

**FINANCIAL ASSISTANCE
FUNDING OPPORTUNITY ANNOUNCEMENT**



**U.S. Department of Energy
Golden Field Office**

**Recovery Act: Large Wind Turbine Drivetrain Testing Facility
Funding Opportunity Announcement Number: DE-FOA-0000112
Announcement Type: Amendment 000002
CFDA Number: 81.087**

Issue Date: 06/23/2009

Letter of Intent Due Date: 07/22/2009, 11:59 PM Eastern Time

Note: Only those Applicants who submitted a letter of intent are eligible to submit final applications under this announcement.

Application Due Date: 08/13/2009, 11:59 PM Eastern Time

NOTE: Questions regarding the content of this announcement must be submitted through FedConnect. Applicants must be registered in FedConnect to submit or view Questions.



Department of Energy

Golden Field Office

1617 Cole Boulevard

Golden, Colorado 80401-3393

DE-FOA-0000112
Amendment 000002

DATE: July 7, 2009
FROM: Sara Wilson, Contracting Officer
TO: All Prospective Applicants

SUBJECT: Amendment 000002 to Announcement DE-FOA-0000112,
"Recovery Act: Large Wind Drivetrain Testing Facility"

- 1) The purpose of this amendment is to extend the Letter of Intent Due Date and the Application Due Date.
 - a) Under Part IV – Application and Submission Information, Section E. Submission Dates and Times, the Letter of Intent Due Date is extended from July 15, 2009, 11:59 PM Eastern Time to July 22, 2009, 11:59 PM Eastern Time.
 - b) Under Part IV – Application and Submission Information, Section E. Submission Dates and Times, the Application Due Date is extended from August 6, 2009, 11:59 PM Eastern Time to August 13, 2009, 11:59 PM Eastern Time.
- 2) All other terms and conditions of the Announcement remain the same.



Department of Energy

Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3393

DE-FOA-0000112
Amendment 000001

DATE: June 24, 2009
FROM: Sara Wilson, Contracting Officer
TO: All Prospective Applicants

SUBJECT: Amendment 000001 to Announcement DE-FOA-0000112,
"Recovery Act: Large Wind Turbine Drivetrain Testing Facility"

- 2) The purpose of this amendment is to add the Adobe Application package as a separate attachment to this announcement in FedConnect.

- 2) All other terms and conditions of the Announcement remain the same.

APPLICATION SUBMISSION, FEDCONNECT QUICK START GUIDE, REGISTRATION REQUIREMENTS, AND WHERE TO SUBMIT QUESTIONS

1. Application Submission

APPLICATIONS MUST BE SUBMITTED THROUGH FEDCONNECT AT <https://www.fedconnect.net/> TO BE CONSIDERED FOR AWARD. The application forms identified in Part IV. C. are posted as attachments to this FOA (in FedConnect) and are also found at <https://www.eere-pmc.energy.gov/Forms.aspx#APPForms>. It is the responsibility of the applicant, prior to the Application due date and time, to verify successful transmission.

2. Electronic Authorization of Applications and Award Documents

Submission of an application and supplemental information under this announcement through electronic systems used by the Department of Energy, including FedConnect, constitutes the authorized representative's approval and electronic signature.

Submission of award documents, including modifications, through electronic systems used by the Department of Energy, including FedConnect, constitutes the authorized representative's approval and acceptance of the terms and conditions of the award. Submission via FedConnect constitutes the authorized representative's electronic signature

3. FedConnect Quick Start Guide

Use this guide to assist you with FedConnect:

https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf

4. Registration Requirements

To submit an application in response to this FOA, Applicants must be registered with FedConnect. Before you can register with FedConnect, you will need the following:

- A. Your organization's DUNS (including plus-4 extension if applicable). If you don't know your organization's DUNS or if your organization does not have a DUNS, you can search for it or request one at <http://fedgov.dnb.com/webform/displayHomePage.do>.
- B. A federal Central Contractor Registration (CCR) account. If your organization is not currently registered with CCR, please register at www.ccr.gov before continuing with your FedConnect registration.
- C. Possibly, your organization's CCR MPIN. If you are the first person from your organization to register, FedConnect will need to create an organization account. Only a person who knows your organization's CCR MPIN can do this. To find out who this is in your organization, go to <http://www.ccr.gov/> and click **Search CCR**. Once you've found your organization, locate the Electronic Business Point of Contact.

After the initial FedConnect account is created, employees can register themselves without the MPIN. If you are not sure whether your organization has an account with FedConnect, complete the registration form and FedConnect will let you know if your organization is registered. (PLEASE REFER TO THE FEDCONNECT QUICK START GUIDE).

Applicants who are not registered with CCR and FedConnect, should allow at least 21 days to complete these requirements. It is suggested that the process be started as soon as possible. For those Applicants already registered in CCR, the CCR registration must be updated

annually at <http://www.ccr.gov/Renew.aspx>.

5. Instructions for Completion of Adobe Application Package

The Adobe Application Package was intended to be utilized in Grants.gov; however, the DOE is currently utilizing it with FedConnect. Please disregard any instructions within the Adobe Application Package regarding use with Grants.gov; specifically, **DO NOT use the “Save & Submit” button in the Adobe Application Package, since that button is only used when submitting an application in Grants.gov.**

- A. Copy the Adobe Application Package to your desktop;
- B. Open the Adobe Application Package, and first complete the SF-424 Application, Project/Performance Site Location(s) form, and SF-LLL form (if applicable) which are all part of the Adobe Application Package. To start this process, simply click on the form's name to select the item and then click on the => button. This will move the document to the appropriate "Documents for Submission" box and the form will be automatically added to your application package. Open the forms by selecting the form name and clicking on the "Open Form" button, then complete the required data fields.
- C. Identify the remaining forms required to be completed, as identified in Part IV of the Announcement. Prepare and save these forms to your desktop (e.g., project narrative, resume file, budget file). Once finalized and files are named as indicated in Part IV of the Announcement, upload (attach) these files individually within the Adobe Application Package by clicking on “Add Mandatory Other Attachment” to attach the Project Narrative and clicking on “Add Optional Other Attachment” to attach the remaining files;
- D. Once all completed files have been attached within the Adobe Application Package, save the Adobe Application Package to your desktop, and submit to FedConnect, following the steps outlined in the FedConnect Quick Start Guide at: https://www.fedconnect.net/Fedconnect/PublicPages/FedConnect_Ready_Set_Go.pdf. Note that Applications may be submitted to multiple Topic Areas; however, SEPARATE applications must be submitted for each Topic Area. If submitting to multiple Topic Areas, save the Adobe Application Package in a single file, using up to 10 letters of the Applicant’s Organization Name as the file name (e.g., UCLA). If your organization is submitting more than one Application to different Topic Areas, you must identify an application number and the Topic Area Number at the end of each file name (e.g., UCLA-1-Topic1).

Note that it is the responsibility of the applicant, prior to the Application due date and time, to verify successful transmission in FedConnect.

6. Questions

Questions regarding the content of the announcement must be submitted through the FedConnect portal. You must register with FedConnect to submit questions and to receive responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of all responses. More information is available at https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf. DOE will try to respond to a question within 3 business days, unless a similar question and answer have already been distributed.

Questions pertaining to the submission of applications through FedConnect should be directed by e-mail to support@FedConnect.net or by phone to FedConnect Support at 1-800-899-6665. The FedConnect Helpdesk is available from 8:00 am to 8:00 pm Eastern time.

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PART I – FUNDING OPPORTUNITY DESCRIPTION

A. INTRODUCTION: AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Projects under this FOA will be funded, in whole or in part, with funds appropriated by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, (Recovery Act or Act). The Recovery Act's purposes are to stimulate the economy and to create and retain jobs. The Act gives preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds made available by it for activities that can be initiated not later than June 17, 2009. Accordingly, special consideration will be given to projects that promote and enhance the objectives of the Act, especially job creation, preservation and economic recovery, in an expeditious manner.

Be advised that special terms and conditions may apply to projects funded by the Act relating to:

- Reporting, tracking and segregation of incurred costs;
- Reporting on job creation and preservation;
- Publication of information on the Internet;
- Access to records by Inspectors General and the Government Accountability Office;
- Prohibition on use of funds for gambling establishments, aquariums, zoos, golf courses or swimming pools;
- Ensuring that iron, steel and manufactured goods are produced in the United States;
- Ensuring wage rates are comparable to those prevailing on projects of a similar character;
- Protecting whistleblowers and requiring prompt referral of evidence of a false claim to an appropriate inspector general; and
- Certification and Registration.

These special terms and conditions will be based on provisions included in Titles XV and XVI of the Act. The special terms and conditions can be found at:

http://management.energy.gov/policy_guidance/1672.htm.

The Office of Management and Budget (OMB) has issued Implementing Guidance for the Recovery Act. See M-09-10, Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009 and M-09-15, Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009. OMB will be issuing additional guidance concerning the Act in the near future. Applicants should consult the DOE website, www.energy.gov, the OMB website: <http://www.whitehouse.gov/omb/> and the Recovery website: www.recovery.gov regularly to keep abreast of guidance and information as it evolves.

Recipients of funding appropriated by the Act shall comply with requirements of applicable Federal, State, and local laws, regulations, DOE policy and guidance, and instructions in this FOA, unless relief has been granted by DOE. Recipients shall flow down the requirements of applicable Federal, State and local laws, and regulations, DOE policy and guidance, and

instructions in this FOA to subrecipients at any tier to the extent necessary to ensure the recipient's compliance with the requirements.

Be advised that Recovery Act funds can be used in conjunction with other funding, as necessary to complete projects, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related OMB Guidance. Applicants for projects funded by sources other than the Recovery Act should plan to keep separate records for Recovery Act funds and to ensure those records comply with the requirements of the Act. Funding provided through the Recovery Act that is supplemental to an existing grant is one-time funding.

Applicants should require their first tier subawardees to obtain a DUNS number (or update the existing DUNS record), and register with the Central Contractor Registration (CCR).

B. DESCRIPTION

The Department of Energy's (DOE) Golden Field Office (GO) is issuing this Funding Opportunity Announcement (FOA), entitled "Recovery Act: Large Wind Turbine Drivetrain Testing Facility", on behalf of the DOE Office of Energy Efficiency and Renewable Energy (EERE), Wind and Hydropower Technologies Program (WHTP).

The Recovery Act enables DOE to support research and development for increasing the reliability of large-scale wind turbines. A large drivetrain testing facility, which will feature an instrumented dynamometer test stand, will enable the wind industry to develop, test and validate large-scale wind turbine drivetrain systems domestically. Drivetrain testing is required to demonstrate compliance with wind turbine design standards, reduce wind turbine costs, secure product financing, and reduce the technical and financial risk of deploying mass-produced wind turbine models. Construction and operation of an appropriately sized dynamometer and test facility in the United States will enable the identification and characterization of drivetrain design and manufacturing deficiencies for product improvement prior to commercial deployment, encourage domestic manufacturing and technology development, create jobs and result in overall improved product reliability. The new testing capability will ultimately improve the country's competitiveness in wind energy technology, lower energy costs for consumers, and maintain a high trajectory of wind energy growth that contributes to the nation's renewable energy goals.

A major trend over the last decade within the wind industry is the use of larger wind turbines. Due to economies of size, these machines are intended to reduce the life cycle cost of energy. The average size of wind turbines installed in the United States in 2007 increased to roughly 1.65 MW. Additionally, turbines already developed range in the 2.5 MW to 3.5 MW capacity sizes; with plans being developed for even greater power ratings. The larger wind turbines have outpaced the availability of U.S.-based testing facilities.

The gearbox is the vital link transferring rotor energy to the generator in the vast majority of wind turbines. With the power capacities of wind turbines accelerating rapidly, designing ever-larger gearboxes with optimal vibration characteristics and then testing these characteristics is necessary to achieve improved performance, lifecycle and reliability. A large U.S. dynamometer drivetrain facility is now needed to advance the industry's capabilities to perform dynamic gearbox testing and analysis. This would allow the assessment of gearbox/drivetrain

options, problems and solutions under simulated field conditions. It is critical to develop a better understanding of how the wide range of possible load events translates into bearing and gear response.

A new U.S. large dynamometer facility is needed for the following reasons:

- The long-term reliability of the current generation of megawatt-scale drivetrains has not yet been fully verified through field operating experience. As a result of fleet-wide gearbox maintenance issues and related failures with some designs in the past, it is now becoming an increasingly standard practice to perform extensive testing of new gearbox configurations on a dynamometer to prove performance, durability and reliability before they are introduced into serial production.
- There is a broad consensus that wind turbine drivetrain technology will evolve significantly (based on needs) in the next several years to reduce weight and cost and improve reliability. Dynamometer testing facilities will be critical for the research and development of the next generation of turbines to be designed and manufactured in the U.S. These proposed facilities will provide the U.S. wind industry with an opportunity to perform research targeted at determining root causes of failure and investigating solutions. It will advance the understanding of the behavior of gear and bearing elements in wind turbines and help the U.S. industry maintain technological competitiveness and foster expanded market share.

This Funding Opportunity Announcement is for the design and construction of a large dynamometer facility for testing 5 to 15 MW rated drivetrains, with supporting systems, and the operation and maintenance of these facilities for the benefit of wind stakeholders nationwide. The proposed facility can be new construction or involve the design and modification of an existing building suitable for electrical, mechanical, and other physical needs associated with a dynamometer test stand. Overhead cranes, access doors, and other facility infrastructure suitable for accommodating associated components and equipment will be required. It is envisioned that the facility will include sufficient office space for permanent staff and visiting users as well as conference rooms, lunch room, restrooms, computer stations, etc. Applicants will be required to submit detailed multi-phase plans including concept designs, preliminary designs, engineering procurement and construction contract management, and operation and maintenance.

The detailed plan should account for the initial commissioning and independent accreditation of the facility, operation and maintenance costs, as well as a plan for research and testing, for the facility during the first two years of operation. This will provide the facility operators with sufficient time to create partnerships and establish a successful testing business. Federal funds for this project are Recovery Act funds and must be spent in the first three years of the project. Accordingly, non-federal cost share should provide for the first two years of operation for the facility in the detailed plan.

Applicants will also be required to set forth a plan for disposition of equipment and real property, a plan for allowing users to access the facility (e.g., peer review of user applications) and a plan for the disposition of intellectual property (e.g., patents, technical data) that arise as a result of testing at the facility.

Each application must include organizational participants from a state(s) and university(ies) and a plan for achieving long term sustainable operation and maintenance and funding without future DOE assistance. The prime applicant must be a State or Local Government, University or non-profit and is restricted to the United States and its Territories. Industry and National Laboratory involvement is not required, though will be allowed. Potential end users of the facility may not partner due to conflict of interest. Leveraging of DOE's investment through applicant cost sharing will be a program policy factor considered in the selection of applications. Applicants must demonstrate capabilities and experience in all three of the following: 1) drivetrain testing, 2) business management and operation of industrial facilities, and 3) ability to develop a self-sustaining, end-user facility for the benefit of the nation.

DOE envisions awarding a single \$45 Million financial assistance grant award on a competitive basis. This \$45 million program is to assist in the design and construction of an accredited dynamometer testing facility capable of performing Highly Accelerated Life Testing (HALT) of 5 to 15MW rated wind turbine drive trains and generators, including all required supporting systems. As HALT is assumed to require at least a 30% overload in the rated torque of the test article, the dynamometer facility will require a minimum capacity of 20MW to support testing of a 15MW rated drivetrain. The facility should incorporate features to accommodate large direct drive generators in addition to generator/gearbox drivetrain configurations. In addition, the capability to simultaneously impart dynamic and/or steady off-axis loads (bending, radial and axial loads) to the low speed shaft of the test article will be required. It is anticipated that the facility will incorporate multiple test bays, permitting simultaneous, independent testing of two 7.5MW rated drivetrains. It is expected that the test bay dynamometers would be coupled to obtain a single test capability of up to 15MW rated drivetrains. The facility should incorporate the necessary electrical infrastructure to permit interconnection of the test article at all common system operating voltages. The facility should also be capable of testing generator system response to grid anomalies and for grid code compliance. Independent accreditation of the facility to conduct certification testing in accordance with applicable wind turbine design standards will be required.

Preparation rooms for assembly, disassembly and instrumentation check-out of test articles are required. Test article preparation rooms should be separate from the test bays and have sufficient data acquisition systems to enable troubleshooting and verification of instrumentation prior to installation in the test bays.

Due to transportation logistics as well as demand for larger off shore turbines, consideration will be given to the facility's geographical location relative to sea port and rail access.

Requirements for Recovery Act projects can be found at Recovery.gov and the OMB guidelines. All applications must demonstrate the understanding of and compliance with Recovery Act intentions and OMB requirements as set forth in the FOA and Recovery.gov.

Note: This Funding Opportunity Announcement includes two phases – the letter of intent phase and a final application phase. **Only those Applicants who submit to the letter of intent phase are eligible to submit final applications under this announcement.**

FOA Summary

FOA Topic	Total Recovery Act Funding	Estimated First Year Funding	Award Type	Expected Number of Awards	Required Cost Share	Maximum DOE Share	Period of Performance
Recovery Act: Large Wind Turbine Drivetrain Testing Facility	\$45M	\$45M	Grant	1	35% of total project cost; or 25% with justification from applicant	\$45M	5 years (DOE Share should be spent within 3 years)

Only those Applicants who submit a letter of intent are eligible to submit final applications under this announcement. Applicants are required to submit a letter of intent by the due date set forth on the cover page of this FOA. This letter of intent may be submitted by the applicant or by a proposed consortium member, and must include the following:

- Name of the applicant
- A brief description of the project (1 page maximum)
- A listing of consortium members with a point of contact for each member of the proposed consortium
- Document details of known conflicts with National Environmental Policy Act Requirements such as significant impacts on wildlife and damage to historical sites.

The letter of intent will be used to help DOE organize and expedite the merit review process. Letters of intent do not commit an applicant to submit an application. They should not contain any proprietary or sensitive business information. The letter of intent must be sent by E-mail to WindDynamometer@go.doe.gov. Each letter must document intent for only one application at a time. Applicants planning to submit multiple applications must also submit multiple letters of intent.

Applicants who have not submitted a letter of intent will not be considered for an award.

PART II – AWARD INFORMATION

A. TYPE OF AWARD INSTRUMENT

- DOE anticipates awarding one grant under this funding opportunity announcement.

B. ESTIMATED FUNDING

- Approximately \$45,000,000 is expected to be available for a new award under this announcement.

C. MAXIMUM AND MINIMUM AWARD SIZE

- Ceiling (i.e., the maximum amount for an individual award made under this announcement): \$45,000,000
- Floor (i.e., the minimum amount for an individual award made under this announcement): None

D. EXPECTED NUMBER OF AWARDS

- DOE anticipates making one award under this announcement.

E. ANTICIPATED AWARD SIZE

- DOE anticipates that the award will be \$45,000,000 for the total project period.

F. PERIOD OF PERFORMANCE

- DOE anticipates making an award that will run for up to five years. The DOE share of the award should be spent within three years.

G. TYPE OF APPLICATION

- Only new applications will be accepted under this announcement (e.g., applications for renewals of existing DOE funded projects will not be considered).

PART III - ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS

Eligibility will be restricted to collaborations made up of state and local governments and university(ies). Each application must include organizational participants from state and local government and universities, and a plan for achieving long term sustainable operation, maintenance and funding without DOE assistance. The prime applicant must be a State or Local Government, University or non-profit and is restricted to the United States and its Territories. Although not required, National Labs and/or private industry will be permitted to participate as a partner with other entities. Potential end users of the facility may not partner due to conflict of interest. **A letter of intent must be submitted to DOE in order to submit an application.**

B. COST SHARING

The cost share must be at least 35% of the total allowable costs of the project, or at least 25% of the total allowable costs of the project **provided that the applicant submits a justification for reduced cost sharing requirements describing the applicant's efforts to secure non-federal cost sharing at the higher level and explaining why doing so creates an undue financial burden.** Total allowable costs of the project consist of the sum of the Government share, including FFRDC contractor costs if applicable, and the recipient share of allowable costs and must come from non-Federal sources unless otherwise allowed by law.

C. OTHER ELIGIBILITY REQUIREMENTS

Federally Funded Research and Development Center (FFRDC) Contractors

FFRDC contractors are not eligible for an award under this announcement, but they may be proposed as a team member on another entity's application subject to the following guidelines:

Authorization for non-DOE FFRDCs. The Federal agency sponsoring the FFRDC contractor must authorize in writing the use of the FFRDC contractor on the proposed project and this authorization must be submitted with the application. The use of a FFRDC contractor must be consistent with the contractor's authority under its award. Save the authorization in a single file named "FFRDC_Auth.pdf" and attach.

Authorization for DOE FFRDCs. The cognizant contracting officer for the FFRDC must authorize in writing the use of a DOE FFRDC contractor on the proposed project and this authorization must be submitted with the application. The following wording is acceptable for this authorization.

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

Value/Funding. The value of the FFRDC contractor portion of the work will be included in the overall cost of the project, however, the funding for the FFRDC will not normally be

included in the award to a successful applicant. Usually, DOE will fund a DOE FFRDC contractor through the DOE field work proposal system and other FFRDC contractors through an interagency agreement with the sponsoring agency.

Cost Share. The applicant's cost share requirement will be based on the total cost of the project, including the applicant's and the FFRDC contractor's portions of the effort.

FFRDC Contractor Effort:

- The FFRDC contractor effort, in aggregate, shall not exceed 10% of the total estimated cost of the project, including the applicant's and the FFRDC contractor's portions of the effort. FFRDC contractor effort is limited to technical assistance and personnel cost over three years.

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

D. MULTIPLE PRINCIPAL INVESTIGATORS

The assignment and use of multiple Principal Investigators (PIs) in the project awarded under this FOA is allowed. The applicant, whether a single organization or team/partnership/consortium, must indicate in the application if the project will include multiple PIs. (See Part IV, Section C.) The decision to use multiple PIs for a project is the sole responsibility of the applicant. If multiple PIs will be designated, the application must identify in the application the Contact PI/Project Coordinator and provide a "Coordination and Management Plan" that describes the organization structure of the project as it pertains to the designation of multiple PIs. This plan should, at a minimum, include:

- Process for making decisions on scientific/technical direction
- Publications;
- Intellectual property issues;
- Communication plans;
- Procedures for resolving conflicts; and
- PIs' roles and administrative, technical and scientific responsibilities for the project.

PART IV – APPLICATION AND SUBMISSION INFORMATION

A. ADDRESS TO REQUEST APPLICATION PACKAGE

Apply at FedConnect

APPLICATIONS MUST BE SUBMITTED THROUGH FEDCONNECT AT <https://www.fedconnect.net/> TO BE CONSIDERED FOR AWARD. The Adobe Application Package is provided as a separate attachment to this Funding Opportunity Announcement in FedConnect. Once you have SAVED the application package and completed all the required documentation, you will submit your application via the FedConnect portal. **DO NOT use the “Save & Submit” selection in Grants.gov.**

Organizations with system-to-system capabilities with Grants.gov for their submissions may continue to use their systems, and their applications will be accepted in Grants.gov to be considered for award.

B. LETTER OF INTENT AND PRE-APPLICATION

1. Letter of Intent

Only those Applicants who submit a letter of intent are eligible to submit final applications under this announcement. Applicants are required to submit a letter of intent **by the due date set forth on the cover page of this FOA.** This letter of intent may be submitted by the applicant or by a proposed consortium member, and must include the following:

- Name of the applicant
- A brief description of the project (1 page maximum)
- A listing of consortium members with a point of contact for each member of the proposed consortium
- Document details that have known conflicts with National Environmental Policy Act Requirements such as significant impacts on wildlife and damage to historical sites.

The letter of intent will be used to help DOE organize and expedite the merit review process. Letters of intent do not commit an applicant to submit an application. They should not contain any proprietary or sensitive business information. The letter of intent must be sent by E-mail to WindDynamometer@go.doe.gov. Each letter of intent must identify only one application at a time. Applicants planning to submit multiple applications must also submit multiple letters of intent.

Applicants who have not submitted a letter of intent will not be considered for an award.

2. Pre-application

A pre-application is not required.

C. CONTENT AND FORM OF APPLICATION

The Adobe Application Package is provided as a separate attachment to this Funding Opportunity Announcement in FedConnect.

Organizations with system-to-system capabilities with Grants.gov for their submissions may continue to use their systems, and their applications will be accepted in Grants.gov to be considered for award.

You must complete the mandatory forms and any applicable optional forms (e.g., SF-LLL, Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. **Files that are attached to the forms must be in Adobe Portable Document Format (PDF), unless otherwise specified in this announcement.**

Once the forms below have been completed, save the Adobe Application Package in a single file, using up to 10 letters of the Applicant's Organization Name as the file name (e.g., UCLA). If your organization is submitting more than one Application, you must identify an application number at the end of each file name (e.g., UCLA-1).

1. SF 424 - Application for Federal Assistance

Complete this form first to populate data in other forms. Complete all required fields in accordance with the pop-up instructions on the form. To activate the instructions in the form, turn on the "Help Mode" (icon with the pointer and question mark at the top of the form). The list of certifications and assurances referenced in Field 21 can be found at http://management.energy.gov/business_doe/business_forms.htm, under Certifications and Assurances.

2. Project/Performance Site Location(s)

Indicate the primary site where the work will be performed. If a portion of the project will be performed at any other site(s), identify the site location(s) in the blocks provided. A federally-owned project site may be proposed.

Note that the Project/Performance Site Congressional District is entered in the format of the 2 digit state code followed by a dash and a 3 digit Congressional district code; for example, VA-001. In the form, hover over this field for additional instructions.

Use the "Next Site" button to expand the form to add additional Project/Performance Site Locations.

3. Other Attachments Form

Submit the following files with your application and attach them to the Other Attachments Form. Click on "Add Mandatory Other Attachment" to attach the Project Narrative. Click on "Add Optional Other Attachment," to attach the other files.

a. Project Summary/Abstract File

The project summary/abstract must contain a summary of the proposed activity suitable for dissemination to the public. It should be a self-contained document that

identifies the name of the applicant, the project director/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (i.e., benefits, outcomes), and major participants (for collaborative projects). This document must not include any proprietary or sensitive business information, as the Department may make it available to the public. The project summary must not exceed 1 page when printed using standard 8.5” by 11” paper with 1” margins (top, bottom, left and right), single spaced, with font not smaller than 11 point. Save this information in a file named “Summary.pdf,” and click on “Add Optional Other Attachment” to attach. See Appendix D for template.

b. Project Narrative File - Mandatory Other Attachment

The project narrative must not exceed 20 pages, including cover page, table of contents, charts, graphs, maps, photographs, and other pictorial presentations, when printed using standard 8.5” by 11” paper with 1 inch margins (top, bottom, left, and right), single spaced. EVALUATORS WILL REVIEW ONLY THE NUMBER OF PAGES SPECIFIED IN THE PRECEDING SENTENCE. The font must not be smaller than 11 point. Do not include any Internet addresses (URLs) that provide information necessary to review the application. See Section VIII.D for instructions on how to mark proprietary application information. Save the information in a single file named “Project.pdf,” and click on “Add Mandatory Other Attachment” to attach.

The project narrative must include:

- Project Objectives.
This section should provide a clear, concise statement of the specific objectives/aims of the proposed project.
- Merit Review Criteria Discussion.
The section should be formatted to address each of the merit review criteria and sub-criteria listed in Part V. A. below. Provide sufficient information so that reviewers will be able to evaluate the application in accordance with these merit review criteria. DOE WILL EVALUATE AND CONSIDER ONLY THOSE APPLICATIONS THAT ADDRESS SEPARATELY EACH OF THE MERIT REVIEW CRITERIA AND SUB-CRITERIA.
- Detailed Multi-Phase Plan/Budget:
This section should detail a multi-phase plan including concept designs, preliminary designs, engineering procurement and construction contract management, and operation and maintenance. The detailed plan should account for the initial commissioning and independent accreditation of the facility, operation and maintenance costs, as well as a plan for research and testing, for the facility during the first two years of operation. Applicants will also be required to set forth a plan for disposition of equipment and real property, a plan for allowing users to access the facility (e.g., peer review of user applications) and a plan for the disposition of intellectual property (e.g., patents, technical data) that arise as a result of testing at the facility.

- American Recovery and Reinvestment Act of 2009, P.L. 111-5 (Recovery Act) Information:

This section should address how the project will promote and enhance the objectives of the Recovery Act, especially job creation and/or preservation, and economic recovery in an expeditious manner. The response must include quantitative data supporting the number of jobs created and/or preserved, as well as data supporting any other direct economic recovery impacts attributable to the performance and conduct of the project.

All the components of your Project Narrative (listed above) combined must be within the Narrative page limit specified in paragraph b. above. Documents listed below may be included as clearly marked appendices to your Narrative and will not count towards the Project Narrative page limit. Please note that some of the required documents listed below may have their own page limits to which you must adhere.

c. Resume File

Provide a resume for each key person proposed, including subawardees and consultants if they meet the definition of key person. A key person is any individual who contributes in a substantive, measurable way to the execution of the project. Save all resumes in a single file named “resume.pdf” and click on “Add Optional Other Attachment” to attach. The biographical information for each resume must not exceed 2 pages when printed on 8.5” by 11” paper with 1 inch margins (top, bottom, left, and right), single spaced, with font not smaller than 11 point and should include the following information, if applicable:

Education and Training. Undergraduate, graduate and postdoctoral training; provide institution, major/area, degree and year.

Professional Experience: Beginning with the current position list, in chronological order, professional/academic positions with a brief description.

Publications. Provide a list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address, if available electronically.

Patents, copyrights and software systems developed may be provided in addition to, or substituted for, publications.

Synergistic Activities. List no more than 5 professional and scholarly activities related to the effort proposed.

Of the key personnel identified in this file, indicate the Principal Investigator(s) (PI). If multiple PIs are proposed, the applicant must provide the information indicated in Section III, Section D. as part of this file.

The resume file does not have a page limitation.

d. Budget File

SF 424 A Excel, Budget Information – Non-Construction Programs File

You must provide a separate budget for each year of support requested and a cumulative budget for the total project period. Use the SF 424 A Excel, “Budget Information – Non Construction Programs” form on the DOE Financial Assistance Forms Page at http://management.energy.gov/business_doe/business_forms.htm.

You may request funds under any of the Object Class Categories as long as the item and amount are necessary to perform the proposed work, meet all the criteria for allowability under the applicable Federal cost principles, and are not prohibited by the funding restrictions in this announcement (see Section IV, G). Save the information in a single file named “SF424A.xls,” and click on “Add Optional Other Attachment” to attach.

e. Budget Justification File

You must justify the costs proposed in each Object Class Category/Cost Classification category (e.g., identify key persons and personnel categories and the estimated costs for each person or category; provide a list of equipment and cost of each item; identify proposed subaward/consultant work and cost of each subaward/consultant; describe purpose of proposed travel, number of travelers and number of travel days; list general categories of supplies and amount for each category; and provide any other information you wish to support your budget). Provide the name of your cognizant/oversight agency, if you have one, and the name and phone number of the individual responsible for negotiating your indirect rates. If cost share is required, you must have a letter from each third party contributing cost share (i.e., a party other than the organization submitting the application) stating that the third party is committed to providing a specific minimum dollar amount of cost share. In the budget justification, identify the following information for each third party contributing cost share: (1) the name of the organization; (2) the proposed dollar amount to be provided; (3) the amount as a percentage of the total project cost; and (4) the proposed type of cost share – cash, services, or property. By submitting your application, you are providing assurance that you have signed letters of commitment. Successful applicants will be required to submit these signed letters of commitment.

Save the budget justification information in a single file named “Budget.pdf,” and click on “Add Optional Other Attachment” to attach.

f. American Recovery and Reinvestment Act of 2009, P.L. 111-5 (Recovery Act) Additional Budget Justification Information

Applications shall provide information which validates that all laborers and mechanics on projects funded directly by or assisted in whole or in part by and through funding appropriated by the Recovery Act are paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act). For guidance on how to comply with this provision, see <http://www.dol.gov/esa/whd/contracts/dbra.htm>.

To satisfy this requirement, please provide a written assurance that you will comply with the Davis-Bacon Act, as identified above, with the signature of the authorized representative of your organization. Save the information in a single file named “DavisBacon.pdf,” and click on “Add Optional Other Attachment” in the Adobe Application Package to attach file.

g. Letters of Commitment

If cost share is required, you must have a letter from each third party contributing cost share (i.e., a party other than the organization submitting the application) stating that the third party is committed to providing a specific minimum dollar amount of cost share. **All Letters of Commitment must be attached as an Appendix to the Project Narrative File.** Identify the following information for each third party contributing cost share: (1) the name of the organization; (2) the proposed dollar amount to be provided; (3) the amount as a percentage of the total project cost; and (4) the proposed type of cost share – cash, services, or property. Letters of Commitment from parties participating in the project, exclusive of vendors, who will not be contributing cost share, but will be integral to the success of the project must be included as part of this Appendix to the Narrative. Letters of Commitment will not count towards the Project Narrative page limit.

h. Subaward Budget File(s)

You must provide a separate budget (i.e., budget for each budget year and a cumulative budget) for each subawardee that is expected to perform work estimated to be more than \$100,000 or 50 percent of the total work effort (whichever is less). Use the SF 424 A Excel for Non Construction Programs or the SF 424 C Excel for Construction Programs. These forms are found on the DOE Financial Assistance Forms Page at http://management.energy.gov/business_doe/business_forms.htm. Save each Subaward budget in a separate file. Use up to 10 letters of the subawardee’s name (plus 424.xls) as the file name (e.g., ucla424.xls or energyres424.xls). Click on “Add Optional Other Attachment” to attach each file.

A budget justification for the subaward budget is also required. The budget justification must include the same justification information described in paragraph e. above.

First-Tier Subawardee American Recovery and Reinvestment Act of 2009, P.L. 111-5 (Recovery Act) Additional Budget Justification Information

First-Tier Subawardee Budget Justifications shall provide information which validates that all laborers and mechanics on projects funded directly by or assisted in whole or in part by and through funding appropriated by the Recovery Act are paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act). For guidance on how to comply with this provision, see <http://www.dol.gov/esa/whd/contracts/dbra.htm>.

To satisfy this requirement, first-tier subawardees should provide a written assurance that they will comply with the Davis-Bacon Act, as identified above, with the

signature of the authorized representative of the organization. Save the information in a single file named “DavisBacon_[add sub name].pdf” and click on “Add Optional Other Attachment” to attach.

i. Budget for Federally Funded Research and Development Center (FFRDC) Contractor File, if applicable

If a FFRDC contractor is to perform a portion of the work, you must provide a DOE Field Work Proposal in accordance with the requirements in DOE Order 412.1 Work Authorization System. This order and the DOE Field Work Proposal form are available at the following link:

<http://www.management.energy.gov/documents/o4121.pdf>. Use up to 10 letters of the FFRDC name (plus.doc) as the file name (e.g., lanl.doc or anl.doc), and click on “Add Optional Other Attachment” to attach.

j. Authorization for non-DOE or DOE FFRDCs

Save the Authorization for non-DOE or DOE FFRDCs, as specified in Part III.C. Other Eligibility Requirements, in a single file named “FFRDC_Auth.doc” and click on “Add Optional Other Attachment” to attach.

k. Environmental Questionnaire

You must complete the environmental questionnaire at <https://www.eere-pmc.energy.gov/NEPA.asp> AND the supplemental R&D Environmental Questionnaire (PMC 111.1) at <https://www.eere-pmc.energy.gov/Forms.aspx#APPForms>. Save the questionnaire in a single file named “Env.pdf” and click on “Add Optional Other Attachment” to attach.

l. Project Management Plan

This plan should identify the activities/tasks to be performed, a time schedule for the accomplishment of the activities/tasks, the spending plan associated with the activities/tasks, and the expected dates for the release of outcomes. Applicants may use their own project management system to provide this information. This plan should identify any decision points and go/no-go decision criteria. Successful applicants must use this plan to report schedule and budget variances. Save this plan in a single file named “PMP.pdf” and click on “Add Optional Other Attachment” to attach.

m. Justification for Reduced Cost Share Contribution

If you intend to request an applicant cost share contribution of less than the required 35% level (see Part III.B., “Cost Sharing”), you must provide a justification for reduced cost sharing requirements. The justification must describe your efforts to secure non-federal cost sharing at the higher required level and must explain why providing the higher required cost share contribution would create an undue financial burden. Save this justification in a single file named “ReducedCS.pdf” and click on “Add Optional Other Attachment” to attach.

n. Economically Distressed Area Documentation

If applicable, provide documentation to explain how the proposed project site should be considered to be in an economically distressed area (see Part V.A.3., “Other

Selection Factors”, regarding the program policy factor under Item 1). Save this documentation in a single file named “DistressedArea.pdf” and click on “Add Optional Other Attachment” to attach.

4. SF-LLL Disclosure of Lobbying Activities

Complete SF- LLL, "Disclosure Form to Report Lobbying” to disclose 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 employee of a Member of Congress in connection with the grant/cooperative agreement. Negative responses are required. The form is available in the optional document box on the Adobe Application Package attached to this FOA.

Summary of Required Forms/Files

Your application must include the following documents:

Name of Document	Format	File Name
SF 424 - Application for Federal Assistance	Part of Adobe Application Package	
Project / Performance Site Locations	Part of Adobe Application Package	
Other Attachments Form: Attach the following files to this form:	Part of Adobe Application Package	See Instructions
Project Summary/Abstract File	PDF	Summary.pdf
Project Narrative File, including required appendices and Letters of Commitment	PDF	Project.pdf
Resume File	PDF	Resume.pdf
SF 424A Excel – Budget Information for Non-Construction Programs File	Excel	SF424A.xls
Budget Justification File	As applicable	See Instructions
Davis Bacon File	PDF	DavisBacon.pdf
Subaward Budget File(s), if applicable	Excel for Budget, PDF for Justification	See Instructions
Budget for Federally Funded Research and Development Center (FFRDC) Contractor File, if applicable.	PDF	See Instructions
Authorization from cognizant Contracting	PDF	FFRDC_Auth.pdf

Officer for FFRDC, if applicable.		
First Tier Subaward Davis Bacon File, if applicable	PDF	DavisBacon_[add sub name].pdf
Environmental Questionnaire	PDF	See Instructions
Project Management Plan	PDF	Pmp.pdf
Justification for Reduced Cost Share Contribution	PDF	ReducedCS.pdf
Economically Distressed Area Documentation, if applicable	PDF	DistressedArea.pdf
SF-LLL Disclosure of Lobbying Activities	Part of Adobe Application Package	

D. SUBMISSIONS FROM SUCCESSFUL APPLICANTS

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

- Indirect cost information
- Other budget information
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5)
- Because Recovery Act funds apply to awards under this announcement, additional certification requirements will be required for state or local governments. See Special Provisions located at:

http://management.energy.gov/business_doe/business_forms.htm.

E. SUBMISSION DATES AND TIMES

Letter of Intent Due Date

- Letters of Intent must be received by July 15, 2009, 11:59 PM Eastern Time. (See Part IV.B.1). Letter of intent must be emailed to WindDynamometer@go.doe.gov.

Application Due Date

- Applications must be received by August 06, 2009, 11:59 PM Eastern Time. You are encouraged to transmit your application well before the deadline. **APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED OR CONSIDERED FOR AWARD.**

F. INTERGOVERNMENTAL REVIEW

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

G. FUNDING RESTRICTIONS

Cost Principles. Costs must be allowable in accordance with the applicable Federal cost principles referenced in 10 CFR Part 600. The cost principles for commercial organization are in FAR Part 31.

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 10 CFR part 600. 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.

H. SUBMISSION AND REGISTRATION REQUIREMENTS

1. Where to Submit

APPLICATIONS MUST BE SUBMITTED THROUGH FEDCONNECT TO BE CONSIDERED FOR AWARD. Submit electronic applications through the FedConnect portal. Information regarding how to submit applications via Fed Connect can be found at https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf.

Further, it is the responsibility of the applicant, prior to the Application due date and time, to verify successful transmission.

2. Registration Process Requirements

To submit an application in response to this FOA, Applicants must be registered with FedConnect. Before you can register with FedConnect, you will need the following:

- A. Your company's DUNS (including plus 4 extension if applicable). If you don't know your company's DUNS or if your company does not have a DUNS you can search for it or request one at <http://fedgov.dnb.com/webform/displayHomePage.do>.
- B. A federal Central Contractor Registration (CCR) account. If your company is not currently registered with CCR, please register at www.ccr.gov before continuing with your FedConnect registration.
- C. Possibly, your company's CCR MPIN. If you are the first person from your company to register, FedConnect will need to create a company account. Only a person who knows your company's CCR MPIN can do this. To find out who this is in your company, go to <http://www.ccr.gov/> and click **Search CCR**. Once you've found your company, locate the Electronic Business Point of Contact.

After the initial FedConnect account is created, employees can register themselves without the MPIN. If you are not sure whether your company has an account with

FedConnect, don't worry. Complete the registration form and FedConnect will let you know (PLEASE REFER TO QUICK START GUIDE FOR QUESTIONS).

3. Instructions for Completion of Adobe Application Package

The Adobe Application Package was intended to be utilized in Grants.gov; however, the DOE is currently utilizing it with FedConnect. Please disregard any instructions within the Adobe Application Package regarding use with Grants.gov; specifically, **DO NOT use the “Save & Submit” button in the Adobe Application Package, since that button is only used when submitting an application in Grants.gov.**

- a. Copy the Adobe Application Package to your desktop;
- b. Open the Adobe Application Package, and first complete the SF-424 Application, Project/Performance Site Location(s) form, and SF-LLL form (if applicable) which are all part of the Adobe Application Package. To start this process, simply click on the form's name to select the item and then click on the => button. This will move the document to the appropriate "Documents for Submission" box and the form will be automatically added to your application package. Open the forms by selecting the form name and clicking on the "Open Form" button, then complete the required data fields.
- c. Identify the remaining forms required to be completed, as identified in Part IV of the Announcement. Prepare and save these forms to your desktop (e.g., project narrative, resume file, budget file). Once finalized and files are named as indicated in Part IV of the Announcement, upload (attach) these files individually within the Adobe Application Package by clicking on “Add Mandatory Other Attachment” to attach the Project Narrative and clicking on “Add Optional Other Attachment” to attach the remaining files;
- d. Once all completed files have been attached within the Adobe Application Package, save the Adobe Application Package to your desktop, and submit to FedConnect, following the steps outlined in the FedConnect Quick Start Guide at:
https://www.fedconnect.net/Fedconnect/PublicPages/FedConnect_Ready_Set_Go.pdf.
Note that Applications may be submitted to multiple Topic Areas; however, SEPARATE applications must be submitted for each Topic Area. If submitting to multiple Topic Areas, save the Adobe Application Package in a single file, using up to 10 letters of the Applicant's Organization Name as the file name (e.g., UCLA). If your organization is submitting more than one Application to different Topic Areas, you must identify an application number and the Topic Area Number at the end of each file name (e.g., UCLA-1-Topic1).

Note that it is the responsibility of the applicant, prior to the Application due date and time, to verify successful transmission in FedConnect.

Applicants who are not registered with CCR and FedConnect should allow at least 21 days to complete these requirements. It is suggested that the process be started as soon as possible. For those Applicants already registered in CCR, the CCR registration must be updated annually at <http://www.ccr.gov/Renew.aspx>.

PART V - APPLICATION REVIEW INFORMATION

A. REVIEW CRITERIA

1. Initial Review Criteria

- Prior to a comprehensive merit evaluation, DOE will perform an initial review to determine that (1) the applicant is eligible for an award; (2) the information required by the announcement has been submitted; (3) all mandatory requirements are satisfied; and (4) the proposed project is responsive to the objectives of the funding opportunity announcement. If an application fails to meet these requirements, it may be deemed non-responsive and eliminated from full Merit Review.

2. Merit Review Criteria

Applications will be evaluated against the merit review criteria shown below.

Criterion 1: Technical Merit

Weight: [25%]

- Adequacy of the facility and planned test program to provide the wind industry with capabilities at the forefront in the area of large wind turbine drivetrain testing and research.
- Adequacy of the building infrastructure to readily accommodate transportation logistics, preparation and testing of multiple, proprietary test articles.
- Adequacy of the proposed electrical interconnection system to meet industry needs for generator testing.
- Suitability of the dynamometer test stand to test and verify the design of large-scale land based and off shore turbine drivetrains and direct drive generators.
- Adequacy of the data acquisition systems to acquire and protect proprietary data from multiple test articles simultaneously.
- Reasonableness of the proposed facility to achieve independent accreditation for certification testing.

Criterion 2: Proposed Method or Approach

Weight: [35%]

- Completeness and adequacy of the strategy and plan/schedule for the design, construction, two year start-up operation and maintenance, independent accreditation and eventual operation of the proposed test facility, including plans for external oversight and guidance.
- Completeness and adequacy of the plan for achieving long term, self-sufficient, sustainable operation, maintenance and funding of the facility.
- Appropriateness of the plans to promote and develop a customer base as evidenced by letter(s) of commitment from end users.
- Adequacy of a detailed plan for user access to the facility and disposition of intellectual property that arise as a result of testing at the facility.

Criterion 3: Roles, Responsibilities, and Capabilities

Weight: [25%]

- Adequacy of resources to accommodate the proposed project.
- Soundness of the project management structure with respect to proposed tasks and organizational structure to achieve project objectives.

- Capabilities of the applicant and participants to comprehensively address all aspects of the proposed project.
- Level of participation by project participants as evidenced by letter(s) of commitment.
- Applicability of the qualifications and experience of key personnel, particularly in the following areas:
 - Drivetrain testing experience.
 - Business management and operation of industrial facilities.

Criterion 4: Environmental Considerations

Weight: [15%]

- Demonstrated understanding of the environmental site condition at the proposed location, including discussion of land ownership and the necessary environmental permitting process.
- Completeness and adequacy of the strategy for state and local environmental review and permitting.
- Appropriateness of the strategy for using planned or existing environmental review data to inform DOE’s required National Environmental Policy Act (NEPA) process and to complete the process in a timely manner.

3. Other Selection Factors

The selection official may consider the following program policy factors in the selection process:

1. Selection of Applications which promote and enhance the objectives of the American Recovery and Reinvestment Act of 2009, P.L. 111-5, especially job creation, positive impact on economically distressed areas in the U.S., and/or preservation and economic recovery in an expeditious manner.
2. Geographical location relative to rail and port facilities.
3. Reasonableness of the budget to accomplish the project plan.
4. Cost share offered above the minimum amount required.
5. Degree to which the test facility strategy and operating plan match the objectives and goals of the Wind and Hydropower Technology Program.

B. REVIEW AND SELECTION PROCESS

a. Merit Review

Applications that pass the initial review will be subjected to a merit review in accordance with the guidance provided in the "Department of Energy Merit Review Guide for Financial Assistance and Unsolicited Proposals." This guide is at <http://www.management.energy.gov/documents/meritrev.pdf>.

b. Selection

The Selection Official may consider the merit review recommendations, program policy factors, and the amount of funds available.

c. Discussions and Award

The Government may enter into discussions with a selected applicant for any reason deemed necessary, including, but not limited to: (1) the budget is not appropriate or reasonable for the requirement; (2) only a portion of the application is selected for award; (3) the Government needs additional information to determine that the recipient is capable of complying with the requirements in 10 CFR part 600; and/or (4) special terms and conditions are required. Failure to resolve satisfactorily the issues identified by the Government will preclude award to the applicant.

C. ANTICIPATED NOTICE OF SELECTION AND AWARD DATES

- DOE anticipates notifying applicants selected for award by **the end of October 2009** and anticipates making awards by **the end of January 2010**.

PART VI - AWARD ADMINISTRATION INFORMATION

A. AWARD NOTICES

1. Notice of Selection

DOE will notify applicants selected for award. This notice of selection is not an authorization to begin performance. (See Part IV.G with respect to the allowability of pre-award costs.)

Organizations whose applications have not been selected will be advised as promptly as possible. This notice will explain why the application was not selected.

2. 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 as approved by DOE; 4. DOE assistance regulations at 10 CFR part 600; 5. National Policy Assurances To Be Incorporated As Award Terms; 6. Budget Summary; 7. Federal Assistance Reporting Checklist, which identifies the reporting requirements; and 8. Statement of Project Objectives.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. Administrative Requirements

The administrative requirements for DOE grants and cooperative agreements are contained in 10 CFR part 600 (See: <http://ecfr.gpoaccess.gov>),

2. Special Terms and Conditions and National Policy Requirements

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

<http://www.management.energy.gov/documents/specialtermsandconditions0808.pdf>

The National Policy Assurances to be Incorporated as Award Terms are located at http://management.energy.gov/business_doe/1374.htm.

3. Intellectual Property Provisions

The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at

http://www.gc.doe.gov/financial_assistance_awards.htm.

4. Recovery Act Provisions

- Special Provisions relating to work funded under American Recovery and Reinvestment Act of 2009, Pub. L. 111-5 shall apply. These provisions can be found at http://management.energy.gov/policy_guidance/1672.htm. Please also see Appendix E.

- The following provisions from OMB’s regulations for implementing the Recovery Act at 2 CFR Part 176 are incorporated in this FOA:

Wage Rate Requirements under Section 1606 of the American Recovery and Reinvestment Act of 2009

a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants, cooperative agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

(b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

(End of Notice)

Buy American Requirements under Section 1605 of the American Recovery and Reinvestment Act of 2009

Depending upon the applicability of relevant international agreements, one of the following two notices applies:

NOTICE OF REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS—SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

(a) *Definitions.* “Manufactured good,” “public building and public work,” and “steel,” as used in this notice, are defined in the 2 CFR 176.140.

(b) *Requests for determinations of inapplicability.* A prospective applicant requesting a determination regarding the inapplicability of section 1605 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5)(Recovery Act) should submit the request to the award official in time to allow a determination before submission of applications or proposals. The prospective applicant shall include the information and applicable supporting data required by paragraphs (c) and (d) of the

award term and condition at 2 CFR 176.140 in the request. If an applicant has not requested a determination regarding the inapplicability of 1605 of the Recovery Act before submitting its application or proposal, or has not received a response to a previous request, the applicant shall include the information and supporting data in the application or proposal.

(c) Evaluation of project proposals.

If the Federal government determines that an exception based on unreasonable cost of domestic iron, steel, and/or manufactured goods applies, the Federal Government will evaluate a project requesting exception to the requirements of section 1605 of the Recovery Act by adding to the estimated total cost of the project 25 percent of the project cost, if foreign iron, steel, or manufactured goods are used in the project based on unreasonable cost of comparable manufactured domestic iron, steel, and/or manufactured goods.

(d) Alternate project proposals.

(1) When a project proposal includes foreign iron, steel, and/or manufactured goods not listed by the Federal Government at paragraph (b)(2) of the award term and condition at 2 CFR 176.140, the applicant also may submit an alternate proposal based on use of equivalent domestic iron, steel, and/or manufactured goods.

(2) If an alternate proposal is submitted, the applicant shall submit a separate cost comparison table prepared in accordance with paragraphs (c) and (d) of the award term and condition at 2 CFR 176.140 for the proposal that is based on the use of any foreign iron, steel, and/or manufactured goods for which the Federal Government has not yet determined an exception applies.

(3) If the Federal government determines that a particular exception requested in accordance with paragraph (b) of the award term and condition at 2 CFR 176.140 does not apply, the Federal Government will evaluate only those proposals based on use of the equivalent domestic iron, steel, and/or manufactured goods, and the applicant shall be required to furnish such domestic items.

(End of notice)

NOTICE OF REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED
GOODS (COVERED UNDER INTERNATIONAL AGREEMENTS)—SECTION 1605 OF THE
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

(a) Definitions. “Designated country iron, steel, and/or manufactured goods,” “foreign iron, steel, and/or manufactured good,” “manufactured good,” “public building and public work,” and “steel,” as used in this provision, are defined in 2 CFR 176.160(a).

(b) Requests for determinations of inapplicability. A prospective applicant requesting a determination regarding the inapplicability of section 1605 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5)(Recovery Act) should submit the request to the award official in time to allow a determination before submission of applications or proposals. The prospective applicant shall include the information and applicable supporting data required by paragraphs (c) and (d) of the award term and condition at 2 CFR 176.160 in the request. If an applicant has not requested a determination regarding the inapplicability of 1605 of the Recovery Act before submitting its application or proposal, or has not received a response to a

previous request, the applicant shall include the information and supporting data in the application or proposal.

(c) Evaluation of project proposals.

If the Federal government determines that an exception based on unreasonable cost of domestic iron, steel, and/or manufactured goods applies, the Federal Government will evaluate a project requesting exception to the requirements of section 1605 of the Recovery Act by adding to the estimated total cost of the project 25 percent of the project cost if foreign iron, steel, or manufactured goods are used based on unreasonable cost of comparable domestic iron, steel, or manufactured goods.

(d) Alternate project proposals.

(1) When a project proposal includes foreign iron, steel, and/or manufactured goods, other than designated country iron, steel, and/or manufactured goods, that are not listed by the Federal Government in this Buy American notice in the request for applications or proposals, the applicant may submit an alternate proposal based on use of equivalent domestic or designated country iron, steel, and/or manufactured goods.

(2) If an alternate proposal is submitted, the applicant shall submit a separate cost comparison table prepared in accordance with paragraphs (c) and (d) of the award term and condition at 2 CFR 176.160 for the proposal that is based on the use of any foreign iron, steel, and/or manufactured goods for which the Federal Government has not yet determined an exception applies.

(3) If the Federal government determines that a particular exception requested in accordance with paragraph (b) of the award term and condition at 2 CFR 176.160 does not apply, the Federal Government will evaluate only those proposals based on use of the equivalent domestic or designated country iron, steel, and/or manufactured goods, and the applicant shall be required to furnish such domestic or designated country items.

(End of notice)

- The following provisions from OMB's regulations for implementing the Recovery Act at 2 CFR Part 176 will be incorporated in awards resulting from this FOA:

Reporting and Registration Requirements under Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5

(a) This award requires the recipient to complete projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 ("Recovery Act") and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data

Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.

(End of award term)

Single Audit Information for Recipients of Recovery Act Funds

Recovery Act Transactions listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Sub-recipients

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)(Recovery Act) as required by Congress and in accordance with 2 CFR 215, subpart ___. 21 “Uniform Administrative Requirements for Grants and Agreements” and OMB A-102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This shall be accomplished by identifying expenditures for Federal awards made under Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix “ARRA-” in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) Recipients agree to separately identify to each sub-recipient, and document at the time of sub-award and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to sub-recipients shall distinguish the sub-awards of incremental Recovery Act funds from regular sub-awards under the existing program.

(d) Recipients agree to require their sub-recipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor sub-recipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.

(End of award term)

C. REPORTING

Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award agreement. The Checklist showing optional requirements for this program can be found at https://www.eere-pmc.energy.gov/procurenet/FinancialAssistance/Forms/DOE_Forms/DOEF4600_2.doc.

Awards under this FOA will be funded with funds appropriated by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, (Recovery Act or Act). Be advised that Recovery Act reporting requirements apply to projects funded by the Act. The reporting requirements will be specified in the DOE F 4600.2 or other related Recovery Act guidance as they become available. The Office of Management and Budget (OMB) has issued Implementing Guidance for the Recovery Act. See M-09-10, Initial Implementing Guidance for the American Recovery and Reinvestment Act of 2009 and M-09-15, Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009.

The OMB Guidance can be found at:

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-15.pdf

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-10.pdf

PART VII - QUESTIONS/AGENCY CONTACTS

A. QUESTIONS

Questions regarding the content of the announcement 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 FOA as possible to have the benefit of all responses. More information is available at https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf. DOE 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 pertaining to the **submission** of applications through FedConnect should be directed by e-mail to support@FedConnect.net or by phone to FedConnect Support at 1-800-899-6665.

PART VIII - OTHER INFORMATION

A. MODIFICATIONS

Notices of any modifications to this announcement will be posted on Grants.gov and 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 FOA. **It is recommended that you register as soon after release of the FOA 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 announcement 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 other than the Contracting Officer, either explicit or implied, is invalid.

D. PROPRIETARY APPLICATION INFORMATION

Patentable ideas, trade secrets, proprietary or confidential commercial or financial information, disclosure of which may harm the applicant, should be included in an application only when such information is necessary to convey an understanding of the proposed project. The use and disclosure of such data may be restricted, provided the applicant includes the following legend on the first page of the project narrative and specifies the pages of the application which are to be restricted:

“The data contained in pages _____ of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government’s right to use or disclose data obtained without restriction from any source, including the applicant.”

To protect such data, each line or paragraph on the pages containing such data must be specifically identified and marked with a legend similar to the following:

“The following contains proprietary information that (name of applicant) requests not be released to persons outside the Government, except for purposes of review and evaluation.”

E. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL

In conducting the merit review evaluation, 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 DEVELOPED UNDER THIS PROGRAM

Patent Rights. The government will have certain statutory rights in an invention that is conceived or first actually reduced to practice under a DOE award. 42 U.S.C. 5908 provides that title to such inventions vests in the United States, except where 35 U.S.C. 202 provides otherwise for nonprofit organizations or small business firms. However, the Secretary of Energy may waive all or any part of the rights of the United States subject to certain conditions. (See “Notice of Right to Request Patent Waiver” in paragraph G below.)

Rights in Technical Data. Normally, the government has unlimited rights in technical data created under a DOE agreement. Delivery or third party licensing of proprietary software or data developed solely at private expense will not normally be required except as specifically negotiated in a particular agreement to satisfy DOE’s own needs or to insure the commercialization of technology developed under a DOE agreement.

G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER

Applicants may request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of an agreement as a result of this announcement, in advance of or within 30 days after the effective date of the award. Even if such advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the award. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784.

Domestic small businesses and domestic nonprofit organizations will receive the patent rights clause at 37 CFR 401.14, i.e., the implementation of the Bayh-Dole Act. This clause permits domestic small business and domestic nonprofit organizations to retain title to subject inventions. Therefore, small businesses and nonprofit organizations do not need to request a waiver.

H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES

Eligible activities under this program 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.

I. NOTICE OF RIGHT TO CONDUCT A REVIEW OF FINANCIAL CAPABILITY

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

J. NOTICE OF POTENTIAL DISCLOSURE UNDER FREEDOM OF INFORMATION ACT

Applicants should be advised that identifying information regarding all applicants, including applicant names and/or points of contact, may be subject to public disclosure under the Freedom of Information Act, whether or not such applicants are selected for negotiation of award.

REFERENCE MATERIAL

Appendix A – Definitions

“Amendment” means a revision to a Funding Opportunity Announcement

"Applicant" means the legal entity or individual signing the Application. This entity or individual may be one organization or a single entity representing a group of organizations (such as a Consortium) that has chosen to submit a single Application in response to a Funding Opportunity Announcement.

"Application" means the documentation submitted in response to a Funding Opportunity Announcement.

“Authorized Organization Representative (AOR)” is the person with assigned privileges who is authorized to submit grant applications through Grants.gov on behalf of an organization. The privileges are assigned by the organization’s E-Business Point of Contact designated in the CCR.

"Award" means the written documentation executed by a DOE Contracting Officer, after an Applicant is selected, which contains the negotiated terms and conditions for providing Financial Assistance to the Applicant. A Financial Assistance Award may be either a Grant or a Cooperative Agreement.

"Budget" means the cost expenditure plan submitted in the Application, including both the DOE contribution and the Applicant Cost Share.

"Consortium (plural consortia)" means the group of organizations or individuals that have chosen to submit a single Application in response to a Funding Opportunity Announcement.

"Contracting Officer" means the DOE official authorized to execute Awards on behalf of DOE and who is responsible for the business management and non-program aspects of the Financial Assistance process.

"Cooperative Agreement" means a Financial Assistance instrument used by DOE 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 Substantial Involvement (see definition below) is anticipated between DOE and the Applicant during the performance of the contemplated activity.

"Cost Sharing" means the respective share of Total Project Costs to be contributed by the Applicant and by DOE. The percentage of Applicant Cost Share is to be applied to the Total Project Cost (i.e., the sum of Applicant plus DOE Cost Shares) rather than to the DOE contribution alone.

“Central Contractor Registration (CCR)” is the primary database which collects, validates, stores and disseminates data in support of agency missions. Funding Opportunity Announcements which require application submission through FedConnect or Grants.gov require that the organization first be registered in the CCR at <http://www.grants.gov/CCRRegister>.

“Credential Provider” is an organization that validates the electronic identity of an individual through electronic credentials, PINS, and passwords for Grants.gov. Funding Opportunity Announcements which require application submission through Grants.gov require that the individual applying on behalf of an organization first be registered with the Credential Provider at http://www07.grants.gov/applicants/register_credential_provider.jsp

“Data Universal Numbering System (DUNS) Number” is a unique nine-character identification number issued by Dun and Bradstreet (D&B). Organizations must have a DUNS number prior to registering in the CCR. Call 1-866-705-5711 to receive one free of charge. http://www.grants.gov/applicants/request_duns_number.jsp

“E-Business Point of Contact (POC)” is the individual who is designated as the Electronic Business Point of Contact in the CCR registration. This person is the sole authority of the organization with the capability of designating or revoking an individual’s ability to submit grant applications on behalf of their organization through Grants.gov.

“E-Find” is a Grants.gov webpage where you can search for Federal Funding Opportunities in FedGrants. <http://www.grants.gov/search/searchHome.do>

"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 through Grants or Cooperative Agreements and sub-awards. For DOE, it does not include direct loans, loan guarantees, price guarantees, purchase agreements, Cooperative Research and Development Agreements (CRADAs), or any other type of financial incentive instrument.

“FedConnect” is where federal agencies post opportunities and make awards via the web. Any Applicant can view public postings without registering. However, registered users have numerous added benefits including the ability to electronically submit Applications / Responses to the government directly through this site. <https://www.fedconnect.net/FedConnect/>

“Federally Funded Research and Development Center (FFRDC)” means a research laboratory as defined by Federal Acquisition Regulation 35.017.

“Funding Opportunity Announcement (FOA)” is a publicly available document by which a Federal agency makes known its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds. Funding opportunity announcements may be known as program announcements, notices of funding availability, solicitations, or other names depending on the agency and type of program.

"Grant" means a Financial Assistance instrument used by DOE 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 DOE 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.
<http://www.grants.gov>

“Indian Tribe” means any Indian tribe, band, nation, or other organized group or community, including Alaska Native village or regional or village corporations, as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688)[43 U.S.C. § 1601 et seq.], which are recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“Industry Interactive Procurement System (IIPS)” is DOE’s Internet-based procurement system which allows access to DOE’s business opportunities database, allows user registration and submittal of Applications: <http://e-center.doe.gov/>.

"Key Personnel" means the individuals who will have significant roles in planning and implementing the proposed Project on the part of the Applicant and Participants, including FFRDCs.

“Marketing Partner Identification Number (MPIN)” is a very important password designated by your organization when registering in CCR. The E-Business Point of Contact will need the MPIN to login to Grants.gov to assign privileges to the individual(s) authorized to submit applications on behalf of your organization. The MPIN must have 9 digits containing at least one alpha character (must be in capital letters) and one number (no spaces or special characters permitted).

"Participant" for purposes of this Funding Opportunity Announcement only, means any entity, except the Applicant substantially involved in a Consortium, or other business arrangement (including all parties to the Application at any tier), responding to the Funding Opportunity Announcement.

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

"Project" means the set of activities described in an Application, State plan, or other document that is approved by DOE for Financial Assistance (whether such Financial Assistance represents all or only a portion of the support necessary to carry out those activities).

“Proposal” is the term used in IIPS meaning the documentation submitted in response to a Funding Opportunity Announcement. Also see Application.

“Recipient” means the organization, individual, or other entity that receives a Financial Assistance Award from DOE, is financially accountable for the use of any DOE funds or property provided for the performance of the Project, and is legally responsible for carrying out the terms and condition of the award.

"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 Funding Opportunity Announcement.

"Substantial Involvement" means involvement on the part of the Government. DOE's involvement may include shared responsibility for the performance of the Project; providing technical assistance or guidance which the Applicant is to follow; and the right to intervene in the conduct or performance of the Project. Such involvement will be negotiated with each Applicant prior to signing any agreement.

"Technology Investment Agreement (TIA)" is a type of assistance instrument used to support or stimulate research projects involving for-profit firms, especially commercial firms that do business primarily in the commercial marketplace. TIAs are different from grants and cooperative agreements in that the award terms may vary from the Government-wide standard terms (See DOE TIA regulations at 10 CFR Part 603). The primary purposes for including a TIA in the type of available award instruments are to encourage non-traditional Government contractors to participate in an R&D program and to facilitate new relationships and business practices. A TIA can be particularly useful for awards to consortia (See 10 CFR 603.225(b) and 603.515, Qualification of a consortium).

"Total Project Cost" means all the funds to complete the effort proposed by the Applicant, including DOE funds (including direct funding of any FFRDC) plus all other funds that will be committed by the Applicant as Cost Sharing.

Appendix B – Personally Identifiable Information

In responding to this Announcement, Applicants must ensure that Protected Personally Identifiable Information (PII) is not included in the following documents: Project Abstract, Project Narrative, Biographical Sketches, Budget or Budget Justification. 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) and DOE 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.

- a. **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.
- b. **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 files listed above to be evaluated by the Merit Review Committee.

- 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)

Listed below are examples of Public PII that Applicants may include in the files listed above to be evaluated by the Merit Review Committee:

- Phone numbers (work, home, cell)
- Street addresses (work and personal)
- Email addresses (work and personal)
- Digital pictures
- Medical information included in a health or safety report
- Employment information that is not PII even when associated with a name
- Resumes, unless they include a Social Security Number
- Present and past position titles and occupational series
- Present and past grades
- Present and past annual salary rates (including performance awards or bonuses, incentive awards, merit pay amount, Meritorious or Distinguished Executive Ranks, and allowances and differentials)
- Present and past duty stations and organization of assignment (includes room and phone numbers, organization designations, work email address, or other identifying information regarding buildings, room numbers, or places of employment)
- Position descriptions, identification of job elements, and those performance standards (but not actual performance appraisals) that the release of which would not interfere with law enforcement programs or severely inhibit agency effectiveness
- Security clearances held
- Written biographies (e.g. to be used in a program describing a speaker)
- Academic credentials
- Schools attended
- Major or area of study
- Personal information stored by individuals about themselves on their assigned workstation or laptop unless it contains a Social Security Number

Appendix C – Cost Share Information

Cost Sharing or Cost Matching

The terms “cost sharing” and “cost matching” are often used synonymously. Even the DOE Financial Assistance Regulations, 10 CFR Part 600, use both of the terms in the titles specific to regulations applicable to cost sharing. DOE almost always uses the term “cost sharing,” as it conveys the concept that **non-federal share is calculated as a percentage of the Total Project Cost**. An exception is the State Energy Program Regulation, 10 CFR Part 420.12, State Matching Contribution. Here “cost matching” for the non-federal share is calculated as a percentage of the federal funds only, rather than the Total Project Cost.

How Cost Sharing Is Calculated

As stated above, cost sharing is calculated as a percentage of the Total Project Cost. Following is an example of how to calculate cost sharing amounts for a project with \$1,000,000 in federal funds with a minimum 20% non-federal cost sharing requirement:

Formula: Federal share (\$) divided by Federal share (%) = Total Project Cost

Example: \$1,000,000 divided by 80% = \$1,250,000

Formula: Total Project Cost (\$) minus Federal share (\$) = Non-federal share (\$)

Example: \$1,250,000 minus \$1,000,000 = \$250,000

Formula: Non-federal share (\$) divided by Total Project Cost (\$) = Non-federal share (%)

Example: \$250,000 divided by \$1,250,000 = 20%

See the sample cost share calculation for a blended cost share percentage below. **Keep in mind that FFRDC funding is DOE funding.**

What Qualifies For Cost Sharing

In general, if a cost is allowable under the cost principles applicable to the organization incurring the cost and is eligible for reimbursement under a DOE grant or cooperative agreement, then it is allowable as cost share. Conversely, if the cost is not allowable under the cost principles and not eligible for reimbursement, then it is not allowable as cost share. **In addition, costs may not be counted as cost share if they are paid by the Federal Government under another award unless authorized by Federal statute to be used for cost sharing.**

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

- Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations are found at 10 CFR600.123;
- State and Local Governments are found at 10 CFR600.224;

- For-profit Organizations are found at 10 CFR600.313.

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

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

Following is a link to the DOE Financial Assistance Regulations. You can click on the specific section for each Code of Federal Regulations reference mentioned above.

DOE Financial Assistance Regulations:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=98a996164312e8dcf0df9c22912852b0&rgn=div5&view=text&node=10:4.0.1.3.9&idno=10>

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

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

- (1) They are verifiable from the recipient's records.
- (2) They are not included as contributions for any other federally-assisted project or program.
- (3) They are necessary and reasonable for proper and efficient accomplishment of project or program objectives.
- (4) They are allowable under the cost principles applicable to the type of entity incurring the cost as follows:

(a) *For-profit organizations.* Allowability of costs incurred by for-profit organizations and those nonprofit organizations listed in Attachment C to OMB Circular A-122 is determined in accordance with the for-profit costs principles in 48 CFR Part 31 in the Federal Acquisition Regulation, except that patent prosecution costs are not allowable unless specifically authorized in the award document.

(b) *Other types of organizations.* Allowability of costs incurred by other types of

organizations that may be subrecipients under a prime award is determined as follows:

(i) *Institutions of higher education.* Allowability is determined in accordance with OMB Circular No. A-21 -- Cost Principles for Educational Institutions

(ii) *Other nonprofit organizations.* Allowability is determined in accordance with OMB Circular A-122, Cost Principles for Non-Profit Organizations

(iii) *Hospitals.* Allowability is determined in accordance with the provisions of 45 CFR Part 74, Appendix E, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals

(iv) *Governmental organizations.* Allowability for State, local, or federally recognized Indian tribal government is determined in accordance with OMB Circular No. A-87, Cost Principles for State, Local, and Indian Tribal Governments

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

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

(B) *Valuing and documenting contributions*

(1) *Valuing recipient's property or services of recipient's employees.* Values are established in accordance with the applicable cost principles, which mean that amounts chargeable to the project are determined on the basis of costs incurred. For real property or equipment used on the project, the cost principles authorize depreciation or use charges. The full value of the item may be applied when the item will be consumed in the performance of the award or fully depreciated by the end of the award. In cases where the full value of a donated capital asset is to be applied as cost sharing or matching, that full value must be the lesser or the following:

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

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

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

(3) *Valuing volunteer services.* Volunteer services furnished by professional and technical

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

(4) *Valuing property donated by third parties.*

- (a) Donated supplies may include such items as office supplies or laboratory supplies. Value assessed to donated supplies included in the cost sharing or matching share must be reasonable and must not exceed the fair market value of the property at the time of the donation.
- (b) Normally only depreciation or use charges for equipment and buildings may be applied. However, the fair rental charges for land and the full value of equipment or other capital assets may be allowed, when they will be consumed in the performance of the award or fully depreciated by the end of the award, provided that the contracting officer has approved the charges. When use charges are applied, values must be determined in accordance with the usual accounting policies of the recipient, with the following qualifications:
 - (i) The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
 - (ii) The value of loaned equipment must not exceed its fair rental value.

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

- (a) Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.
- (b) The basis for determining the valuation for personal services and property must be documented.

Appendix D - Project Summary/Abstract File Template

Applicant Name:

Project Director/Principal Investigator(s):

Project Title:

Project Objective:

Succinct description of the projects objective(s).

Description of the Project:

Include the planned approach to achieve the objective, potential impact of the work, (benefits, outcome, etc.) and major participants (for collaborative projects.)

Overall Project Cost:

Federal Share:

Non-Federal Share:

FFRDC Share:

Appendix E - Sample Award Provisions for American Recovery and Reinvestment Act of 2009

Special provisions relating to work funded under American Recovery and Reinvestment Act of 2009 (Mar 2009)

Preamble

The American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, (Recovery Act) was enacted to preserve and create jobs and promote economic recovery, assist those most impacted by the recession, provide investments needed to increase economic efficiency by spurring technological advances in science and health, invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits, stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases. Recipients shall use grant funds in a manner that maximizes job creation and economic benefit.

The Recipient shall comply with all terms and conditions in the Recovery Act relating generally to governance, accountability, transparency, data collection and resources as specified in Act itself and as discussed below.

Recipients should begin planning activities for their first tier subrecipients, including obtaining a DUNS number (or updating the existing DUNS record), and registering with the Central Contractor Registration (CCR).

Be advised that Recovery Act funds can be used in conjunction with other funding as necessary to complete projects, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related guidance. For projects funded by sources other than the Recovery Act, Contractors must keep separate records for Recovery Act funds and to ensure those records comply with the requirements of the Act.

The Government has not fully developed the implementing instructions of the Recovery Act, particularly concerning specific procedural requirements for the new reporting requirements. The Recipient will be provided these details as they become available. The Recipient must comply with all requirements of the Act. If the recipient believes there is any inconsistency between ARRA requirements and current award terms and conditions, the issues will be referred to the Contracting Officer for reconciliation.

Definitions

For purposes of this clause, Covered Funds means funds expended or obligated from appropriations under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5. Covered Funds will have special accounting codes and will be identified as Recovery Act funds in the grant, cooperative agreement or TIA and/or modification using Recovery Act funds. Covered Funds must be reimbursed by September 30, 2015.

Non-Federal employer means any employer with respect to covered funds -- the contractor,

subcontractor, grantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, or recipient is an employer; and any professional membership organization, certification of other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor receiving the funds and any contractor or subcontractor of the State or local government; and does not mean any department, agency, or other entity of the federal government.

Recipient means any entity that receives Recovery Act funds directly from the Federal government (including Recovery Act funds received through grant, loan, or contract) other than an individual and includes a State that receives Recovery Act Funds.

Special Provisions

A. Flow Down Requirement

Recipients must include these special terms and conditions in any subaward.

B. Segregation of Costs

Recipients must segregate the obligations and expenditures related to funding under the Recovery Act. Financial and accounting systems should be revised as necessary to segregate, track and maintain these funds apart and separate from other revenue streams. No part of the funds from the Recovery Act shall be commingled with any other funds or used for a purpose other than that of making payments for costs allowable for Recovery Act projects.

C. Prohibition on Use of Funds

None of the funds provided under this agreement derived from the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

D. Access to Records

With respect to each financial assistance agreement awarded utilizing at least some of the funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1988 (5 U.S.C. App.) or of the Comptroller General is authorized --

(1) to examine any records of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency administering such contract that pertain to, and involve transactions that relate to, the subcontract, subcontract, grant, or subgrant; and

(2) to interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions.

E. Publication

An application may contain technical data and other data, including trade secrets and/or privileged or confidential information, which the applicant does not want disclosed to the public or used by the Government for any purpose other than the application. To protect such data, the applicant should specifically identify each page including each line or paragraph thereof containing the data to be protected and mark the cover sheet of the application with the following Notice as well as referring to the Notice on each page to which the Notice applies:

Notice of Restriction on Disclosure and Use of Data

The data contained in pages ---- of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data here to the extent provided in the award. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the applicant.

Information about this agreement will be published on the Internet and linked to the website www.recovery.gov, maintained by the Accountability and Transparency Board. The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

F. Protecting State and Local Government and Contractor Whistleblowers.

The requirements of Section 1553 of the Act are summarized below. They include, but are not limited to:

Prohibition on Reprisals: An employee of any non-Federal employer receiving covered funds under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Accountability and Transparency Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or other person working for the employer who has the authority to investigate, discover or terminate misconduct), a court or grant jury, the head of a Federal agency, or their representatives information that the employee believes is evidence of:

- gross management of an agency contract or grant relating to covered funds;
- a gross waste of covered funds;
- a substantial and specific danger to public health or safety related to the implementation or use of covered funds;
- an abuse of authority related to the implementation or use of covered funds; or
- as violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

Agency Action: Not later than 30 days after receiving an inspector general report of an alleged

reprisal, the head of the agency shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the employee to a prohibited reprisal. The agency shall either issue an order denying relief in whole or in part or shall take one or more of the following actions:

- Order the employer to take affirmative action to abate the reprisal.
- Order the employer to reinstate the person to the position that the person held before the reprisal, together with compensation including back pay, compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.
- Order the employer to pay the employee an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the employee for or in connection with, bringing the complaint regarding the reprisal, as determined by the head of a court of competent jurisdiction.

Nonenforceability of Certain Provisions Waiving Rights and remedies or Requiring Arbitration: Except as provided in a collective bargaining agreement, the rights and remedies provided to aggrieved employees by this section may not be waived by any agreement, policy, form, or condition of employment, including any predispute arbitration agreement. No predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising out of this section.

Requirement to Post Notice of Rights and Remedies: Any employer receiving covered funds under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, shall post notice of the rights and remedies as required therein. (Refer to section 1553 of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, www.Recovery.gov, for specific requirements of this section and prescribed language for the notices.)

[If the award will have Recovery Act and non-Recovery Act funds, reimbursement costs must be done by receipt of an SF-270, Request for Advance or Reimbursement, through the Automated Clearing House and VIPERS. Include the provision below to require the Recipient to distinguish between the funds. If not applicable, delete the paragraph and type "RESERVED".]

G. Request for Reimbursement

Recipients must provide information with its submission of the SF-270, Request for Advance or Reimbursement, to identify the portion of the request that is associated with Recovery Act projects.

H. False Claims Act

Recipient and sub-recipients shall promptly refer to the DOE or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving those funds.

I. Information in Support of Recovery Act Reporting

Recipient may be required to submit backup documentation for expenditures of funds under the Recovery Act including such items as timecards and invoices. Recipient shall provide copies of backup documentation at the request of the Contracting Officer or designee.

J. Availability of Funds

Funds appropriated under the Recovery Act and obligated to this award are available for reimbursement of costs until September 30, 2015.

[Include next 2 paragraphs if award is to a State Government or an Agency.]

K. Additional Funding Distribution and Assurance of Appropriate Use of Funds

Certification by Governor -- Not later than April 3, 2009, for funds provided to any State or agency thereof by the American Reinvestment and Recovery Act of 2009, Pub. L. 111-5, the Governor of the State shall certify that: 1) the state will request and use funds provided by the Act; and 2) the funds will be used to create jobs and promote economic growth.

Acceptance by State Legislature -- If funds provided to any State in any division of the Act are not accepted for use by the Governor, then acceptance by the State legislature, by means of the adoption of a concurrent resolution, shall be sufficient to provide funding to such State.

Distribution -- After adoption of a State legislature's concurrent resolution, funding to the State will be for distribution to local governments, councils of government, public entities, and public-private entities within the State either by formula or at the State's discretion.

L. Certifications

With respect to funds made available to State or local governments for infrastructure investments under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, the Governor, mayor, or other chief executive, as appropriate, certified by acceptance of this award that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Recipient shall provide an additional certification that includes a description of the investment, the estimated total cost, and the amount of covered funds to be used for posting on the Internet. A State or local agency may not receive infrastructure investment funding from funds made available by the Act unless this certification is made and posted.

REPORTING AND REGISTRATION REQUIREMENTS UNDER SECTION 1512 OF THE RECOVERY ACT

(a) This award requires the recipient to complete projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 (Recovery Act) and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the

recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov> and ensure that any information that is pre-filled is corrected or updated as needed.

REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS -- SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

(a) Definitions. As used in this award term and condition--

(1) Manufactured good means a good brought to the construction site for incorporation into the building or work that has been--

(i) Processed into a specific form and shape; or

(ii) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

(2) Public building and public work means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

(3) Steel means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) Domestic preference. (1) This award term and condition implements Section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111--5), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States except as provided in paragraph (b)(3) and (b)(4) of this section and condition.

(2) This requirement does not apply to the material listed by the Federal Government as follows:

[Award official to list applicable excepted materials or indicate "none"]

(3) The award official may add other iron, steel, and/or manufactured goods to the list in paragraph (b)(2) of this section and condition if the Federal Government determines that--

(i) The cost of the domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the cost of the overall project by more than 25 percent;

(ii) The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

(c) Request for determination of inapplicability of Section 1605 of the Recovery Act. (1)(i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b)(3) of this section shall include adequate information for Federal Government evaluation of the request, including--

(A) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(B) Unit of measure;

(C) Quantity;

(D) Cost;

(E) Time of delivery or availability;

(F) Location of the project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(3) of this section.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this section.

(iii) The cost of iron, steel, and/or manufactured goods material shall include all delivery costs to the construction site and any applicable duty.

(iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have

requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.

(2) If the Federal Government determines after funds have been obligated for a project for construction, alteration, maintenance, or repair that an exception to section 1605 of the Recovery Act applies, the award official will amend the award to allow use of the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect adjustment of the award amount, redistribution of budgeted funds, and/or other actions taken to cover costs associated with acquiring or using the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is the unreasonable cost of the domestic iron, steel, or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds by at least the differential established in 2 CFR 176.110(a).

(3) Unless the Federal Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods is noncompliant with section 1605 of the American Recovery and Reinvestment Act.

(d) Data. To permit evaluation of requests under paragraph (b) of this section based on unreasonable cost, the Recipient shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Items Cost Comparison

Description	Unit of measure	Quantity	Cost
(dollars)*			
Item 1:			
Foreign steel, iron, or manufactured good		_____	_____
Domestic steel, iron, or manufactured good		_____	_____
Item 2:			
Foreign steel, iron, or manufactured good		_____	_____
Domestic steel, iron, or manufactured good		_____	_____

(dollars)*

Item 1:

Foreign steel, iron, or manufactured good _____

Domestic steel, iron, or manufactured good _____

Item 2:

Foreign steel, iron, or manufactured good _____

Domestic steel, iron, or manufactured good _____

[List name, address, telephone number, email address, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[*Include all delivery costs to the construction site.]

REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS (COVERED UNDER INTERNATIONAL AGREEMENTS)--SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

(a) Definitions. As used in this award term and condition--

Designated country --(1) A World Trade Organization Government Procurement Agreement country (Aruba, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy,

Japan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and United Kingdom;

(2) A Free Trade Agreement (FTA) country (Australia, Bahrain, Canada, Chile, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Mexico, Morocco, Nicaragua, Oman, Peru, or Singapore); or

(3) A United States-European Communities Exchange of Letters (May 15, 1995) country: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and United Kingdom. Designated country iron, steel, and/or manufactured goods -- (1) Is wholly the growth, product, or manufacture of a designated country; or

(2) In the case of a manufactured good that consist in whole or in part of materials from another country, has been substantially transformed in a designated country into a new and different manufactured good distinct from the materials from which it was transformed.

Domestic iron, steel, and/or manufactured good -- (1) Is wholly the growth, product, or manufacture of the United States; or

(2) In the case of a manufactured good that consists in whole or in part of materials from another country, has been substantially transformed in the United States into a new and different manufactured good distinct from the materials from which it was transformed. There is no requirement with regard to the origin of components or subcomponents in manufactured goods or products, as long as the manufacture of the goods occurs in the United States.

Foreign iron, steel, and/or manufactured good means iron, steel and/or manufactured good that is not domestic or designated country iron, steel, and/or manufactured good.

Manufactured good means a good brought to the construction site for incorporation into the building or work that has been--

(1) Processed into a specific form and shape; or

(2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

Public building and public work means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

Steel means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) Iron, steel, and manufactured goods. (1) The award term and condition described in this section implements--

(i) Section 1605(a) of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111--5) (Recovery Act), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States; and

(ii) Section 1605(d), which requires application of the Buy American requirement in a manner consistent with U.S. obligations under international agreements. The restrictions of section 1605 of the Recovery Act do not apply to designated country iron, steel, and/or manufactured goods. The Buy American requirement in section 1605 shall not be applied where the iron, steel or manufactured goods used in the project are from a Party to an international agreement that obligates the recipient to treat the goods and services of that Party the same as domestic goods and services. This obligation shall only apply to projects with an estimated value of \$7,443,000 or more.

(2) The recipient shall use only domestic or designated country iron, steel, and manufactured goods in performing the work funded in whole or part with this award, except as provided in paragraphs (b)(3) and (b)(4) of this section.

(3) The requirement in paragraph (b)(2) of this section does not apply to the iron, steel, and manufactured goods listed by the Federal Government as follows:

[Award official to list applicable excepted materials or indicate "none"]

(4) The award official may add other iron, steel, and manufactured goods to the list in paragraph (b)(3) of this section if the Federal Government determines that--

(i) The cost of domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, and/or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the overall cost of the project by more than 25 percent;

(ii) The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality; or

(iii) The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

(c) Request for determination of inapplicability of section 1605 of the Recovery Act or the Buy American Act. (1)(i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b)(4) of this section shall include adequate information for Federal Government evaluation of the request, including--

- (A) A description of the foreign and domestic iron, steel, and/or manufactured goods;
 - (B) Unit of measure;
 - (C) Quantity;
 - (D) Cost;
 - (E) Time of delivery or availability;
 - (F) Location of the project;
 - (G) Name and address of the proposed supplier; and
 - (H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(4) of this section.
- (ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this section.
 - (iii) The cost of iron, steel, or manufactured goods shall include all delivery costs to the construction site and any applicable duty.
 - (iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.
- (2) If the Federal Government determines after funds have been obligated for a project for construction, alteration, maintenance, or repair that an exception to section 1605 of the Recovery Act applies, the award official will amend the award to allow use of the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect adjustment of the award amount, redistribution of budgeted funds, and/or other appropriate actions taken to cover costs associated with acquiring or using the foreign iron, steel, and/or relevant manufactured goods.. When the basis for the exception is the unreasonable cost of the domestic iron, steel, or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds, as appropriate, by at least the differential established in 2 CFR 176.110(a).
- (3) Unless the Federal Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods other than designated country iron, steel, and/or manufactured goods is noncompliant with the applicable Act.
- (d) Data. To permit evaluation of requests under paragraph (b) of this section based on unreasonable cost, the applicant shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Items Cost Comparison

Description	Unit of measure	Quantity	Cost
(dollars)*			
Item 1:			
Foreign steel, iron, or manufactured good		_____	_____
Domestic steel, iron, or manufactured good		_____	_____
Item 2:			
Foreign steel, iron, or manufactured good		_____	_____
Domestic steel, iron, or manufactured good		_____	_____

[List name, address, telephone number, email address, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[*Include all delivery costs to the construction site.]

WAGE RATE REQUIREMENTS UNDER SECTION 1606 OF THE RECOVERY ACT

(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants, cooperative agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

(b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

RECOVERY ACT TRANSACTIONS LISTED IN SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND RECIPIENT RESPONSIBILITIES FOR INFORMING SUBRECIPIENTS

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111--5) (Recovery Act) as required by Congress and in accordance with 2 CFR 215.21 "Uniform Administrative Requirements for Grants and Agreements" and OMB Circular A--102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds. OMB Circular A--102 is available at <http://www.whitehouse.gov/omb/circulars/a102/a102.html>.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A--133, "Audits of States, Local Governments, and Non-Profit Organizations," recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF--SAC) required by OMB Circular A--133. OMB Circular A--133 is available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF--SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF--SAC.

(c) Recipients agree to separately identify to each subrecipient, and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) Recipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.