https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf

For infrastructure projects, Section IV.J.viii Domestic Content Procurement Preference for Buy American Requirement for Infrastructure Projects overrides this section.

viii. Domestic Content Procurement Preference for Buy American Requirement for Infrastructure Projects

Refer to Build America Buy America executive order:
https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf

None of the project funds or otherwise made available under an award may be used under a project for infrastructure unless:

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

(2) all manufactured products used in the project are produced in the United States; This means the manufactured product (construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber) was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

This requirement shall flow down to all sub-awards including all contracts, subcontracts and purchase orders for work performed under the proposed project.

When necessary, recipients may request, and DOE may grant a waiver of the application of the Domestic Content Procurement Preference requirements in any case in which DOE has made a determination that one of the following

exceptions apply— (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be provided by the recipient in writing to DOE. See Appendix C for instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests may be subject to public comment periods of no less than 15 days, after which the request must also be reviewed by OMB.

ix. Davis-Bacon Act Requirements

Projects awarded under this FOA will be funded, in whole or in part, by funding made available under Division D of the BIL. All laborers and mechanics employed by the applicant, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair on an award or project in excess of $2000 funded directly by or assisted in whole or in part by funds made available under this FOA shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the "Davis-Bacon Act" (DBA).

Applicants shall provide written assurance acknowledging the DBA requirements for the award or project and confirming that all of the laborers and mechanics performing construction, alteration, or repair work on projects in excess of $2000 funded directly by or assisted in whole or in part by and through funding under the award are paid or will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act).

Applicants acknowledge that they will comply with all of the Davis-Bacon Act requirements, including but not limited to:
(1) ensuring that the wage determination(s) and appropriate Davis-Bacon clauses and requirements are flowed down to and incorporated into any applicable subcontracts or subrecipient awards.
(2) ensuring that if wage determination(s) and appropriate Davis-Bacon clauses and requirements are improperly omitted from contracts and subrecipient awards, the applicable wage determination(s) and clauses are retroactively incorporated to the start of performance

(3) being responsible for compliance by any subcontractor or subrecipient with the Davis-Bacon labor standards.
(4) receiving and reviewing certified weekly payrolls submitted by all subcontractors and subrecipients for accuracy and to identify potential compliance issues.
(5) maintaining original certified weekly payrolls for 3 years after the completion of the project and making those payrolls available to the Department of Energy or the Department of Labor upon request, as required by 29 CFR 5.6(a)(2).
(6) conducting payroll and job-site reviews for construction work, including interviews with employees, with such frequency as may be necessary to assure compliance by its subcontractors and subrecipients and as requested or directed by the DOE.
(7) cooperating with any authorized representative of the Department of Labor in their inspection of records, interviews with employees, withholding requests, and other actions undertaken as part of a Department of Labor investigation.
(8) posting in a prominent and accessible place the wage determination(s) and Department of Labor Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects.
(9) notifying the Contracting Officer of all labor standards issues, including all complaints regarding incorrect payment of prevailing wages and/or fringe benefits, received from the recipient, subrecipient, contractor, or subcontractor employees; significant labor standards violations, as defined in 29 CFR 5.7; disputes concerning labor standards pursuant to 29 CFR parts 4, 6, and 8 and as defined in FAR 52.222-14; disputed labor standards determinations; Department of Labor investigations; or legal or judicial proceedings related to the labor standards under this Contract, a subcontract, or subrecipient award.
(10) preparing and submitting to the Contracting Officer, the Office of Management and Budget Control Number 1910-5165, Davis-Bacon Semi-Annual Labor Compliance Report, by April 21 and October 21 of each year. Form submittal will be administered through the iBenefits system (https://doeibenefits2.energy.gov) or its successor system.

Recipients of funding under this FOA will also be required to undergo Davis-Bacon Act compliance training and to maintain competency in Davis-Bacon Act compliance. The Contracting Officer will notify the recipient of any DOE sponsored Davis-Bacon Act compliance trainings. The U.S. Department of Labor ("DOL") offers free Prevailing Wage Seminars several times a year that meet this requirement, at https://www.dol.gov/agencies/whd/government-contracts/construction/seminars/events.

The Department of Energy anticipates procuring a web-based commercial off-the-shelf (COTS) software service to automate the collection, verification and management of DBA compliance data as well as certified payroll report data, as

applicable, from prime recipients and subrecipients of DOE funding. This compliance software is intended to allow recipients and subrecipients to easily determine the appropriate wages and benefits for each worker on BIL-funded projects. Recipients of funding under this FOA will be required to utilize the DOE-provided software in order to ensure the timely electronic submission of weekly certified payrolls as part of their compliance with the Davis-Bacon Act unless a waiver is granted to a particular contractor or subcontractor because they are unable or limited in their ability to use or access the DOE-provided software tool.

Davis-Bacon Act Electronic Certified Payroll Submission Waiver

If an applicant is selected for award and wishes to request a waiver from the requirement to use the DOE-provided DBA software tool, the selectee may request instructions from DOE that will provide the necessary information that must be included in an Electronic Payroll Submittal Waiver request. This information will need to be provided, and the waiver granted, before the award starts. The applicant does not have the right to appeal EERE's decision concerning a waiver request.

For additional guidance on how to comply with the Davis-Bacon provisions and clauses, see https://www.dol.gov/agencies/whd/government-contracts/construction and https://www.dol.gov/agencies/whd/government-contracts/protections-for-workers-in-construction.

x. Lobbying

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

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

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

xi. Risk Assessment

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

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

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

xii. 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;
- Proof of compliance with Davis-Bacon and electronic submittals of certified payroll reports;
- Disclosure of any citations related to NLRA, FLSA, OSH, SCA, or DBA, or Title VII;
- Invoices/receipts for all travel, equipment, supplies, contractual, and other costs;
- UCC filing proof for equipment acquired with project funds by for-profit recipients and subrecipients;
- Explanation of cost share for invoicing period;
- Analogous information for some subrecipients; and
- Other items as required by DOE.

xiii. 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 continuing 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. The applicant does not have the right to appeal DOE's decision concerning a waiver request. Consequences for violations of this prohibition will be determined according to applicable law, regulations, and policy. 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 to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government. Many, but not all, programs aim to incentivize the targeted individual to physically relocate to the foreign state for the above purpose. Some programs allow for or encourage continued employment at U.S. research facilities or receipt of Federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to U.S. entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

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

3. **Scientific and Technical Information**. Information products deemed by the originator to be useful beyond the originating site (e.g., intended to be published or disseminated), in any format or medium, which contain findings and technological innovations resulting from R&D efforts and

scientific and technological work of scientists, researchers, and engineers. Scientific findings are communicated through various media – e.g., textual, multimedia, audiovisual, and digital – and are produced in a range of products such as technical reports, scientific/technical conference papers, journal articles, workshop reports, program documents, invention reports, patent applications, patents, publicly available scientific research datasets, or other forms of scientific and technical information.

V. Application Review Information

A. Technical Review Criteria AOIs 1-3, & 6-11

Criterion 1: Technical Merit, Project Management, and Impact (30%)
(All sub-criteria within this criterion are equally weighted.)
Technical Merit

1a. Technical feasibility of the project, including both the ability to complete the facility and to deliver a commercial ready product.
1b. Comprehensiveness of the manufactured product description, including specifications and applications.
1c. Accuracy of cost estimate and calculations, reasonableness of assumptions, including integration of processes, equipment and equipment availability, and labor for deriving annual production capacity, and quantity of production capacity to be developed during the project period.
1d. Comprehensiveness and reasonableness of the recycling approach in terms of plans for recovery and reuse of materials within the manufacturing process in addition to the extent of waste material or residue that will be discarded annually at full production capacity.
1e. Comprehensiveness and reasonableness of the plan to address potential environmental impacts including greenhouse gas, energy use, water, and emissions from the manufacturing facility or facilities.

Project Management

1f. The sufficiency of the Earned Value Management Plan to use total project costs and schedule to enable timely and accurate project performance monitoring and prediction as a means to make project adjustments. Reasonableness of annual go/no-go decisions prior to a budget period continuation application, interim milestones, and metrics.
1g. The extent of the identification of implementation barriers and risks and effective strategies for resolution.
1h. Soundness of a plan to expeditiously address environmental, siting, and other regulatory requirements for the project.

Impact

1i. Anticipated ability of the proposed facility to support and accelerate the establishment of a domestic high capacity battery supply chain.
1j. Reasonableness of supply chain analysis, comprehensiveness of supplier company list with locations, degree of supply capacity to be purchased from each supplier, extent of supply provided by domestic suppliers in terms of capacity and sales amount,

justifications for the use of non-domestic suppliers, validity of certifications for foreign entities of concern, as well as strength and quantity of supplier offtake agreements and/or Letters of Commitment (Letters of Support are not applicable to this criteria).

Criterion 2: Commercialization and Market Acceptance (30%)
(All sub-criteria within this criterion are equally weighted.)

2a. Strength of business plan, break-even analysis, including customer Letters of ~~intent~~ Commitment, current sales and identification of commercialization pathways. This should include analysis with respect to plans for sales and the extent of time required to cover production fixed and variable costs to enable the company to profit from the facility.
2b. Ability of suppliers to meet the required production capacity and material specifications.
2c. Reasonableness of assumptions for estimating, and the market share projection for near term (5 years), mid-term (5 to 10 years), and long term (greater than 10 years).
2d. Reasonableness of analysis and prioritization of the barriers to commercialization, including market, product performance characteristics, regulatory, intellectual property, and any other significant barriers. Adequacy, reasonableness, and soundness of efforts to overcome barriers.
2e. Extent that North American-owned intellectual property and content are deployed as a result of the project.

Criterion 3: Cost Share (10%)
(All sub-criteria within this criterion are equally weighted.)

3a. Soundness of proposed cost share, including extent of use of cash as cost share.
3b. The extent of the amount of cost share in proportion to the Federal funds requested.
3c. The extent of leverage measured in terms of annual production capacity per government dollar invested for the entire project.

Criterion 4: Qualifications and Resources (10%)
(All sub-criteria within this criterion are equally weighted.)

4a. Clarity, adequacy and completeness of roles and contributions of each team member in development of the project and/or commercialization of the products, including financial support of partners and subrecipients.
4b. Extent of evidence of team's and key personnel experience and success in industry and/or in similar projects and availability.
4c. Extent to which the proposed site (or sites) are suited for the proposed project.
4d. Ability (quality, availability and appropriateness) of facilities and equipment to accommodate the project.
4e. Extent of participation by consortia or industry partnerships.

Criterion 5: Equity Plan: Quality Jobs & Community Benefits (20%)
(All sub-criteria within this criterion are equally weighted.)
Quality Jobs

5a. Quality and manner in which the proposed project will create and/or retain high quality, good-paying jobs with a free and fair choice to join or form a union.
5b. Extent to which the project provides workforce opportunities in low and moderate-income communities or communities that have lost jobs due to fossil energy displacement.
5c. Extent to which applicant has a plan to attract, train, and retain skilled workers; and partner with key community-based, labor, and worker organizations and groups.

Diversity, Equity, Inclusion, and Accessibility

5d. The quality and manner in which the measures incorporate diversity, equity, inclusion, and accessibility goals in the project, as outlined in the Equity Plan.

Justice 40

5e. Extent to which the project illustrates the ability to meet or exceed the objectives of the Justice40 initiative, including the extent to which the project benefits disadvantaged or underserved communities and/or partners with Tribal Nations, as outlined in the Equity Plan.

Community Benefits

5f. The extent to which applicant's Equity Plan illustrates project viability and social risk mitigation through the delivery of high-quality jobs, minimal environmental impact, and allocation of 40% of project benefits to DACs.

B. Technical Review Criteria AOIs 4, 5, & 12

Criterion 1: Technical Merit, Project Management, and Impact (40%)
(All sub-criteria within this criterion are equally weighted.)

Technical Merit

1a. Extent to which the proposed technology or process is innovative.
1b. Degree to which the current state of the technology and the proposed advancement are clearly described.
1c. Technical detail to assess whether the proposed work is scientifically meritorious, including relevant data, calculations and discussion of prior work.
1d. The extent that the project supports the topic area objectives and target specifications and metrics

Project Management

1e. Adequacy, reasonableness, and soundness of the project schedule, as well as annual go/no-go decisions prior to a budget period continuation application, interim milestones, and metrics to track process.
1f. Adequacy of the identification of risks and "timely" strategies for resolution.
1g. Soundness of a plan to expeditiously address environmental, siting, and other regulatory requirements for the project.

Impact

1h. Quantity of production capacity to be demonstrated during the project period.

Criterion 2: Commercialization and Market Acceptance (20%)

(All sub-criteria within this criterion are equally weighted.)

2a. Extent of commercial market viability if demonstration project is successful.

2b. Strength of business plan and identification of commercialization pathways; including reasonableness of analysis and prioritization of barriers to commercialization, including market, regulatory, intellectual property, and any other barriers and the soundness of plans to overcome these barriers.

2c. Extent that North American-owned intellectual property and content are deployed as a result of the project.

Criterion 3: Cost Share (10%)

3a. Soundness of proposed cost share, including extent of use of cash as cost share.

Criterion 4: Qualifications and Resources (10%)

(All sub-criteria within this criterion are equally weighted.)

4a. Clarity, adequacy, and completeness of roles and contributions of each team member in development of the project, including financial support of partners, and subrecipients.

4b. Extent of team's (including key personnel) experience and success in industry and/or in similar projects.

4c. Extent to which the proposed site (or sites) are suited for the proposed project.

4d. Extent to which the facilities and equipment (existing and proposed) will be suited to ensure project success.

4e. Extent of participation by consortia or industry partnerships.

Criterion 5: Equity Plan: Quality Jobs & Community Benefits (20%)

(All sub-criteria within this criterion are equally weighted.)

Quality Jobs

5a. Quality and manner in which the proposed project will create or retain high quality, good-paying jobs with a free and fair choice to join, form, or assist a union.

5b. Extent to which applicant has a plan to attract, train, and retain skilled workers; and partner with community-based, labor, and worker organizations and groups.

5c. Extent to which the project provides workforce opportunities in low and moderate-income communities or communities that have lost jobs due to fossil energy displacement.

Diversity, Equity, Inclusion, and Accessibility

5d. The quality and manner in which the measures incorporate diversity, equity and inclusion goals in the project, as reflected in Equity Plan.

Justice 40

5e. Extent to which the project illustrates the ability to meet or exceed the objectives of the Justice40 initiative, including the extent to which the project benefits disadvantaged or underserved communities and/or partners with Tribal Nations, as reflected in the Equity Plan.

Community Benefits

5f. The extent to which applicant's Equity Plan illustrates project viability and social risk mitigation through the delivery of high-quality jobs, minimal environmental impact, and allocation of 40% of project benefits to DACs.

C. Criteria for Replies to Reviewer Comments

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

D. 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.

E. 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 proposed project exhibits technological diversity when compared to the existing DOE project portfolio and other projects selected from the subject FOA;
- The proposed project, including proposed cost share, optimizes the use of available MESC/EERE funding to achieve programmatic objectives;
- The proposed project exhibits an advanced level of industry involvement and demonstrated ability that will likely accelerate commercialization and overcome key market barriers;

- The proposed project mitigates risk by having higher commercial and technical viability;
- The proposed project advances the Administration's critical minerals strategy as laid out by the 100-day and 1-year reviews/reports from Executive Order 14017;
- The proposed project is likely to lead to increased high-quality employment and manufacturing in the United States;
- The proposed project is likely to lead to improved job quality and jobs for current automotive workers in the battery supply chain;
- 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 proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications);
- The proposed project has committed to not use battery material supplied by or originating from a foreign entity of concern as defined in 42 U.S.C. 18741 (a)(5);
- The proposed project is located and operates in the United States;
- The proposed project is owned by a United States Entity;
- The proposed project incorporates diversity, equity, inclusion, and accessibility elements, including but not limited to, consortia comprised of lead applicants, partners, and team members from Minority Serving Institutions (e.g. Historically Black Colleges and Universities (HBCUs)/Other Minority Institutions), Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, Veteran Owned Businesses, Tribal Nations, or members within underserved communities;
- The proposed project maximizes benefits to DACs; and
- The proposed project minimizes environmental impacts to DACs.

Diversity (other than technological)

- The proposed project collectively represents diverse types and sizes of applicant organizations.

Optimize Funding

- The proposed project avoids duplication/overlap with other publicly or privately funded work.

Complementary Efforts

- The proposed project supports complementary efforts or projects, which, when taken together, will best achieve the research goals and objectives.

Market Impact

- The proposed project enables new and expanding market segments.

Deployment

- The proposed project's solution or strategy will maximize deployment or replication.

Tech Transfer

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

F. Evaluation and Selection Process

i. Overview

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

ii. Pre-Selection Clarification

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

The information provided by applicants to MESC/EERE through pre-selection clarifications is incorporated in their applications and contributes to the merit review evaluation and MESC/EERE's selection decisions. If MESC/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.

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

iii. Recipient Integrity and Performance Matters

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

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

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

iv. Selection

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

G. Anticipated Notice of Selection and Award Negotiation Dates

MESC/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 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 Full Application is ineligible and not considered for further review.

ii. Full Application Notifications

MESC/EERE will notify applicants of its determination via a notification letter by email to the technical and administrative points of contact designated by the applicant in EERE Exchange. The notification letter will inform the applicant whether or not its Full Application was selected for award negotiations. Alternatively, MESC/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.

iii. Successful Applicants

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

The award negotiation process will take approximately 90 days. Applicants must designate a primary and a backup point-of-contact in EERE Exchange with whom MESC/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, MESC/EERE will cancel the award negotiations and rescind the Selection. MESC/EERE reserves the right to terminate award negotiations at any time for any reason.

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

iv. Alternate Selection Determinations

In some instances, an applicant may receive a notification that its application was not selected for award and MESC/EERE designated the application to be an alternate. As an alternate, MESC/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. MESC/EERE may ultimately determine to select or not select the Full Application for award negotiations.

v. Unsuccessful Applicants

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

B. Administrative and National Policy Requirements

i. Registration Requirements

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

1. **EERE Exchange**
   Register and create an account on EERE Exchange at https://eere-Exchange.energy.gov. This account will then allow the user to register for any open MESC/EERE FOAs that are currently in EERE Exchange. It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Applicants should also designate backup points of contact so they may be easily contacted if deemed necessary. **This step is required to apply to this FOA.** The EERE Exchange registration does not have a delay; however, **the remaining registration requirements below could take several weeks to process and are necessary for a potential applicant to receive an award under this FOA.**

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

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

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

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

ii. Award Administrative Requirements

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

iii. Foreign National Access

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

iv. Subaward and Executive Reporting

Additional administrative requirements necessary for DOE grants and cooperative agreements to comply with the Federal Funding and Transparency Act of 2006 (FFATA) are contained in 2 CFR Part 170. Prime recipients must register with the new FFATA Subaward Reporting System database and report

the required data on their first tier subrecipients. Prime recipients must report the executive compensation for their own executives as part of their registration profile in SAM.

v. National Policy Requirements

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

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

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

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

vii. Applicant Representations and Certifications

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

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

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

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

For purposes of these representations the following definitions apply:

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

3. Nondisclosure and Confidentiality Agreements Representations

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

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

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

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

(2) The limitation above shall not contravene requirements applicable to Standard Form 312 Classified Information

Nondisclosure Agreement (https://fas.org/sgp/othergov/sf312.pdf), Form 4414 Sensitive Compartmented Information Disclosure Agreement (https://fas.org/sgp/othergov/intel/sf4414.pdf), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

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

viii. Statement of Federal Stewardship

MESC/EERE will exercise normal federal stewardship in overseeing the project activities performed under MESC/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. Subject Invention Utilization Reporting

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

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

Potential reporting requirements are identified on the Federal Assistance Reporting Checklist, attached to the award agreement. This helpful MESC/EERE checklist can be accessed at https://www.energy.gov/eere/funding/eere-funding-application-and-management-forms. See Attachment 2 Federal Assistance Reporting Checklist, after clicking on "Model Cooperative Agreement" under the Award Package section. The reporting requirements are subject to change.

Projects under this FOA will be funded, in whole or in part, with funds appropriated by the BIL. Be advised that additional reporting requirements may apply to projects funded by BIL. As part of tracking progress toward key departmental goals – ensuring justice and equity, creating jobs, boosting domestic manufacturing, reducing greenhouse gas emissions, and advancing a pathway to private sector – DOE may require specific data collection. Examples of data that may be collected include:

- New manufacturing production, and recycling capacity
- Training hours provided, certificates and training credentials received by employees, ratio of apprentice-to-journey level workers employed
- Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses and Veteran Owned Businesses acting as vendors and sub-contractors for bids on supplies, services and equipment.
- Value, number, and type of partnerships with MSIs
- Funding leveraged, follow-on-funding, Intellectual Property (IP) Generation and IP Utilization

Data collection may be required at the start of a project, during a project's performance period, upon completion, and/or annually for a specified period after the project's completion. The reporting requirements will be specified in the DOE F 4600.2 or other related BIL guidance as they become available.

xii. Go/No-Go Review

Each project selected under this FOA will be subject to a periodic project evaluation referred to as a Go/No-Go Review. At the Go/No-Go decision points, MESC/EERE will evaluate project performance, project schedule adherence, meeting milestone objectives, compliance with reporting requirements, and overall contribution to the MESC/EERE program goals and objectives. Federal

funding beyond the Go/No-Go decision point (continuation funding) is contingent upon (1) availability of federal funds appropriated by Congress for the purpose of this program; (2) the availability of future-year budget authority; (3) recipient's technical progress compared to the Milestone Summary Table stated in Attachment 1 of the award; (4) recipient's submittal of required reports; (5) recipient's compliance with the terms and conditions of the award; (6) MESC/EERE's Go/No-Go decision; (7) the recipient's submission of a continuation application; and (8) written approval of the continuation application by the Contracting Officer.

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

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

xiii. Conference Spending

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

xiv. Uniform Commercial Code (UCC) Financing Statements

Per 2 CFR 910.360 (Real Property and Equipment) when a piece of equipment is purchased by a for-profit recipient or subrecipient with federal funds, and when the federal share of the financial assistance agreement is more than $1,000,000, the recipient or subrecipient must:

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

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

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

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 within 30 days after the applicant is notified of the selection. Recipients will have an ongoing responsibility to notify DOE of changes to the personnel and collaborating organizations, and submit updated information during the life of the award.

xvii. Current and Pending Support

If selected for award negotiations, prior to receiving an award, the selectee must submit 1) current and pending support disclosures and resumes for any new PIs and senior/key personnel, and 2) updated disclosures if there have been any changes to the current and pending support disclosures 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.xviii.

xviii. U.S. Manufacturing Commitments

A primary objective of DOE's multi-billion dollar research, development commercialization and demonstration investments is to cultivate new research and development ecosystems, manufacturing capabilities, and supply chains for and by U.S. industry and labor. Therefore, in exchange for receiving taxpayer dollars to support an applicant's project, the applicant must agree to the following U.S. Competitiveness Provision as part of an award under this FOA.

> U.S. Competitiveness
>
> The Recipient agrees that any products embodying any subject invention or produced through the use of any subject invention will be manufactured substantially in the United States unless the Recipient can show to the satisfaction of DOE that it is not commercially feasible. In the event DOE agrees to foreign manufacture, there will be a requirement that the Government's support of the technology be recognized in some appropriate manner, e.g., alternative binding commitments to provide an overall net benefit to the U.S. economy. The Recipient agrees that it will not license, assign or otherwise transfer any subject invention to any entity, at any tier, unless that entity agrees to these same requirements. Should the Recipient or other such entity receiving rights in the invention(s): (1) undergo a change in ownership amounting to a controlling interest, or (2) sell, assign, or otherwise transfer title or exclusive rights in the invention(s), then the assignment, license, or other transfer of rights in the subject invention(s) is/are suspended until approved in writing by DOE. The Recipient and any successor assignee will convey to DOE, upon written request from DOE, title to any subject invention, upon a breach of this paragraph. The Recipient will include this paragraph in all subawards/contracts, regardless of tier, for experimental, developmental or research work.

A subject invention is any invention conceived or first actually reduced in performance of work under an award. An invention is any invention or discovery which is or may be patentable.

As noted in the U.S. Competitiveness Provision, at any time in which an entity cannot meet the requirements of the U.S. Competitiveness Provision, the entity may request a modification or waiver of the U.S. Competitiveness Provision. For example, the entity may propose modifying the language of the U.S. Competitiveness Provision in order to change the scope of the requirements or

to provide more specifics on the application of the requirements for a particular technology. As another example, the entity may request that the U.S. Competitiveness Provision be waived in lieu of a net benefits statement or U.S. manufacturing plan. The statement or plan would contain specific and enforceable commitments that would be beneficial to the U.S. economy and competitiveness. Commitments could include manufacturing specific products in the U.S., making a specific investment in a new or existing U.S. manufacturing facility, keeping certain activities based in the U.S. or supporting a certain number of jobs in the U.S. related to the technology. If DOE, in its sole discretion, determines that the proposed modification or waiver promotes commercialization and provides substantial U.S. economic benefits, DOE may grant the request and, if granted, modify the award terms and conditions for the requesting entity accordingly.

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

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:

> 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 (currently FAPIIS). Failure to make required disclosures can result in

any of the remedies described in § 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]

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.

Federal regulation and the DOE Order require review by an Institutional Review Board (IRB) of all proposed human subjects research projects. The IRB is an interdisciplinary ethics board responsible for ensuring that the proposed research is sound and justifies the use of human subjects or their data; the potential risks to human subjects have been minimized; participation is voluntary; and clear and accurate information about the study, the benefits and risks of participating, and how individuals' data/specimens will be protected/used, is provided to potential participants for their use in determining whether or not to participate.

The recipient shall provide the Federal Wide Assurance number identified in item 1) below and the certification identified in item 2) below to DOE prior to initiation of any project that will involve interactions with humans in some way (e.g., through surveys); analysis of their identifiable data (e.g., demographic data and energy use over time); asking individuals to test devices, products, or materials developed through research; and/or testing of commercially available devices in buildings/homes in which humans will be present. Note: This list of examples is illustrative and not all inclusive.

No DOE funded research activity involving human subjects, biospecimens, or identifiable private information shall be conducted without:

1) A registration and a Federal Wide Assurance of compliance accepted by the Office of Human Research Protection (OHRP) in the Department of Health and Human Services; and
2) Certification that the research has been reviewed and approved by an Institutional Review Board (IRB) provided for in the assurance. IRB review may be accomplished by the awardee's institutional IRB; by the Central DOE IRB; or if collaborating with one of the DOE national laboratories, by the DOE national laboratory IRB.

The recipient is responsible for ensuring all subrecipients comply and for reporting information on the project annually to the DOE Human Subjects

Research Database (HSRD) at https://science.osti.gov/HumanSubjects/Human-Subjects-Database/home. Note: If a DOE IRB is used, no end of year reporting will be needed.

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).

xxi. Data Management Plan (DMP)

During the award negotiations phase, each applicant whose Full Application is selected for award negotiations will be required to finalize the DMP that was submitted as part of the application. A DMP explains how, when appropriate, data generated in the course of the work performed under an MESC/EERE award will be shared and preserved in order to validate the results of the proposed work or how the results could be validated if the data is not shared or preserved. The DMP must provide a plan for making all research data displayed in publications resulting from the proposed work digitally accessible at the time of publications.

VII. Questions/Agency Contacts

Upon the issuance of a FOA, MESC/EERE personnel are prohibited from communicating (in writing or otherwise) with applicants regarding the FOA except through the established question and answer process as described below. Specifically, questions regarding the content of this FOA must be submitted to: DE-FOA-0002678@netl.doe.gov. Questions must be submitted not later than 5 business days prior to the application due date and time. Please note, feedback on individual concepts will not be provided through Q&A.

All questions and answers related to this FOA will be posted on EERE Exchange at: https://eere-exchange.energy.gov. **Please note that you must first select this specific FOA Number in order to view the questions and answers specific to this FOA**. MESC/EERE will attempt to respond to a question within 5 business days, unless a similar question and answer has already been posted on the website.

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

VIII. Other Information

A. FOA Modifications

Amendments to this FOA will be posted on the EERE Exchange website and the Grants.gov system. However, you will only receive an email when an amendment or a FOA is posted on these sites if you register for email notifications for this FOA in Grants.gov. **MESC/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

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

C. Commitment of Public Funds

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

D. Treatment of Application Information

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

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

Full Applications, and other submissions containing confidential, proprietary, or privileged information must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The U.S. Government is not liable for the disclosure or use of unmarked information, and may use or disclose such information for any purpose.

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

> **Notice of Restriction on Disclosure and Use of Data:**
> Pages [list applicable pages] of this document may contain trade secrets, confidential, proprietary, or privileged information that is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance or loan agreement between the submitter and the Government. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. [End of Notice]

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

E. Evaluation and Administration by Non-Federal Personnel

In conducting the merit review evaluation, the Go/No-Go Reviews and Peer Reviews, the government may seek the advice of qualified non-federal personnel as reviewers. The government may also use non-federal personnel to conduct routine, nondiscretionary administrative activities, including MESC/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

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

H. Requirement for Full and Complete Disclosure

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

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

I. Retention of Submissions

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

J. Title to Subject Inventions

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

- Domestic Small Businesses, Educational Institutions, and Nonprofits: Under the Bayh-Dole Act (35 U.S.C. § 200 et seq.), domestic small businesses, educational institutions, and nonprofits may elect to retain title to their subject inventions;
- All other parties: The federal Non-Nuclear Energy Act of 1974, 42. U.S.C. 5908, provides that the government obtains title to new inventions unless a waiver is granted (see below);

- Class Patent Waiver:

DOE has issued a class waiver that applies to this FOA. Under this class waiver, domestic large businesses may elect title to their subject inventions similar to the right provided to the domestic small businesses, educational institutions, and nonprofits by law. In order to avail itself of the class waiver, a domestic large business must agree that any products embodying or produced through the use of a subject invention first created or reduced to practice under this program will be substantially manufactured in the United States.

- Advance and Identified Waivers: For an applicant not covered by a Class Patent Waiver or the Bayh-Dole Act, the applicant may request a patent waiver that will cover subject inventions that may be invented under the award, in advance of or within 30 days after the effective date of the award. Even if an advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver for identified inventions, i.e., individual subject inventions that are disclosed to MESC/EERE within the timeframes set forth in the award's intellectual property terms and conditions. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784.

- DEC: On June 07, 2021, DOE approved a DETERMINATION OF EXCEPTIONAL CIRCUMSTANCES (DEC) UNDER THE BAYH-DOLE ACT TO FURTHER PROMOTE DOMESTIC MANUFACTURE OF DOE SCIENCE AND ENERGY TECHNOLOGIES. In accordance with this DEC, all awards, including sub-awards, under this FOA shall include the U.S. Competitiveness Provision in accordance with Section VI.B.xviii. U.S. Manufacturing Commitments of this FOA. A copy of the DEC can be found at https://www.energy.gov/gc/determination-exceptional-circumstances-decs. Pursuant to 37 CFR § 401.4, any nonprofit organization or small business firm as defined by 35 U.S.C. 201 affected by any DEC has the right to appeal it by providing written notice to DOE within 30 working days from the time it receives a copy of the determination.

K. Government Rights in Subject Inventions

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

a. Government Use License

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

subject invention throughout the world. This license extends to contractors doing work on behalf of the government.

b. March-In Rights

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

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

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

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

L. Rights in Technical Data

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

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

Government Rights in Technical Data Produced Under Awards: The U.S. government normally retains unlimited rights in technical data produced under government financial assistance awards, including the right to distribute to the

public. However, pursuant to special statutory authority, certain categories of data generated under MESC/EERE awards may be protected from public disclosure for up to five years after the data is generated ("Protected Data"). For awards permitting Protected Data, the protected data must be marked as set forth in the awards intellectual property terms and conditions and a listing of unlimited rights data (i.e., non-protected data) must be inserted into the data clause in the award. In addition, invention disclosures may be protected from public disclosure for a reasonable time in order to allow for filing a patent application.

M. Copyright

The prime recipient and subrecipients may assert copyright in copyrightable works, such as software, first produced under the award without MESC/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. In addition, for those awards requiring distribution of software as Open-Source Software (OSS), the additional information in Appendix D must be addressed in the application.

N. Export Control

The U.S. government regulates the transfer of information, commodities, technology, and software considered to be strategically important to the U.S. to protect national security, foreign policy, and economic interests without imposing undue regulatory burdens on legitimate international trade. There is a network of federal agencies and regulations that govern exports that are collectively referred to as "Export Controls". To ensure compliance with Export Controls, it is the prime recipient's responsibility to determine when its project activities trigger Export Controls and to ensure compliance.

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

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

As set forth in 2 CFR 200.116, recipients and subrecipients are prohibited from obligating or expending project funds (federal funds and recipient cost share) to:

(1) Procure or obtain;

(2) Extend or renew a contract to procure or obtain; or

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

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

See Public Law 115-232, Section 889 for additional information.

P. Personally Identifiable Information (PII)

All information provided by the applicant must to the greatest extent possible exclude PII. The term “PII” refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, alone, or when combined with other personal or identifying

information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name.

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

Q. Annual Independent Audits

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

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

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

R. Foreign National Participation (SEPTEMBER 2021)

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, will 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.

Approval for foreign nationals from countries identified on the U.S. Department of State's list of State Sponsors of Terrorism must be obtained from DOE before they can participate in the performance of any work under an award.

S. Export Control Responsibilities (SEPTEMBER 2021)

All applicants selected for an award under this FOA and project participants (including subrecipients and contractors) will be required to comply with all applicable U.S. export control laws and regulations in the performance an award and in the distribution and use of resulting work. The selected applicant will be responsible for obtaining the appropriate licenses or other approvals, for the shipment or transfer of export-controlled items, including technology, unless an exemption or exception applies. The selected applicant will also be responsible for obtaining the appropriate licenses or other approvals before authorizing access to any export-controlled items, including technology, by a foreign person or entity in the performance of this award. Under no circumstances will foreign entities (organizations, companies, or persons) receive access to export-controlled items, including technology, unless authorized pursuant to law or regulation.

The selected applicant and all subrecipients throughout the award period of performance will maintain formal export control management programs sufficient to support all project activities. The selected applicant will be responsible for oversight of all subrecipients to assure the adequacy of their formal export control management programs.

The selected applicant will be required to immediately report to DOE any export control violations under an award, at the prime or subrecipient level, and the corrective action(s) that will be taken to prevent future violations. The selected applicant will be required to notify DOE when an export-controlled item, including technology, is identified for use in an award. Additionally, the selected applicant will be required to provide DOE with sufficient advanced notification of any export control considerations which may require implementation by DOE of export control mitigation measures.

T. Interim Conflict Of Interest Policy For Financial Assistance (February 2022)

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) can be found at: PF 2022-17 FAL 2022-02 Department of Energy Interim Conflict of Interest Policy Requirements for Financial Assistance.

This policy is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under

the DOE financial assistance award. 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 EERE funded projects, the recipient must include all financial conflicts of interest (FCOI) (i.e., managed and unmanaged/ unmanageable) in their 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, EERE 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 interim COI Policy.**

APPENDIX A – COST SHARE INFORMATION

Cost Sharing or Cost Matching

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

How Cost Sharing Is Calculated

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

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

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

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

What Qualifies For Cost Sharing

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

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

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

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

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

General Cost Sharing Rules on a DOE Award

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Valuing and documenting contributions

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

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

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

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

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

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

(4) Valuing property donated by third parties.

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

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

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

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

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

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

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

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

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

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

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

Each task must be calculated individually as follows:

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

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

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

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

The calculation may then be completed as follows:

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

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

APPENDIX C – WAIVER REQUESTS AND APPROVAL PROCESS

1. Foreign Entity Participation; 2. Performance of Work in the United States (Foreign Work Waiver); and 3. Buy American Requirement for Infrastructure Projects Waiver

1. Waiver for Foreign Entity Participation as the Prime Recipient and Subrecipients

As set forth in Section III.A., all prime recipients and subrecipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a state or territory of the United States with majority domestic ownership or control and have a physical place of business in the United States. To request a waiver of this requirement, an applicant must submit an explicit waiver request in the Full Application.

Waiver Criteria

MESC/EERE invests in R&D as part of the DOE's broad portfolio approach to addressing our Nation's energy and environmental challenges. MESC/EERE seeks to address gaps in domestic supply chains for critical materials by validating and/or demonstrating improvements to current industrial extraction, separation and processing technologies and developing next-generation technologies to shift the paradigm of the industry. To ensure that purpose is not frustrated by foreign involvement, foreign entities seeking to participate in a project funded under this FOA must demonstrate to the satisfaction MESC/EERE that:

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

Content for Waiver Request

A Foreign Entity Participation waiver request must include the following:

a. Information about the entity: name, point of contact, and proposed type of involvement with the ~~Institute~~ Applicant, and ~~DUNS~~ UEI number for the proposed foreign participant and any foreign parent organization;
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 ownership/control by foreign entities, foreign shareholders, foreign state or foreign individuals;
c. The rationale for proposing a foreign entity participate (must address the waiver criteria stated above);
d. A description of the project's anticipated contributions to the U.S. economy:
    i. How the foreign entity's participation will benefit U.S. research, development and manufacturing, including contributions to employment in the U.S. and growth in new markets and jobs in the U.S.;
    ii. How the foreign entity's participation will promote domestic manufacturing of products and/or services;
e. A description of why the foreign entity's participation is essential to the project;
f. A description of the likelihood of Intellectual Property (IP) being created from the work and the treatment of any such IP; and
g. Countries where the work will be performed (Note: if any work is proposed to be conducted outside the U.S., the applicant must also complete a separate request for a foreign work waiver).

MESC/EERE 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, 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.

MESC/EERE may require additional information before considering the waiver request.

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

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

As set forth in Section IV.J.iii., all work under MESC/EERE funding agreements must be performed in the United States. There may be limited circumstances where it is in the interest of the project to perform a portion of the work outside the United States. To seek a waiver of the Performance of Work in the United States requirement, the applicant must submit an explicit waiver request in the Full Application. A separate waiver request must be submitted for each entity proposing performance of work outside of the United States.

Overall, a waiver request must demonstrate to the satisfaction of MESC/EERE hat it would further the purposes of this FOA and is otherwise in the economic interests of the United States to perform work outside of the United States. A request to waive the Performance of Work in the United States requirement must include the following:

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

MESC/EERE may require additional information before considering the waiver request.

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

3.Waiver of the Buy American Requirement for Infrastructure Projects

A. Definitions
For purposes of the Buy America requirements, the following definitions apply:

Construction materials includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives[14] — that is or consists primarily of:

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

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

In addition to the above, the infrastructure in question must be publicly-owned or must serve a public function; privately owned infrastructure that is solely utilized for private use is not considered "infrastructure" for purposes of Buy America applicability. The Agency, not the applicant, will have the final say as to whether a given project includes infrastructure, as defined herein. Accordingly, in cases where the "public" nature of the infrastructure is unclear, DOE strongly recommends that applicants complete their full application with the assumption that Buy America requirements will apply to the proposed project.

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

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

[14] BIL, § 70917(c)(1).

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

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

(3) all construction materials[15] are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America requirements only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America requirements apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

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

For additional information related to the application and implementation of these Buy America requirements, please see OMB Memorandum M-22-11, issued April 18, 2022: https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf

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

C. DOE Submission Requirements for Full Application

Within the first two pages of the workplan, applicants must provide a short statement on whether the project will involve the construction, alteration, and/or repair of infrastructure in the United States. The ultimate determination about whether a project includes infrastructure remains with DOE, but the applicant's statement will assist project planning and integration of domestic preference requirements, which may impact the project's proposed budget.

D. Waivers

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

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

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

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

If an applicant is seeking a waiver of the Buy America requirements, it must include a written waiver request with the Full Application. A waiver request must include:

- A detailed justification for the use of "non-domestic" iron, steel, manufactured products, or construction materials to include an explanation as to how the non-domestic item(s) is essential to the project;
- A certification that the applicant or recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with potential suppliers;
- Applicant /Recipient name and Unique Entity Identifier (UEI);
- Total estimated project cost, DOE and cost-share amounts;
- Project description and location (to the extent known);
- List and description of iron or steel item(s), manufactured goods, and construction material(s) the applicant or recipient seeks to waive from Domestic Content Procurement Preference requirement, including name, cost, country(ies) of origin (if known), and relevant PSC and NAICS code for each;

- Waiver justification including due diligence performed (e.g., market research, industry outreach) by the applicant or recipient; and
- Anticipated impact if no waiver is issued.

DOE may require additional information before considering the waiver request.

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

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

~~As set forth in Section IV.J.viii., all of the iron, steel, manufactured products and construction materials used in the infrastructure activities of the project must be produced in the United States.~~

~~There may be limited circumstances where it is in the interest of the project to acquire iron, steel, manufactured products or construction materials produced outside of the United States. To seek a waiver of the Buy American requirement for infrastructure projects, the applicant or recipient must submit an explicit waiver request in the Full Application. A separate waiver request must be submitted for each item, good, product or material mined, produced or manufactured outside of the United States.~~

~~Overall, a waiver request must demonstrate to the satisfaction of DOE that it would further the purposes of this FOA and is otherwise in the economic interests of the United States acquire iron, steel, manufactured products or construction materials produced outside of the United States. A request to waive the *Buy American requirement* must include:~~

- ~~A detailed justification for the use of "non-domestic" iron, steel, manufactured products, or construction materials to include an explanation as to how the non-domestic item(s) is essential to the project;~~
- ~~A certification that the applicant or recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with potential suppliers;~~
- ~~Applicant /Recipient name and Unique Entity Identifier (UEI)~~
- ~~Total estimated project cost, DOE and cost-share amounts~~
- ~~Project description and location (to the extent known)~~
- ~~List and description of iron or steel item(s), manufactured goods, and construction material(s) the applicant or recipient seeks to waive from Domestic~~

~~Content Procurement Preference requirement, including name, cost, country(ies) of origin (if known), and relevant PSC and NAICS code for each.~~

- ~~Waiver justification including due diligence performed (e.g., market research, industry outreach) by the applicant or recipient~~
- ~~Anticipated impact if no waiver is issued~~

~~DOE may require additional information before considering the waiver request.~~

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

APPENDIX D – GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

APPENDIX E – DEFINITION OF TECHNOLOGY READINESS LEVELS

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

APPENDIX F – LIST OF ACRONYMS

COI	Conflict of Interest
DAC	Disadvantaged Communities
DBA	Davis-Bacon Act
DEC	Determination of Exceptional Circumstances
DEIA	Diversity, Equity, Inclusion, & Accessibility
DMP	Data Management Plan
DOE	Department of Energy
DOI	Digital Object Identifier
EERE	Energy Efficiency and Renewable Energy
FAR	Federal Acquisition Regulation
FFATA	Federal Funding and Transparency Act of 2006
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FFRDC	Federally Funded Research and Development Center
FLSA	Fair Labor Standards Act
GAAP	Generally Accepted Accounting Principles
IPMP	Intellectual Property Management Plan
M&O	Management and Operating
MESC	Manufacturing and Energy Supply Chains
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
NLRA	National Labor Relations Act
OMB	Office of Management and Budget
OSH	Occupational Safety and Health
OSTI	Office of Scientific and Technical Information
PII	Personal Identifiable Information
R&D	Research and Development
RFI	Request for Information
RFP	Request for Proposal
SAM	System for Award Management
SCA	Service Contract Act
SOPO	Statement of Project Objectives
SPOC	Single Point of Contact
STEM	Science, Technology, Engineering, and Mathematics
TIA	Technology Investment Agreement
TRL	Technology Readiness Level

UCC	Uniform Commercial Code
UEI	Unique Entity Identifier
WBS	Work Breakdown Structure
WP	Work Proposal