



LIMITED SOLICITATION

RATE DESIGN AND INNOVATIVE PROJECTS BY VERMONT MUNICIPAL AND COOPERATIVE ELECTRIC UTILITIES

Date RFP Issued: *November 2, 2021*

Respondent Questions Due: *November 24, 2021, at 4:30 PM*

Responses to Questions: *December 1, 2021*

Respondent Proposals Due: *December 8, 2021, at 4:30 PM*

Resource Page for Updates and Answers to Questions

<https://publicservice.vermont.gov/content/rate-design-initiative>

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I. Summary

The Vermont Department of Public Service (“PSD” or “Department”) is housed within the executive branch of Vermont state government and is charged with representing the public interest in energy, telecommunications, water, and wastewater utility matters. The mission of the PSD is to serve all citizens of Vermont through public advocacy, planning, programs, and other actions that meet the public's need for least cost, environmentally sound, efficient, reliable, secure, sustainable, and safe energy, telecommunications, and regulated utility systems in the state for the short and long term. The PSD works to advance all Vermonters' quality of life, economy, and security through implementation of our statewide energy and telecommunications goals, using sound statewide energy and telecommunications planning, strong public advocacy of the public good, and through strong consumer protection advocacy for individuals.

This solicitation is for the second phase of the Department’s [Rate Design Initiative](#), which is supported by the US Department of Energy (DOE) State Energy Program (SEP). In 2020, Phase I established a set of findings upon which Phase II is now being developed.

Through the RDI process, the Department intends to foster implementation of more advanced and dynamic forms of rate design and load management by the 17 distribution utilities in Vermont where ratepayer net-benefit is apparent. Opportunities for ratepayer benefit are available as a result of innovations in technology (storage, flexible loads, automation), metering (both primary, secondary, and embedded metering functionality in some end use devices), remote controls, and new and emerging business models.

The Department seeks to encourage innovative rate designs that enable utility load-controls, customer self-management of loads (and related automation), and new agents, including potential third-party agents including Energy Service Companies (ESCOs), renewable energy providers, and demand response aggregators that may wish to bundle electricity load management services for the benefit of the electric system as well as for both participating and non-participating customers.

To support Phase II of the RDI, the Department is providing \$100,000 of SEP funds for grants to municipal and cooperative electric distribution utilities (or their agents) for technical assistance, consultant expertise, staff time, and/or pilot project development and implementation related to the facilitation of rate designs or other activities pursuant to Act 13 of 2021.¹ The PSD invites municipal and cooperative electric distribution utilities to propose use of these funds that:

- Support innovative rates and related pilot projects,
- Align rates and financial incentives with flexible grid resources, and
- Support public and/or private capital investment through new rates or pilot programs.

¹ Act 13 of 2021, “An act relating to allowing municipal and cooperative utilities to offer innovative rates and services.” <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT013/ACT013%20As%20Enacted.pdf>.

Activities funded under this solicitation should begin by January 2022 and conclude by December 2022. Funds provided under this solicitation are part of an award to the Department from the US Department of Energy. Details and requirements follow.

II. Background

The Rate Design Initiative convened by the Department in 2019 and 2020 demonstrated the need to adopt innovative retail rates and develop other mechanisms to shape and manage major loads. The Rate Design Initiative's Phase I [final report](#) calls out electrification loads (such as electric vehicle charging and heat pump applications), customer-sited generation, and energy storage. These resources are more flexible and connected than many existing loads, which create opportunities for load management.

Meanwhile, legislative action in 2021 supported the development of new rates. Act 13 allowed municipal and cooperative utilities to create innovative rates and services as pilot programs of up to 18 months (subject to conditions). Separately, Act 55 required utilities to create rates serving public and private electric vehicle supply equipment (EVSE) not later than June 30, 2024. (Utilities with existing EV rates are exempted). The law's goal is to efficiently integrate EVSE into the grid and promote EV "through managed loads or time-differentiated price signals." These EV rates must be reviewed and approved by the Public Utility Commission.

The second phase of the Rate Design Initiative provides an opportunity for the state's distribution utilities to build on Phase I with implementation of innovative projects. Successful projects will expand their capacity for flexible load management and demonstrate effective programs that may be adopted by other DUs in the state.

III. Project Requirements

Project Categories

Projects funded under this solicitation may include but are not limited to:

- Research, design, data analysis, and/or implementation of innovative rate design pilots
- Testing rate designs with certain audiences
- Load management platforms market research, planning, and/or implementation
- Energy storage and/or vehicle-to-grid pilots
- Building and transportation electrification make ready pilots (including utility and customer infrastructure)
- Leveraging private investment or services related to innovative rates

Allowable Activities

Projects funded under this solicitation may include:

- Expert consultant technical assistance
- Cost of Service studies leading to the development of an innovative rate or tariff
- Staff time directly attributable to the project
- Software platforms or other technology that facilitates implementation of innovative rates or pilots
- Preparation of materials related to the filing of rates, tariffs or pilot project proposals before the PUC
- Other relevant activities.

Project Deliverables and Outcomes

The proposal should describe the project's outcomes, deliverables, and expected lasting impact. Proposals that are expected to result in a PUC filing of innovative rates, tariffs, or pilot projects should include those materials. The Work Product Ownership provisions of Attachment D (see below) will apply to projects selected under this solicitation.

Timeline

Awards made under this solicitation will be for no more than a 12-month term from the date of a signed agreement with the Department.

Reporting

Respondents selected for an award under this solicitation must comply with standard State and Federal reporting requirements. These includes reporting in the first month of each quarter and a final report documenting the activities, findings, changes, successes, and challenges encountered during the project. Standard report templates from US DOE will be provided to the award recipient(s) for convenience upon completion of the grant-making process. See Attachment D for additional information.

IV. Solicitation Response, Budget, and Cost Share Requirements

Respondents shall clearly outline their proposed tasks and budget by task.

The total budget for this funding round is \$100,000. While a respondent can propose up to that amount, the Department may select multiple proposals from different entities that sum to \$100,000 in funding. Funds are provided by the U.S. Department of Energy State Energy Program. The Department reserves the right to award less than this amount or to forgo making an award altogether (see Terms and Conditions). The successful bidder(s) will be required to accept the funding terms provided by the State of Vermont (see Standard Attachment C) and the U.S. Department of Energy State Energy Program (see Attachment D).

The respondent or participating utility must contribute 20% or more of the total project cost. The cost share must be at least 20% of the total allowable costs (i.e., the sum of the DOE share and the recipient share of allowable costs equals the total allowable cost of the project) and must come from non-federal sources.

Proposals must be submitted to the Department by email using the contact information and by the date and time on this solicitation's cover sheet. Applications received after the application deadline will not be considered.

The contractor selection process will be conducted by a Proposal Review Team comprised of Department staff and others as the Department deems prudent. The Team will follow all rules and procedures required under the State of Vermont's acquisition guidelines. Once a contractor has (or contractors have) been selected, the Department will notify all respondents of the status. Successful respondents must be available to begin work immediately following execution of a contract.

The proposal should present a clear understanding of the tasks to be addressed and a description of how the respondents' proposed approach will accomplish the requirements efficiently, effectively, and fairly. **The proposal should be no more than 8 pages** (not counting references, resumes and sample materials/reports) include the following sections:

1. Cover Page (one page) – Provide a cover page with a brief statement of proposed work; name(s) of participating distribution utility or utilities; name of authorized negotiator(s); and contact information including address, telephone number, email address for individuals authorized to respond to any and all questions regarding the proposal. The cover letter must be signed by a duly authorized representative of the applicant submitting the proposal to indicate that the solicitation has been read in full and the applicant acknowledges, to the best of his/her knowledge, that the information supplied is accurate.
2. Introduction and Summary
3. Proposed Approach and Actions
4. Task Descriptions, Outcomes, and Deliverables
5. Timeline
6. Budget, including Cost Share Amount and Source
7. Project Manager and Disclosures (see below)

Respondents must disclose any existing or expected engagements that they or any contractor or sub-contractors have to other projects or contracts with the State of Vermont.

Bidder Confidentiality and Access to Public Records: All bidders are hereby notified that all responses and other information disclosed in connection with this RFP become the property of the State and, once the resulting Contract is finalized, may be subject to disclosure under the State's Access to Public Records Law, 1 V.S.A. § 315 et seq.

Accordingly, bidders are instructed to identify any material included in the response that is considered by the bidder to be proprietary or otherwise exempt from public disclosure in the event of a Public Records request, pursuant to 1 V.S.A. § 317(c). In such instances the bidder must include a written explanation for each marked section that would support a reasonable claim of exemption, such as, for example, a description of the proprietary nature of the information and the harm that would occur should the material be disclosed. Additionally, if such material is included in the bid to this RFP the bidder must include a redacted copy of its response

to this RFP. Redactions must be limited so that the reviewer may understand the nature of the information being withheld. It is typically inappropriate to redact entire pages, or to redact the titles/captions of tables and figures. Under no circumstances can the entire response or price information be marked confidential.

SELECTION CRITERIA

The PSD will evaluate the respondents' proposals according to the criteria listed below. This list is not necessarily provided in order of relative importance.

1. Responsiveness/thoroughness and practicality of the proposed approach to achieving the goals of this solicitation.
2. Price and appropriate cost, relative to the overall available budget and the importance of the tasks and outcomes proposed. The evaluation will consider the cost share.
3. Replicability of process or outcomes to other innovative rates, innovative pilot projects, or other Vermont utilities.
4. Location(s) of the proposed project, with a desirability to select projects in areas with no or few innovative rates, tariffs, or pilots, or otherwise underserved areas.
5. Project alignment with state energy policy (30 V.S.A. § 202a) and Act 13 and Act 55 of 2021 (as discussed in "Background" above).

TERMS AND CONDITIONS

1. Respondents must provide an hourly rate for various personnel to be assigned to each task identified in the proposal. While actual hours by task cannot be known with precision in advance, a best estimate should be provided with the proposal. A "not to exceed" budget figure will be established in the Terms and Conditions of the contract with the successful bidder.
2. Any work products will be delivered to the Department upon termination of the project.
3. Contractors(s) must agree to enter a confidentiality agreement to protect certain customer specific information from public disclosure, as necessary.
4. The PSD reserves the right to amend or cancel this RFP at any time if the best interest of the State requires such action.
5. The PSD reserves the right to reject any or all proposals and to waive informalities and minor irregularities in proposals received and to accept any portion of a proposal if deemed in the best interest of the State.

6. The PSD reserves the right to accept or reject any and all bids, in whole or in part, with or without cause in the best interest of the State and to obtain clarification or additional information.
7. News releases pertaining to this RFP, contract award, or the Project shall NOT be made without prior written approval from the PSD.
8. Selection of the winning bidder will be made based on the sole opinion of the PSD that the proposal submitted will be the most advantageous for the State.
9. The PSD reserves the right to make a selection without further discussion of proposals received. Therefore, it is important that each proposal be submitted in the most complete and accurate manner possible.
10. The PSD reserves the right to cancel any contract resulting from this RFP, for cause, as will be defined in the Terms and Conditions of the final contract.
11. Contractor agrees to the terms and conditions of Attachment C, which outlines the Standard State Provisions for Contracts and Grants. The Contractor also agrees to the terms and conditions of Attachment D: Other Provisions, which outlines Federal requirements under the U.S. Department of Energy State Energy Program. There are no deviations permitted from the Standard State Provisions and Federal terms provided by U.S. DOE.

The PSD assumes no liability in any fashion with respect to this RFP or any matters related thereto. All prospective service providers and their assigns or successors, by their participation in the RFP process, shall indemnify, save and hold the PSD and its employees and agents free and harmless from all suits, causes of action, debts, rights, judgments, claims, demands, accounts, damages, costs, losses and expenses of whatsoever kind in law or equity, known and unknown, foreseen and unforeseen, arising from or out of this RFP and/or any subsequent acts related thereto, including but not limited to the recommendation of a service provider and any action brought by an unsuccessful prospective service provider.

It is imperative that respondents, contractors, or sub-contractors engaged by distribution utilities for the proposed project reveal any connections they or any sub-contractors have to other projects or contracts with the State of Vermont.

Attachment D: Other Provisions

1. DOE (U.S. Department of Energy) Terms and Conditions Incorporated by reference

The following are incorporated into this contract by reference:

- a. DOE Assistance Regulations, 2 CFR part 200 as amended by 2 CFR part 910 at <http://www.eCFR.gov>.
- b. National Policy Assurances in effect on date of award at <http://www.nsf.gov/awards/managing/rtc.jsp>.
- c. Applicable program regulations, including 10 CFR Part 420 – State Energy Program at <http://eCFR.gov>.

- 2. Work Product Ownership:** Products of the Contractor's work, including: outlines, reports, charts, sketches, drawings, art work, plans, photographs, specifications, estimates, computer programs, or similar documents, patents and copyrights become the property of the Contractor. However, Contractor must provide copies of such work to the State of Vermont upon request free of charge. Absent an order to the contrary from a court of competent jurisdiction, certain information will be held as confidential by the Vermont Department of Public Service (PSD) where Contractor has established such information is proprietary in nature and therefore exempt from access to public records requests pursuant to 1 V.S.A. § 317(c)(9).

3. Prior Approval of Press Releases/Credit for Funding:

Any notices, information pamphlets, press releases, research reports, or similar other publications prepared and released in written or oral form by the Contractor under this Agreement shall be submitted to the PSD Administrator for approval prior to release. The Contractor will credit funding for the project to the “Vermont Department of Public Service, and U.S. Department of Energy” in any of the aforementioned materials.

4. DOE Special Terms and Conditions

The following requirements, based upon the DOE Terms and Conditions, apply to this grant.

a) Ceilings on Indirect Costs

- i. If actual allowable indirect costs are less than those budgeted and funded under the award, you may use the difference to pay additional allowable direct costs during the project period. If at the completion of the award the Government’s share of total allowable costs (i.e., direct and indirect), is less than the total costs reimbursed, you must refund the difference.
- ii. Subrecipients are expected to manage their indirect costs. PSD will not amend an award solely to provide additional funds for changes in indirect cost rates. PSD recognizes that the inability to obtain full reimbursement for indirect costs means the Subrecipient must absorb the under recovery. Such under recovery may be allocated as part of the organization’s required cost matching.

b) Use of Program Income

If the subrecipient earns program income during the project period as a result of this Award, the subrecipient must add the program income to the funds committed to the Award and used to further eligible project objectives.

c) Site Visits and Access

DOE EERE's and PSD's authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. The subrecipient must provide, reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work. The subrecipient must provide any information, documents, site access, or other assistance requested by DOE or PSD for the purpose of its Federal stewardship or substantial involvement.

d) Publications

The subrecipient is required to include the following acknowledgement in publications arising out of, or relating to, work performed under this Award, whether copyrighted or not:

- Acknowledgment: "This material is based upon work supported by the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy (EERE) under the State Energy Program Award Number DE-EE0008668, Vermont Department of Public Service."
- Full Legal Disclaimer: "This report was prepared as an account of work sponsored by an agency of the United States Government and Vermont State Government. Neither the United States Government or Vermont State Government, nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or Vermont State Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or Vermont State Government or any agency thereof."

Abridged Legal Disclaimer: "The views expressed herein do not necessarily represent the views of the U.S. Department of Energy or the United States Government"

Subrecipients should make every effort to include the full Legal Disclaimer. However, in the event that they are constrained by formatting and/or page limitations set by the publisher, the abridged Legal Disclaimer is an acceptable alternative.

e) Compliance with Federal, State, and Municipal Law

The subrecipient is required to comply with applicable Federal, state, and local laws and regulations for all work performed under this Award. The Recipient is required to obtain all necessary Federal, state, and local permits, authorizations, and approvals for all work performed under this Award.

f) Lobbying

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

g) Notice Regarding the Purchase of American-Made Equipment and Products & Domestic Preference for Infrastructure Projects

To the greatest extent practicable, all equipment and products purchased with funds made available under this award should be American-made.

As appropriate and to the extent consistent with law, the subrecipients must ensure and document that, to the greatest extent practicable, iron and aluminum as well as steel, cement, and other manufactured products (items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber) used in the project under this Award must be produced in the United States.

h) Reporting of Total Compensation of Executives

1. The subrecipient shall report the names and total compensation of each of your five most highly compensated executives for your preceding completed fiscal year, if;

i. In the preceding fiscal year, you received;

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>)

2. Where and when to report. You must report executive total compensation described in paragraph h.1. of this award term:

i. To the PSD Administrator.

ii. By the end of the month following the month during which you signed your agreement.

3. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report the total compensation of your five most highly compensated executives.

4. Definitions: For purposes of this award term:

a. Executive means officers, managing partners, or any other employees in management positions.

b. Total compensation means the cash and noncash dollar value earned by the executive during your preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. Salary and bonus.

ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

v. Above-market earnings on deferred compensation which is not tax-qualified.

vi. Other compensation, if the aggregate value of all such other compensation (*e.g.* severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

i) National Environmental Policy Act (NEPA) Requirements

The Vermont Department of Public Service (PSD) must comply with the National Environmental Policy Act (NEPA) prior to authorizing the use of federal funds. Based on all information provided by the Subrecipient, PSD has determined the proposed activities fall under the bounded categories categorically excluded, and require no further NEPA review, absent extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with “integral elements” (as contained in 10 C.F.R. Part 1021, Appendix B) as they relate to a particular project. The Subrecipient is thereby authorized to use current Program Year Federal funds for project activities that fall within the Bounded Categories defined below, subject to the conditions listed in the “Conditions” section below and except where such activity is subject to a restriction elsewhere in this Award.

Conditions:

1. The activities must comply with the restrictions set forth in each of the Bounded Categories listed below;

2. This authorization does not include activities where the following elements exist: extraordinary circumstances; cumulative impacts or connected actions that may lead to significant effects on the human environment; or any inconsistency with the "integral elements" (as contained in 10 C.F.R. Part 1021, Appendix B) as they relate to a particular project;

3. The subrecipient must identify and promptly notify the PSD Administrator of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant effects on the human environment, or any inconsistency with the "integral elements" (as contained in 10 C.F.R. Part 1021, Appendix B) as they relate to a particular project;

4. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the Award.

Bounded Categories:

1. Administrative activities associated with management of the designated State Energy Office and management of programs and strategies to encourage energy efficiency and renewable energy, including energy audits.

2. Development and implementation of programs and strategies to encourage energy efficiency and renewable energy such as policy development and stakeholder engagement.

3. Development and implementation of training programs.

4. Development and implementation of building codes including inspection services, and associated activities to support code compliance and promote building energy efficiency.

5. Implementation of financial incentive programs including rebates and energy savings performance contracts for existing facilities; grants and loans to support energy efficiency, renewable energy and energy/water saving projects.

All project activities funded under a financial incentive program must be listed within the Bounded Categories in this NEPA determination.

6. Funding commercially available energy or energy/water efficiency or renewable energy upgrades, provided that projects adhere to the requirements of the respective state's DOE executed Historic Preservation Programmatic Agreement, and are installed in existing buildings, and are limited to:

a. Installation of insulation;

b. Installation of energy efficient lighting;

c. HVAC upgrades (to existing systems);

d. Weather sealing;

e. Purchase and installation of energy efficient or energy/water efficient home appliances and equipment (including, but not limited to, energy or water monitoring and control systems, thermostats, furnaces and air conditioners);

f. Retrofit of energy efficient pumps and motors, for such uses as (but not limited to) waste water treatment plants, where it would not alter the capacity, use, mission or operation of an existing facility.

g. Retrofit and replacement of windows and doors; and

h. Installation of Combined Heat and Power System - systems sized appropriately for the buildings in which they are located, not to exceed peak electrical production at 300kW.

7. Development, implementation, and installation of onsite renewable energy technology from renewable resources, provided that projects are installed in or on an existing structure or within the boundaries of a facility and limited to:

a. Solar Electricity/Photovoltaic - appropriately sized system or unit not to exceed 60 kW.

b. Wind Turbine - 20 kW or smaller.

c. Solar Thermal (including solar thermal hot water) - system must be 200,000 BTU per hour or smaller.

d. Ground Source Heat Pump - 5.5 tons of capacity or smaller, horizontal/vertical, ground, closed-loop system.

e. Biomass Thermal - 3 MMBTUs per hour or smaller system with appropriate Best Available Control Technologies (BACT) installed and operated.

8. Installation of fueling pumps and systems for fuels such as compressed natural gas, hydrogen, ethanol and other commercially available biofuels, (but not storage tanks) installed on the site of a current fueling station.

9. Purchase of alternative fuel vehicles.

10. Installation of electric vehicle charging stations installed on existing facilities.

j) Historic Preservation

Subrecipients must adhere to all the Stipulations of the DOE executed historic preservation Programmatic Agreement (PA) with Vermont. All DOE executed PAs are available on the Weatherization and Intergovernmental Programs website:

<https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>.

k) Allowable Costs

DOE EERE determines the allowability of costs through reference to 2 CFR part 200 as amended by 2 CFR part 910. All project costs must be allowable, allocable, and reasonable. The subrecipient must document and maintain records of all project costs, including, but not limited to, the costs paid by Federal funds and project costs that the subrecipient claims as cost sharing, including in-kind contributions. The subrecipient is responsible for maintaining records adequate to demonstrate that costs claimed have been incurred, are reasonable, allowable and allocable, and comply with the cost principles. Upon request, the subrecipient is required to provide such records to PSD and/or EERE. Such records are subject to audit. Failure to provide adequate supporting documentation may result in a determination that those costs are unallowable.

The subrecipient is required to obtain the prior written approval of the PSD Administrator (which will also be reviewed by a DOE Contracting Officer) for any foreign travel costs.

l) Equipment

Subject to the conditions provided in 2 CFR 200.313, title to equipment (property) acquired under a Federal award will conditionally vest upon acquisition with the non-Federal entity. The non-Federal entity cannot encumber this property and must follow the requirements of 2 CFR 200.313 before disposing of the property.

Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as it is needed, whether or not the project or program continues to be supported by the Federal award. When no longer needed for the originally authorized purpose, the equipment may be used by programs supported by DOE in the priority order specified in 2 CFR 200.313(c)(1)(i) and (ii).

Management requirements, including inventory and control systems, for equipment are provided in 2 CFR 200.313(d).

When equipment acquired under a Federal award is no longer needed, the non-Federal entity must obtain disposition instructions from DOE or pass-through entity.

Disposition will be made as follows: (1) items of equipment with a current fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to DOE; (2) Non-Federal entity may retain title or sell the equipment after compensating DOE as described in 2 CFR 200.313(e)(2); or (3) transfer title to DOE or to an eligible third party as specified in 2 CFR 200.313(e)(3).

See 2 CFR 200.313 for additional requirements pertaining to equipment acquired under a Federal award. Also see 2 CFR 910.360 for additional requirements for equipment for For-Profit recipients. See also 2 CFR 200.439 Equipment and other capital expenditures.

m) Supplies

See 2 CFR 200.314 for requirements pertaining to supplies acquired under a Federal award. See also 2 CFR 200.453 Materials and supplies costs, including costs of computing devices.

n) Property Trust Relationship

Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. See 2 CFR 200.316 for additional requirements pertaining to real property, equipment, and intangible property acquired or improved under a Federal award.

o) Record Retention

Consistent with 2 CFR 200.333 through 200.337, the subrecipient is required to retain records relating to this Award.

p) System For Award Management And Universal Identifier Requirements

a. Requirement for Registration in the System for Award Management (SAM)

Unless the subrecipient is exempted from this requirement under 2 CFR 25.110, the subrecipient must maintain the currency of its information in SAM until the subrecipient submits the final financial report required under this Award or receive the final payment, whichever is later. This requires that

the subrecipient reviews and updates the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.

If the subrecipient had an active registration in the CCR, it has an active registration in SAM.

b. Requirement for Data Universal Numbering System (DUNS) Numbers

The subrecipient must provide its DUNS number to the PSD.

c. Definitions

For purposes of this award term:

1. System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <https://www.sam.gov>).
2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

q) Performance Of Work In United States

a. Requirement.

All work performed under this Award must be performed in the United States unless the PSD Administrator provides a waiver. This requirement does not apply to the purchase of supplies and equipment; however, the subrecipient should make every effort to purchase supplies and equipment within the United States.

b. Failure to Comply.

If the subrecipient fails to comply with the Performance of Work in the United States requirement, the PSD Administrator may deny reimbursement for the work conducted outside the United States and such costs may not be recognized as allowable subrecipient cost share regardless if the work is performed by the subrecipient, vendors or other project partners.

c. Waiver for Work Outside the U.S.

All work performed under this Award must be performed in the United States. However, the PSD Administrator may approve the subrecipient to perform a portion of the work outside the United States under limited circumstances. Subrecipient must obtain a waiver from the PSD Administrator prior to conducting any work outside the U.S. To request a waiver, the subrecipient must submit a written waiver request to the PSD Administrator, which will be reviewed by a DOE Contracting Officer, which includes the following information:

- The rationale for performing the work outside the U.S.;
- A description of the work proposed to be performed outside the U.S.;
- Proposed budget of work to be performed; and
- The countries in which the work is proposed to be performed.

For the rationale, the subrecipient must demonstrate to the satisfaction of the PSD Administrator that the performance of work outside the United States would further the purposes of the FOA that the Award was selected under and is in the economic interests of the United States. The PSD Administrator may require additional information before considering such request.

r) Foreign National Access Under DOE Order 142.3A, “Unclassified Foreign Visits and Assignments Program”

The subrecipient may be required to provide information to DOE in order to satisfy requirements for foreign nationals’ access to DOE sites, information, technologies, equipment, programs or personnel. A foreign national is defined as any person who is not a U.S. citizen by birth or naturalization. If the subrecipients, contractors or vendors anticipates involving foreign nationals in the performance of its award, the subrecipient may be required to provide DOE with specific information about each foreign national to ensure compliance with the requirements for access approval. National laboratory personnel already cleared for site access may be excluded. Access approval for foreign nationals from countries identified on the U.S. Department of State’s list of State Sponsors of Terrorism must receive final approval authority from the Secretary of Energy or the Secretary’s assignee before they commence any work under the award.

s) Reporting Requirements

Requirements:

The reporting requirements for this Award are identified below. Failure to comply with these reporting requirements is considered a material noncompliance with the terms of the Award. Noncompliance may result in withholding of future payments, suspension, or termination of the current award, and withholding of future awards. A willful failure to perform, a history of failure to perform, or unsatisfactory performance of this and/or other financial assistance awards, may also result in a debarment action to preclude future awards by Federal agencies.

Quarterly Report

The subrecipient must provide a concise narrative assessment of the status of work by the 15th day of the month following each calendar quarter (January 15, April 15, July 15, October 15) and include the following information:

1. Contact and Project information

- a. The DOE Award Number (as it appears on the award face page)
- b. Recipient Name (as it appears on the award face page)
- c. Project Title
- d. Project Director / Principal Investigator (PD/PI) Name, Title and Contact Information (e-mail address and phone number)
- e. Name of Submitting Official, Title, and Contact Information (e-mail address and phone number), if other than PD/PI
- f. Project Period (Start Date, End Date)
- g. Report Submission Date
- h. Reporting Period Start and End Date

2. Project Overview

A written comparison of the actual project accomplishments with the project goals and objectives established for the reporting period; if goals and/or objectives for the reporting period were not met, a detailed description of the variance shall be provided.

3. Accomplishments

A discussion of what was accomplished under these goals and objectives established for this reporting period, including major activities, significant results, major findings or conclusions, key outcomes, or other achievements. This section should not contain any proprietary data or other information not subject to public release. If such information is important to reporting progress, do not include the information, but include a note in the report advising the reader to contact the Principal Investigator or the Project Director for further information.

4. Budgetary Information

A comparison of the approved budget by budget period and the actual costs incurred during the reporting period shall be provided. If cost sharing is required, the cost breakdown shall show the federal share, recipient share, and total costs.

5. Schedule Status

List milestones, anticipated completion dates and actual completion dates. If you submitted a project management plan with your application, you must use this plan to report schedule and budget variances. You may use your own project management system to provide this information.

6. Changes/Problems

Describe any changes during the reporting period in project approach and the reasons for these changes. Remember, significant changes to the project objectives and scope require prior approval by the Contracting Officer. Describe any actual or anticipated problems or delays and any actions taken or planned to resolve them.

7. Participants & Other Collaborating Organizations

Describe any absence or changes of key personnel or changes in consortium/teaming arrangement during the reporting period.

8. Products

List and describe any product produced or technology transfer activities accomplished during this reporting period, such as:

a. Publications, conference papers, and presentations. List peer-reviewed articles or papers that have been submitted for publication in scientific, technical, or professional journals. Include any papers submitted for peer-reviewed publication in the periodically published proceedings of a scientific society, a conference, or the like. A publication in the proceedings of a one-time conference, not part of a series, should be reported under "Books or other non-periodical, one-time publications."

Identify for each publication: Author(s); title; journal; volume; year; page numbers; status of publication (published; accepted, awaiting publication; submitted, under review; other); acknowledgement of federal support (yes/no); legal disclaimer language (yes/no).

Please note: Subrecipient must use the EERE acknowledgement and legal disclaimer language as described in the Special Terms and Conditions (additional information can be found at the EERE Communications Standards website: <https://www.energy.gov/eere/communicationstandards/eere-branded-publications-developed-third-parties>).

a. Website(s) (list the URL) that reflect the results of this project.

b. Networks or collaborations fostered.

c. Technologies or techniques (Identify and Describe).

d. Other products, such as data or databases, physical collections, audio or video, software or NetWare, models, education aid or curricula, instruments, or equipment (Identify and Describe).

Dissemination of Scientific and Technical Information:

Scientific and Technical Information (STI) generated under this Award will be submitted to DOE via the Office of Scientific and Technical Information's Energy Link (E-Link) system. STI submitted under this Award will be disseminated via DOE's OSTI.gov website subject to approved access limitations. Citations for journal articles produced under the Award will appear on the DOE PAGES website.

Restrictions:

Scientific and Technical Information submitted to E-Link must not contain any Protected Personal Identifiable Information (PII), limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release.

Final Report:

A final narrative report must be submitted within 60 days of project completion and should follow the same format as the quarterly report but should describe the full project.