

ADMINISTRATIVE AND LEGAL REQUIREMENTS DOCUMENT



**Department of Energy (DOE)
Grid Deployment Office (GDO)
National Energy Technology Laboratory (NETL)**

**Infrastructure Investment and Jobs Act (IIJA)
SECTION 40101(d) – PREVENTING OUTAGES AND ENHANCING THE
RESILIENCE OF THE ELECTRIC GRID
FORMULA GRANTS TO STATES AND INDIAN TRIBES**

Announcement Number: DE-FOA-0002736

Announcement Type: Initial

**Assistance Listing Number: 81.122, Electricity, Research, Development and
Analysis**

PURPOSE

The purpose of this Administrative and Legal Requirements Document (ALRD) is to provide initial guidance to States¹ and Indian Tribes² for preparation of Formula Grant applications submitted in response to Section 40101(d) of the Infrastructure Investment and Jobs Act (IIJA),³ also known as the Bipartisan Infrastructure Law (BIL).

Issue Date:	Insert Date
Due Date for Applications:	Insert Date/Time PM ET*

¹ The term "States" includes herein all 50 States, U.S. Territories, and the District of Columbia.

² The term "Indian Tribe" herein "has the meaning given . . . in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)." 42 U.S.C. 18701(2).

³ Infrastructure Investment and Jobs Act, (Pub. L. 117-58), Section 40101(d) (codified at 42 U.S.C. 18711(D)), available at <https://www.congress.gov/bill/117th-congress/house-bill/3684/text>.

Registration Requirements

There are several one-time actions that must be completed before submitting an application in response to this Administrative and Legal Requirements Document (ALRD) (e.g., register with the System for Award Management (SAM), obtain a Unique Entity Identifier (UEI), and register with FedConnect.net). It is vital that applicants address these items as soon as possible, as some may take several weeks.

Pre-application actions:

- **SAM** - Applicants must register with the SAM at <https://www.sam.gov/> prior to submitting an application in response to this ALRD. 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 available at: https://www.fsd.gov/gsafsd_sp?id=gsafsd_kb_articles&sys_id=650d493e1bab7c105465eaccac4bcacb.

NOTE: If clicking the SAM links do not work, please copy and paste the link into your browser.

- **UEI** - Applicants must obtain a 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 a UEI from the SAM and provide the UEI to the award Recipient before the subaward can be issued.

- **FedConnect.net** - Applicants must register with FedConnect to submit applications in response to the ALRD, to submit questions, and to receive the award. FedConnect website: www.fedconnect.net. 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.
- **Electronic Signatures** - Acknowledgement of award documents by the Grantee's authorized representative through electronic systems used by the Department of Energy, including FedConnect, constitutes the Grantee's acceptance of the terms and conditions of the award. Acknowledgement via FedConnect by the Grantee's authorized representative constitutes the Grantee's electronic signature.

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I. ALRD Description

A. Authorizing Statutes

Section 40101(d) of the IJA established this Formula Grant Program (Program) and provides instruction and guidance to DOE on administration of the Program. All Grant awards made under this Program shall comply with applicable law, including regulations contained in [2 CFR Part 200](#) as amended by [2 CFR Part 910](#).

B. Background and Description

The IJA is a United States federal statute enacted by the 117th United States Congress and signed into law by President Joe Biden on November 15, 2021. The Act provides approximately \$1.1 trillion of key investments needed to improve and rebuild our Nation's infrastructure. DOE's portion of the funding includes more than \$62 billion for investments in energy infrastructure that can support a pathway to a clean and resilient and equitable, energy future. The funding includes \$14 billion in financial assistance⁴ to States, Indian Tribes, utilities, and other entities who provide products and services for enhancing the reliability, resilience, and efficiency of the electric grid.

The goal of this financial assistance is to support the Administration's and Congress' objectives to (1) demonstrate measurable improvements in energy resilience in the United States and mitigate climate-related risk, (2) invest in modernized grid infrastructure that can enable consumer access to lower-cost energy and accommodate increased electrification, increased penetrations of variable renewable electricity and distributed energy resources, and other evolving system needs over the coming decades, (3) invest in clean energy and decarbonization solutions to achieve a carbon-free power sector by 2035 and net-zero greenhouse gas emissions economy-wide by 2050, and (4) create good-paying jobs with the free and fair choice to join a union. Multiple pathways exist for the United States to meet its infrastructure resilience and clean energy goals, but all require upgrading and expanding the Nation's transmission and distribution systems; significant investment in cost-effective new generation resources and energy storage; and efficiency, decarbonization, and demand flexibility investments in buildings, industry, and transportation. Resilience improvements may include upgrades of individual hardware components, software components, or both, as well as enhancements in operations or new configurations of the grid. Principles of equity and justice will guide implementation of this program, in alignment with the Administration's Justice40 Initiative. The Department commits to robust engagement and collaboration with States, U.S.

⁴ The \$14 billion in financial assistance (grants and cooperative agreements) is associated with the resilience-related sections of the IJA, specifically Sections 40101, 40103, and 40107. The formula grant program described herein is defined under Section 40101(d), however, efforts conducted by eligible applicants under the program will influence activities across the resilience-related sections.

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Territories, and Indian Tribes, as well as with other interested stakeholders, including industry, unions, and local communities, for successful implementation of this program.

The Program will provide \$459 million annually over a period of five years to States and Indian Tribes (also termed herein as “eligible applicants”) to improve the resilience of the electric grid against disruptive events.⁵ Eligible applicants may further allocate funds to “eligible entities” as defined by this section and discussed below. This ALRD provides the requirements for applying to receive a grant under this Program, as well as for administering funds once received. Eligible applicants will be required to submit applications each year, although grants may cover multiple-year periods of performance.

Under the Program, the Department will provide grants to eligible applicants to improve the resilience of their electric grids. These grants offer a unique opportunity to advance the capabilities of States and Indian Tribes to address current and future resilience needs. DOE is encouraging eligible applicants to undertake an objectives-led planning process to formulate strategies that address resilience and lead to needed improvements in infrastructure, including necessary and supporting grid modernization investments in underserved communities, in line with the Administration’s Justice40 Initiative⁶. This will also involve a coordinated effort by eligible applicants to include stakeholders in their processes for formulating objectives that can guide investment strategies for improving resilience. It is expected that a diverse set of populations, including underserved and disadvantaged communities, will participate in these efforts and will be provided equitable opportunities and the benefits that derive from them. In addition, DOE is committed to providing technical assistance, where appropriate, to support these efforts, including guidance on planning practices related to resilience, energy justice (equity), workforce development and quality job creation, grid modernization, and the integration and utilization of renewable and distributed energy resources (DERs).⁷

C. Objectives and Scope

The objective of this Program is to improve the resilience of the electric grid against disruptive events. Per IJA section 40101(a)(1),⁸ a disruptive event is “an event in which operations of the electric grid are disrupted, preventively shut off, or cannot operate

⁵ The term “disruptive event” means “an event in which operations of the electric grid are disrupted, preventively shut off, or cannot operate safely due to extreme weather, wildfire, or a natural disaster.” 42 U.S.C. 18711(a)(1).

⁶ Justice40 Initiative outlined in Executive Order 14008, Tackling the Climate Crisis at Home and Abroad.

⁷ DERs are resources sited close to customers that can provide all or some of their electric power needs or can be used by the system to either reduce demand (such as energy efficiency) or provide supply to satisfy the energy, capacity, or ancillary service needs of the grid. The resources are small in scale, connected to the distribution system, and close to load. Examples of different DER types include solar photovoltaic (PV), wind, combined heat and power (CHP), energy storage, demand response (DR), grid-interactive buildings and other flexible loads, electric vehicles (EVs), microgrids, and energy efficiency (EE).

⁸ 42 U.S.C. 18711(a)(1).

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safely due to extreme weather, wildfire, or a natural disaster.” To achieve this objective, funding provided by DOE under this Program may be used to implement a wide range of resilience measures intended to mitigate the impact of disruptive events, including:⁹

- a) weatherization technologies and equipment
- b) fire-resistant technologies and fire prevention systems
- c) monitoring and control technologies
- d) the undergrounding of electrical equipment
- e) utility pole management
- f) the relocation of power lines or the reconductoring of power lines with low-sag, advanced conductors
- g) vegetation and fuel-load management
- h) the use or construction of distributed energy resources for enhancing system adaptive capacity during disruptive events, including:
 - a. microgrids; and
 - b. battery-storage subcomponents
- i) adaptive protection technologies
- j) advanced modeling technologies
- k) hardening of power lines, facilities, substations, of other systems; and
- l) the replacement of old overhead conductors and underground cables.

Funding may also be used for the training, recruitment, retention, and reskilling of skilled and properly credentialed workers in order to perform the work required for the particular resilience measures listed above and described by the State or Indian Tribe in their Program Narrative, as described in more detail below in Section IV.B.ii.4.

Resilience measures that are not allowed under Section 40101(d) include:¹⁰

- 1.** Construction of a new -
 - a) electric generating facility; or
 - b) large-scale battery-storage facility that is not used for enhancing system adaptive capacity during disruptive events; or
- 2.** Cybersecurity

For the purpose of implementing eligible resilience measures that achieve the objectives of Section 40101(d), States and Indian Tribes may use grant funding to issue subawards to eligible entities. Eligible entities include:¹¹

- a) an electric grid operator;
- b) an electricity storage operator;

⁹ 42 U.S.C 8711(e)(1).

¹⁰ 42 U.S.C. 8711(e)(2).

¹¹ 42 U.S.C. 8711(a)(2).

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- c) an electricity generator;
- d) a transmission owner or operator;
- e) a distribution provider;
- f) a fuel supplier; and
- g) any other relevant entity, as determined by the Secretary.

The efforts undertaken by States and Indian Tribes under Section 40101(d) will affect strategies for grid resilience, reliability, and modernization investments pursued through federal assistance associated with the remainder of Section 40101, as well as Sections 40103 and 40107. Through this Program, DOE intends to have States and Indian Tribes develop and apply objectives and performance metrics based on their particular needs and policies for reliability, resilience, good-paying jobs with the free and fair choice to join a union, and equity that are additional to DOE reporting requirements. DOE believes that setting such objectives will most effectively guide the formulation of holistic strategies for determining near-term and longer-term grid investments.

In addition, the efforts undertaken under the Formula Grant Program should have alignment with the State Energy Security Plans developed by States¹² per Section 40108 of the IIJA for an all-hazards approach to grid resilience. While grant monies under this provision cannot fund new cybersecurity investments, the resilience investments under the Formula Grant Program should be in alignment with cybersecurity standards and best practices, including the North American Electric Reliability Corporation Critical Infrastructure Protection (NERC CIP) standards and National Institute of Standards and Technology (NIST) Cybersecurity Framework.

¹² Only States are required to produce State Energy Security Plans although Indian Tribes may participate.

II. Award Information

A. Type of Application

DOE will accept only new applications under this announcement.

B. Type of Award Instrument

DOE will award formula grants under this announcement.

C. Award Overview

i. Estimated Funding

Approximately \$459M is expected to be available for new awards under this announcement for the first year. Funds will be distributed on a formula basis in accordance with the formula allocations posted at [Section 40101\(d\) Formula Grants to States & Indian Tribes | netl.doe.gov](#)

In addition, DOE expects to provide approximately \$459M per year for 5 years (FY22-FY26) under these awards.

ii. Estimated Period of Performance

DOE anticipates making awards initially with an estimated period of performance of 5 years. Budget periods will be established to correspond with the annual formula allocations. Awards may be extended to span the amount of time necessary for Recipients to complete all subaward project effort, up to 10 years.

III. Eligibility Information

A. Eligible Applicants

i. Restricted Eligibility

In accordance with [2 CFR 910.126](#), Competition, eligibility for award is restricted to States, Territories (Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, and Northern Mariana Islands), the District of Columbia (hereinafter “States”), and Indian Tribes. DOE is restricting eligibility based on IJA section 40101(d)(1). DOE will make one award to each interested State and Indian Tribe based on the amount identified in Section III. B. Estimated Funding.

ii. Eligible Entities for Subawards

States and Indian Tribes may award subawards to the following eligible entities as defined in IJA section 40101(a)(2):

- an electric grid operator;
- an electricity storage operator;
- an electricity generator;
- a transmission owner or operator;
- a distribution provider;
- a fuel supplier; and
- any other relevant entity, as determined by the Secretary.

B. Cost Matching 40101(d)(8)

Each State and Indian Tribe is required to match 15 percent of the amount of each grant provided to the State or Indian Tribe under the Program.

Further, an eligible entity that receives a subaward under this program is required to match 100 percent of the amount of the subaward as required by Section 40101(h)(1). However, if the eligible entity sells not more than 4,000,000 megawatt hours of electricity per year, the required match will be one-third of the amount of the subaward as required by Section 40101(h)(2).

“Cost matching” for the non-federal share is calculated as a percentage of the Federal funds only, rather than the Total Project Cost.

Examples of Cost Matching are:

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- If DOE funds \$10,000,000 to a State or Indian Tribe, the State or Indian Tribe would be required to “match” (with 15%) an amount of (at least) \$1,500,000. In this case, the total award value would be \$11,500,000
- If a State or Indian Tribe funds \$2,000,000 to an eligible entity that sells more than 4,000,000 megawatt hours of electricity per year via a subaward, the entity would be required to “match” (with 100%) an amount of (at least) \$2,000,000. In this case, the total subaward value would be \$4,000,000
- If a State or Indian Tribe funds \$1,500,000 to an eligible entity that sells not more than 4,000,000 megawatt hours of electricity per year via a subaward, the entity would be required to “match” (with one-third) an amount of (at least) \$500,000. In this case, the total subaward value would be \$2,000,000.

Additionally, any cost matching that is used to meet a subaward cost matching requirement may not be used by a State or Indian Tribe as part of the 15% cost match.

C. Head of Government Letter

The applicant shall provide a letter from their State or Indian Tribe “Head of Government” appointing the applicant as the sole entity within the State or Indian Tribe to apply for, receive, and administer the award as authorized by IJJA section 40101(d) and as described in this ALRD.

IV. ALRD Response/Application Information

A. Application Submission Information

Applications must be received no later than the time/dates provided on the cover page of this ALRD. Applications are to be submitted via FedConnect. DOE reserves the right to request additional or clarifying information for any reason deemed necessary. Applications will be reviewed for consistency with requirements of this ALRD.

B. Applications

i. Application Package

Application forms and instructions are available on the BIL website at [Section 40101\(d\) Formula Grants to States & Indian Tribes | netl.doe.gov](#).

ii. Content and Form of Full Application

Applications must conform to the following requirements.

Submission	Components	Format	File Name
Full Application (PDF, unless stated otherwise)	SF-424	Form	Applicant Name SF424.xls or.xlsx
	SF424a Budget Information – Non-Construction Programs File	Microsoft Excel	Applicant Name SF424A.xls or .xlsx
	Budget Justification – SEE DETAILED INSTRUCTIONS BELOW	Microsoft Excel	Applicant Name Budget Justification.xls or .xlsx
	Program Narrative	PDF	Applicant Name Program Narrative.pdf
	Environmental Questionnaire	PDF	Applicant Name Env.pdf
	SF-LLL Disclosure of Lobbying Activities, if applicable	Form	Applicant Name SF-LLL.pdf
	Letter from Head of Government	PDF	Applicant Head of Government.pdf

Detailed guidance on the content and form of each component is listed below.

1. 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 <https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients>, under Certifications and Assurances. Save the information in a single file named (Applicant Name SF424.xls or.xlsx).

2. SF-424A Budget Information – Non-Construction Programs (SF424) File

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You must provide a budget information form for the funding allocation amount requested. Save the information in a single file named (Applicant Name SF424A.xls or.xlsx).

3. Budget Justification

Applicants are required to provide a detailed budget justification for the project as a whole, including all work to be performed by the Applicant and its Subrecipients and Contractors, and provide all requested documentation (e.g., a Federally-approved rate agreement, vendor quotes). Applicants must carefully read and note each “Instructions” Summary contained within each individual tab of the Budget Justification file.

For any Subrecipients/Contractors known at the time the application is submitted, provide a separate “Subaward Budget Justification” file (See Item 4 below). For Subrecipients/Contractors that are not known at the time of application submittal, identify them as “TBD” along with the planned dollar value under the contractual tab of the Budget Justification File.

Save the information in a single file named (Applicant Name Budget Justification.xls or.xlsx).

4. Program Narrative

For each year, to receive a grant or continuation under this Program, a State or Indian Tribe shall submit to DOE a Program Narrative that addresses the following:

1. Describe the criteria used for selecting and determining the awards to eligible entities. At a minimum, the criteria should address specific requirements set forth in Section 40101(d), which include that:
 - a. Priority should be given to projects that will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events,
 - b. The percentage made available to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year should not be less than the percentage of all customers in the State or Indian Tribe that are served by those eligible entities, and
 - c. Awards should be provided to eligible entities for projects within the State or on the land of the Indian Tribe.
2. List 3-5 objectives that the applicant intends to apply for guiding their resilience investment decisions. At a minimum, they should address (1) resilience and energy justice concerns, including reducing the

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frequency and duration of outages in disadvantaged communities, (2) how the project will use strong labor standards and protections (including for direct employees, contractors, and sub-contractors), such as through the use of project labor agreements, local hire agreements, and (3) outline of a plan to attract, train, and retain an appropriately skilled workforce (i.e., through registered apprenticeships and other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded); plans to partner with a training provider (labor, community college, etc.); and the use of an appropriately credentialed workforce (i.e., requirements for appropriate and relevant professional training, certification, and licensure). In addition, provide the metrics that will accompany the objectives to measure outcomes associated with improving resilience, creating good-paying jobs with the free and fair choice to join a union, and advancing energy justice. Indicate whether the objectives and metrics are provisional pending further discussion and consideration by the State or Indian Tribe with its stakeholders. DOE expects that recipients will establish a formal set of objectives and metrics in order to receive Year 2 formula funding. Examples of objectives and metrics, in addition to reporting on any DOE required metrics, and approaches for establishing them are available at: [Section 40101\(d\) Formula Grants to States & Indian Tribes | netl.doe.gov](https://www.netl.doe.gov/40101(d)FormulaGrants).

3. Provide a description of the methods the applicant anticipates using for soliciting, awarding, and distributing funds. These might include several options, including the use of competitive solicitations, direct awards, and the use of financial instruments, such as Green Banks, to leverage the funds through 40101(d).
4. Section 40101(d)(5) requires a State or Indian Tribe to give priority to projects that would generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events. The applicant should provide an explanation of how it made such a determination for the projects that will be receiving funding and should include information on how the projects go beyond measures that are already being undertaken through current resilience planning by the State or Indian Tribe.
5. Section 40101(d)(2)(B)(ii) requires that eligible applicants give notice and undertake a public hearing to review the criteria and methods they anticipate using to grant awards to eligible entities. The applicant should use the public hearing to share the approach envisioned for setting objectives and metrics. Provide a brief description of the notice and public hearing process, including the number and types of organizations that attended. Also, report on the outcome of the public hearing, e.g., approaches for engaging stakeholders for establishing

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formal objectives and metrics and for implementing strategic planning processes. Provide a copy of the notice.

6. Provide a description of the proposed funding distributions and recipients of the grants to be provided to eligible entities. It is acceptable to indicate a general plan for distributing funds if eligible entities are not yet specified. Also, indicate preferences for eligible entities if they do not explicitly appear on the list provided in Section 40101.
7. Provide a description of how the applicant intends to utilize up to 5 percent of Federal grant funds for project administration and technical assistance.

DOE requests that applicants limit the program narrative to no more than ten (10) typed pages in total. DOE may reject applications and require revisions, if it determines that the program narrative lacks sufficient detail or does not comply with stated requirements. Save the information in a single file named (Applicant Name Program Narrative Plan.pdf).

5. Environmental Questionnaire

The Applicant must submit an environmental questionnaire providing for the work of the entire project. The Applicant is also responsible for submitting a separate environmental questionnaire for each proposed subrecipient performing at a different location. The environmental questionnaire is available at

http://www.netl.doe.gov/File%20Library/Business/forms/451_1-1-3.pdf .

Save the questionnaire in a single file named "Applicant Name Env.pdf" (or "Applicant Name Env-FILL IN TEAM MEMBER.pdf" if more than questionnaire is submitted).

NOTE: If selected for award and if a subrecipient's location is not known at the time of application, a subsequent environmental questionnaire will be needed prior to them beginning work at an alternate location.

6. SF-LLL: Disclosure of Lobbying Activities (if applicable)

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.

If applicable, complete SF- LLL. Applicability: If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an

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employee of a Member of Congress in connection with the grant/cooperative agreement, you must complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying." Save this information as (Applicant Name SF-LLL.pdf).

7. Head of Government Letter

The applicant shall provide a letter from their State or Indian Tribe "Head of Government" appointing the applicant as the sole entity within the State or Indian Tribe to apply for, receive, and administer the award as authorized by IJA section 40101(d) and as described in this ALRD. Save this information as (Applicant Name Head of Gov Letter.pdf).

C. Intergovernmental Review

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

D. Funding Restrictions

Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.

Costs must be allowable, allocable and reasonable in accordance with the applicable Federal cost principles referenced in [2 CFR part 200](#) as amended by [2 CFR part 910](#). The cost principles for commercial organizations/for-profit entities are in FAR Part 31.

E. Pre-Award Costs

Recipients may charge to an award resulting from this announcement pre-award costs that were incurred within the ninety (90) calendar day period immediately preceding the effective date of the award, if the costs are allowable in accordance with the applicable Federal cost principles referenced in 2 CFR part 200 as amended by 2 CFR part 910 [DOE Financial Assistance Regulation]. Recipients must obtain the prior approval of the contracting officer for any pre-award costs that are for periods greater than this 90-day calendar period.

Pre-award costs are incurred at the applicant's risk. DOE is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award is made for a lesser amount than the applicant expected.

V. Award Administration Information

A. Notices

i. Notice of Award

An Assistance Agreement issued by the Contracting Officer is the authorizing award document. It normally includes either as an attachment or by reference: (1) Special Terms and Conditions; (2) Applicable program regulations, if any; (3) Application, which includes the project description and budget, as approved by DOE; (4) 2 CFR part 200 as amended by 2 CFR part 910; (5) National Policy Assurances To Be Incorporated As Award Terms; (6) Budget Summary; (7) Federal Assistance Reporting Checklist and Instructions, which identifies the reporting requirements; (8) Intellectual Property; (9) Federal-wide Research Terms and Conditions; (10) Agency Specific Requirements; and (11) any award specific terms and conditions.

B. Administrative and National Policy Requirements

i. 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.

DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements.

The DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements are located at:

<https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients> under Award Terms.

National Policy Requirements. The National Policy Assurances that are incorporated as a term and condition of award are located at:

<https://www.energy.gov/management/financial-assistance-forms-and-information-applicants-and-recipients>.

Intellectual Property Provisions. The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at:

<https://energy.gov/gc/standard-intellectual-property-ip-provisions-financial-assistance-awards>.

ii. System for Award Management and Unique Entity Identifier Requirements

Applicants that do not have an exemption under [2 CFR 25.110](#) must:

- 1) Be registered in the System for Award Management (SAM) at <https://www.sam.gov> prior to submitting an application or plan;
- 2) Provide its unique entity identifier in each application or plan it submits to DOE;
- 3) Maintain an active SAM registration with current information, including information on its immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a Federal contract or financial assistance award within the last three years, if applicable, at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency;
- 4) Remain registered in the SAM database after the initial registration;
- 5) Update its information in the SAM database as soon as it changes;
- 6) Review its information in the SAM database on an annual basis from the date of initial registration or subsequent updates to ensure it is current, accurate and complete; and
- 7) Not make a subaward to any entity unless the entity has provided its unique entity identifier. Subrecipients are not required to obtain an active SAM registration but must obtain a unique entity identifier.
- 8) For purposes of this FOA provision:
 - a. *System for Award Management (SAM)* means the Federal repository into which an applicant must provide information required for the conduct of business as a recipient of Federal funds. Additional information about registration procedures may be found at the SAM internet site (currently at <https://www.sam.gov>).
 - b. *Unique Entity Identifier* means the identifier assigned by SAM to uniquely identify business entities.
 - c. *Entity* includes non-Federal entities as defined at [2 CFR 200.1](#) and also includes all of the following for purposes of this part:
 - i. A foreign organization;
 - ii. A foreign public entity;
 - iii. A domestic for-profit organization; and
 - iv. A Federal agency.
 - d. *Subaward* has the meaning given in [2 CFR 200.1](#).
 - e. *Subrecipient* has the meaning given in [2 CFR 200.1](#).

c. Eligible Entity Prioritization – 40101(d)(5)

In making grants to eligible entities using funds made available to the applicable State or Indian Tribe under the program, the State or Indian Tribe shall give priority to

projects that, in the determination of the State or Indian Tribe, will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.

D. Small Utilities Set Aside – 40101(d)(6)

A State or Indian Tribe receiving a grant under the program shall ensure that, of the amounts made available to eligible entities, the percentage made available to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year is not less than the percentage of all customers in the State or Indian Tribe that are served by those eligible entities.

E. Technical Assistance and Administrative Expenses – 40101(d)(7)

Of the amounts made available to a State or Indian Tribe under the program each fiscal year, the State or Indian Tribe may use not more than 5 percent for—

- (A) providing technical assistance under Section 40101(g)(1)(A); and
- (B) administrative expenses associated with the program.

F. Government Generated Statement of Project Objectives

DOE has generated a Statement of Project Objectives (SOPO) to be used on all awards. Applicants should review the SOPO to be aware of project requirements. The SOPO is located at [Section 40101\(d\) Formula Grants to States & Indian Tribes | netl.doe.gov](#)

G. Subaward/Subcontract Change Notification

The Recipient must notify the DOE Contracting Officer and Project Officer in writing 30 days prior to the execution of new or modified subawards/subcontracts. This notification does not constitute a waiver of the prior approval requirements outlined in 2 CFR 200, nor does it relieve the Recipient from its obligation to comply with applicable Federal statutes, regulations, and executive orders.

In order to satisfy this notification requirement, Recipient documentation must, at a minimum, include the following:

- (a) Recipient confirms that the subawardee:
 - (i) is an eligible entity type identified in IIJA section 40101(a)(2);
 - (ii) the proposed work to be done is an eligible activity identified in IIJA section 40101(e)(1); and
 - (iii) is not a debarred or a suspended entity.

- (b) Recipient confirms that:

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- (i) the process undertaken to solicit the subaward/subcontract complies with their written procurement procedures as outlined in 2 CFR 200.318;
 - (ii) no planned, actual or apparent conflict of interest exists between the Recipient and the selected subawardee/subcontractor and that the Recipient's written standards of conduct were followed; and
 - (iii) all required award provisions will be flowed down in the resulting subaward/subcontract.
- (c) Recipient provides:
- (i) Budget justification and budget pages for all resilience project subawards; and any other subaward over \$250,000;
 - (ii) A description of how the subaward conforms to the Program Narrative approved by DOE;
 - (iii) A completed Environmental Questionnaire covering the subaward activity;
 - (iv) Cost share commitment letter from the eligible entity committing to meet the cost share matching as required in IIJA section 40101(h)

The Recipient is responsible for making a final determination to award or modify subawards/subcontracts under this agreement, but the Recipient may not proceed with the subaward/subcontract until the Contracting Officer determines, and provides the Recipient written notification, that the information provided is adequate.

Should the Recipient not receive a written notification of adequacy from the Contracting Officer within 30 days of the submission of the subaward/subcontract documentation stipulated above, Recipient may proceed to award or modify the proposed subaward/subcontract.

H. Performance of Work in the United States

The Recipient agrees that 100% percent of the direct labor cost for the project (including subrecipient labor) shall be incurred in the United States, unless the Recipient can demonstrate to the satisfaction of the Department of Energy that the United States economic interest will be better served through a greater percentage of the work being performed outside of the United States.

Applicants and prime recipients may request a waiver of this requirement. Applicants must include a written waiver request in the Full Application. Prime recipients must submit any waiver requests in writing to the DOE Contracting Officer for this ALRD. The DOE Contracting Officer has discretion to waive this requirement if he/she determines that it will further the purposes of this ALRD and is otherwise in the best interest of the Government. If you would like to request a waiver see Full Application Package in Section IV. The DOE will seek to minimize waivers and any waivers will be limited in duration and scope.

I. Foreign Travel

Foreign travel and associated costs are not allowable under this ALRD.

J. Buy American Requirements

Buy America provisions require that public funds use American-made products on government-funded projects, thus ensuring the development of domestic supply chains for new technologies. These provisions were updated in IIJA.¹³

K. Davis Bacon Act Compliance

All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available under this program 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”).

L. Foreign National Participation (September 2021)

All applicants selected for an award under this ALRD 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.

M. Export Control Responsibilities (September 2021)

All applicants selected for an award under this ALRD 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 of 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

¹³ New Buy American requirements are located in Division G – Other Authorizations; Title IX – Build America, Buy America of the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58, which was enacted into law on November 15, 2021. <https://www.congress.gov/bill/117th-congress/house-bill/3684>

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.

N. Statement of Federal Stewardship

DOE will exercise normal Federal stewardship in overseeing the project activities performed under DOE Awards. Stewardship Activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing assistance and/or temporary intervention in usual 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.

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

DOE's decision whether and how to distribute federal funds under this ALRD is subject to the National Environmental Policy Act (42 USC 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 <http://nepa.energy.gov/>.

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 costs to prepare the necessary records may be included as part of the project costs.

P. 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.

Q. Reporting

i. Reporting Requirements

Reporting requirements are identified on the Federal Assistance Reporting Checklist and Instructions, DOE F 4600.2, attached to the award agreement or other related IJA guidance as they become available. Be advised that additional reporting requirements may apply to projects funded by IJA. As part of tracking progress toward key departmental goals – ensuring justice and equity in alignment with the Justice40 Initiative, creating good-paying jobs with the free and fair choice to join a union, 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 project locations, transmission capacity upgraded, expanded, or built, electricity storage capacity installed, funding leveraged, stakeholders engaged, technical assistance provided, or value of contracts or agreements with minority owned business for supplies, services, or equipment. 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 a completion. A sample checklist is available at: <https://www.netl.doe.gov/sites/default/files/netl-file/4600.2-FE.pdf>.

For subawards receiving \$5 million or more in funding (based on expected total cost), recipients will be required to either:

1. Provide a certification that the project either will use a unionized workforce or includes a project labor agreement, meaning a pre-hire

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collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)); or

2. Provide a project workforce continuity plan, detailing:
 - a. The number of workers for awardees and subawardees, and any contractors and sub-contractors of awardees and subawardees, working on the project;
 - b. The name of any subcontracted entity performing work on the project, and the total number of workers employed by each such entity, disaggregated by job title;
 - c. The number of workers on the project hired directly and hired through a third party;
 - d. The number of workers classified as independent contractors on the project;
 - e. How the recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure construction is completed in a competent manner throughout the life of the project, including a description of any required professional certifications and/or in-house training, registered apprenticeships or labor-management partnership training programs, and partnerships like unions, community colleges, or community-based groups;
 - f. How the recipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;
 - g. How the recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers;
 - h. Whether the Project prioritizes local hires; and
 - i. Whether the Project has a Community Benefit Agreement, with a description of any such agreement.

Recipients must maintain sufficient records to substantiate this information upon request.

ii. Subaward and Executive Reporting

Prime Recipients awarded a new Federal financial assistance award greater than or equal to \$30,000 as of October 1, 2010 are subject to Federal Funding and Transparency Act of 2006 (FFATA) sub-award reporting requirements as

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outlined in 2 CFR Chapter 1, Part 170 REPORTING SUB-AWARD AND EXECUTIVE COMPENSATION INFORMATION.

The FFATA Subaward Reporting System (FSRS) is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements. Prime awardees must register with the new FSRS database and report the required data on their first tier subawardees/subrecipient at <http://www.fsr.gov>.

Prime awardees must report the executive compensation for their own executives as part of their registration profile in the System for Award Management (SAM). The sub-award information entered in FSRS will then be displayed on www.USASpending.gov associated with the prime award furthering Federal spending transparency.

Applicants must ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.

R. Applicant Representations and Certifications

i. 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.

ii. Nondisclosure and Confidentiality Agreements Representations

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

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

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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 or any investigative or law enforcement representative of a Federal department or agency of a suspected 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.”*

The limitation above shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

- (2) 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.

VI. Questions/Agency Contacts

A. Questions

Questions regarding the **content of the ALRD** must be submitted through the FedConnect portal. You must register with FedConnect to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the ALRD as possible to have the benefit of all responses. Applicants are encouraged to review previously issued Questions and Answers prior to the submission of questions. DOE/NNSA will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the website.

Questions and comments concerning this ALRD shall be submitted not later than **3** business days prior to the application due date. Questions submitted after that date may not allow the Government sufficient time to respond.

B. Agency Contact

Name: [To Be Provided at ALRD Issuance]
E-mail: [To Be Provided at ALRD Issuance]

VII. Other Information

A. Modifications

Notices of any modifications to this ALRD will be posted to the FedConnect portal. You can receive an email when a modification or an announcement message is posted by registering with FedConnect as an interested party for this ALRD. It is recommended that you register as soon after release of the ALRD as possible to ensure you receive timely notice of any modifications or other announcements.

B. Government Right to Reject or Negotiate

DOE reserves the right, without qualification, to reject any or all applications received in response to this ALRD 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.

Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.

D. Treatment of Application Information

DOE 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.

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 ALRD. Applications containing trade secrets or commercial or financial information that is privileged or confidential, and that the applicant does not want disclosed to the public or used by the Government for any purpose other than application evaluation, must be marked as described in this section.

The cover sheet of the application must be marked as follows and identify the specific pages containing trade secrets or commercial or financial information that is privileged or confidential:

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Notice of Restriction on Disclosure and Use of Data:

Pages [list applicable pages] of this document may contain trade secrets or commercial or financial information that is privileged or confidential and 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 trade secrets or commercial or financial information that is privileged must be marked as follows: “May contain trade secrets or commercial or financial information that is privileged or confidential and exempt from public disclosure.”

In addition, each line or paragraph containing trade secrets or commercial or financial information that is privileged or confidential must be enclosed in brackets.

The above markings enable DOE to follow the provisions of 10 CFR 1004.11(d) in the event a Freedom of Information Act (FOIA) request is received for information submitted with an application. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under a FOIA request 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.

Subject to the specific FOIA exemptions identified in 5 U.S.C. 552(b), all information submitted to DOE by a ALRD applicant is subject to public release under the Freedom of Information Act, 5 U.S.C. 552, as amended by the OPEN Government Act of 2007, Pub. L. No. 110-175. It is the applicant’s responsibility to review FOIA and its exemptions to understand (1) what information may be subject to public disclosure and (2) what information applicants submit to the Government that are protected by law. In some cases, DOE may be unable to make an independent determination regarding which information submitted by an applicant is releasable and which is protected by an exemption. In such cases, DOE will consult with the applicant, in accordance with 10 C.F.R. 1004.11, to solicit the applicant’s views on how the information should be treated.

Applicants shall not identify the entire Program Narrative as exempt from public disclosure.

E. Evaluation and Administration by Non-Federal Personnel

In conducting the merit review, 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. The applicant, by submitting its application, consents to the use of non-Federal reviewers/administrators. Non-Federal reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-Federal personnel conducting administrative activities must sign a non-disclosure agreement.

F. Intellectual Property Provisions (NRD-821) Nonresearch and Development

Intellectual property rights are subject to 2 CFR 200.315 (e.g. institution of higher education or nonprofit organizations) or 2 CFR 910.362 (e.g., for-profit).

G. Notice Regarding Eligible/Ineligible Activities

Eligible activities under this program include those that describe and promote the understanding of scientific and technical aspects of specific energy technologies, but not those that encourage or support political activities such as the collection and dissemination of information related to potential, planned, or pending legislation.

Awardees and subawardees may not use grant funds, whether directly or indirectly, to support or oppose union organizing.

H. Protected Personally Identifiable Information

In responding to this ALRD, applicants must ensure that Protected Personally Identifiable Information (PII) is not included in the application documents. These documents will be used by the Merit Review Committee in the review process to evaluate each application. PII is defined by the Office of Management and Budget (OMB) as:

Any information about an individual maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information that can be used to distinguish or trace an individual's identity, such as their name, social security number, date and place of birth, mother's maiden name, biometric records, etc., including any other personal information that is linked or linkable to an individual.

This definition of PII can be further defined as: (1) Public PII and (2) Protected PII.

1. Public PII: PII found in public sources such as telephone books, public websites, business cards, university listing, etc. Public PII includes first and last name, address, work telephone number, email address, home telephone number, and general education credentials.

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2. Protected PII: PII that requires enhanced protection. This information includes data that if compromised could cause harm to an individual such as identity theft.

Listed below are examples of Protected PII that applicants must not include in the application files listed above to be evaluated by the Merit Review Committee. This list is not all inclusive.

- Social Security Numbers in any form
- Place of Birth associated with an individual
- Date of Birth associated with an individual
- Mother's maiden name associated with an individual
- Biometric record associated with an individual
- Fingerprint
- Iris scan
- DNA
- Medical history information associated with an individual
- Medical conditions, including history of disease
- Metric information, e.g., weight, height, blood pressure
- Criminal history associated with an individual
- Employment history and other employment information associated with an individual
- Ratings
- Disciplinary actions
- Performance elements and standards (or work expectations) are PII when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal
- Financial information associated with an individual
- Credit card numbers
- Bank account numbers
- Security clearance history or related information (not including actual clearances held)

I. Indirect Rates

Potential recipients and major sub-recipients will need to demonstrate how indirect rates are developed using an acceptable government methodology or current rate agreement. The Prime Recipient and major sub-recipients may be subject to a DCAA or independent auditor indirect rate review if there has not been a certified rate audit within the previous twelve months. Additionally, annual indirect cost reconciliations are required, as applicable.

J. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (October 2020)

Recipients and subrecipients are prohibited from obligating or expending federal funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in section 889 of Public Law 115-232, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

- a. 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).
- b. Telecommunications or video surveillance services provided by such entities or using such equipment.
- c. 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.

Certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889 of Public Law 115-232, are recorded in the System for Award Management exclusion list.

K. Foreign Government-Sponsored Talent Recruitment Program Prohibition (October 2020)

Recipients of DOE financial assistance awards and project participants are prohibited from participating in certain foreign government-sponsored talent recruitment programs. The purpose of this prohibition is to ensure the protection of U.S. competitive and national security interests and DOE program objectives; prevent potential conflicts of interest; and limit unauthorized transfers of scientific and technical information.

Selected applicants and Recipients of financial assistance awards under this ALRD may be required to submit disclosures and/or certifications to ensure compliance with the

prohibition; individual certifications and/or disclosures may be required for the selected applicant, Recipient, and certain project participants (at the recipient, subrecipient, and contractor levels). Further, to exercise due diligence, Recipients of a financial assistance award under this ALRD may be required to submit updated disclosures and/or certifications during the life of the award to ensure that neither they nor certain project participants (at the recipient, subrecipient, and contractor levels) are participating in certain foreign government-sponsored talent recruitment programs.

L. Implementation of Executive Order 13798, Promoting Free Speech and Religious Liberty (November 2020)

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

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