

**Department of Energy (DOE)
Office of the Under Secretary for Infrastructure**

**Assisting Federal Facilities with Energy Conservation
Technologies (AFFECT) 2022 Appropriations**

Federal Agency Call (FAC) Number: DE-FOA-0002700

FAC Type: Initial

Assistance Listing Number: 81.117

FAC Issue Date:	12/02/2022
Informational Webinar:	12/15/2022
Submission Deadline for Applications:	02/28/2023
Expected Date for Selection Notifications:	05/19/2023
Expected Timeframe for Award Negotiations:	05/19/2023 – 07/20/2023

- To apply to this FAC, Applicants must register with and submit application materials through EERE Exchange at <https://eere-exchange.energy.gov/>.
- Applicants must designate primary and backup points-of-contact in EERE Exchange with whom the DOE Federal Energy Management Program (FEMP) 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.
- FEMP will conduct an Informational Webinar during the FAC process. It will be held shortly after the FAC Issue Date, but before the Submission Deadline for Applications. Attendance is not mandatory and will not positively or negatively impact the overall review of any Applicant submissions. As the webinar will be open to all Applicants who wish to participate, Applicants should refrain from asking questions or communicating information that would reveal confidential and/or proprietary information specific to their project. A specific date for the webinar can be found above.

Questions about this FAC? Email AFFECT2022Approp@hq.doe.gov

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I. Federal Agency Call Description

A. Background and Authority

The Energy Policy Act of 1992¹ authorized the Secretary of Energy to establish a fund with the stated purpose of providing competitive grants to federal agencies to assist them in meeting the energy and water conservation requirements of the National Energy Conservation Policy Act (NECPA), 42 U.S.C. 8253 (a)-(b). Through this authority, the U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP) created the Assisting Federal Facilities with Energy Conservation Technologies (AFFECT) program to provide direct funding to federal agencies for the development of capital projects to initiate, supplement, improve or otherwise increase the viability and deployment of widespread energy efficiency, renewable energy, climate change mitigation and adaptation-resilience technology at U.S. federal government-owned facilities. Pursuant to 42 U.S.C. 8256 (b) (3), FEMP will make selections and awards through a competitive process with agency applications evaluated against the Technical Review Criteria set forth in Section V.A.

B. Programmatic Priorities and Policy Considerations

FEMP will be seeking to make awards that support achievement of the Administration's goals for federal leadership in clean energy, climate, environmental justice and equity as described in Executive Order (E.O.) 14057, Catalyzing America's Clean Energy Economy Through Federal Sustainability,² E.O. 14008, Tackling the Climate Crisis at Home and Abroad,³ and section 543 of the National Energy Conservation Policy Act (Pub. L. 95-619), as amended through the Energy Act of 2020 (Pub. L. 117-58; EA2020), codified at 42 U.S.C. 8253.⁴

i. E.O. 14057

E.O. 14057 commits the U.S. Government to lead by example to leverage its scale and procurement power to drive clean, healthy, and resilient operations in tackling the climate crisis. The Executive Order calls for a whole-of-government effort to address climate in a way that creates well-paying jobs, grows industries, and makes the country more economically competitive, directing the federal government to achieve ambitious goals including the following that are relevant to FEMP's AFFECT 2022 Appropriations FAC:

- 100 percent carbon pollution-free electricity (CFE) by 2030, at least half of which will be locally supplied clean energy to meet 24/7 demand;

¹ See Section 542 of the Energy Policy Act of 1992 (EPAAct 1992), as amended, 42 U.S.C. 8256 (b)

² Executive Order 14057, "Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability," December 8, 2021 (<https://www.sustainability.gov/federalsustainabilityplan/index.html>)

³ Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021 (<https://www.energy.gov/sites/default/files/2021/02/f83/eo-14008-tackling-climate-crisis-home-abroad.pdf>)

⁴ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section8253&num=0&edition=prelim>;
See also <https://www.energy.gov/eere/femp/performance-contracting-requirements-related-energy-act-2020>.

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- A net-zero emissions building portfolio by 2045, including a 50 percent emissions reduction by 2032;
- Net-zero emissions from overall federal operations by 2050, including a 65 percent emissions reduction by 2030; and
- 100 percent zero-emission vehicle (ZEV) acquisitions by 2035, including 100 percent zero-emission light-duty vehicle acquisitions by 2027.

E.O. 14057 also directed the federal government to orient its procurement and operations efforts in line with the following principles and goals:

- Achieving climate resilient infrastructure and operations;
- Building a climate- and sustainability-focused workforce; and
- Advancing environmental justice and equity.

ii. **E.O. 14008**

E.O. 14008 directs the Federal Government to deploy American-made clean energy technologies and infrastructure, increase climate resilience, and ensure that environmental and economic justice are key considerations in energy planning. The Executive Order includes the following goals that are relevant to FEMP's AFFECT 2022 Appropriations FAC:

- Increasing the use of American-made products when purchasing clean energy and energy efficiency technologies;
- Applying the Davis-Bacon Act and prevailing wage and benefit requirements; and
- Directing 40 percent of the overall benefits from Federal investments to flow to disadvantaged communities

iii. **EA2020**

EA2020 prioritizes research, development, and demonstration of next-generation technologies that will reduce greenhouse gas emissions from the power sector, industry, and buildings while keeping American energy affordable and globally competitive. EA 2020 includes the following requirements for federal agencies that are relevant to FEMP's AFFECT 2022 Appropriations FAC:

- Complete comprehensive evaluations (i.e., energy audits) of each covered facility at least once every four years;
- Implement all cost-effective ECMs identified within two years of completion of evaluation (audit);
- Use performance contracting to address at least 50% of ECMs identified.

C. Topic Areas

Applications are sought from federal agencies for technical solutions that are in alignment with the three Topic Areas described below:

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i. Topic Area 1: Projects Under Development Facing Reductions in Scope Due to Adverse Changes in Fiscal/Economic Conditions

Applications submitted under Topic Area 1 are for proposed energy performance contract projects⁵ that the applicant has not yet awarded to an energy service company (ESCO)/utility (or modifications to existing awards to an ESCO or utility) that are:

- Under development or capable of modification as of the date this Federal Agency Call (FAC) is issued, and
- At risk of not being implemented as initially scoped in the Preliminary Assessment (PA) or Investment Grade Audit (IGA) because of changing monetary conditions (e.g., increased interest rates) and/or economic conditions (e.g., increased equipment costs related to inflation or supply chain problems).

Topic Area 1 applications must include two scenarios modeled via the eProject Builder calculating data upload template (<https://eprojectbuilder.lbl.gov/login>). The first scenario must illustrate the project that is financeable under the reduced scope of work as compared to the PA or IGA and *without* an AFFECT grant. The second scenario must illustrate a financeable project that has an increased scope of work and includes additional energy conservation measures (ECMs) supported by an AFFECT grant. These requirements are described further in Section IV.B.

Applications under this Topic Area must include ECMs that align with programmatic priorities of E.O.14057 such as clean energy supply; load management; storage and resilience; energy efficiency; and/or adaptation to effects of climate change.

In evaluating applications, FEMP will consider the extent to which an application leverages financing from non-federal funds. Non-federal funds applied to projects proposed under Topic Area 1 may include (a) funding under an energy savings performance contract (i.e., ESPCs, ENABLE) and/or utility energy service contracts (UESCs) (collectively, energy performance contracts); (b) rebates and other financial incentives from utilities and state or local government agencies, and (c) other non-Federal funding sources as may be authorized for applicant agency. FEMP will also consider the amount of funding committed to the project by the applicant agency's appropriations.

⁵ FEMP Energy and Project Procurement Development Services (<https://www.energy.gov/eere/femp/energy-and-project-procurement-development-services>)

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ii. Topic Area 2: Load Management Projects (Energy Performance Contracts)

Applications under Topic Area 2 are for projects that utilize energy performance contracts and will reduce peak demand, shift demand load or provide energy storage that leads to energy savings, cost savings, and/or greenhouse gas (GHG) emission reductions. Eligible ECMs under Topic Area 2 include, but are not limited to, those indicated below:

- Load management devices;
- Battery energy storage systems (BESS);
- Electric Vehicle Supply Equipment (EVSE) that provides managed charging solutions (controls when vehicles are charged or allows for bidirectional charging);⁶
- Thermal storage;
- Load management components within a micro-grid;
- Grid-interactive Efficient Buildings (GEB); and
- Other measures and practices that implement load management, load shifting, and/or peak load reduction that enable the use of utility bill savings through tariff structures and demand response incentives.

In evaluating applications, FEMP will consider the extent to which an application leverages financing from non-federal funds. Non-federal funds applied to projects proposed under Topic Area 2 may include (a) funding under an energy savings performance contract (i.e., ESPCs, ENABLE) and/or utility energy service contracts (UESCs) (collectively, energy performance contracts); (b) rebates and other financial incentives from utilities and state or local government agencies, and (c) other non-Federal funding sources as may be authorized for applicant agency. FEMP will also consider the amount of funding committed to the project by the applicant agency's appropriations.

iii. Topic Area 3: Load Management Projects (Other Procurement Mechanisms)

Applications under Topic Area 3 are for projects that do not utilize energy performance contracts and will reduce peak demand, shift demand load or provide energy storage that leads to energy savings, cost savings, and/or greenhouse gas (GHG) emission reductions. Eligible ECMs under Topic Area 3 include, but are not limited to, those indicated below:

- Load management devices;
- Battery energy storage systems (BESS);

⁶Federal Energy Savings Performance Contracts: Frequently Asked Questions on the Scope of 42 U.S.C. 8287 et seq. (<https://www.energy.gov/eere/femp/articles/federal-energy-savings-performance-contracts-frequently-asked-questions-scope-42>)

- Electric Vehicle Supply Equipment (EVSE) that provides managed charging solutions (controls when vehicles are charged or allows for bidirectional charging);
- Thermal storage;
- Load management components within a micro-grid;
- Grid-interactive Efficient Buildings (GEB); and
- Other measures and practices that implement load management, load shifting, and/or peak load reduction that enable the use of utility bill savings through tariff structures and demand response incentives.

In evaluating applications, FEMP will consider the extent to which an application leverages financing from non-federal funds. Non-federal funds applied to projects proposed under Topic Area 3 may include (a) rebates and other financial incentives from utilities and state or local government agencies and (b) other non-Federal funding sources as may be authorized for applicant agency. FEMP will also consider the amount of funding committed to the project by the applicant agency's appropriations.

D. Applications Specifically Not of Interest

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

- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics);
- Applications under Topic Area 1 that do not propose a project to be implemented by leveraging funding in an energy performance contract (i.e., energy savings performance contract (ESPC), ENABLE, or utility energy service contract (UESC));
- Applications that include research and development activities;
- Applications that propose the acquisition of one or more Electric Vehicles (EVs) unless the battery is being used extensively for load management, in which case AFFECT can only support the incremental vehicle cost associated with the battery;
- Applications under Topic Area 1 that do not include two eProject Builder (ePB) scenarios as described above;
- Applications that have not identified project implementation sites and addresses;
- Projects that may raise significant questions and concern regarding safety (e.g. lacking UL certification on electrical equipment); and
- Applications that do not contain a letter of endorsement from the applicant's headquarters official responsible for sustainability, energy management, or procurement, stating that the application has the support of central agency

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officials and would be allowed to be implemented if an AFFECT grant is awarded (See Section IV.B.iv).

II. Award Information

A. Estimated Funding

FEMP expects to make a total of approximately \$13,000,000 of federal funding available for new awards under this AFFECT 2022 Appropriations FAC, subject to the availability of appropriated funds. FEMP may issue one, multiple, or no awards. Historically, AFFECT grants have averaged approximately \$700,000 per grant. FEMP does not intend to award individual grants under this FAC in excess of \$2 million. FEMP does not intend to allocate more than 10% of the AFFECT 2022 Appropriations grants to Topic Area 3 projects.

B. Cost Leverage

In accordance with the factors established in 42 U.S.C. 8256(b)(3)(C) and (D), cost leverage refers to the amount of funding committed to the project by the agency requesting financial assistance and the extent that a proposal leverages financing from other non-federal sources (e.g., private financing used in a performance contract, incentives from utilities and/or state/local government, etc.). Projects with greater cost leverage will be scored higher during the comprehensive merit review of the Technical Review Criteria. The Cost Leverage Ratio (CLR) is defined as follows:

$CLR = (TI - G)/G$, where

TI = Total Investment (sum of the grant requested under this FAC and the Cost Leverage)

Cost Leverage (CL) = The sum of the funding committed to the project by the agency requesting financial assistance and financing from other non-federal sources

G = Amount of the grant requested under this FAC

Upon selection for award negotiations, recipient agencies will be required to provide additional information and documentation regarding their cost leverage contributions.

C. Eligible Project Costs

AFFECT grant funding may be spent on any of the equipment and/or technical assistance and other services related to the planning, development, or implementation of an eligible project.

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D. Deliverables and Timeline for Funding Distribution

The funding distribution timeline for projects selected under this FAC will be based on the agency recipient's execution of one or more Final Deliverable and will depend on the Topic Area involved and stage of project development. FEMP anticipates releasing grant funding to recipient agencies within 24 months of grant award, following the recipient agency's completion and submission of the Final Deliverables as outlined below. Funding disbursements will occur consistent with timetables developed during award negotiations with the intent for funding to be available in advance of task order award or modification, as described below.

i. Topic Area 1 Final Deliverable

Each recipient agency's AFFECT grant funding will be released upon submission of the project Proposal from the ESCO/Utility to the agency, and the agency's subsequent submission to FEMP. FEMP reserves the right to terminate the selected AFFECT grant award if the recipient agency has not submitted the ESCO/Utility's project Proposal within 12 months of grant award.

ii. Topic Area 2 Deliverables

Each recipient agency's AFFECT grant funding will be released upon submission of the applicable deliverable as follows:

- a. For ESPC or ENABLE projects: an approved Notice of Opportunity (NOO), Notice of Intent to Award (NOITA), and project Proposal provided by the ESCO to the applicant; or
- b. For UESC projects: a Letter of Interest (LOI) or Sources Sought Request for Proposal (RFP), Notice to Proceed (NTP) to IGA, and project Proposal provided by the utility to the applicant.

FEMP reserves the right to terminate the selected AFFECT grant award if the recipient agency has not issued a final NOO, final LOI or final Sources Sought RFP within 6 months of the grant award; **or** if the recipient agency has not issued a final NOITA or final NTP to IGA within 12 months of issuing the final NOO, final LOI or final Sources Sought RFP; **or** if the recipient agency has not submitted the ESCO/utility's project Proposal within 12 months of issuing the final NOITA or final NTP to IGA.

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iii. **Topic Area 3 Deliverable**

Each recipient agency's AFFECT grant funding will be released upon submission of an awarded contract for the acquisition of one or more eligible ECMs, as identified in Section I.C.iii above.

FEMP reserves the right to terminate the selected AFFECT grant award if the recipient agency has not issued a solicitation to acquire one or more eligible ECMs identified in Section I.C.iii within 12 months of the grant award.

iv. **Project Schedule**

It is the applicant's responsibility to propose a project schedule that is both challenging and achievable. An overly aggressive and unrealistic schedule should be avoided because awards may be terminated, canceled, and/or payments may be withheld if submission of the Final Deliverable is not met in accordance with the project schedule. Conversely, an overly conservative schedule is not desirable because of the potential negative impact on completing the project in a timely manner. An updated project schedule will be based on the content of the application and finalized during award negotiations.

E. Government Use Case Publication

Recipient agencies under this FAC must actively demonstrate how the proposed project results are conducive to, and how they will be used by the applicant to promote broader adoption at other federal facilities. This requirement, to be negotiated prior to grant award, will include, but is not limited to, a commitment to develop a Government Use Case publication. The Government Use Case must address key project information, including the following: general location (City and State); short project description addressing key issue(s) being addressed by the project; technology(ies) used; project costs; energy savings, GHG reduction; lessons learned, and other notable features that can help persuade other agencies to undertake similar projects. **Note: Applicants are not required to submit any documentation or plan regarding the Government Use Case Publication as part of their AFFECT applications.**

F. Funding Agreements

As authorized by 42 U.S.C. 8256(b), the funding for projects selected under this FAC will be provided through Grants. Any application, resulting terms (including payment terms), schedules, and deliverables will be incorporated and described in the funding agreement. Funding Agreements will not abrogate or circumscribe statutory or regulatory requirements that are otherwise applicable to the recipient agency. Funds not used as authorized under the terms of the Funding Agreement for the recipient agency's proposed AFFECT project will be returned to FEMP.

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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.

Pursuant to 42 U.S.C. 8256(b)(1), federal agencies are the only eligible applicants for this FAC. Grant awards will be issued through FedConnect, using the Intra Governmental Payment and Collection (IPAC) payment method.

A. Eligible Applicants

This Federal Agency Call is available to federal agencies ONLY. Only U.S. federal agencies (including sub-agencies) are eligible to apply for funding under this FAC. Only facilities that are owned by the U.S. federal government are eligible for funding under this FAC.^{7,8}

Applications to this FAC must address measures under one of the Topic Areas identified in Section I.C and submit documentation as defined in Section IV.B: AFFECT Application Form, SF-424 Application for Federal Assistance, Letter of Endorsement, Summary Slide, and completed eProject Builder Calculating Templates (Topic Area 1 only).

An applicant may submit more than one application to this FAC, provided that each application describes a separate, distinct project.

B. Compliance Criteria

Applications must meet all Administrative and National Policy Requirements listed below or they will be considered noncompliant. FEMP will not review or consider noncompliant submissions, including applications that were: submitted through means other than EERE Exchange; submitted after the applicable deadline; and/or submitted incomplete. FEMP will not extend the submission deadline for Applicants that fail to submit required information due to server/connection congestion.

Applications are deemed compliant if:

⁷ Eligible Applicants are permitted to coordinate the development of application content, information, and documentation as required for submission with National Laboratory, ESCO or Utility, or Contractor Partners as per their preference. The application, however, must be submitted by the Eligible Applicant federal agency.

⁸ For a project being implemented for a National Laboratory complex on federally-owned land, the following requirements apply: (a) the AFFECT application must be submitted by a federal agency; (b) the federal agency must pay the utility bills, receive the benefits of the reduced utility bills and, in the case of an energy performance contract, pay the ESCO/utility; and (c) contain a measurement and verification plan that tracks actual project savings such that the federal agency's guaranteed utility bill savings exceed the ESCO/utility payments for each year of the contract.

- The application complies with the content and form requirements in Section IV.B of the FAC; and
- The Applicant successfully uploaded all required documents and clicked the “Submit” button in EERE Exchange by the deadline stated in the FAC.

C. Responsiveness Criteria

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

D. Questions Regarding Eligibility

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

IV. Application and Submission Information

A. Submit materials through EERE exchange

FEMP will perform an initial eligibility review of the applications to determine whether they meet the eligibility requirements of Section III of the FAC. FEMP will not review or consider applications that do not meet the eligibility requirements of Section III. All applications must conform to the following form and content requirements, including maximum page/word limits (described below) and must be submitted via EERE Exchange at <https://eere-exchange.energy.gov/>, unless specifically stated otherwise. **FEMP will not review or consider submissions submitted through means other than EERE Exchange, or submissions submitted after the applicable deadline.** Applicants are further advised that applications containing incomplete submissions will receive low evaluation ratings under the applicable Technical Review Criteria.

Agencies that experience issues with submission **PRIOR** to the FAC deadline should contact the EERE Exchange helpdesk for assistance (EERE-ExchangeSupport@hq.doe.gov).

1. Control Number: A Control Number will be issued when an Applicant begins the EERE Exchange application process. This control number must be included with all application documents, as described below.

The application must conform to the following requirements:

- Agencies must use the provided AFFECT Application Form;
- Agencies may not change or modify any questions on the AFFECT Application Form;

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- Each submission must not exceed the specified maximum page or word limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If an applicant exceeds the maximum page/word limits, FEMP will review only the authorized number of pages/words and disregard any additional pages/words;
- 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;
- Each submission must be submitted in Adobe PDF format unless stated otherwise;
- Each submission must be written in English;
- Application Forms must use the provided formatting 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;

2. Deadlines: EERE Exchange is designed to enforce the deadlines specified in this FAC. The “Apply” and “Submit” buttons will automatically disable at the defined submission deadlines. Applicants are responsible for meeting each submission deadline. **Applicants are strongly encouraged to submit their applications 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), agencies should allow at least 1 hour to submit an application. Once the application is submitted in EERE Exchange, agencies 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 application before the applicable deadline.

FEMP urges applicants to carefully review their application(s) and to allow sufficient time for the submission of required information and documents. All applications that pass the initial eligibility review will undergo comprehensive merit review according to the criteria identified in Section V.A. of the FAC.

FEMP will not extend deadlines for Applicants who fail to submit required information and documents due to server/connection congestion.

3. File Size: Please Note: The maximum file size that can be uploaded to the EERE Exchange website is 10MB. Files in excess of 10MB cannot be uploaded. If a file exceeds 10MB but is still within the maximum page limit specified in the FAC, it must be broken into parts and denoted to that effect. For example:

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ControlNumber_LeadOrganization_Project_Part_1
 ControlNumber_LeadOrganization_Project_Part_2

B. Content and Form of the Application

Agencies must submit an application by the specified due date and time to be considered for funding under this FAC. Agencies must complete the application as instructed on the EERE Exchange website at <https://eere-Exchange.energy.gov/>.

All application documents must be marked with the Control Number issued to the Applicant. Applicants will receive a control number and should include that control number in the file name of their application submission (i.e., *Controlnumber_ApplicantName_Application*).

i. Application Content Requirements

FEMP will not review or consider ineligible applications (see Section III of the FAC). **Reviewers will not review any information beyond the required documents specified in the table below and described in the following sections.**

Required Documents Checklist (PDF, unless stated otherwise)	
Components	File Name(s)
AFFECT Application Form (PDF format)	ControlNumber_LeadOrganization_Application Form
SF-424 Application for Federal Assistance (PDF format)	ControlNumber_LeadOrganization_App424
Letter of Endorsement (PDF format)	ControlNumber_LeadOrganization_LoE
Summary Slide (Microsoft PowerPoint format. Applicants must use the template forms available in EERE Exchange or comply with its format and content requirements.)	ControlNumber_LeadOrganization_Slide
Two ePB Calculating Data Templates submitted electronically in native MS Excel format (Topic Area 1 only). Calculating template found under ePB data templates at the link below. eProjectBuilder (lbl.gov)	ControlNumber_LeadOrganization_ePB_Project WITHOUT_AFFECT Grant ControlNumber_LeadOrganization_ePB_Project WITH_AFFECT Grant

ii. AFFECT Application Form

The applicant’s responses to the AFFECT Application Form will be reviewed as stated under the Technical Review Criteria in Section V.A and Program Policy Factors in Section V.C. The Technical Volume must be submitted using the AFFECT Application Form found on the EERE Exchange website at <https://eere-Exchange.energy.gov/> in Adobe PDF format. If an applicant exceeds the

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maximum page/words limits indicated on the AFFECT Application Form, FEMP will review only the authorized number of words, characters, or pages and disregard any additional content. Save the completed AFFECT Application Form in a single PDF file using the following convention for the title:

“ControlNumber_LeadOrganization_Application Form”.

Agencies must provide relevant citations and references to the primary research literature as necessary to support the claims and approaches presented in the AFFECT Application Form. However, FEMP and reviewers are under no obligation to review cited sources.

iii. SF-424: Application for Federal Assistance

Submit all information specified in form SF-424 consistent with the instructions provided on that 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. **Please Note:** The dates and dollar amounts on the SF-424 are for the complete project period and not just the first project year, first phase or other subset of the project period. Save the SF-424 in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_App424”.

iv. Letter of Endorsement

Applicants must submit a separate Letter of Endorsement from the federal site’s leadership or the applicant’s headquarter official responsible for sustainability, energy management, or procurement, stating that the application has the support of central agency officials and would be allowed to be implemented if an AFFECT 2022 Appropriations FAC grant is awarded.

Save the Letter of Endorsement in a single PDF file using the following convention for the title “ControlNumber_LeadOrganization_LoE”.

v. Summary Slide

Agencies are required to provide a single PowerPoint slide summarizing the proposed project. The slide must be submitted in Microsoft PowerPoint format. This slide is used during the evaluation and briefing process. Save the Summary Slide in a single file using the following convention for the title “ControlNumber_LeadOrganization_Slide”.

The Summary Slide template requires the following information:

- Agency, Location, and site mission
- Overall project goal [budget]

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- Goal of requested AFFECT ECMs [and estimated cost]
- Key metrics: energy, cost, GHG, water, etc savings

vi. eProject Builder (ePB) Calculating Template (Topic Area 1 Only)

Agencies are required to submit two scenarios for their proposed project that use the latest version of the ePB Calculating Template, submitted electronically in native MS Excel format as follows:

Scenario 1 Project Without AFFECT Grant. Submit the completed ePB Calculating Template showing a financeable project that does not include an AFFECT grant. This scenario represents a de-scoped project that is financeable and that an applicant can implement with an ESPC or UESC project that does not receive an AFFECT grant.

Scenario 2 Project With AFFECT Grant. Submit the completed ePB Calculating Template showing the same project in Scenario 1 with increased scope that can be included, and it is financeable when applying an AFFECT grant in the amount the applicant is requesting. The AFFECT grant can be entered into ePB Calculating template as an “Applied Incentive” on the MS Excel worksheet “Sch2-Imp Price by ECM”.

To establish a consistent basis for evaluating applications, all agencies submitting an application under Topic Area 1 are required to provide all schedules within the ePB Calculating Template, with exception of Schedule #5 Cancellation Ceilings. The completed ePB Calculating Template must include the completed GHG emissions worksheet Schedule #4g that calculates the extent to which a proposed project will reduce GHG emissions.

The ePB Calculating Template may be filled in by the ESCO or utility since they have access to all of the data required to be entered for an applicant’s project. However, the applicant is ultimately responsible for the content and accuracy of the information submitted to FEMP. Training and instruction for entering the information can be found on the eProject Builder website [eProjectBuilder \(lbl.gov\)](http://eProjectBuilder.lbl.gov).

C. Post Selection Information Requests

If selected for award, FEMP reserves the right to request additional or clarifying information for any reason deemed necessary, including but not limited to:

- Additional budget information;
- Additional Commitment Letters from third parties contributing to cost leverage, if applicable; or

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- Information addressing potential project impacts to the human or natural environment, including but not limited to an Environmental Questionnaire.

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

Each applicant is required to: (1) Be registered in the SAM at <https://sam.gov/content/home> before submitting its application; (2) provide a valid UEI number in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding Agency. FEMP 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 FEMP is ready to make a federal award, FEMP may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

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

E. Submission Dates and Times

Applications must be submitted in EERE Exchange no later than 5 p.m. Eastern Time on the date provided on the cover page of this FAC.

F. Funding Restrictions

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

V. Application Review Information

The applicant's responses to the AFFECT Application Form will be reviewed as stated under the Technical Review Criteria and Program Policy Factors described below.

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A. Technical Review Criteria

Applications will be evaluated against the Technical Review Criteria shown below, which reflect the statutory requirements under 42 U.S.C. 8256(b) and align with the AFFECT Application Form questions.

Criterion 1: The Viability and Cost Effectiveness of the Project (20%)

- The extent to which the project demonstrates alignment with agency mission, the feasibility of project execution, and the overall cost effectiveness of energy conservation measures, as requested in questions 1.1 – 1.7 in Section 1 of the AFFECT Application Form.

Criterion 2: The amount of energy and cost savings anticipated to the federal Government (35%)

- The extent to which the project achieves energy and cost savings for the Federal Government, as requested in questions 2.1 – 2.2 in Section 2 of the AFFECT Application Form.

Criterion 3: Leverage (15%)

- The extent to which the applicant leverages its agency funding commitment and non-federal financing (cost leverage) as defined in Section II.B and as requested in questions 3.1 – 3.2 in Section 3 of the AFFECT Application Form.

Criterion 4: Programmatic Priorities and Policy Considerations (30%)

- The extent to which the applicant meets the goals and requirements outlined in E.O. 14008, E.O. 14057, and EA2020, as outlined in Section I.B and as requested in questions 4.1 – 4.5 in Section 4 of the AFFECT Application Form.

B. Standards for Application Evaluation

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

C. Other Selection Factors

Program Policy Factors. In addition to the above criteria, the Selection Official may consider the following Program Policy Factors (PPFs) in determining which agencies to select for award negotiations:

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- The diversity of technologies and approaches (including the degree to which the proposed project would be complementary to and support the existing portfolio of projects to achieve the overall goals and objectives of FEMP);
- The geographic distribution of projects;
- The diversity of agencies or sub-agencies in the project portfolio;
- The previous history of Agencies or sub-Agencies receiving AFFECT award;
- The extent to which the project results in positive environmental benefits in economically and/or environmentally disadvantaged communities (To the extent applicable, consideration will be based on the information provided in response to questions 5.1 – 5.2 in Section 5 of the AFFECT Application Form)⁹;
- The extent to which the project supports American-made products and a diversified workforce within the clean energy economy in construction, skilled trades, and engineering to enhance American infrastructure (To the extent applicable, consideration will be based on the information requested in question 5.3 in Section 5 of the AFFECT Application Form)

D. Evaluation and Selection Process

All applications received in EERE Exchange by the submittal deadline and meeting the compliance requirements stated in Section III.B, will then undergo a thorough merit review by expert reviewers familiar with the FEMP portfolio, goals, and objectives. Reviewers will evaluate each application based on the criteria described above. The FEMP Selection Official will consider the merit review results, alignment with criteria, and extent of leveraging resources across the national Agency complex to make the final project selections. For transparency, FEMP will provide summaries of the review results to assist agencies in understanding how their application rated and reason(s) for non-selection.

i. Overview

The evaluation process consists of two phases: 1) an initial eligibility/compliance review and 2) a comprehensive merit review of the Technical Review Criteria set forth in Section V.A. Rigorous merit reviews of eligible submissions are conducted by reviewers who are experts in the subject matter of the FAC. Ultimately, the Selection Official considers the recommendations of the reviewers, along with other considerations, in determining which applications to select.

⁹ To be considered a Disadvantaged Community (DAC), a census tract must rank in the 80th percentile of the cumulative sum of the 36 burden indicators and have at least 30% of households classified as low-income. The DAC Reporter Mapping tool allows an applicant to look up their DAC status and can be found at <https://www.energy.gov/diversity/justice40-initiative>.

ii. Pre-Selection Clarification

FEMP may determine that pre-selection clarifications are necessary from one or more applications. 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 FEMP's written clarification questions or video or conference calls with FEMP representatives.

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

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

iii. 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 FAC.

E. Anticipated Notice of Selection and Award Negotiation Dates

FEMP anticipates notifying agencies selected for negotiation of award and negotiating awards by the dates provided on the cover page of this FAC.

VI. Award Administration Information**A. Award Notices****i. Ineligible Submissions**

Ineligible 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 application is ineligible and not considered for further review.

Questions about this FAC? Email AFFECT2022Approp@hq.doe.gov

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ii. Application Notifications

FEMP will notify agencies of its determination via a notification letter by email to the technical and administrative points of contact designated by the applicant in EERE Exchange. The notification letter will inform the applicant whether its application was selected for award negotiations. Alternatively, FEMP may notify one or more agencies that a final selection determination on particular 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 an 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 FEMP to issue an award. Agencies do not receive an award until award negotiations are complete and the Contracting Officer executes the funding agreement.

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

Any awarded project under this FAC is strongly encouraged to coordinate with and incorporate technical, programmatic, policy, and training resources and tools provided by FEMP and the experiences of other federal agencies and external entities advancing energy affordability and resiliency, including ESCOs), utilities, Resource Efficiency Managers (REMs), and other entities supporting federal agencies.

iv. Alternate Selection Determinations

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

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Problems with EERE Exchange? Email EERE-ExchangeSupport@hq.doe.gov Include FAC name & number in subject line.

v. Unsuccessful Applicants

FEMP 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 that must be completed before submitting an application in response to this FAC, and it is vital that agencies 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 FAC, or to meet the negotiation deadlines and receive an award if the application is selected. These requirements are as follows:

EERE Funding Opportunity Exchange (eXCHANGE):

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

Beginning on July 29, 2022*, eXCHANGE will be updated to integrate with [Login.gov](https://login.gov). As of September 30, 2022*, potential applicants will be required to have a Login.gov account to access [EERE eXCHANGE](#). As part of the eXCHANGE registration process, new users will be directed to create an account in Login.gov. Please note that the email address associated with Login.gov must match the email address associated with the eXCHANGE account. For more information, refer to the eXCHANGE Multi-Factor Authentication (MFA) Quick Guide in the [Manuals section](#) of eXCHANGE.

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

System for Award Management

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

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.

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.

Grants.gov

Register in Grants.gov (<http://www.grants.gov>) to receive automatic updates when Amendments to this FAC are posted. However, please note that applications will not be accepted through Grants.gov.

Electronic Authorization of Applications and Award Documents

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

ii. Foreign National Access

All agencies selected for an award under this FAC may be required to provide information to FEMP in order to satisfy requirements for foreign nationals' access to FEMP 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 recipient agency (including any of its subrecipients, contractors or vendors) anticipates involving foreign nationals in the performance of its award, the recipient agency may be required to provide FEMP 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.

iii. 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>.

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Problems with EERE Exchange? Email EERE-ExchangeSupport@hq.doe.gov Include FAC name & number in subject line.

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

FEMP's decision whether and how to distribute federal funds under this FAC 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 applicant 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 FEMP determines certain records must be prepared to complete the NEPA review process (e.g., biological evaluations or environmental assessments), the costs to prepare the necessary records may be included as part of the project costs.

v. Statement of Federal Stewardship

FEMP will exercise normal federal stewardship in overseeing the project activities performed for all AFFECT 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.

vi. Intellectual Property Provisions

Intellectual property rights for non-federal contractors, such as ESPC contractors, will be set forth in the contracts between the Recipient and the contractor(s).

vii. Reporting

FEMP will conduct project monitoring during the lifetime of the project with specific reporting requirements and reporting to be discussed during project award negotiations.

Project and Congressional Reporting. Projects that receive AFFECT grant funding under this FAC will be required to report information necessary for FEMP to provide the report as required under 42 U.S.C. 8258(b)(1)(C), as well as additional relevant information as determined by FEMP. Such reporting requirements include, but may not be limited to, reporting the ECMs installed with AFFECT funds, the projected energy (and water) savings to be realized from installed measures, and, for each

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installed measure for which the projected energy and water savings reported were not realized in the first year following installation, the percentage of such projected savings that was not realized, the reasons such savings were not realized, and proposals for, and projected costs of, achieving such projected savings in the future. Reporting requirements under the AFFECT Award will not supersede or replace other reporting as may be required by statute.

Certain information may be submitted via ePB. If not reported via ePB, agencies must then submit project information to FEMP annually, through a different method determined by the applicant and found to be mutually acceptable to the applicant and FEMP.

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

VII. Questions/Agency Contacts

Upon the issuance of a FAC, FEMP personnel are prohibited from communicating (in writing or otherwise) with agencies regarding the FAC except through the established question and answer process as described below. Specifically, questions regarding the content of this FAC must be submitted to: AFFECT2022Approp@hq.doe.gov. Questions must be submitted not later than 3 business days prior to the application due date and time. Please note, feedback on individual applications will not be provided through Q&A.

All questions and answers related to this FAC 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 FAC. FEMP will attempt to respond to a question within 3 business days, unless a similar question and answer has already been posted on the website.

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

VIII. Other Information

A. FAC Modifications

Amendments to this FAC 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 FAC is posted on these sites if you register for email notifications for this FAC in Grants.gov. FEMP recommends that you register as soon after the release of the FAC as possible to ensure you receive timely notice of any amendments or other FACs.

B. Right to Reject or Negotiate

FEMP reserves the right, without qualification, to reject any or all applications received in response to this FAC 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

In general, FEMP will only use data and other information contained in applications for evaluation purposes, unless such information is generally available to the public or is already the property of the Government.

Agencies 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 FAC. Agencies are advised to not include any confidential, proprietary, or privileged information.

If an application includes information that applicant believes is a trade secret, commercial or financial, or information that is confidential or privileged, it is furnished to the Government 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, FEMP 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.

Applications and other submissions containing information believed by the applicant to be 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 application must be marked as follows and identify the specific pages containing trade secrets, confidential, proprietary, or privileged information:

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Problems with EERE Exchange? Email EERE-ExchangeSupport@hq.doe.gov Include FAC name & number in subject line.

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. Administration by Non-Federal Personnel

FEMP may use non-federal personnel to conduct routine, nondiscretionary administrative activities, including DOE contractors. The applicant, by submitting its application, consents to the use of non-federal administrators. Non-federal personnel conducting administrative activities must sign a Non-Disclosure Agreement (NDA).

F. Notice Regarding Eligible/Ineligible Activities

Eligible activities under this FAC 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 Potential Disclosure Under Freedom of Information Act (FOIA)

Under the FOIA, 5 U.S.C. 552, et. seq., as amended by the OPEN Government Act of 2007, Pub. L. No. 110-175, any information received from the applicant is considered to be an agency record, and as such, subject to public release under FOIA. The purpose of the FOIA is to afford the public the right to request and receive agency records unless those agency records are protected from disclosure under one or more of the nine FOIA exemptions. Decisions to disclose or withhold information received from the applicant are based upon the applicability of one or more of the nine FOIA exemptions, not on the existence or nonexistence of protective markings or designations. Only the applicant’s designated FOIA Officer may determine if information received from the applicant may be withheld pursuant to one of the

nine FOIA exemptions. All FOIA requests received by DOE are processed in accordance with 10 C.F.R. Part 1004.

H. Requirement for Full and Complete Disclosure

Agencies 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

FEMP expects to retain copies of all applications. No submissions will be returned. By applying to FEMP for funding, Applicants consent to FEMP's retention of their submissions.

J. Rights in Technical Data

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

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

Government Rights in Technical Data Produced Under Awards: The U.S. Government retains unlimited rights in technical data produced under Government financial assistance awards, including the right to distribute to the public. One exception to the foregoing is that invention disclosures may be protected from public disclosure for a reasonable time in order to allow for filing a patent application.

K. 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

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as “Export Controls”. To ensure compliance with Export Controls, it is the 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.

L. Personally Identifiable Information (PII)

All information provided by the applicant must, to the greatest extent possible, exclude PII. The term “PII” refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name. (See OMB Memorandum M-07-16 dated May 22, 2007, found at:

<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2007/m07-16.pdf>)

By way of example, agencies 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).

Appendix A. Summary Slide Template

The Summary Slide Template is included as a separate Microsoft PowerPoint Slide in this Federal Agency Call. Applicants are required to complete a Summary Slide with the information detailed in Section IV.B.v. The below template is provided as a suggested format.

Control Number - Recipient

<p><u>Application Overview</u></p> <ul style="list-style-type: none"> • Agency: • Project Title: • Site Location: • Site Mission: • Requested AFFECT Grant Funds: • AFFECT Grant Funds Cost Leverage: 	<p><u>Key Project Parameters</u></p> <ul style="list-style-type: none"> • Baseline Energy Use and Cost: • Estimated Baseline Energy Use and Cost Savings: • Estimated GHG Reduction: • Estimated Project Cost and Simple Payback Period: 										
<p><u>Overall Project Goal</u></p> <ul style="list-style-type: none"> • Execution Vehicle: • Overall Cost/Budget: • Approach Description: • Summary of Impacts: • Explanation of Scalability/Replicability: 	<p><u>ECMs Supported by AFFECT Funds</u></p> <table border="1"> <thead> <tr> <th>ECM</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	ECM	Cost								
ECM	Cost										

Appendix B. Definitions, Abbreviations, and Acronyms

"**AFFECT**" means Assisting Federal Facilities with Energy Conservation Technologies.

"**Applicant**" means the federal agency signing the application submitted in response to this FAC.

"**Application**" means the documentation submitted in response to the FAC, including the required AFFECT Application Form.

"**Award**" means the written documentation executed by a Contracting Officer, after an Applicant is selected, which contains the negotiated terms and conditions for providing Financial Assistance to the Applicant. For purposes of this FAC, the financial assistance award will be a Grant.

"**BESS**" is a battery energy storage system.

"**Budget**" means the cost expenditure plan submitted in the application, including both the FEMP contribution and the Applicant Cost Leverage.

"**Combined Heat and Power**" is an approach to generating electric power and useful thermal energy from a single fuel source.

"**Compliance**" is an eligibility determination that refers to the non-technical requirements outlined in the FAC (e.g., formatting, timeliness of submission, or satisfaction of prerequisites).

"**Contracting Officer**" means the DOE official authorized to execute Awards on behalf of DOE/FEMP and who is responsible for the business management and non-technology office aspects of the financial assistance process.

"**Cost Leverage Ratio (CLR)**" is represented by the following formula: $CLR = (TI-G)/G$, where TI is the Total Investment (sum of the grant requested under this FAC and the Cost Leverage); Cost Leverage (CL) is the sum of the funding committed to the project by the agency requesting financial assistance and financing from other non-Federal sources; and G is the value of the requested grant amount.

"**Covered Facilities**" are at a minimum, Federal facilities, including central utility plants and distribution systems and other energy intensive operations, that constitute at least 75 percent of facility energy use at each agency.

"**DOE**" is the Department of Energy.

"**EA2020**" is the Energy Act of 2020, Division Z of the Consolidated Appropriations Act, 2021, Pub.L. 116-68 (Dec. 28, 2020). [Energy Act of 2020.pdf \(house.gov\)](#).

"**ECM**" is an energy conservation measure as defined in 42 U.S.C. 8259.

"**EERE Exchange**" is the Department of Energy, Energy Efficiency and Renewable Energy's web system for posting Federal FACs and receiving applications. EERE Exchange may be found at <https://eere-exchange.energy.gov>.

"**Energy Performance Contract**" is the collective term to encompass projects executed using an energy savings performance contract (i.e., ESPCs, ENABLE) or utility energy service contracts (UESCs).

"**E.O.**" means Executive Order.

"**ESCO**" is an Energy Service Company.

"**ESPC**" is an Energy Savings Performance Contract.

Questions about this FAC? Email AFFECT2022Approp@hq.doe.gov

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“ENABLE” is an Energy Savings Performance Contract designed to permit a standardized and streamlined procurement process for small federal projects to install ECMs in six to twelve months.

“ePB” is the eProject Builder tool.

“EV” is an electric vehicle.

“EVSE” means electric vehicle supply equipment.

“FAC” is a Federal Agency Call.

“Federal agency” has the same meaning as “agency” as defined in 5 U.S.C. 551(1).

“FEMP” is the Department of Energy Federal Energy Management Program.

“Final Deliverable” is a document or other tangible evidence that ensures with a high degree of confidence that the project will ultimately be executed. The Recipient will receive FAC funds only after the Final Deliverable has been accomplished in accordance with the schedule negotiated between FEMP and the Recipient.

“Financial Assistance” means the transfer of money or property to an Applicant or Participant to accomplish a public purpose of support authorized by federal statute.

“FOIA” is the Freedom of Information Act.

“GEB” means grid-interactive efficient buildings.

“GHG” means greenhouse gas.

“Grant” means a Financial Assistance instrument used by FEMP to transfer money or property when the principal purpose of the transaction is to accomplish a public purpose of support or stimulation authorized by federal statute, and no Substantial Involvement is anticipated between FEMP and the Applicant during the performance of the contemplated activity.

“Grants.gov” is the “storefront” web portal which allows organizations to electronically find grant opportunities from all federal grant-making agencies. Grants.gov is THE single access point for over 900 grant programs offered by the 26 federal grant-making agencies. It can be accessed at <http://www.grants.gov>.

“Government Use Case” is a publication for public dissemination that will be developed after selection and award negotiation, describing how leveraged partnerships through ESPCs, UESCs and/or ENABLE performance contracts provided the Agency the opportunity to pursue advanced Clean Energy Supply, Storage and Resilience, Energy Efficiency, and/or Adaptation to Effect of Climate Change technology(ies) to meet the Agency’s primary mission. Information disseminated may include, but is not limited to, descriptions and data associated with baseline conditions and subsequent improvements achieved via performance contracts, as well as project management best practices, technical and organization barriers overcome, and benefits realized.

“IGA” is an investment grade audit.

“IPAC” is the Intra Governmental Payment and Collection payment method.

“Key Personnel” mean the individuals who will have significant roles in planning and implementing the Proposed Project on the part of the Applicant and Participants.

“LOI” is a letter of intent.

“Mission Critical Functionality” refers to a federal agency’s ability to maintain or ensure the function of its core mission, i.e. if the critical function(s) is corrupted or disabled, the federal agency will not be able to execute its core mission.

“MFA” is multi-factor authentication.

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“**MPIN**” is a Marketing Partner ID Number.

“**NDA**” is a non-disclosure agreement.

“**NECPA**” is the National Energy Conservation Policy Act.

“**NEPA**” is the National Environmental Policy Act.

“**NDA**” is a Non-Disclosure Acknowledgement.

“**NOITA**” is a notice of intent to award.

“**NOO**” is a notice of opportunity.

“**NTP**” is a notice to proceed.

“**PA**” is a preliminary assessment.

“**PII**” is Personal Identifiable Information.

“**PPF**” is a program policy factor.

“**Principal Investigator**” refers to the technical point of contact/Project Manager for a specific project award.

“**Proposal**” is a written, binding offer from a contractor that includes technical and price proposals and the text of any financing agreement (including a lease-acquisition)

“**Proposed Project**” means the set of activities described in an application.

“**Project Team**” means the team which consists of the Prime Recipient, Subrecipients, and others performing or otherwise supporting work under a funding agreement.

“**Recipient**” means the federal agency that receives a Financial Assistance Award from FEMP (i.e., is the signatory on the award), is financially accountable for the use of any FEMP funds or property provided for the performance of the Project, and is legally responsible for carrying out the terms and condition of the award.

“**REM**” is a resource efficiency manager.

“**Renewable Energy**” is, for purposes of this FAC, electric or thermal energy generated from solar, wind, geothermal, biomass, landfill gas, municipal solid waste, and/or hydropower/ocean energy.

“**Responsiveness**” is an eligibility determination that refers to the objective technical requirements (not goals or targets) outlined in the FAC, such as a technology type or technical parameters. For example, submission of a photovoltaic solar panel design in response to an FAC for innovative geothermal drilling technologies would be nonresponsive. Likewise, an application with a design that incorporates rare earth materials to an Agency Call that prohibits the use of rare earth materials would be found nonresponsive. An initial understanding that a technology would not achieve the technical targets of the FAC would not be a basis for rejection of an Application as nonresponsive.

“**RFP**” is a request for proposal.

“**SAM**” is the System for Award Management.

“**Selection**” means the determination by the DOE Selection Official that negotiations take place for certain Projects with the intent of awarding a Financial Assistance instrument.

“**Selection Official**” means the DOE official designated to select applications for negotiation toward Award under a subject FAC.

“**UEI**” is unique entity identifier.

“**UESC**” is a utility energy service contract

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