



February 4, 2020

The Honorable Teri L. Donaldson  
Inspector General  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585  
[ighotline@hq.doe.gov](mailto:ighotline@hq.doe.gov)

**Re: Request for Investigation of the Department of Energy's Potential Mismanagement and Waste Related to the Solar Energy Technologies Office's FY 2018 FOA**

Dear Inspector General Donaldson:

We respectfully request that your office investigate potential mismanagement and waste associated with the Department of Energy's (Department or DOE) abrupt, arbitrary cancellation and re-competition of the Solar Energy Technologies Office's FY 2018 Funding Opportunity Announcement (FOA), Topic 1. Despite DOE leadership approving and publicly announcing the FOA in April 2018, political appointees in charge of the Office of Energy Efficiency & Renewable Energy (EERE), including then-Acting Assistant Secretary Cathy Tripodi, decided in July 2018 not to award funds under the published FOA. These appointees then delayed public notification of impending changes to the FOA and provided virtually no public explanation for EERE's change of course.

This abrupt change cost the Department roughly \$1 million in federal funds and came at the expense of the 367 potential applicants who submitted concept papers, the 92 who submitted full applications, and the nearly three dozen reviewers who expended time and resources to review grant applicants against published criteria for a FOA which agency leadership had no intent to award.

Your office has the "authority and responsibility to conduct and supervise audits and investigations relating to waste, abuse . . . or mismanagement relating to DOE programs, operations, facilities, contracts, and information technology systems."<sup>1</sup> The unusual and unexplained last-minute cancellation of this FOA warrants investigation of potential waste and mismanagement by Department officials and programs.

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<sup>1</sup> *Reporting Fraud, Waste and Abuse to the Office of Inspector General*, U.S. Dep't of Energy Order 211.1B, § 4a (Sep. 27, 2016) (citing Inspector General Act of 1978, Pub. L. No. 95.452, 92 Stat. 1101).

This request for an investigation is based on facts revealed in more than 3,500 pages of records produced primarily in the summer and fall of 2019 as part of Freedom of Information Act litigation brought by Democracy Forward Foundation against the Department of Energy.<sup>2</sup> We summarize those facts below.

## **FY 2018 Solar Technology FOA**

On April 17, 2018, then-Secretary of Energy Rick Perry announced a \$105.5 million funding opportunity directed toward innovation in solar technology.<sup>3</sup> This funding opportunity was divided into four distinct topics, with Topic 1, Advanced Solar Systems Integration Technologies, setting aside up to \$46 million for approximately 14 projects. The April 2018 Secretarial announcement was the culmination of at least six months of preparatory work, including drafting of the FOA, beginning in October 2017.<sup>4</sup> In November 2017, then-EERE Acting Assistant Secretary Daniel Simmons approved the FOA requirement documents.<sup>5</sup> Those documents were subsequently approved by the Office of Management in January 2018.<sup>6</sup> EERE Chief of Staff Alex Fitzsimmons approved the FOA release in April 2018.<sup>7</sup>

Applying for this FOA was a multi-part process. The FOA required potential applicants to submit a concept paper by May 9, 2018. EERE was then expected to review concept papers and inform applicants of an “encourage” or “discourage” notification. Full applications were due by July 5, 2018; applicant replies to reviewer comments were due in early August; and the in-person merit reviews were scheduled for August 9 - August 17, 2018.<sup>8</sup> According to agency records, 367 entities provided concept papers under Topic Area 1, and 92 entities went on to file full applications.<sup>9</sup>

Available records show that staff were aware in May 2018 that, in order to obligate the FY 2018 funds within the fiscal year, they would need to brief agency leadership by the end of August 2018 on the award selections.<sup>10</sup> DOE staff expected to notify successful applicants on September 3, 2018, and they communicated that expectation to applicants.<sup>11</sup>

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<sup>2</sup> See FOIA Complaint (attached as Ex. A).

<sup>3</sup> U.S. Dep’t of Energy, *U.S. Secretary of Energy Rick Perry Announces \$105 Million in New Funding to Advance Solar Technologies* (Apr. 17, 2018), <https://www.energy.gov/articles/us-secretary-energy-rick-perry-announces-105-million-new-funding-advance-solar-technologies>.

<sup>4</sup> See FY 2018 FOA Review Timeline (attached as Ex. B).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> See Key Dates FOA FY 2018 Funds (attached as Ex. C).

<sup>9</sup> See Applicant Numbers (attached as Ex. D).

<sup>10</sup> See FOA Timeline for Approval of FY 2018 Awards (attached as Ex. E).

<sup>11</sup> See U.S. Dep’t of Energy, *EERE 205: FOA Applicant Webinar Presentation*, [https://www.energy.gov/sites/prod/files/2018/04/f51/EERE%20205%20-%20SETO%20FY18%20FOA%20Applicant%20Webinar\\_Topic%201%20SI.pdf](https://www.energy.gov/sites/prod/files/2018/04/f51/EERE%20205%20-%20SETO%20FY18%20FOA%20Applicant%20Webinar_Topic%201%20SI.pdf); see also U.S. Dep’t of Energy, *EERE Funding Opportunity Announcement: FY 2018 Solar Energy Technologies Office*, <https://www.energy.gov/eere/solar/funding-opportunity-announcement-fy-2018-solar-energy-technologies-office> (last visited Feb. 4, 2020).

## FOA Topic 1 Abrupt Cancellation

On August 31, 2018, the Department abruptly announced the cancellation of Topic 1 and simultaneously announced a Notice of Intent to issue a new FOA for the same funds by mid-September 2018.<sup>12</sup>

The records obtained by Democracy Forward Foundation show that EERE's then-Acting Assistant Secretary Cathy Tripodi, who reportedly was appointed on July 5, 2018, had singled out funding opportunity announcements such as Solar Topic 1 for additional scrutiny within her first week in this position and began to seek an amendment to this solicitation.

On July 10, 2018 — less than five days after Ms. Tripodi's appointment was reported — she was informed of the status of all FY 2018 FOAs and told that “[i]t is too late to change any of the criteria for any FOAs that have already closed. If we were to change the criteria for any that are still open, we'd need to publish a FOA amendment and extend the open timeframe for all applicants.”<sup>13</sup> In the context of Topic 1, the deadline for submission of concept papers had passed two months prior, on May 9, 2018, and the deadline for full applications had passed the week prior, on July 5, 2018.

On July 12, 2018, emails revealed revised program policy factors to be included in future FOAs that ultimately ended up included in the republished Solar Topic 1 FOA. This list includes a revised geographic diversity policy factor.<sup>14</sup> By July 30, 2018, Ms. Tripodi wrote, “The solar office has offered to rewrite Topic 1 in their Solar FOA. While it is on the street, we can just do an amendment to change it . . . Please see [REDACTED] and give me your suggested language as soon as you can.”<sup>15</sup>

Despite Ms. Tripodi's interest in amending the FOA upon assuming her position in July, it would be more than a month before that change was implemented and announced. During that time, applicants, merit reviewers, and many DOE staff were unaware of the shift in EERE's intentions, with some EERE staff noting the pressing need to inform the public. On Monday, August 20, 2018, with the public still in the dark about Ms. Tripodi's intentions and the merit review process having concluded, EERE Chief of Staff Ian Hamos wrote to former Director of the Solar Energy Technologies Office Charlie Gay, “EE-1 is still awaiting changes from OE-1 regarding Topic 1. She asked us about making a public announcement about the changes now to properly inform the public.”<sup>16</sup>

The records received by Democracy Forward show that it was not until the week of August 27, 2018 that near-final revised language began to circulate and ultimately make its way to the public:

- On August 27, 2018, Ms. Tripodi wrote to EERE Golden Field Office Director Derek Passarelli “What do you think of this language?”<sup>17</sup> Passarelli later wrote to EERE's Deputy Assistant

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<sup>12</sup> See Ex. C.

<sup>13</sup> See Tripodi July 10 FY 2018 FOA Status (attached as Ex. F).

<sup>14</sup> See Program Policy Factors July 12 (attached as Ex. G).

<sup>15</sup> See Solar office rewrite July 30 (attached as Ex. H).

<sup>16</sup> See August 20 EE-1 Meeting Readout (attached as Ex. I).

<sup>17</sup> See Aug 27 Language Review (attached as Ex. J).

Secretary for Operations and Strategic Innovation Bindu Jacob on August 30, 2018 that “The current plan is to issue a notice cancelling Topic 1 of the current FOA simultaneously with issuing a Notice of Intent to issue the new Topic Area 1 FOA.”<sup>18</sup>

- It was not until Friday morning, August 31, 2018 that Passarelli wrote “Both documents have been approved by EERE senior management for release at 1pm MDT (3pm EDT).”<sup>19</sup>
- During the week of August 27, 2018, EERE staff needed to seek an exception to its normal process to announce the NOI and the cancellation with short notice. “For NOIs, we need to get them on the policy calendar at least 2 weeks prior to their release. I’m assuming if you’re working with EERE FO on this, you can probably get an exception...”<sup>20</sup>

In preparing to issue a revised FOA, DOE staff sought to expedite the review and clearance. In requesting waived or expedited review of the business clearance process, Ms. Jacob explained internally that “[a]fter the FOA had been posted and the application period closed, EERE’s new leadership had conducted a review of the FOA internally. As part of that review, it was determined that Topic 1 within the FOA should be revised to better align the FOA with the mission objectives of DOE” and that “[s]ince we were so far along in the selection process on the original FOA, it was decided that rather than do a FOA modification, we would instead cancel topic 1 . . . and issue a new FOA for the revised topic 1.”<sup>21</sup> A revised FOA was published in fall 2018 and awards were later announced.

### **Potential Agency Mismanagement and Waste**

The process used by the Department in the summer of 2018 as described above raises questions about agency mismanagement and waste. Consider the following:

- DOE staff made Ms. Tripodi aware of the challenges of amending the FOA in her first week, yet she persisted in upending the FOA process at great expense to the Department — all while failing to mitigate the costs to staff, applicants, and reviewers by moving quickly and transparently. Tripodi’s intent to cancel the FOA was internally clear to some staff in July 2018, but the public was not given notice until the beginning of September.
- The abrupt, last-minute cancellation appears to have wasted limited DOE resources. Internal emails show that EERE staff estimated that by the time EERE’s political staff was working to finalize new FOA language, the Department had “already expended” roughly \$1 million of funding that “had prior approval in this administration” on items such as reviewer compensation and DOE staff time.<sup>22</sup>

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<sup>18</sup> See Aug 30 Plan Description (attached as Ex. K).

<sup>19</sup> See Aug 31 Senior EERE Approval (attached as Ex. L).

<sup>20</sup> See Aug 30 Exception to Announce NOI (attached as Ex. M).

<sup>21</sup> See Expedited Review Business Clearance (attached as Ex. N).

<sup>22</sup> See Cost - Federal Funds Expended (attached as Ex. O).

- EERE has not publicly explained why the revised criteria and resulting selections advanced the Department's goals more than the prior iteration. This lack of clarity raises concerns that the Department's decision — and its approach to funding innovation more broadly — could have been motivated by political considerations. We hope your office can shed more light on the reasoning behind the original FOA's cancellation and re-issuance with new criteria.
- While the EERE S 540.110 — the FOA Development Standard Operating Procedure — was instituted in 2017 “to ensure that all financial assistance actions, whether competitive (FOAs) or non-competitive (DNFAs), align with the Administration's energy priorities,” it was later amended on August 31, 2018 — the same day this FOA was cancelled. This timing raises questions about whether EERE followed its own procedures in the cancellation of, development, and re-issuance of the FOA.<sup>23</sup>
- During this period of time, DOE staff expressed concern about problems being experienced by merit reviewers. DOE had “120+ reviewers for the FOA” (approximately 30 merit reviewers for topic 1),<sup>24</sup> and per email records dated August 30, 2018, “most of them had to pay hundreds to a thousand dollars or more to travel to our merit review meetings 2 - 3 weeks ago (and likely expended the money on flights/hotels well over a month ago)” and “most or all have not received payment.” Concerns continued: “I have multiple upset reviewers for my panels and I am sure the other FOA leads have the same. I wouldn't want this experience to sour the reviewers experience and make them less likely to accept the invitation in the future.”<sup>25</sup>

## Conclusion

In light of these concerns about mismanagement and waste relating to the FY 2018 Solar Technology FOA, and based on the details uncovered in the documents obtained through Democracy Forward Foundation's FOIA suit, we request an investigation into whether the FOA process was wasteful, mismanaged, or improperly motivated by political considerations. We appreciate your consideration of this matter and look forward to your conclusions.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me at 202-448-9090 or [ageorge@democracyforward.org](mailto:ageorge@democracyforward.org).

Sincerely,

/s/ Aman George

Aman George  
Counsel and Legal Policy Director

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<sup>23</sup> See FOA Standard Operating Procedures Amended 8-31 (attached as Ex. P).

<sup>24</sup> See Merit Reviewers Topic 1 (attached as Ex. Q).

<sup>25</sup> See Honorarium Delays (attached as Ex. R).

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DEMOCRACY FORWARD  
FOUNDATION  
1333 H Street, N.W.  
Washington, D.C. 20005

*Plaintiff,*

v.

U.S. DEPARTMENT OF ENERGY,  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

*Defendant.*

Case No.

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**COMPLAINT FOR INJUNCTIVE RELIEF**

1. Plaintiff Democracy Forward Foundation brings this action against Defendant U.S. Department of Energy (“DOE”) or (“Department”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

2. In August 2018, the Department abruptly and arbitrarily decided to cancel a \$46 million funding opportunity announcement designed to encourage needed innovation in solar energy technology. The Department did so after prospective grantees had already applied, and right before the Department was scheduled to announce its finalists. Yet the Department provided virtually no explanation for its change of course, nor for why it decided to disregard the substantial time and energy those grantees had devoted to their applications.

3. The Department did, however, notify applicants that it intended to publish *another* funding opportunity using the same pool of money, for which those applicants would have to reapply. Now, several weeks later, the Department has published that opportunity, which contains substantial similarities to the original proposal. Again, however, the Department

provided no explanation for why it chose to wipe the slate clean and start again, to the detriment of the public.

4. Notwithstanding the Department's silence, there is substantial concern in the regulated community that the Department's decision--and its approach to funding innovation more broadly--is politically motivated. Advocates worry that the administration intends to direct funding to its preferred recipients, regardless of the merit of their applications. Whether or not these concerns are well-founded, the public deserves to know why the Department elected to waste the time and money of prospective grantees, and of the Department itself.

5. Despite the significance of these records, Defendant has failed to sufficiently respond to Plaintiff's request. Plaintiff therefore respectfully requests that the Court compel Defendant to comply with FOIA and produce all responsive, non-exempt records.

#### **Jurisdiction and Venue**

6. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

7. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

8. Because Defendant has failed to comply with the applicable time limit provisions of FOIA, Plaintiff is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i).

#### **Parties**

9. Plaintiff Democracy Forward Foundation is a not-for-profit organization incorporated under the laws of the District of Columbia and based in Washington, D.C. Plaintiff works to promote transparency and accountability in government, in part, by educating the public on government actions and policies.



10. Defendant the U.S. Department of Energy (“DOE”) is a federal agency within the meaning of FOIA (*see* 5 U.S.C. § 552(f)(1)) that is headquartered in Washington, D.C., and has possession, custody, and control of records to which Plaintiff seeks access.

**The Department’s Unexplained Cancellation  
of a Multi-Million Dollar Funding Opportunity**

11. On April 17, 2018, Secretary Rick Perry announced a \$105.5 million funding opportunity announcement (“FOA”) directed toward innovation in solar technology. This funding was divided into four distinct topics, with Topic 1, Advanced Solar Systems Integration Technologies, setting aside up to \$46 million for approximately 14 projects.<sup>1</sup>

12. Finalists for the Topic 1 grants were scheduled to be announced on September 3, 2018.<sup>2</sup>

13. On August 31, 2018, the Department, under the direction of Acting Assistant Secretary for the Office of Energy Efficiency and Renewable Energy (EERE) Cathy Tripodi, denied all applicants and posted a new Advanced Solar Systems Integration Technologies Notice of Intent (NOI).<sup>3</sup>

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<sup>1</sup> Press Release, U.S. Dep’t of Energy, U.S. Sec’y of Energy Rick Perry Announces \$105 Million in New Funding to Advance Solar Tech. (Apr. 17, 2018), <https://www.energy.gov/articles/us-secretary-energy-rick-perry-announces-105-million-new-funding-advance-solar-technologies>.

<sup>2</sup> U.S. Dep’t of Energy, Funding Opportunity Announcement: FY 2018 Solar Energy Technologies Office, Announcement No. DE-FOA-0001840 (Apr. 17, 2018), <https://www.energy.gov/eere/solar/funding-opportunity-announcement-fy-2018-solar-energy-technologies-office>.

<sup>3</sup> U.S. Dep’t of Energy, Advanced Solar Systems Integration Technologies Notice of Intent (NOI), Announcement No. DE-FOA-0001986 (Aug. 31, 2018), <https://www.grants.gov/web/grants/view-opportunity.html?oppId=308651>.

14. On October 15, 2018, it was reported that the Department had made available \$46 million for approximately ten similarly focused solar projects.<sup>4</sup> The Department anticipates that it will provide Selection Notifications for this funding on March 22, 2019.<sup>5</sup>

**Plaintiff's FOIA Request**

15. On September 10, 2018, Plaintiff submitted a FOIA request to the Department, seeking the following records for the time period of March 23, 2018 to the date the search is conducted:

- a. All correspondence, including any attachments, regarding the approval process for issuance and cancellation of DOE's Solar Energy Technology Office FOA FY 2018 (eventually titled DOE-FOA-0001840) and issuance of DOE's Advanced Solar Systems Integration Notice of Intent (eventually titled DOE-FOA-0001986), sent to or from the following individuals [hereinafter "Covered Individuals"]:
  - i. Cathy Tripodi, Acting Assistant Secretary (EERE)
  - ii. Brian McCormack, Chief of Staff
  - iii. Mark Menezes, Under Secretary for Energy
  - iv. Sophia Varnasidis, Chief of Staff, Under Secretary for Energy
  - v. Daniel Simmons, Acting Assistant Secretary (EERE)
  - vi. Alex Fitzsimmons, Chief of Staff (EERE)
  - vii. Kevin Jayne, Special Advisor to the PDAS (EERE)
  - viii. Tim Unruh, Deputy Assistant Secretary, Renewable Energy
  - ix. Ian Hamos, Chief of Staff, Renewable Energy
  - x. Jennifer Garson, Chief of Staff, Renewable Energy
  - xi. Charlie Gay, Director, Solar Energy Technologies Office
  - xii. Becca Jones-Albertus, Deputy Director, Solar Energy Technologies Office
  - xiii. Bindu Jacobs, Deputy Assistant Secretary, Operations (EERE)
  - xiv. Leslie Pezzulo, Chief of Staff, Operations (EERE)
  - xv. John Barth, Budget Director (EERE)
  - xvi. Derek Passarelli, Director, Golden Field Office
  - xvii. Diana Bobo, Grants Manager, Golden Field Office

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<sup>4</sup> *DOE Offers 46m for Solar Projects to Combat Cyber Threats*, Politico Pro (Oct. 2018), <https://subscriber.politicopro.com/cybersecurity/whiteboard/2018/10/doe-offers-46m-for-solar-projects-to-combat-cyber-threats-2071379>.

<sup>5</sup> U.S. Dep't of Energy, Funding Opportunity Announcement: Advanced Systems Integration for Solar Technologies (ASSIST), Announcement No. DE-FOA-0001987 (Oct. 15, 2018) <https://www.energy.gov/eere/solar/funding-opportunity-announcement-advanced-systems-integration-solar-technologies-assist>.

- xviii. Clay Pfrangle, Grant Management Specialist, Golden Field Office
  - xix. Bruce Walker, Assistant Secretary, Office of Electricity
  - xx. Karen Evans, Assistant Secretary, Cybersecurity, Energy Security, and Emergency Response
  - xxi. Catherine Jereza, Deputy Assistant Secretary, Transmission Permitting and Technical Assistance
  - xxii. John Vonglis, Chief Financial Officer
  - xxiii. Christopher Johns, Director of Budget (CFO)
- b. All correspondence, including any attachments, regarding Acting Assistant Secretary Tripodi's use of the terms "political", "midterms", or "geographic diversity", sent to or from the Covered Individuals.
- c. All correspondence, including any attachments, regarding the cost of the merit review process for part or all of DOE's Solar Energy Technology Office FOA FY 2018 (eventually titled DOE-FOA-0001840) or DOE's Advanced Solar Systems Integration Notice of Intent (eventually titled DOE-FOA-0001986), sent to or from the Covered Individuals.
- d. All correspondence, including any attachments, regarding the use of dollars appropriated for the Solar Energy Technologies Office to other applied energy offices, including, but not limited to, the Office of Electricity Delivery and Energy Reliability (OE) and the Office of Cybersecurity and Emergency Response (CESR), sent to or from the Covered Individuals.

16. Plaintiff sought a waiver of search and duplicating fees under 5 U.S.C. § 552(a)(4)(A)(iii), which requires a fee waiver if the disclosure is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."

17. On September 11, 2018, the Department confirmed receipt of Plaintiff's FOIA request and assigned it a tracking number of HQ-2018-01594-F.

18. On October 19, 2018, the Department granted Plaintiff's request for a waiver of fees.

19. As of the date of this Complaint, Defendant has failed to notify Plaintiff whether and when it will comply with Plaintiff's FOIA request (*see* 5 U.S.C. § 552(a)(6)(A)(i)), whether it will produce all requested records, or whether it will demonstrate that they are lawfully exempt

from production (*see id.* § 552(a)(6)(C)). Nor has Defendant notified Plaintiff of the scope of any responsive records Defendant intends to produce or withhold, and the reasons for any withholdings, or informed Plaintiff that it may appeal any adequately specific, adverse determination.

20. Because Defendant has “fail[ed] to comply with the applicable time limit provisions” of the FOIA, even with the benefit of any extensions of time that Defendant might have claimed, Plaintiff is “deemed to have exhausted [its] administrative remedies.” *See id.* § 552(a)(6)(C)(i).

**Count One**  
**(Violation of the FOIA, 5 U.S.C. § 552)**

21. By failing to respond to Plaintiff’s request within the statutorily prescribed time limit, Defendant has violated its duties under FOIA, including but not limited to its duties to conduct a reasonable search for responsive records and to produce all responsive, reasonably segregable, non-exempt information.

**Request for Relief**

WHEREFORE, Plaintiffs respectfully request that this Court:

1. order Defendant to conduct a search for any and all records responsive to Plaintiff’s FOIA request using search methods reasonably likely to lead to discovery of all responsive records;
2. order Defendant to produce, by a date certain, any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
3. enjoin Defendant from continuing to withhold any and all non-exempt responsive records;
4. order Defendant to grant Plaintiff’s request for a fee waiver;

5. award Plaintiff its attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and

6. grant Plaintiff such other relief as this Court deems just and proper.

Dated: October 25, 2018

Respectfully submitted,

/s/ John T. Lewis

Javier M. Guzman (D.C. Bar No. 462679)

John Lewis (D.C. Bar No. 1033826)

Democracy Forward Foundation

1333 H Street, NW

Washington, DC 20005

(202) 448-9090

[jguzman@democracyforward.org](mailto:jguzman@democracyforward.org)

[jlewis@democracyforward.org](mailto:jlewis@democracyforward.org)

*Counsel for Plaintiff*

# EXHIBIT B

## Appendix C: OE Coordination

### Stage: FOA Drafting (October 2017-March 2018)

- November: SETO Director, Dr. Gay, met with Bill Parks (OE) for a high level discussion on the SETO FOA topics
- November-December: SETO staff brief OE staff and leadership (DAS Katie Jereza) on Topic 1 as well as Sub-topic 4.2, and Sub-topic 1.1 is identified as needing further joint development
- December – March: SETO staff worked closely with Gil Bindewald (OE) to reframe and finalize Sub-topic 1.1, and final language for sub-topics 1.1-1.3 is shared with OE DASes Katie Jereza and Michael Pesin before the FOA release in April. SETO staff work with Caitlin Callaghan (OE) on language for Sub-topic 4.2

### Stage: FOA Merit Review (May – August 2018)

- Dan Ton (OE) contributed concept paper reviews. Band width constraints prevented OE from participating in the full application review.

### Stage: Federal Consensus Panel meetings (August 2018)

- Three OE staff (Gil Bindewald, Stephen Walls and Chris Irwin) participated in the two-day Federal Consensus Panel meetings that made recommendations to the Selection Official for Sub-topics 1.1-1.3

### Stage: Negotiations (September – November 2018)

- (b) (5)

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### Background: EERE and MA Approvals Summary SETO FY18 FOA (Key Dates)

- November 2017: PDAS Daniel Simmons approval of FOA Requirements Document
- January 2018: MA approval of FOA Requirements Document
- April 2018: EERE Chief of Staff (Alex Fitzsimmons) approval of SETO FOA document for release
- April 2018: SETO FOA released

# EXHIBIT C



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Document 8

Gay, Charlie

**From:** Jones-Albertus, Becca  
**Sent:** Tuesday, September 25, 2018 10:50 AM  
**To:** Chalk, Steven  
**Cc:** Gay, Charlie  
**Subject:** RE: Solar FOA topic 1  
**Attachments:** FY18 SETO FOA Topic 1 background.docx; SETO FOA Topic Area 1 Notice with NOI 20180831 Final.docx

Hi Steve,

Resource estimates added to the background document here. Notice and NOI also reattached so you have everything in one place.

Best,  
Becca

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**From:** Chalk, Steven  
**Sent:** Tuesday, September 25, 2018 10:27 AM  
**To:** Jones-Albertus, Becca <Becca.Jones-Albertus@ee.doe.gov>  
**Cc:** Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Subject:** RE: Solar FOA topic 1

Yes. Send me resources spent (topic 1 only).

Steven Chalk  
Deputy Assistant Secretary for Transportation  
Acting Deputy Assistant Secretary for Renewable Power  
Office of Energy Efficiency and Renewable Energy  
U.S. Department of Energy

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**From:** Jones-Albertus, Becca <Becca.Jones-Albertus@ee.doe.gov>  
**Date:** Tuesday, Sep 25, 2018, 10:22 AM  
**To:** Chalk, Steven <Steven.Chalk@ee.doe.gov>  
**Cc:** Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Subject:** RE: Solar FOA topic 1

Hi Steve,

Attached are the key dates for the FOA, as well as some quick background that could be useful. Also attached in one document is the Notice that went to Topic 1 applicants and the Notice of Intent for the revised FOA.

Please let us know if you need any other information. I will note that we have also estimated the amount of resources spent preparing and reviewing Topic 1 proposals (DOE and external resources). If you would like those numbers, please let us know.

Best,  
Becca

-----Original Message-----

From: Chalk, Steven

Sent: Tuesday, September 25, 2018 7:59 AM

To: Jones-Albertus, Becca <[Becca.Jones-Albertus@ee.doe.gov](mailto:Becca.Jones-Albertus@ee.doe.gov)>

Cc: Gay, Charlie <[Charlie.Gay@EE.DOE.Gov](mailto:Charlie.Gay@EE.DOE.Gov)>

Subject: Solar FOA topic 1

Becca - (b) (5)

FOA release date, applications closed date, date of notification that Topic 1 would be resolicited.... anything else you think is pertinent.

Could you send me the notice to stakeholders on resoliciting topic 1?

Need by Noon if possible.

Steven Chalk

Deputy Assistant Secretary for Transportation

Acting Deputy Assistant Secretary for Renewable Power

Office of Energy Efficiency and Renewable Energy

U.S. Department of Energy

## Key Dates

- April 16 - FOA Released
  - U.S. Secretary of Energy Rick Perry issued a press release announcing the Solar Energy Technologies Office (SETO) Fiscal Year 2018 funding opportunity announcement (FOA). The FOA identified four topics including one (Topic Area 1) to advance research on technologies enabling integration of solar energy onto the nation's electricity grid. The office had budgeted \$46 million anticipating about 14 projects. The FOA stated that the expected timeframe for selection notifications was September 2018.
- May 9 - Concept papers Due
- June 5 – Encourage/Discourage decisions released
- July 5 - Full applications due
- August 8 – Reply to reviewer comments due from applicants
- August 9-17 – In-person merit reviews held
- August 31 - Topic 1 applicants notified of FOA revision and NOI for new FOA posted on EERE Exchange
  - The NOI includes the language: "EERE plans to Issue the FOA on or about September 15, 2018 via the EERE Exchange website <https://eere-exchange.energy.gov/>.

## Potential Q&A

(b) (5)

# EXHIBIT D

**Rodriguez, Susan (CONTR)**

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**From:** Tripodi, Cathy  
**Sent:** Friday, August 31, 2018 12:40 PM  
**To:** Fitzsimmons, Alexander  
**Subject:** RE: Solar FOA

Thank you!

**From:** Fitzsimmons, Alexander  
**Sent:** Friday, August 31, 2018 3:18 PM  
**To:** Tripodi, Cathy <Cathy.Tripodi@hq.doe.gov>  
**Subject:** FW: Solar FOA

---

**From:** Passarelli, Derek <Derek.Passarelli@ee.doe.gov>  
**Date:** Friday, Aug 31, 2018, 3:05 PM  
**To:** Fitzsimmons, Alexander <Alexander.Fitzsimmons@ee.doe.gov>, Jacob, Bindu <Bindu.Jacob@ee.doe.gov>  
**Subject:** RE: Solar FOA

The NOI has been posted on EERE Exchange. Below is the link.  
<https://eere-exchange.energy.gov/default.aspx#FoalId2bbe24fc-f075-4d1b-8ab7-0df723807696>

The Notices have been sent via email.

Please let me know if you have any questions.

Derek

---

**From:** Passarelli, Derek  
**Sent:** Friday, August 31, 2018 12:57 PM  
**To:** Fitzsimmons, Alexander <Alexander.Fitzsimmons@ee.doe.gov>; Jacob, Bindu <Bindu.Jacob@ee.doe.gov>  
**Subject:** RE: Solar FOA

We are issuing the Notices and posting the NOI in 5 minutes. I am giving the CO the final approval to proceed.

---

**From:** Passarelli, Derek  
**Sent:** Friday, August 31, 2018 12:23 PM  
**To:** Fitzsimmons, Alexander <Alexander.Fitzsimmons@ee.doe.gov>; Jacob, Bindu <Bindu.Jacob@ee.doe.gov>  
**Subject:** RE: Solar FOA

We received 367 concept papers under Topic Area 1. If we don't include the 92 entities who went on to apply, we would be sending the notice to an additional 275 applicants. We would change the notice that was sent to the 275 entities to state: On behalf of the Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy (EERE), we would like to thank you for submitting a concept paper . . ."

Rather than the language we will send to the applicants:

On behalf of the Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy (EERE), we would like to thank you for submitting an application . . ."

We would send the notice to those entities that submitted concept papers at the same time as the notice to the applicants and the posting of the NOI. If you have any concerns or different direction, let me know.

From: Fitzsimmons, Alexander  
Sent: Friday, August 31, 2018 10:25 AM  
To: Jacob, Bindu <[Bindu.Jacob@ee.doe.gov](mailto:Bindu.Jacob@ee.doe.gov)>; Passarelli, Derek <[Derek.Passarelli@ee.doe.gov](mailto:Derek.Passarelli@ee.doe.gov)>  
Subject: RE: Solar FOA

Agree Bindu.

Also, we should have a EERE progress alert go out today. We need to make people aware of the NOI.

Please draft it short and concise.

From: Jacob, Bindu <[Bindu.Jacob@ee.doe.gov](mailto:Bindu.Jacob@ee.doe.gov)>  
Date: Friday, Aug 31, 2018, 12:18 PM  
To: Passarelli, Derek <[Derek.Passarelli@ee.doe.gov](mailto:Derek.Passarelli@ee.doe.gov)>; Fitzsimmons, Alexander <[Alexander.Fitzsimmons@ee.doe.gov](mailto:Alexander.Fitzsimmons@ee.doe.gov)>  
Subject: RE: Solar FOA

My two cents:

I think we should have notices go out to entities that submitted concept papers

I think that we can (b) (5)

-----Original Message-----

From: Passarelli, Derek  
Sent: Friday, August 31, 2018 12:03 PM  
To: Fitzsimmons, Alexander <[Alexander.Fitzsimmons@ee.doe.gov](mailto:Alexander.Fitzsimmons@ee.doe.gov)>; Jacob, Bindu <[Bindu.Jacob@ee.doe.gov](mailto:Bindu.Jacob@ee.doe.gov)>  
Subject: RE: Solar FOA

Alex and Bindu,

A couple questions have arisen for which I seek your thoughts. Do we want to reach out to the entities that had submitted concept papers to the original FOA, but did not submit a full application? If so, would we send the Notice we sent to the applicants that includes the NOI? It may bring more applicants to the new FOA.

Second, (b) (5)

Thank you for your consideration.

Derek

-----Original Message-----

From: Passarelli, Derek  
Sent: Thursday, August 30, 2018 4:04 PM

To: Fitzsimmons, Alexander <[Alexander.Fitzsimmons@ee.doe.gov](mailto:Alexander.Fitzsimmons@ee.doe.gov)>; Jacob, Bindu <[Bindu.Jacob@ee.doe.gov](mailto:Bindu.Jacob@ee.doe.gov)>  
Subject: Solar FOA

Alex and Bindu,

Attached are the final versions of the Notice to the current Solar FOA Topic 1 applicants (with the NOI provided below the Notice) and the NOI. Subject to any final changes and approval from you and Cathy, Golden will issue the Notice and NOI concurrently at 1 pm MDT (3 PM EDT) tomorrow.

Let me know if you have any concerns, questions, or further instructions.

Derek G. Passarelli  
Director  
Golden Field Office  
Office of Energy Efficiency and Renewable Energy  
United States Department of Energy  
240.562.1742

# EXHIBIT E



Gay, Charlie

**From:** Kane, Victor  
**Sent:** Tuesday, May 15, 2018 2:33 PM  
**To:** Gay, Charlie  
**Cc:** Nilsen, Garrett; Fricker, Kyle  
**Subject:** FOA items

Hi Charlie, we discussed a list of items for the FOA that require your direct action at the last war room. You mentioned you would like a simple breakdown of why we absolutely must brief DAS/PDAS on August 29 or 30<sup>th</sup> to be able to obligate the FY18 FOA funds this FY. Below is some text explaining the timeline, a schedule, and a list of items requiring your assistance. Please let us know if you have any questions.

Best,  
Victor

SETO's FY18 FOA has been released (b) (5)

Meeting this schedule will allow us to potentially obligate the \$105.5M in FY18 funds associated with this FOA this fiscal year. The schedule that is required to achieve this goal requires near perfect execution and coordination from all parties involved. We would like to brief senior leadership on the ~70 award selections that will likely be made and have a narrow window that will meet the required timeline. (b) (5)

This is the week before Memorial day so we wanted to plan well in advance. (b) (5)

(b) (5)

April 16th	May	June	July	Aug	(b) (5)
FOA Release, Concept Paper Drafting and Review		Full Application Drafting	Review, Selection and Approval		Funds Obligated Announcement

1. FOA Released - April 16

2. Concept papers due – May 9<sup>th</sup>

(b) (5)

(b) (5)

- Very important items that require Charlie's help
  - Schedule briefings with DAS and EE-1 (b) (5)
  - (b) (5)
  - Discuss delivering all packages by (b) (5) requires Derrek's approval. Sara Wilson thought it would be ok but now she is not the division director
  - GFO surge support plan
  - Other EERE GMSs may have lots of bandwidth from Sept-Nov. A plan to train them to do things the way SETO GFO like and help in a serious way should begin now.
  - 100% availability and attention for the FOA selections and approvals (b) (5)
  - (b) (5)

# EXHIBIT F

**Rodriguez, Susan (CONTR)**

---

**From:** Fitzsimmons, Alexander  
**Sent:** Tuesday, July 10, 2018 3:51 AM  
**To:** Tripodi, Cathy  
**Subject:** FW: FOAs  
**Attachments:** FY18 FOAs (7-9-2018).xlsx; AMO- Desal NOI- 1949 (FOA-0001905).pdf; GTO - DRAFT - Machine Learning FOA (FOA 1956).docx; WETO - Advanced Wind R&D FOA (FOA 1924).docx; OWIP - FY17 SEP Comp MERIT REVIEW ADVISORY REPORT\_7-6-18 \_draft.docx

We should discuss

---

**From:** Jacob, Bindu <[Bindu.Jacob@ee.doe.gov](mailto:Bindu.Jacob@ee.doe.gov)>  
**Date:** Monday, Jul 09, 2018, 9:06 PM  
**To:** Fitzsimmons, Alexander <[Alexander.Fitzsimmons@ee.doe.gov](mailto:Alexander.Fitzsimmons@ee.doe.gov)>  
**Cc:** Pezzullo, Leslie <[Leslie.Pezzullo@ee.doe.gov](mailto:Leslie.Pezzullo@ee.doe.gov)>, Jayne, Kevin A. <[Kevin.Jayne@ee.doe.gov](mailto:Kevin.Jayne@ee.doe.gov)>  
**Subject:** FOAs

Alex,

The full list of FOAs for FY18 is attached in the FY18 FOAs Excel file. We went through and color coded to make this as easy as possible.

Currently we only have six FOAs that have yet to be posted and 21 FOAs that have been posted. Of the 21 that have been posted, we've announced selections for six of them already.

The spreadsheet includes dates for the FOA Release (Column I) and the date of the public announcement (Column K).

Column I identifies the release date for the FOA.

- Green indicates a FOA that has already been released (21 FOAs)
- Orange indicates a FOA pending release within the next 30 days
  - 4 FOAs
    - GTO Machine Learning (7/19/2018) – DRAFT FOA Attached
    - WETO Advanced Wind R&D (7/10/2018) – DRAFT FOA Attached
    - AMO Energy-Water Desalination Hub (b) (5) – FOA Not ready, NOI Attached (NOI Release – xxx)
    - Water HydroNext (b) (5) – Will send DRAFT as soon as we receive it
- Gold indicates a FOA pending release in the next 31 – 90 days
  - 2 FOAs
    - (b) (5)
    -

For any FOA that has already been released (Green), the FOA# (column D) is hyperlinked to the actual FOA document.

Column K (b) (5)

- Green indicates the selections have already been announced
- (b) (5)
  - 1 FOA

- SEP Competitive (7/13/2018) – Merit Review Advisory Report (MRAR) - FOA can be accessed through link in spreadsheet

- (b) (5)
  - 13 FOAs (b) (5)
- (b) (5)
  - 7 FOAs

Please keep in mind that the majority of the FOAs that have already been posted have also already closed and are in merit review. It is too late to change any of the criteria for any FOAs that have already closed. If we were to change the criteria for any that are still open, we'd need to publish a FOA amendment and extend the open timeframe for all applicants. We only have five that are still open and four of those close within the next 2 weeks, making it extremely difficult to make any changes at this point. The fifth is the BENEFIT FOA, but they collected concept papers with a deadline of 6/8, and restrict eligibility on full applications without a concept paper. (b) (5)

Let us know if there is anything else you need.

**Bindu Jacob** | Deputy Assistant Secretary for Operations  
Energy Efficiency and Renewable Energy  
O: (202) 586-3821

# EXHIBIT G

**Rodriguez, Susan (CONTR)**

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**From:** Pezzullo, Leslie  
**Sent:** Monday, September 10, 2018 3:22 PM  
**To:** Jacob, Bindu  
**Subject:** RE: Program Policy Factors  
**Attachments:** PPF Matrix (9-10-2018)\_v2.xlsx

Bindu,

Attached is the updated PPF matrix. I added the new Solar FOA for the re-issuance of Topic 1 and the AMO energy/water de-sal hub, but those were the only two "new" foas that were ready to be added. For the solar foa, I assumed that the same PPFs would be applied. Let me know if you want me to go ahead and send the attached with the email below – of if you want to forward, feel free.

Best,  
Leslie

Alex,

Attached is the updated program policy factor (PPF) matrix. We've included two new FOAs in this version – the AMO Energy Water Desalination Hub FOA and the Solar Mega-FOA Topic 1 re-issuance. We assumed that the same PPFs in the original Solar FOA would be used in the new topic 1 foa, but that can be revised once we have a final version of the materials. Both FOAs are highlighted tan, indicating that neither has been posted. Please let us know if you have any questions.

Best regards,

---

**From:** Pezzullo, Leslie  
**Sent:** Thursday, July 12, 2018 7:49 PM  
**To:** Fitzsimmons, Alexander <Alexander.Fitzsimmons@ee.doe.gov>  
**Cc:** Jayne, Kevin A. <Kevin.Jayne@ee.doe.gov>; Singer, William <William.Singer@ee.doe.gov>; Jacob, Bindu <Bindu.Jacob@ee.doe.gov>  
**Subject:** Program Policy Factors

Alex,

As promised, below are the five standard program policy factors (PPFs) that are listed in the FOA template. The sixth PPF listed below is the geographic diversity PPF that we are including in FOAs moving forward and will be added to the template.

1. The degree to which the proposed project exhibits technological diversity when compared to the existing DOE project portfolio and other projects selected from the subject FOA
2. The degree to which the proposed project, including proposed cost share, optimizes the use of available EERE funding to achieve programmatic objectives
3. The level of industry involvement and demonstrated ability to accelerate commercialization and overcome key market barriers



4. The degree to which the proposed project is likely to lead to increased employment and manufacturing in the United States
5. The degree to which the proposed project will accelerate transformational technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty
6. The degree to which the proposed project, or group of projects, represent a desired geographic distribution (considering past awards and current applications)

We also developed a PPF matrix (attached) that identifies which PPFs were included in each published FOA. I've grouped and colored coded the PPFs as follows:

- standard PPFs are in green
- tailored PPFs that are either included in multiple FOAs or similar to a standard PPF in white, and
- FOA specific PPFs are in blue.

62% of FOAs in the matrix (13 out of 21) include all 5 of the standard PPFs. 6 of the 21 FOAs include the geographical diversity PPF.

Please let us know if you have any questions.

Best regards,  
Leslie

**Leslie Pezzullo**  
Department of Energy  
Office of Energy Efficiency and Renewable Energy  
O: (202) 586-1514  
C: (b) (6)



# EXHIBIT H

**Rodriguez, Susan (CONTR)**

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**From:** Tripodi, Cathy  
**Sent:** Monday, July 30, 2018 1:44 PM  
**To:** Walker, Bruce;Lotto, Adrienne;Jereza, Catherine  
**Subject:** Update: Solar Transmission Grid FOA  
**Attachments:** Solar Grid RFP.docx

Hi Bruce, Adrian and Katie:

The solar office has offered to rewrite Topic 1 in their Solar FOA. While it is on the street, we can just do an amendment to change it. Katie and I had reviewed it with the solar Team and we did not understand it and so I was hoping that you all could rewrite it to achieve the grid integration consistent with OE's mission. **Please see (b) (5)** and give me your suggested language as soon as you can. It is approximately \$50 million.

Thank you,  
Cathy T.

---

**From:** Tripodi, Cathy  
**Sent:** Monday, July 30, 2018 3:11 PM  
**To:** Walker, Bruce <Bruce.Walker@hq.doe.gov>; Lotto, Adrienne <Adrienne.Lotto@hq.doe.gov>; Jereza, Catherine <Catherine.Jereza@Hq.Doe.Gov>  
**Subject:** Solar Transmission Grid FOA

Hi Bruce, Adrian and Katie:

There is approximately \$50 million of a solar FOA that includes transmission grid matters. I think OE should have at least 3 people on the review panels. The dates needed for participation are:

(b) (5)  
Independent Review Panel  
Federal Consensus Panel Discussion

Thank you,  
Cathy T.  
X65050

---

**From:** Unruh, Timothy  
**Sent:** Monday, July 30, 2018 3:02 PM  
**To:** Tripodi, Cathy <Cathy.Tripodi@hq.doe.gov>  
**Cc:** Jereza, Catherine <Catherine.Jereza@Hq.Doe.Gov>; Fitzsimmons, Alexander <Alexander.Fitzsimmons@ee.doe.gov>  
**Subject:** Dates for Solar FOA review

There are two date periods we would like OE participation in for the Solar Program FOA Selection:

(b) (5)  
Independent Review Panel  
Federal Consensus Panel Discussion

Thanks.

---

Timothy D. Unruh, Ph.D., PE, CEM, LEED AP  
United States Department of Energy  
Deputy Assistant Secretary – Renewable Power  
1000 Independence Ave SW, Washington, DC 20585  
(202) 586-2982  
15-16

# EXHIBIT I

Thanks!  
Becca

---

**From:** Gay, Charlie  
**Sent:** Monday, August 20, 2018 11:12 AM  
**To:** Hamos, Ian <Ian.Hamos@EE.doe.gov>  
**Cc:** Jones-Albertus, Becca <Becca.Jones-Albertus@ee.doe.gov>  
**Subject:** RE: Tim's Summary of Meeting with EE-1

Thanks Ian:

On the FOA – (b) (5)

For the prize-related Power Connectors – NREL made the selections. I'll touch base with Victor to determine what information is available for packaging ....

- Charlie  
202-287-1987

---

**From:** Hamos, Ian  
**Sent:** Monday, August 20, 2018 9:55 AM  
**To:** Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Subject:** Tim's Summary of Meeting with EE-1

Charlie,

Tim did meeting with EE-1 on Friday, and managed to discuss a couple solar items. Below are his readouts, which both require action from us that Tim asked me to get started.

- Solar FOA Language: EE-1 is still awaiting changes from OE-1 regarding Topic 1. She asked us about making a public announcement about the changes now to properly inform the public. Please let me know thoughts on such action.
- Solar Prize Briefing: EE-1 would like to see the 5 awards put into the standard template that was created for FOAs and then be re-briefed using that form.

I'm here to talk through anything you like, and happy to brainstorm/review as needed.

Thanks,

Ian Hamos  
Chief of Staff  
Office of the DAS for Renewable Power  
U.S. Department of Energy  
1000 Independence Ave. SW  
Washington, DC, 20585

# EXHIBIT J

**From:** Passarelli, Derek  
**To:** GO FOIA  
**Subject:** FW: MISC1.docx  
**Date:** Wednesday, November 07, 2018 11:07:07 AM

---

**From:** Tripodi, Cathy  
**Sent:** Tuesday, August 28, 2018 12:32 PM  
**To:** Passarelli, Derek <Derek.Passarelli@ee.doe.gov>  
**Subject:** RE: MISC1.docx

Hi Derek: Charlie seems fine with the new language so we should proceed as we discussed. Can you call me if you have a chance at 202.586.5050? I have another meeting starting at 3pm EST. Thank you, Cathy T.

---

**From:** Tripodi, Cathy  
**Sent:** Tuesday, August 28, 2018 12:30 PM  
**To:** Passarelli, Derek <Derek.Passarelli@ee.doe.gov>  
**Subject:** RE: MISC1.docx

Derek: Charlie is meeting with me at 1:30 to review the language and I will reach out to you once I get out of that meeting. Thank you for your patience, Cathy T.

---

**From:** Tripodi, Cathy  
**Sent:** Tuesday, August 28, 2018 7:36 AM  
**To:** Passarelli, Derek <Derek.Passarelli@ee.doe.gov>  
**Subject:** RE: MISC1.docx

Hi Derek: I got caught up in another project and will get back to you around or before noon today. And I would like to be the ones to socialize it first with SETO so please give me until noon but let's plan on going with the schedule you proposed with a slight pause until noon. Thanks, Cathy T.

---

**From:** Passarelli, Derek  
**Sent:** Monday, August 27, 2018 7:01 PM  
**To:** Tripodi, Cathy <Cathy.Tripodi@hq.doe.gov>  
**Subject:** RE: MISC1.docx

I do. (b) (5)

(b) (5)

Do you want us to proceed with preparing the FOA? We would need to reach out to SETO to work with them to prepare the FOA Requirements Document and the FOA.

Also, if you would like us to quickly prepare a Notice of Intent, we will need to reach out to SETO to begin that process.

---

**From:** Tripodi, Cathy  
**Sent:** Monday, August 27, 2018 4:53 PM  
**To:** Passarelli, Derek <[Derek.Passarelli@ee.doe.gov](mailto:Derek.Passarelli@ee.doe.gov)>  
**Subject:** RE: Mlsc1.docx

Hi Derek:

I agree with your plan below and will do whatever is needed. Do you think 30 days on the street is long enough?

Thank you,

Cathy T.

---

**From:** Passarelli, Derek  
**Sent:** Monday, August 27, 2018 6:41 PM  
**To:** Tripodi, Cathy <[Cathy.Tripodi@hq.doe.gov](mailto:Cathy.Tripodi@hq.doe.gov)>  
**Subject:** RE: Mlsc1.docx

Cathy,

I have reviewed and run a comparison of the language you provided relative to the original FOA Topic 1 language. (b) (5)

(b) (5)



(b) (5)

Let me know if you have further questions or would like to discuss.

Derek

---

**From:** Tripodi, Cathy  
**Sent:** Monday, August 27, 2018 2:18 PM  
**To:** Passarelli, Derek <[Derek.Passarelli@ee.doe.gov](mailto:Derek.Passarelli@ee.doe.gov)>  
**Subject:** Misc1.docx

Derek: what do you think of this language? Cathy T.

<< File: Misc1.docx >>

# EXHIBIT K

**From:** Passarelli, Derek  
**Sent:** Monday, September 03, 2018 9:50 PM  
**To:** Carabajal, Stephanie <Stephanie.Carabajal@ee.Doe.Gov>  
**Subject:** FW: FOAs  
**Importance:** High

FYI. Ok from your end?

**From:** Jacob, Bindu <Bindu.Jacob@ee.doe.gov>  
**Date:** Monday, Sep 03, 2018, 1:36 PM  
**To:** Passarelli, Derek <Derek.Passarelli@ee.doe.gov>  
**Subject:** RE: FOAs

(b) (5)

**From:** Passarelli, Derek <Derek.Passarelli@ee.doe.gov>  
**Date:** Friday, Aug 31, 2018, 2:55 PM  
**To:** Jacob, Bindu <Bindu.Jacob@ee.doe.gov>  
**Subject:** RE: FOAs

Bindu,

Stephanie reached out to NETL and discussed with Ray Jarr. She explained what we have been doing and the need to coordinate with you on changes to the FOA. They were still figuring out what they are doing on SSL. We will reconvene with NETL on Tuesday to go more in depth.

Do you know if wind and water had their selection briefings?

Program	Award #	Recipient	Action	FOA
Water	DE-EE0008389	U of Alaska Fairbanks	Fully Conditional Award	1663 - (b) (5)
Water	DE-EE0006609	SGT/DR	fully conditional cost overrun	848
Water	DE-EE0008388	Enorasy LLC	Fully Conditional Award	1663- (b) (5)
Wind	DE-EE0008390	NYSERDA	Fully Conditional Award	1767

Derek

**From:** Passarelli, Derek  
**Sent:** Thursday, August 30, 2018 7:17 PM

**To:** Jacob, Bindu <[Bindu.Jacob@ee.doe.gov](mailto:Bindu.Jacob@ee.doe.gov)>

**Subject:** RE: FOAs

Will do.

---

**From:** Jacob, Bindu <[Bindu.Jacob@ee.doe.gov](mailto:Bindu.Jacob@ee.doe.gov)>

**Date:** Thursday, Aug 30, 2018, 6:54 PM

**To:** Passarelli, Derek <[Derek.Passarelli@ee.doe.gov](mailto:Derek.Passarelli@ee.doe.gov)>

**Subject:** RE: FOAs

If you could reach out to NETL, that would be great. I want to be sure we are coordinated on notifications for mods. It would be good for you to walk them through the process we just went through so that they handle it consistently.

---

**From:** Passarelli, Derek

**Sent:** Thursday, August 30, 2018 12:26 PM

**To:** Jacob, Bindu <[Bindu.Jacob@ee.doe.gov](mailto:Bindu.Jacob@ee.doe.gov)>

**Subject:** RE: FOAs

Bindu,

We are in agreement that the Building America and Solar FOA are the two GFO FOAs requiring modification. No communication has gone out on the BTO FOA. Our understanding is that BTO is still trying to get clarification on what changes actually need to be made. Depending on those changes, we will work with BTO and EERE senior management to decide whether to cancel the previous FOA and issue a new one or revise the current FOA and re-post with an extended due date. We will send emails to all applicants once they have a clear path forward.

As for SETO, I have been working with Cathy, Alex and Charlie. The current plan is to issue a notice cancelling Topic 1 of the current FOA simultaneously with issuing a Notice of Intent to issue the new Topic Area 1 FOA. Alex just sent me his revisions to the Notice language. Our crew is working with Charlie's crew to review the language and prepare the NOI. (b) (5)

I defer to you as to how to proceed if he does not get a chance to brief Cathy and Alex today or tomorrow.

Do you want me to reach out to NETL to check in on the SSL FOA?

---

**From:** Jacob, Bindu

**Sent:** Thursday, August 30, 2018 5:45 AM

**To:** Passarelli, Derek <[Derek.Passarelli@ee.doe.gov](mailto:Derek.Passarelli@ee.doe.gov)>

**Subject:** FOAs

I believe the o PY FOAs with modifications are 2 BTO FOAs (Building America and SSL which is managed by NETL) and the Solar FOA. Is that consistent with your understanding?

Has any communication gone out on the BTO FOA?

# EXHIBIT L

**Durant, Joshua (CONTR)**

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**From:** Passarelli, Derek  
**Sent:** Friday, August 31, 2018 6:15 AM  
**To:** Bobo, Diana  
**Cc:** Carabajal, Stephanie  
**Subject:** SETO Notice and Notice of Intent  
**Attachments:** SETO FOA Topic Area 1 Notice with NOI 20180830 Final.docx; EERE 103 - Notice of Intent (NOI) DE-FOA-0001986 Final 20180830.docx

Diana,

Attached are the approved Notice to the applicants to the current Topic Area 1 of the SETO FOA (which includes the Notice of Intent at the end of the document) and the Notice of Intent.

Both documents have been approved by EERE senior management for release at 1 pm MDT (3pm EDT). Please prepare the documents for release.

That being said, **DO NOT** issue the Notice or the Notice of Intent until you have received official final confirmation from me to issue the two notices prior to 1 pm MDT.

Thank you for your efforts on this matter.

Derek G. Passarelli  
Director  
Golden Field Office  
Office of Energy Efficiency and Renewable Energy  
United States Department of Energy  
240.562.1742

# EXHIBIT M

**From:** Bobo, Diana  
**To:** Pfrangle, Clay  
**Subject:** FW: NOI Sensitivity Check  
**Date:** Thursday, August 30, 2018 1:45:20 PM  
**Attachments:** EERE 130.1 - COMS - Public Announcement Template 0.docx  
EERE 130.2 - COMS - Funding Questionnaire (for Public Announcements).docx

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FYI. I asked Derek who could authorize an exception.

-----Original Message-----

**From:** Murley, Susanna (CONTR)  
**Sent:** Thursday, August 30, 2018 1:01 PM  
**To:** Bobo, Diana <Diana.Bobo@ee.doe.gov>  
**Subject:** RE: NOI Sensitivity Check

Hi Diana -

For NOIs, we need to get them on the policy calendar at least 2 weeks prior to their release. I'm assuming if you're working with EERE FO on this, you can probably get an exception. We generally pair an NOI with an announcement of some kind, so we'd also have to draft the press release/email for it. In addition, we need to get the attached templates filled out. These are more relevant to FOAs, but we should fill them out to the best of our ability.

Finally, of course, we'd need Charlie's blessing.

Best,

Susanna

Susanna Murley  
Strategic Support Team Lead  
The Building People, LLC | U.S. Department of Energy  
Contractor supporting the Solar Energy Technologies Office  
Office of Energy Efficiency and Renewable Energy  
Office: 202.287.1637 | Cell: (b) (6)

-----Original Message-----

**From:** Bobo, Diana  
**Sent:** Thursday, August 30, 2018 2:53 PM  
**To:** Murley, Susanna (CONTR) <Susanna.Murley@EE.DOE.Gov>  
**Subject:** NOI Sensitivity Check

Hi Susanna,

We may have to post a Notice of Intent very quickly. What do you need to request the 24 hour sensitivity check? If we have to request the sensitivity check today or tomorrow, are you available?

Thank you,  
Diana R. Bobo  
Contracting Officer, Team Lead  
Financial Assistance Office, Solar Program  
Golden Field Office



# EXHIBIT N

**From:** Passarelli, Derek  
**To:** GO FOIA  
**Subject:** FW: Question on Business Clearance  
**Date:** Wednesday, November 07, 2018 11:15:48 AM

**From:** Passarelli, Derek  
**Sent:** Wednesday, September 19, 2018 1:17 PM  
**To:** Bobo, Diana <Diana.Bobo@ee.doe.gov>  
**Cc:** Carabajal, Stephanie <Stephanie.Carabajal@ee.Doe.Gov>  
**Subject:** FW: Question on Business Clearance

FYI

**From:** Martin, Mimi  
**Sent:** Wednesday, September 19, 2018 1:17 PM  
**To:** Jacob, Bindu <Bindu.Jacob@ee.doe.gov>  
**Cc:** Passarelli, Derek <Derek.Passarelli@ee.doe.gov>; Carabajal, Stephanie <Stephanie.Carabajal@ee.Doe.Gov>  
**Subject:** RE: Question on Business Clearance

Good afternoon, Ms. Jacob. MA-621 waives review of the Office of Energy Efficiency and Renewable Energy (EERE) Funding Opportunity Announcement (FOA) entitled "Advanced Solar Systems Integration Technologies" per your email request.

If you have questions or concerns, please contact me at (202) 287-1929.

Respectfully,

MIMI

MIMI D. Martin  
Chief, Field Assistance and Oversight Division (MA 621)  
Office of Contract Management  
Office of Acquisition Management  
U.S. Department of Energy  
Office # 202-287-1929  
Cell # (b) (6)  
Find us on MAX.GOV @ <https://community.max.gov/x/GA2PC>

**From:** Jacob, Bindu  
**Sent:** Wednesday, September 19, 2018 7:55 AM  
**To:** Martin, Mimi <Mimi.Martin@hq.doe.gov>

Cc: Fitzsimmons, Alexander <Alexander.Fitzsimmons@ee.doe.gov>

Subject: Question on Business Clearance

Ms. Martin,

I was hoping you could help me with a question on the business clearance process. EERE released a \$105M Solar FOA earlier in the year. (SETO FOA FY 2018.) The FOA was submitted for business clearance, but it was not selected for review by your office.

After the FOA had been posted and the application period closed, EERE's new leadership had conducted a review of the FOA internally. As part of that review, it was determined that Topic 1 within the FOA should be revised to better align the FOA to the mission objectives of DOE. (b) (5)

Since we were so far along in the selection process on the original FOA, it was decided that rather than do a FOA modification, we would instead cancel topic 1, proceed with selections on other topics and issue a new FOA for the revised topic 1. On August 31st, all entities that submitted an application or concept paper were informed that Topic 1 was cancelled and an NOI (Notice of Intent for Advanced Solar Systems Integration Technologies) was simultaneously posted indicating that the revised topic 1 would be posted in mid-September.

EERE leadership has been working on the revised FOA and would like to have it released expeditiously. The original topic 1 was \$46M and we plan to release the new FOA at the same funding level. With cost share, this will exceed the \$50M threshold for business clearance. Is there any way to waive the review (similar to the original FOA) and/or accelerate the review?

Please let me know. I'd be happy to discuss further or address any of your questions.

Thank you,

Bindu Jacob  
Deputy Assistant Secretary for Operations  
Energy Efficiency and Renewable Energy  
(202) 586-3821

# EXHIBIT O

**Gay, Charlie**

---

**From:** Jones-Albertus, Becca  
**Sent:** Wednesday, August 29, 2018 4:29 PM  
**To:** Kane, Victor; Ulrich, Elaine; Tinker, Lenny; Gay, Charlie  
**Subject:** RE: SETO FOA Topic 1 Cancellation Notice - Federal funds already expended

I worked with Emily and Kyle to pull the actual costs we paid reviewers to Topics 1.1-1.4 (which pro-rated those on other panels for the fraction of time spent on Topic 1 applications). The actual number is (b) (5) very close to what Victor included in the spreadsheet. That includes travel.

Becca

**From:** Kane, Victor  
**Sent:** Wednesday, August 29, 2018 4:27 PM  
**To:** Ulrich, Elaine <Elaine.Ulrich@ee.Doe.Gov>; Tinker, Lenny <Lenny.Tinker@ee.Doe.Gov>; Jones-Albertus, Becca <Becca.Jones-Albertus@ee.doe.gov>; Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Subject:** RE: SETO FOA Topic 1 Cancellation Notice - Federal funds already expended

I believe so, I said (b) (5) which I believe also covered their travel costs (we don't reimburse travel any more).

Best,  
Victor

---

**From:** Ulrich, Elaine  
**Sent:** Wednesday, August 29, 2018 3:54 PM  
**To:** Kane, Victor <Victor.Kane@EE.Doe.Gov>; Tinker, Lenny <Lenny.Tinker@ee.Doe.Gov>; Jones-Albertus, Becca <Becca.Jones-Albertus@ee.doe.gov>; Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Subject:** RE: SETO FOA Topic 1 Cancellation Notice - Federal funds already expended

Does the reviewer cost include their travel?

Thanks!  
Elainr

---

**From:** Kane, Victor <Victor.Kane@EE.Doe.Gov>  
**Date:** Wednesday, Aug 29, 2018, 3:47 PM  
**To:** Tinker, Lenny <Lenny.Tinker@ee.Doe.Gov>; Ulrich, Elaine <Elaine.Ulrich@ee.Doe.Gov>; Jones-Albertus, Becca <Becca.Jones-Albertus@ee.doe.gov>; Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Subject:** RE: SETO FOA Topic 1 Cancellation Notice - Federal funds already expended

Hi Lenny,

The estimate of the total cost to administer topic 1 for the FY18 SETO FOA is (b) (5) Please see the attached file for a full breakdown of how this number was arrived at.

Best,

Victor

From: Tinker, Lenny

Sent: Wednesday, August 29, 2018 9:48 AM

To: Ulrich, Elaine <Elaine.Ulrich@ee.Doe.Gov>; Jones-Albertus, Becca <Becca.Jones-Albertus@ee.doe.gov>; Kane, Victor <Victor.Kane@EE.Doe.Gov>; Gay, Charlie <Charlie.Gay@EE.DOE.Gov>

Subject: RE: SETO FOA Topic 1 Cancellation Notice - Federal funds already expended

Hi Elaine, (b) (5) ' Reviewer compensation alone was almost this much and during the FOA meeting, we were estimating several person years of DOE staff and contractors (giving a total closer to \$1M of federal fund expenses).

Victor: Based on your prior workload analysis, (b) (5)

I think it is important to clarify to total federal funds already expended on this topic that had prior approval in this administration.

-Lenny

---

From: Ulrich, Elaine <Elaine.Ulrich@ee.Doe.Gov>

Date: Wednesday, Aug 29, 2018, 08:23

To: Gay, Charlie <Charlie.Gay@EE.DOE.Gov>, DL-EERE-4S PMsolar <DL-EERE-4SPMSolar@ee.doe.gov>, Unruh, Timothy <Timothy.Unruh@EE.Doe.Gov>

Cc: Hamos, Ian <Ian.Hamos@EE.doe.gov>, Fricker, Kyle <Kyle.Fricker@EE.DOE.Gov>, Kane, Victor <Victor.Kane@EE.Doe.Gov>, Murley, Susanna (CONTR) <Susanna.Murley@EE.DOE.Gov>

Subject: RE: SETO FOA Topic 1 Cancellation Notice

(b) (5)

(b) (5)

(b) (5)

Elaine

---

**From:** Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Date:** Tuesday, Aug 28, 2018, 7:58 PM  
**To:** DL-EERE-4S PMsolar <DL-EERE-4SPMSolar@ee.doe.gov>, Unruh, Timothy <Timothy.Unruh@EE.Doe.Gov>  
**Cc:** Hamos, Ian <Ian.Hamos@EE.doe.gov>, Fricker, Kyle <Kyle.Fricker@EE.DOE.Gov>, Kane, Victor <Victor.Kane@EE.Doe.Gov>, Murley, Susanna (CONTR) <Susanna.Murley@EE.DOE.Gov>  
**Subject:** FW: SETO FOA Topic 1 Cancellation Notice

FYI

- Charlie  
202-287-1987

---

**From:** Passarelli, Derek <Derek.Passarelli@ee.doe.gov>  
**Date:** Tuesday, Aug 28, 2018, 7:28 PM  
**To:** Tripodi, Cathy <Cathy.Tripodi@hq.doe.gov>, Fitzsimmons, Alexander <Alexander.Fitzsimmons@ee.doe.gov>, Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Subject:** SETO FOA Topic 1 Cancellation Notice

Cathy, Alex and Charlie,

Per my discussion with Cathy, (b) (5)  
(b) (5)

(b) (5)

(b) (5)

Cathy and Alex, (b) (5)  
(b) (5)

If any of you have questions about this process, please let me know.

Thank you.

Derek G. Passarelli  
Director  
Golden Field Office

Office of Energy Efficiency and Renewable Energy  
United States Department of Energy  
240.562.1742



topic specific work

1. team topic ideas meetings
2. Workshops
3. Topic refinement
4. FRD 1 topic language drafting, review and approval
5. FOA topic summary language drafting, review, and approval
6. FOA topic detailed language for full FOA drafting review and approval
8. Reviewer recruitment
9. Concept paper review and preparation
10. Full application review and preparation
11. Merit review coordination and participation
12. Selection decision and briefing preparation
13. Merit review advisory report preparation review and approval

(b) (5)

---

total person hours	(b) (5)
number of person years	(b) (5)
fully burdened cost of a perso	\$ (b) (5) this needs to be verified
total cost	\$ (b) (5)

(b) (5)

known cost

number of reviewers  
reviewer payment

total review cost

(b) (5)

total cost

(b) (5)

# EXHIBIT P



EERE S 540.110

**FOA Development  
Standard  
Operating  
Procedure**

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*Template Version 8/31/2018*



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## I. Executive Summary

The Office of Energy Efficiency and Renewable Energy (EERE) partners with industry, universities, nonprofits and others to advance the use of renewable energy and energy efficiency technologies. EERE encourages the growth of these technologies by offering financial assistance opportunities for their outreach, research, development and demonstration. To further this goal, EERE publishes Funding Opportunity Announcements (FOAs) through which the public may submit applications for financial assistance awards.

Standard Operating Procedures (SOPs) articulate EERE's commitment to a strong program planning and project management capability. These SOPs represent a broad set of business practices that demonstrate EERE's proficiency as a steward of the public's trust in the commitment, obligation, and expenditure of federally-appropriated funds.

The FOA Development process documented in this SOP begins when a Technology Office identifies the need for a particular set of projects to advance their mission, and prepares a FOA based on that defined need. During this phase, the Technology Office defines the requirements for the FOA and convenes a team to coordinate and manage the development process. The FOA Team creates a FOA Requirements Document (FRD) which outlines key features of the FOA. After FRD approval, the FOA Team drafts the FOA and coordinates review. EERE then ensures DOE has approved the FOA concept, coordinates congressional notification (if applicable), and publishes the FOA. The FOA Development Phase ends with limited post-publication activities, including an optional webinar, a question and answer forum for potential applicants, and any necessary modifications to the FOA.

The additional financial assistance-related processes below can be found in separate SOPs:

- **Evaluation and Selection:** The process for evaluating and selecting applicant proposals under a competitive FOA.
- **Award Negotiations:** EERE conducts activities to resolve key issues with selected applicants (now referred to as selectees) and negotiates awards.
- **Active Project Management:** EERE utilizes Active Project Management (APM) to support the goal of achieving the highest possible mission impact for the taxpayer investment.
- **GFO Closeout SOP:** EERE closes out projects in a timely manner and makes the results of research publicly available.

Applicability: The FOA Development SOP applies to all EERE competitive FOAs. This SOP does not apply to formula grants or non-competitive actions (e.g., Determination of Non-Competitive Financial Assistance (DNFAs)).

Future Updates: The EERE Change Control Board manages changes to this SOP and related templates (for applicability and process, see the EERE OBO Directives SOP). The Change Control Board considers input from subject matter experts from the EERE Technology Offices, Operations Offices, the Golden Field Office (GFO) and the National Energy Technology Laboratory (NETL) to ensure that the process documented in the FOA SOP continues to improve and reflect the business practices that improve efficiency and add value to EERE staff.

## II. Abbreviations

ASEE	Assistant Secretary of Energy Efficiency & Renewable Energy
CI	Office of Congressional and Intergovernmental Affairs (DOE)
CFO	Chief Financial Officer
CO	Contracting Officer
COI	Conflict of Interest
CS	Contract Specialist (NETL)
DAS	Deputy Assistant Secretary
DOE	Department of Energy
DNFA	Determination of Non-competitive Financial Assistance
DRE	Determination of Restricted Eligibility
EERE	Energy Efficiency & Renewable Energy
FAO	Financial Assistance Office (GFO)
FFRDC	Federally Funded Research and Development Center(s)
FOA	Funding Opportunity Announcement
FRD	FOA Requirements Document
GFO	Golden Field Office
GMS	Grants Management Specialist (GFO)
HCA	Head of Contracting Activity
HQ	Headquarters
IP	Intellectual Property
IPLD	Intellectual Property Law Division (GFO)
MA	Office of Management (DOE)
MA-62	Office of Contract Management (DOE)
MYPP	Multi-Year Program Planning
NDA	Non-Disclosure Acknowledgement
NEPA	National Environmental Policy Act
NETL	National Energy Technology Laboratory
NCO	NEPA Compliance Officer (GFO)
OBO	Office of Business Operations (EERE)
OGC	Office of General Counsel (DOE)
PA	Office of Public Affairs (DOE)
PCN	Priority Congressional Notification
PMCO	Project Management Coordination Office
PDAS	Principal Deputy Assistant Secretary (performs ASEE role in absence of political appointee)
POC	Point of Contact
SO	Selection Official
SOP	Standard Operating Procedure(s)
TM/PM	Technology Manager/Project Manager
TPO	Technical Project Officer



### III. Roles and Responsibilities

The roles and responsibilities identified in the table below provide a high-level overview of the responsibilities for each role as they relate to FOA development. This is only an overview and does not reflect every step required of each role. For more information, see the relevant sections within this SOP.

Roles and Responsibilities	
<b>Assistant Secretary for EERE (ASEE)</b>	<ul style="list-style-type: none"> <li>• Receives MA FOA Cover Sheet briefing from Technology Office Director and FOA Manager</li> <li>• Briefs DOE Review Team and/or MA on the FOA concept</li> </ul>
<b>Deputy Assistant Secretary (DAS)</b>	<ul style="list-style-type: none"> <li>• Approves annual FOA List for his/her sector</li> <li>• Consults on the MA FOA Cover Sheet when requested by Technology Office Director</li> <li>• Concurs on Determinations of Restricted Eligibility (DREs)</li> <li>• Reviews FOA-specific Cost Share Reduction or Waiver Determinations</li> <li>• Approves public announcements for FOA publication</li> </ul>
<b>DAS Chief of Staff</b>	<ul style="list-style-type: none"> <li>• Works with Office of DAS-O and ASEE to schedule FOA briefings</li> <li>• Submits final MA FOA Cover Sheet to Office of DAS-O</li> </ul>
<b>Technology Office Director</b>	<ul style="list-style-type: none"> <li>• Identifies all FOAs to be issued and included on the annual FOA list</li> <li>• Assigns the FOA Manager</li> <li>• Reviews and approves the MA FOA Cover Sheet and the FRD</li> <li>• Reviews and accountable for the Notice of Intent (NOI) and the FOA</li> <li>• May review and edit public announcement</li> <li>• Serves as the Selection Official, with some limited exceptions</li> </ul>
<b>Selection Official</b>	<ul style="list-style-type: none"> <li>• Reviews and approves the FRD</li> </ul>
<b>Operations Supervisor</b>	<ul style="list-style-type: none"> <li>• Ensures MA Work Plan data is accurate and ready for submission to MA on a weekly basis</li> </ul>
<b>FOA Manager<sup>1</sup></b>	<ul style="list-style-type: none"> <li>• Leads development of FOA concept</li> <li>• Develops FOA schedule</li> <li>• Leads development, review, and approval of FRD and FOA</li> <li>• Organizes and leads FOA Strategy Meeting with representatives from business offices</li> <li>• Drafts key documents throughout the FOA process, including RFI, MA FOA Cover Sheet, FRD, NOI, and FOA. Leads development,</li> </ul>

<sup>1</sup> The DOE Merit Review Guide for Financial Assistance (2017) references a "Federal Merit Review Chairperson." Under the current EERE policy, the FOA Manager assumes the duties of the Federal Merit Review Chairperson along with other duties. To reflect current EERE Policy, this document refers to the FOA Manager. The FOA Manager role is typically performed by a Technology Manager or Program Manager.

Roles and Responsibilities	
	<p>review, and approval of FOA-related documents.</p> <ul style="list-style-type: none"> <li>Leads development, review, and approval of supplemental documents (if required), including FOA-specific Cost Share Reduction or Waiver Determination, Determination of Restricted Eligibility and FOA-specific Evaluation and Selection Plans</li> <li>Works closely with Technology Office Communications Lead and EERE Communications team to develop (and obtain approval for) public announcements and congressional notifications (and related materials) in advance of FOA publication</li> </ul>
<b>Technical Project Officer (TPO)<sup>2</sup></b>	<ul style="list-style-type: none"> <li>Performs FOA Manager tasks as delegated by the FOA Manager</li> <li>Creates Requisitions, as needed</li> </ul>
<b>DOE Business Clearance</b>	<ul style="list-style-type: none"> <li>Sends an annual request to the Head of Contracting Activity (HCA) for upcoming EERE FOAs and selects FOAs for review</li> <li>Reviews selected FOAs and provides comments to the Contracting Officer for incorporation into the FOA</li> <li>If selected for review, provides concurrence before the FOA may be published</li> </ul>
<b>Head of Contracting Activity (HCA)</b>	<ul style="list-style-type: none"> <li>As the senior contracting official, has ultimate responsibility for ensuring that management systems, awards, and administration of financial assistance are in accordance with laws, regulations, and DOE policies</li> <li>Ensures that agency policies and procedures are implemented</li> <li>Establishes review and approval levels for financial assistance actions</li> <li>Appoints Contracting Officers</li> <li>Designates Selection Officials for FOAs under \$50 million<sup>3</sup> (Senior Procurement Executive designates for FOAs at or above \$50 million)</li> <li>Reviews new FOAs if the total value is over \$25 million</li> <li>Signs the Section 301 Congressional Notification letter, if applicable<sup>4</sup></li> </ul>
<b>Contracting Officer (CO)</b>	<ul style="list-style-type: none"> <li>Authorized to obligate government funds for financial assistance and execute awards on behalf of DOE</li> <li>Advises FOA Team on award type, FOA, evaluation, selection, and finalization of the award</li> <li>Responsible for business management and non-program aspects of the financial assistance process</li> </ul>

<sup>2</sup> In some cases, the FOA Manager may also serve the role as Technical Project Officer.

<sup>3</sup> To calculate the \$50M threshold, both DOE share and cost share are included.

<sup>4</sup> At NETL, delegated to the Procurement Director. At GFO, delegated to the Financial Assistance Office Director for FOAs < \$25M.

Roles and Responsibilities	
	<ul style="list-style-type: none"> <li>• Ensures the integrity of the competitive procurement process</li> <li>• Serves as a focal point for dissemination and interpretation of financial assistance regulations, policies, and procedures</li> <li>• Concurs on FRD and the Evaluation and Selection Plan</li> <li>• Participates in the FOA Strategy Meeting</li> <li>• Coordinates with Legal Counsel regarding any legal issues with FOA</li> <li>• Coordinates any Business Clearance or Head of Contracting Activity review (if applicable) and coordinates any related edits to the FOA</li> <li>• Reviews and concurs on FOA-specific Cost Share Reduction or Waiver Determinations and Determinations of Restricted Eligibility (if applicable)</li> <li>• Reviews all applicable congressional notifications</li> <li>• Publishes the RFI, NOI, FOA and any FOA Modifications</li> <li>• Responsible for the official FOA and award records in STRIPES and ensures the GMS has all necessary documents for the official record and that they are uploaded to STRIPES</li> </ul>
<b>Grants Management Specialist (GMS)/Contract Specialist (CS)</b>	<ul style="list-style-type: none"> <li>• Supports the Contracting Officer in all activities</li> <li>• Primarily responsible for record-keeping and publication of important FOA information, including maintaining the official FOA record in STRIPES, publishing announcements in Exchange and on grants.gov, and ensuring signed COI/NDAs are in official record</li> <li>• Participates in the development of the FOA, including review of FRD and related documents</li> <li>• Participates in the FOA Strategy Meeting</li> <li>• Prepares and sends required Congressional Notifications</li> <li>• Coordinates and publishes responses to all applicant questions to the FOA</li> </ul>
<b>Legal Counsel<sup>5</sup></b>	<ul style="list-style-type: none"> <li>• Provides legal advice to the FOA Team throughout development of the FOA</li> <li>• Prepares the FOA-specific Selection Official Designation Memorandum, if blanket designations cannot be used</li> <li>• Participates in the FOA Strategy Meeting</li> <li>• Advises the FOA Team with respect to the Evaluation and Selection Plan and any proposed non-standard approaches</li> <li>• Concurs on FRD and Evaluation and Selection Plan</li> <li>• Reviews and concurs on RFI, NOI, FOA-specific Cost Share</li> </ul>

<sup>5</sup> For purposes of this SOP, Legal Counsel refers to Field Counsel or GFO's Office of Chief Counsel. It does not refer to General Counsel, which is at HQ. The Office of General Counsel (OGC) role in this FOA SOP process is limited, except where Business Clearance is involved.

Roles and Responsibilities	
	<p>Reduction or Waiver Determinations (if applicable), Determinations of Restricted Eligibility (if applicable), FOA and FOA Modifications</p> <ul style="list-style-type: none"> <li>• Advises on responses to applicant questions or clarification of the FOA requirements (e.g. eligibility) as requested by the CO</li> </ul>
<b>Intellectual Property (IP) Counsel</b>	<ul style="list-style-type: none"> <li>• Leads development of an IP Strategy for the FOA</li> <li>• Provides advice on IP issues throughout the FOA process</li> <li>• Participates in the FOA Strategy Meeting</li> <li>• Provides IP language to include in the FOA</li> <li>• Prepares or adapts any required IP forms for the FOA</li> </ul>
<b>National Environmental Policy Act (NEPA) Staff</b>	<ul style="list-style-type: none"> <li>• Participates in the development of a NEPA strategy for the FOA</li> <li>• If the FOA clearly intends to fund <i>only</i> projects limited to certain administrative activities, the NEPA Compliance Officer (NCO) may categorically exclude the entire FOA or entire topic areas from further NEPA review</li> <li>• Provides NEPA language and any required NEPA forms for the FOA</li> <li>• Participates in the FOA Strategy Meeting</li> </ul>
<b>Technology Office Communications Lead</b>	<ul style="list-style-type: none"> <li>• In consultation with the FOA Manager, coordinates public announcement strategy with the EERE Communications POC</li> <li>• Works with the FOA Manager in planning, drafting, documenting and obtaining approval for a public announcement</li> <li>• Updates the EERE policy calendar, as needed</li> </ul>
<b>EERE Communications POC</b>	<ul style="list-style-type: none"> <li>• Provides support and advice to the Technology Office Communications Lead and FOA Manager throughout all public announcement processes and edits public announcements, as needed</li> <li>• Sends green light emails for publishing FOAs, and sending congressional notifications (if applicable)</li> <li>• Publishes approved public announcements on EERE website</li> </ul>

#### IV. Initial FOA Planning

*Schedule Note: Initial planning will take place from approximately February through May. The final Annual FOA List should be complete no later than the end of August. For the most up to date deadlines for the current year, refer to the applicable FY FOA Memo and the latest EERE Business Calendar.*

##### A. FOA Concept Development

Each Technology Office will determine its own method for brainstorming FOA ideas, including, but not limited to:

- Technology Roadmaps
- Multi-Year Program Planning (MYPP)
- Overall Program Goals and Objectives
- Administration Priorities
- DOE and EERE Initiatives
- Stakeholder Inputs (e.g., Request for Information (RFI)<sup>6</sup>, Public Workshops<sup>7</sup>)
- Current Technology Office Portfolio
- Congressional Appropriations
- Congressional Direction
- State of Technology
- "FOA Fest" planning meetings

##### B. FOA Scenario Planning

Each Technology Office must respond to an annual information management (IM) request for potential FOAs for the upcoming fiscal year. In recent years, Congress has not enacted a final budget for EERE until the second or third quarter of the fiscal year, so the FOA Scenario Planning IM is the Technology Office's projection of what FOAs they will publish under varying budget scenarios (e.g., the Presidential Request level, the House Mark, the Senate Mark, or a full-year continuing resolution). This information may be collected as part of the Budget Execution Spend Plan IM or separately.

##### C. Annual FOA List

Using the results of the FOA Scenario Planning IM, each EERE sector will identify all

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<sup>6</sup> RFIs that are intended to inform the development of a FOA must have DOE Approval prior to publishing (see Section V DOE Review and Approval Process). For more information on RFIs (whether associated with a FOA or not) refer to the [RFI Template](#).

<sup>7</sup> All Public Workshops must be published to the Federal Register in addition to EERE Exchange. See [Federal Register Process \(Workshops\)](#) for more information.

of its proposed FOAs for the year and will rank them in priority order. The aggregated list will serve as a basis for workload planning and strategy planning for the DAS, Technology Office Director, and the Office of Business Operations (OBO).

**Step 1:** The Technology Office inputs FOA information as specified in the IM request (see Section IV.B FOA Scenario Planning).

**Step 2:** The Technology Office Director assigns a FOA Manager to each FOA on the list.

**Step 3:** PMCO creates an Annual FOA List based on the information in the IM results and routes to each sector DAS.

**Step 4:** **APPROVAL:** The DAS reviews the list and provides approval for his/her sector.

**Step 5:** PMCO distributes the approved Annual FOA List to GFO Financial Assistance Office and to NETL.

#### **D. Business Clearance Review Initiated**

**Step 1:** Business Clearance sends an annual request to the Head of Contracting Activity (HCA) for upcoming FOAs.

**Step 2:** The HCA sends high level FOA information (e.g. Technology Office, total funding amount, title of FOA, brief description, etc.) as specified in the Business Clearance request.

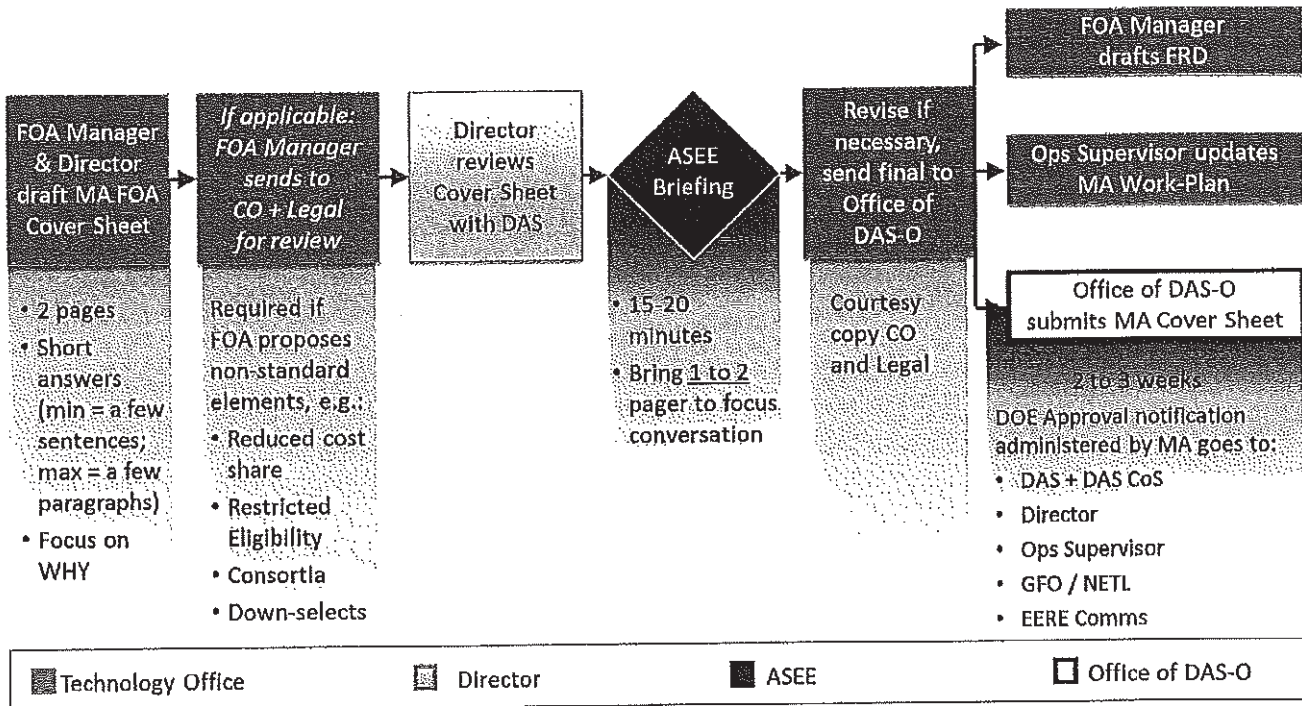
**Step 3:** Business Clearance determines which FOAs to review. For the complete Business Clearance process, see:  
[https://www.energy.gov/sites/prod/files/2018/02/f49/FY18%20Acquisition%20Guide\\_FY2018\\_v3.pdf#chapter71.1](https://www.energy.gov/sites/prod/files/2018/02/f49/FY18%20Acquisition%20Guide_FY2018_v3.pdf#chapter71.1).

#### **V. DOE Review and Approval Process**

Purpose: The DOE approval process was instituted DOE-wide in 2017 to ensure that all financial assistance actions, whether competitive (FOAs) or non-competitive (DNFAs), align with the Administration's energy priorities. The process is facilitated by the DOE Office of Management (MA). The approval requirement is not specific to EERE, rather, it applies to any office that conducts financial assistance actions across the DOE complex (e.g., Office of Electricity, Office of Fossil Energy, Office of Science, ARPA-E, etc.).



DOE Review and Approval Process (Figure 1)



## A. MA FOA Cover Sheet

**Step 1:** The FOA Manager drafts the MA FOA Cover Sheet with input from the Technology Office Director and other Technology Office staff, as appropriate.

- If the FOA will include non-standard elements (e.g., cost share below the statutory minimum, restricted eligibility, consortia model, down-selection process, etc.), the FOA Manager must submit the MA FOA Cover Sheet for review to the CO and Legal Counsel that typically support the Technology Office. The CO and Legal Counsel review should occur before the MA FOA Cover Sheet is submitted to the DAS.
- The purpose of the CO and Legal Counsel review is to identify potential legal or contracting issues that could impact the proposed approach and provide early notification of non-standard elements that require more time to address than the standard review process allows (e.g., cost share waiver).

**Step 2:** The Technology Office Director consults with the DAS on the MA FOA Cover Sheet content. The DAS ensures the FOA concept is consistent with ASEE priorities, the President's budget request, and/or Congressional direction. The following criteria may be considered, among other factors:

- Does the FOA support EERE or Technology Office goals?
- Is the FOA consistent with the submitted budget?

- Are there any obstacles to issuing the FOA?

**Step 3:** The DAS Chief of Staff schedules a briefing with ASEE on the FOA concept. Typically, the ASEE sets aside a few hours each month for FOA briefings.

**BEST PRACTICE:** Schedule a briefing time as soon as the FOA Manager begins drafting the MA FOA Cover Sheet. ASEE has limited schedule availability, so early scheduling minimizes the risk of schedule delays.

## B. ASEE Briefing

Purpose: The FOA briefing to ASEE allows the FOA Manager and Technology Office Director to explain the FOA concept and the rationale for choosing the FOA topic(s). It equips ASEE with the information needed to justify the FOA during the review process.

**Step 1:** Prior to the meeting, the Technology Office Director determines the format of the briefing (i.e., whether to just walk through the document itself or bring a presentation to focus the conversation), and prepares his/her staff accordingly.

**Step 2:** During the meeting, the Technology Office Director and FOA Manager brief ASEE on the FOA and answer ASEE questions.

**Step 3:** At the end of the meeting, ASEE determines whether the FOA concept can be submitted to MA as-is, or whether the Technology Office must revise certain information. Additionally, ASEE directs the Technology Office on any follow-up actions (e.g., coordination with another DOE element).

**Step 4:** The FOA Manager revises the MA FOA Cover Sheet, if applicable.

**Step 5:** The Sector DAS Chief of Staff sends the final MA FOA Cover Sheet (and presentation, if used) to the designated representative in the Office of DAS-O, the CO, and Legal Counsel.

## C. Submit FOA Concept to MA

*Schedule Note: DOE approval or rejection of the FOA concept takes approximately 2 to 3 weeks from ASEE briefing date.*

**Step 1:** The designated representative in the Office of DAS-O submits the MA FOA Cover Sheet to the MA FOA mailbox.

**Step 2:** MA coordinates the DOE review and approval process, including the ASEE briefing of the FOA concept to the DOE Review Team.



**Step 3:** DOE Review Team either approves or rejects the FOA concept. MA coordinates notification of decision to EERE.

- If rejected, the Technology Office cancels the FOA and redirects the funds for a different purpose.
- If approved without comments, the Technology Office continues with the FOA process.
- If approved with comments, the Technology Office incorporates the feedback and resubmits the MA FOA Cover Sheet to the Office of DAS-O.

#### **D. DOE Approval**

**Step 1:** MA notifies ASEE, ASEE Chief of Staff, and Office of DAS-O by email that the FOA has been approved.

**Step 2:** Office of DAS-O forwards the approval to the following people:

- Sector DAS and his/her Chief of Staff
- Technology Office Director
- Operations Supervisor
- FAO Director (GFO or NETL)
- EERE Communications POC

**Step 3:** The Operations Supervisor confirms the FOA is listed on the MA Work Plan spreadsheet, so that the Office of DAS-O may begin reporting the FOA's progress via the weekly MA Work Plan submission (see Section V.E below).

**Step 4:** The FOA Manager requests either the NOI sensitivity check (see Section VII.D NOI), or if the FOA is not utilizing an NOI, the FOA Manager requests the FOA green light (see Section VII.B Green Light to Publish FOA).

#### **E. MA Work Plan**

**Purpose:** The Technology Office inputs all DOE-approved FOAs into the MA Work Plan, which is used to report the progress of approved FOAs to MA on a weekly basis.

**Step 1:** On a weekly basis, the designated representative in the Office of DAS-O sends a reminder to Operations Supervisors to update the MA Work Plan spreadsheet with any new information.

**Step 2:** The Operations Supervisor updates the MA Work Plan spreadsheet with any new information (e.g., new planned dates, actual dates, etc.).

**Step 3:** The designated representative in the Office of DAS-O submits the updated Work Plan to MA on a weekly basis.

## **F. Major Changes to DOE-Approved FOAs**

For FOAs that already have DOE approval, certain changes require additional consideration before the Technology Office can proceed with the change.

The following changes require a new submission to MA (proceed to Section V.A MA FOA Cover Sheet):

- Change to Overall FOA Concept
- TRL Increase

The following changes require ASEE approval, who will determine whether an updated submission to MA is required:

- Increase of \$500,000 or more in DOE Funding
- TRL Decrease
- Alternate Selections

For any other changes, the Operations Supervisor simply updates the MA Work Plan (see Section V.E MA Work Plan, above).

## **G. Special Considerations for MA Cover Sheet (If Applicable)**

### **i. Determination of Restricted Eligibility (DRE)**

Standard Practice: The EERE standard eligibility language lists the entities eligible to apply for EERE FOAs (see Section III.A of the FOA Template).

Exceptions: The EERE standard eligibility language should not be modified except in the following circumstances:

- Where there is an approved Determination of Restricted Eligibility
- Where the statutory authority for the FOA includes specific eligibility language. In this instance, the statutory eligibility language replaces the standard EERE eligibility section of the FOA, and a DRE is not necessary.
- Where the FOA restricts FFRDCs or National Laboratories from applying as a prime or subrecipient due to an actual or appearance of a conflict of interest, a DRE is not required; however, the rationale for excluding the Lab(s) would need to be stated in the FRD. For example, it would be appropriate to restrict a Lab from applying to the FOA without a DRE where:
  - The Lab participated in the development of the FOA concept;

- The Technology Office intends to make a specific Lab available to selectees for technical assistance; or
- The Technology Office intends to have a Lab provide some form of project verification or review for the projects selected under the FOA.

**Step 1:** The FOA Manager discusses and finalizes a list of eligible entities with the Technology Office Director, DAS, CO, and Legal Counsel while drafting the MA FOA Cover Sheet (see Section V.A).

**Step 2:** The CO and Legal Counsel determine if a DRE is necessary for the proposed applicant pool for the FOA. If yes, proceed to Step 3.

**Step 3:** The FOA Manager prepares the draft DRE and supporting justification (see DRE Template).

**Step 4:** The GMS/CS, CO, and Legal Counsel review the DRE.

- The CO determines if additional reviews are necessary, based on the procurement review matrix<sup>8</sup>.
- If necessary, the FOA Manager revises the DRE and re-routes for review.

**Step 5: CONCURRENCE**

Once edits from the GMS/CS, CO, and Legal Counsel are incorporated, the Technology Office Director, CO, Legal, and DAS concur by signing the DRE.

**Step 6: APPROVAL**

The FOA Manager sends the DRE to the approver for review, and incorporates any comments from that review. The DRE requires approval from one level above the Contracting Officer<sup>9</sup>. For GFO, the Financial Assistance Division Director approves the DRE. For NETL, the Procurement Director approves the DRE.

**Step 7:** Once the DRE is approved, the FOA Manager sends the signed document to the GMS/CS and incorporates the eligibility language into the draft FOA. DREs must be approved before the CO publishes restricted eligibility language in the FOA.

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<sup>8</sup> This is an internal process specific to the Golden Field Office (see Review Matrix tab of the SWEET). NETL Contract Specialists shall follow the guidance related to this topic in the appropriate Best Practices Guide.

<sup>9</sup> See 2 CFR 910.126(b)(3) Competition

## II. Cost Share Reduction and Waiver Determinations

Standard Practice: Section 988(b) of the Energy Policy Act of 2005 (EPACT 2005, Pub. L. 109-58, requires recipients to provide a specified percentage of cost share depending on the type of project (i.e., ≥50% demonstration, ≥20% research, 0% education/outreach).

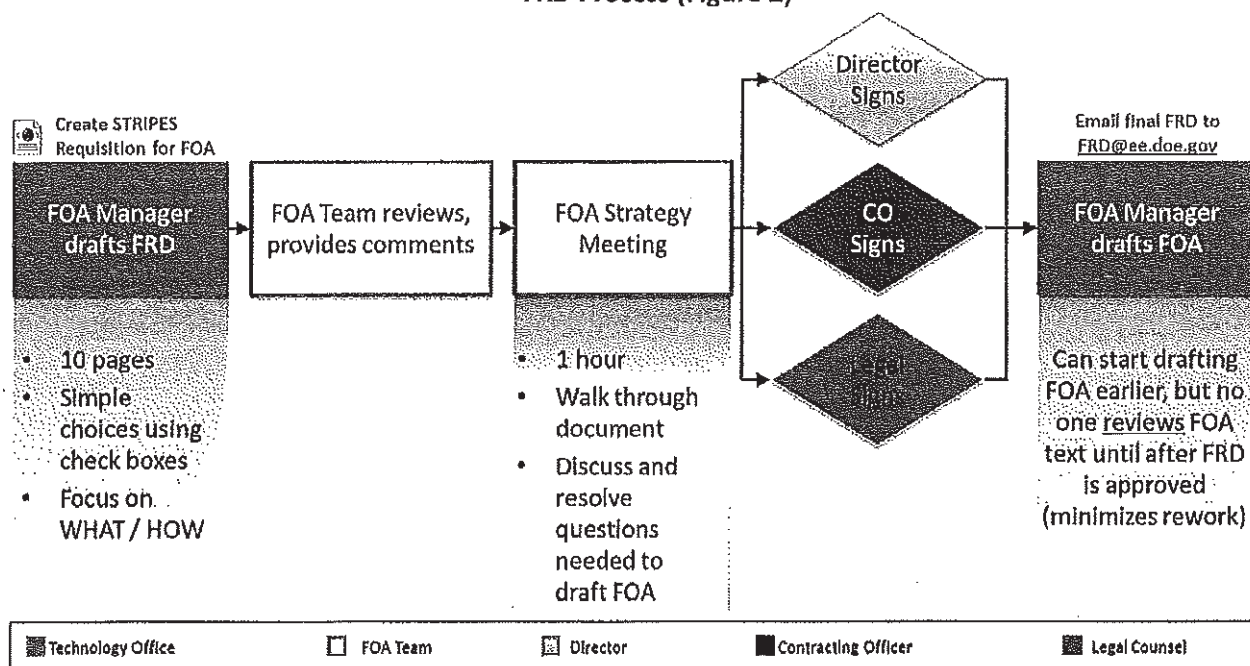
### Exceptions:

- If available, apply the blanket EERE Cost Share Reduction Determination. The FOA Manager should check with Legal Counsel to determine if a current blanket EERE Cost Share Reduction Determination is in effect at the time of FOA development.
- Require cost share above the statutory minimums.
- Request a FOA-specific Cost Share Reduction Determination or FOA-specific Cost Share Waiver (see Cost Share Waiver/Reduction SOP)

## VI. FRD Process

Purpose: The FOA Requirements Document (FRD) establishes approved parameters for FOA development, evaluation, and selection. The FRD review and approval process generates mutual understanding amongst all members of the FOA Team (see Section VI.A FOA Team) and the Technology Office Director as to how the FOA will be developed and executed. Once the FRD is concurred with and approved by all appropriate stakeholders, the FOA Manager adds the specific, approved decisions to the FOA template.

FRD Process (Figure 2)



## A. FOA Team

The FOA Team includes the following:

- FOA Manager
- Co-FOA Manager, TPO, and/or support service contractors (as applicable)
- Contracting Officer (CO)
- Grants Management Specialist/Contract Specialist (GMS/CS)
- Legal Counsel
- IP Counsel
- NEPA Staff

**Step 1:** The Technology Office Director assigns the FOA Manager (see Section IV.C Annual FOA List) and may assign additional FOA Team members or delegate to the FOA Manager to assign additional FOA Team members.

**Step 2:** Upon receiving the MA FOA Cover Sheet (see Section V.A, MA FOA Cover Sheet), the Lead CO (or Branch Chief for GFO) assigns a CO and GMS/CS<sup>10</sup> to the FOA.

**Step 3:** The CO communicates all workload assignments to the FOA Manager.

**Step 4:** The FOA Manager ensures there is a current blanket COI/NDA form on file<sup>11</sup> for all FOA Team members (see Standard Evaluation and Selection Plan).

## B. FOA Number Assigned

Purpose: EERE uses STRIPES, a DOE web-based information technology system, as the official FOA and award record. STRIPES is used to award and administer DOE acquisition and financial assistance instruments. The official FOA record in STRIPES contains all relevant documentation pertaining to the development, publication and modification of FOAs.

**Step 1:** The FOA Manager creates a requisition in STRIPES for the FOA (see the STRIPES User Guide).

**Step 2:** GMS/CS uses the requisition to create the STRIPES FOA Number (see the STRIPES User Guide).

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<sup>10</sup> This role is the Grants Management Specialist (GMS) at the Golden Field Office and is the Contract Specialist (CS) at NETL.

<sup>11</sup> EERE employees and EERE support service contractors can complete a single blanket COI/NDA form that will apply to all evaluation and selection activities, across multiple FOAs.

**Step 3:** GMS/CS emails the FOA number to the FOA Manager and the CO for use on the FRD as well as future documentation.

**Step 4:** FOA Manager sends the STRIPES FOA number to the Operations Supervisor for use on the MA Work Plan spreadsheet.

**Step 5:** If the FOA is later cancelled (e.g., due to DOE rejection or otherwise), the GMS/CS cancels the FOA number in STRIPES, and the FOA Manager cancels the requisition.

### C. Draft FRD

*Schedule Note: FRDs must be approved by the end of October. For current year deadlines, refer to the latest FOA Memo or EERE Business Calendar.*

The FOA Manager drafts the FRD using the FOA Requirements Document (FRD) template. Depending on what the FOA Manager selects in the FRD, more in-depth discussion and documentation may be necessary. Refer to the following sections of the SOP for more information:

- Determination of Restricted Eligibility (see Section V.G.i)
- Cost Share Reductions or Waivers (see Section V.G.ii)
- Selection Official Designation (see Evaluation and Selection SOP)
- Major changes to the EERE Standard Evaluation and Selection Plan (see Evaluation and Selection SOP)
- Property<sup>12</sup>

Through Section II.B of the FRD, the Technology Office documents the planned evaluation and selection process for the FOA, including selecting options where applicable, and obtains the necessary concurrences and approvals. For further information on the evaluation and selection process, and how to complete this section of the FRD, refer to the Evaluation and Selection SOP.

### D. FOA Strategy Meeting

Purpose: To involve all members of the FOA Team (see Section VI.A FOA Team) in making key decisions relevant to the entire FOA process. It is an opportunity for the FOA Team to collaboratively develop the FRD by providing expert advice and counsel in their subject matter areas.

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<sup>12</sup> If you expect large equipment purchases on the FOA awards or if the FOA is for large, demonstration-scale projects, the best practice is to discuss a strategy for property disposition at the FRD stage.



**Format:** The FOA Strategy Meeting should be a single meeting. FOA Team members should participate in the FOA Strategy Meeting in-person or via teleconference if in another duty location.

**Step 1: BEFORE THE MEETING**

The FOA Manager schedules a FOA Strategy Meeting with the entire FOA Team.

**Step 2:** The FOA Manager distributes the approved MA FOA Cover Sheet and draft FRD to the FOA Team for review *at least 3 business days* before the meeting.

**Step 3:** The FOA Team reviews the FRD and comes to the meeting prepared to discuss their comments.

**BEST PRACTICE:** FOA Team members send red-lined comments to FOA Manager prior to the meeting. FOA Manager consolidates all comments into one document for use at the meeting<sup>13</sup>.

**Step 4: DURING THE MEETING**

The FOA Manager presents the FRD to the FOA Team and seeks feedback. The discussion should focus on the rationale for and the proposed implementation of each approach selected. The meeting objectives are to:

- Ensure the FOA Team has a complete understanding of the FOA and critical elements of the FRD
- Ensure the CO, GMS/CS, and Legal Counsel have a complete understanding of how the evaluation and selection process will be conducted, particularly if there are any changes to the standard EERE Evaluation and Selection Plan (see Evaluation and Selection SOP)
- Allow Legal Counsel to determine if a new Selection Official designation is needed and review any non-standard approaches (see Evaluation and Selection SOP)
- Allow IP Counsel to develop an IP Strategy for the FOA
- Allow NEPA staff to develop a NEPA Strategy for the FOA
- Establish agreement and commitment of all team members to complete all FOA activities in accordance with the FOA schedule, as described in Section VI of the approved FRD

## E. FRD Approval

**Step 1:** The FOA Manager resolves all FOA Team comments and incorporates any

<sup>13</sup> To combine comments from multiple documents automatically in Word, select the "Review" menu in the ribbon, click the "Compare" drop down button and select "Combine".

agreed upon outcomes and decisions from the FOA Strategy Meeting into a clean copy of the FRD for the Technology Office Director, CO, and Legal Counsel to sign. The FOA Manager must address all CO and Legal Counsel comments and edits prior to sending the FRD to the Technology Office Director for approval. Once the FOA Manager receives confirmation from the CO and Legal that their comments have been addressed, proceed to Step 2.

**Step 2: TECHNOLOGY OFFICE DIRECTOR REVIEW**

The FOA Manager meets with the Technology Office Director to discuss the FRD. If the FRD is modified as a result of the Technology Office Director's review, the FOA Manager must consult with the CO and Legal Counsel on the changes before the Technology Office Director signs the FRD.

**Step 3: TECHNOLOGY OFFICE DIRECTOR APPROVAL**

The Technology Office Director approves the FRD after any necessary changes are incorporated.

**Step 4: CO & LEGAL CONCURRENCE**

CO and Legal sign the FRD to indicate final concurrence.

**Step 5:** The FOA Manager sends the MA FOA Cover Sheet and signed FRD to the following:

- CO
- GMS/CS
- Legal Counsel
- Technology Office Communications Lead

**F. FRD Modifications (IF APPLICABLE)**

If the FOA Manager contemplates changing an aspect of the FOA or Evaluation and Selection approach after the FRD has been signed, he/she should consult the FRD Modification Template to determine the appropriate course of action.

If an FRD Modification is required, the FOA Manager sends the final, approved FRD Modification to the following people:

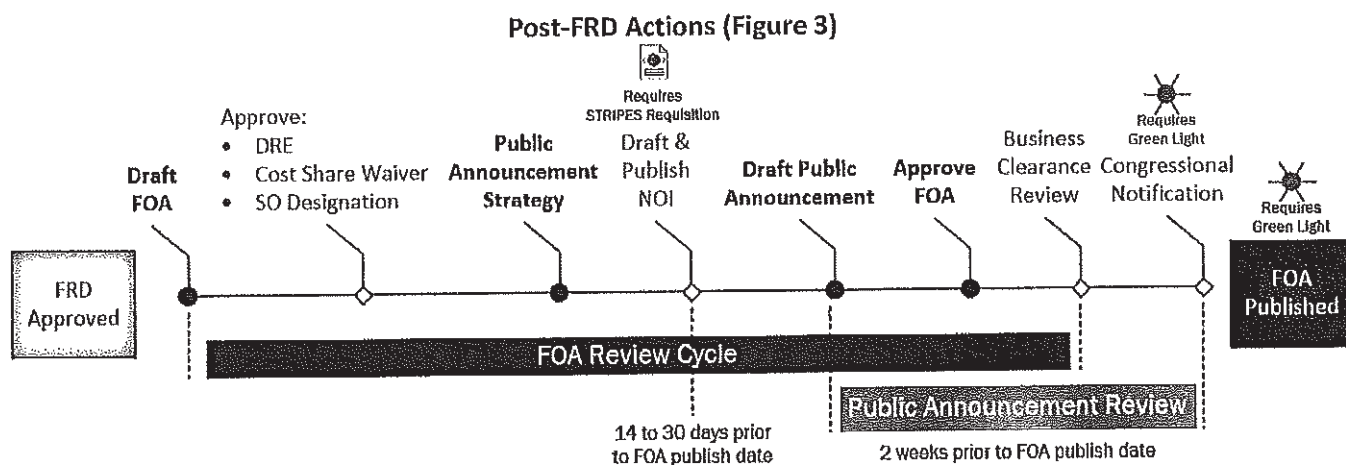
- CO
- GMS/CS
- Legal Counsel



## VII. FOA Process

*Schedule Note: FOAs must be ready for publication no later than mid-December. For the current year deadlines, refer to the latest FOA Memo or EERE Business Calendar.*

All the actions in Figure 3 (below) can take place concurrently with the FOA review cycle (see Section VII.F FOA Review & Approval) and Public Announcement review cycle (see Section VII.E Public Announcement Review & Approval), but must be completed prior to FOA publication.



Actions shown in grey text in Figure 3 above are only applicable to some FOAs. See the relevant sections below to determine applicability:

Action	Required If...	More Details
Determination of Restricted Eligibility	Approved in FRD	Section V.G.i
FOA-Specific Cost Share Reduction or Waiver Determination	Approved in FRD	Section V.G.ii
New Selection Official Designation	Approved in FRD	Evaluation and Selection SOP
Notice of Intent	Approved in FRD	Section VII.D
Business Clearance Review	Selected by Business Clearance	Section VII.G
Congressional Notification	FOA ≥ \$50M (DOE + Cost Share)	Section VIII.A

### A. FOA Drafting

The FOA Manager prepares the FOA using the FOA Template. Information and decisions in the approved MA FOA Cover Sheet and FRD are used to create the FOA. The FOA Manager should follow all instructional text in the FOA Template. Because the template follows the OMB-required format for FOAs, the template cannot be altered without input and concurrence from CO and Legal Counsel in order to ensure that proposed changes do not conflict with OMB requirements.

The final FOA will be reviewed by the Technology Office Director for conformance to the MA FOA Cover Sheet and FRD before publication (see Section VII.F FOA Review & Approval).

### B. Plan Public Announcement Strategy

*Schedule Note: The FOA Manager must discuss the proposed FOA Announcement Strategy with the Technology Office Communications Lead six to eight weeks prior to the planned FOA publication date.*

**Step 1:** The FOA Manager discusses the following topics with the Technology Office Communications Lead:

- Public Announcement Strategy<sup>14</sup> (see Figure 4 below)
- Congressional and Stakeholder Engagement Approach
- Timing of NOI Publication (if approved in the FRD)
- Timing of FOA Publication

**Public Announcement Strategies (Figure 4)**

Stakeholder Email Blast	EERE Progress Alert	DOE Press Release
<ul style="list-style-type: none"> <li>• Default for NOIs<sup>15</sup></li> <li>• Distributed to a targeted email list by the Tech Office Comms Lead</li> <li>• For FOAs, can opt to send <i>in addition to</i> Progress Alert or Press Release</li> </ul>	<ul style="list-style-type: none"> <li>• Default for FOAs up to \$10M DOE Share</li> <li>• Distributed to an email list of 70,000+ general stakeholders and reporters in government and the clean energy industry</li> <li>• Posted on EERE website by EERE Comms</li> </ul>	<ul style="list-style-type: none"> <li>• Default for FOAs &gt; \$10M DOE Share</li> <li>• Distributed to hundreds of reporters nationwide and to EERE's Progress Alert email subscribers</li> <li>• Posted by DOE Public Affairs</li> </ul>

**Step 2:** The Technology Office Communications Lead adds the FOA (and NOI, if applicable) to the Policy Calendar. For more information on the Communications process, refer to Public Announcement Approval Process.

<sup>14</sup> Note: No public announcement will be made if the subject matter is sensitive or otherwise does not require an announcement. The most common reason not to publicly announce a FOA would be due to political or internal sensitivity at the time the FOA is published.

<sup>15</sup> Stakeholder email blasts are also the default for RFIs.

### C. FOA Mailbox

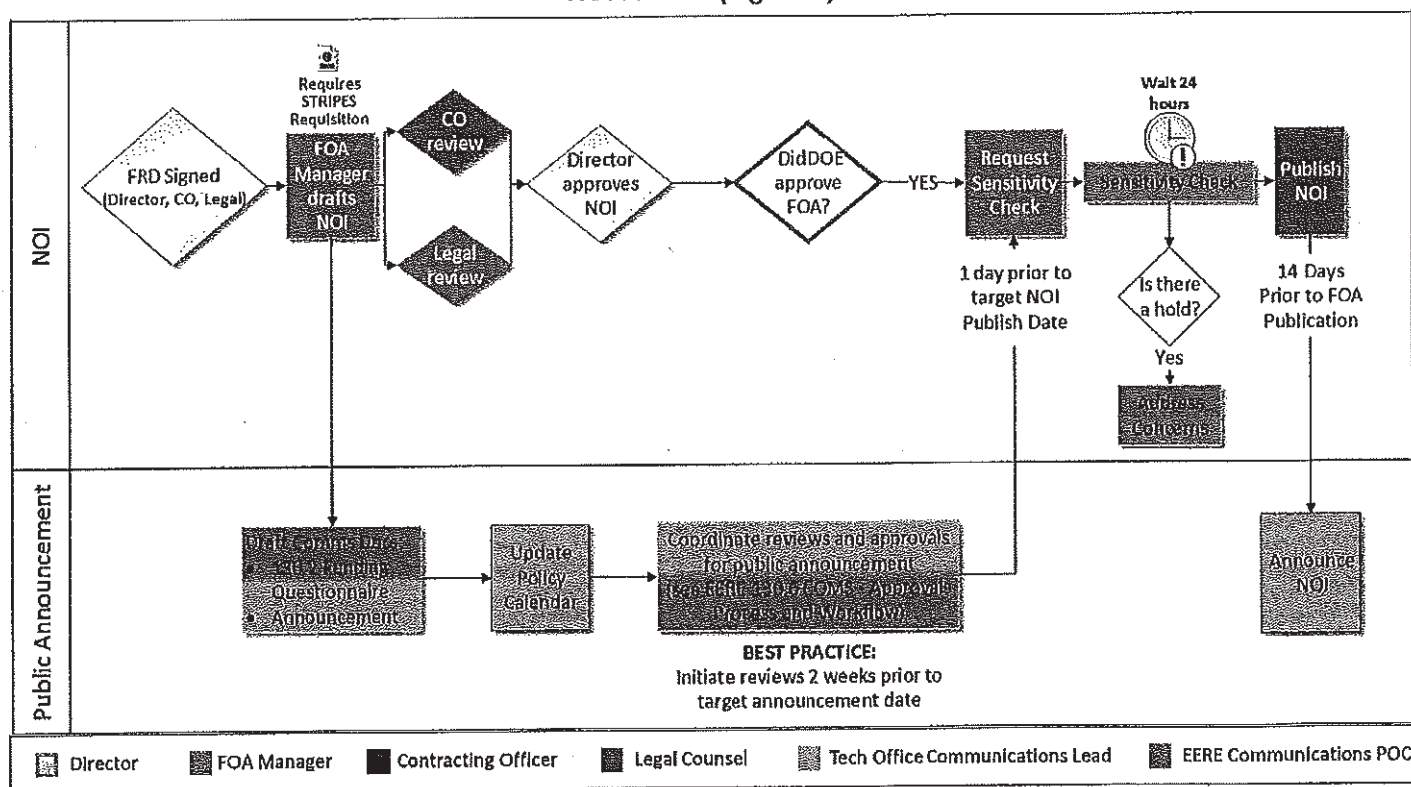
All applicant questions are received in the FOA mailbox once the FOA is published. The GMS/CS is responsible for creating the FOA Mailbox and sending the email address to the FOA Manager to include in the FOA document. Refer to [FOA Q&A Process](#) for detailed instructions<sup>16</sup>.

### D. Notice of Intent (NOI)<sup>17</sup>

*Schedule Note:* NOI publication should occur at least 14 calendar days prior to FOA publication; however, it is a best practice to publish an NOI 30 calendar days prior to FOA publication.

*Purpose:* The NOI notifies the public and stakeholders of the Technology Office's intention to publish a new FOA. This notification serves to heighten public awareness of the upcoming FOA, which allows potential applicants additional time to assemble project teams and prepare for applying. An NOI is highly encouraged, but not required. The content of the NOI should be cut and pasted from the draft FOA.

NOI Process (Figure 5)



<sup>16</sup> This document is GFO-specific. For NETL, refer to Internal procedures.

<sup>17</sup> Note: RFIs follow the same public announcement approval process as NOIs, however, RFIs take place earlier in the FOA process (see Section IV.A Initial FOA Planning).

**Step 1:** Once the FRD is approved, the FOA Manager drafts the NOI using the Notice of Intent (NOI) Template.

**Step 2:** The FOA Manager (or his/her delegate) initiates a requisition in STRIPES for the NOI (see STRIPES User Guide).

**Step 3:** The GMS/CS creates an NOI number in STRIPES (see STRIPES User Guide).

**Step 4:** The FOA Manager sends the draft NOI to the Technology Office Director, CO, GMS/CS and Legal Counsel for review and comment.

- The GMS/CS, CO, and Legal Counsel review.
- The CO determines if additional reviews are necessary based on the local procurement review matrix<sup>18</sup>.

**Step 5:** While the draft NOI is in review, the FOA Manager coordinates with the Technology Office Communication Lead to draft and obtain approval for the NOI public announcement (typically a stakeholder email blast). See Approval Process Workflow and Review Levels for details.

**Step 6:** The FOA Manager incorporates any comments and edits from Step 4 into the draft NOI.

**Step 7: APPROVAL**

The Technology Office Director reviews the final NOI for publication.

- If the NOI is not approved for publication, the FOA Manager revises the NOI based on the Director's comments and re-submits it for Director's approval a second time.
- Any changes made as the result of the Technology Office Director's review also need CO and Legal concurrence.

**STOP** Wait for DOE Approval of the FOA before proceeding to the next step **STOP**

**Step 8:** At least 1 business day prior to publication, the FOA Manager, in coordination with the Technology Office Communications Lead and the EERE Communications POC, requests the sensitivity check<sup>19</sup> for the NOI.

<sup>18</sup> This is an internal process specific to the Golden Field Office (see the Review Matrix tab of the SWEET). NETL Contract Specialists shall follow the guidance related to this topic in the appropriate Best Practices Guide.

<sup>19</sup> No explicit green light approval is required for NOIs, however, if a hold is requested during the 24 hour waiting period, the hold continues indefinitely until the holding office explicitly approves the publication of the NOI.



Wait 24 hours before proceeding to the next step



**Step 9:** If no holds are requested in Step 8, proceed to the Step 10. If a hold is requested, the FOA Manager contacts the EERE Communications POC to discuss ways to address the concern.

**Step 10:** The FOA Manager emails the GMS/CS and CO indicating the waiting period has expired and to proceed with publishing the NOI.

**Step 11:** To publish the NOI, the GMS/CS enters the NOI into STRIPES and into the Exchange system and routes the NOI to the CO for approval (see [STRIPES User Guide](#) and [Exchange User Guide](#)<sup>20</sup> for instructions).

**Step 12:** The CO approves the NOI in STRIPES and publishes the NOI in the Exchange system.

**Step 13:** The GMS/CS publishes the NOI Synopsis to Grants.gov via STRIPES and notifies the FOA Manager that the NOI has been published.

**Step 14:** The FOA Manager informs the Technology Office's Communications Lead that the NOI has been published and stakeholders should be notified.

## E. Public Announcement Review & Approval

**Purpose:** A public announcement of the FOA both increases awareness of the FOA for potential applicants and provides an opportunity to persuade average Americans to care about a particular initiative. Because the announcement is public-facing, EERE must:

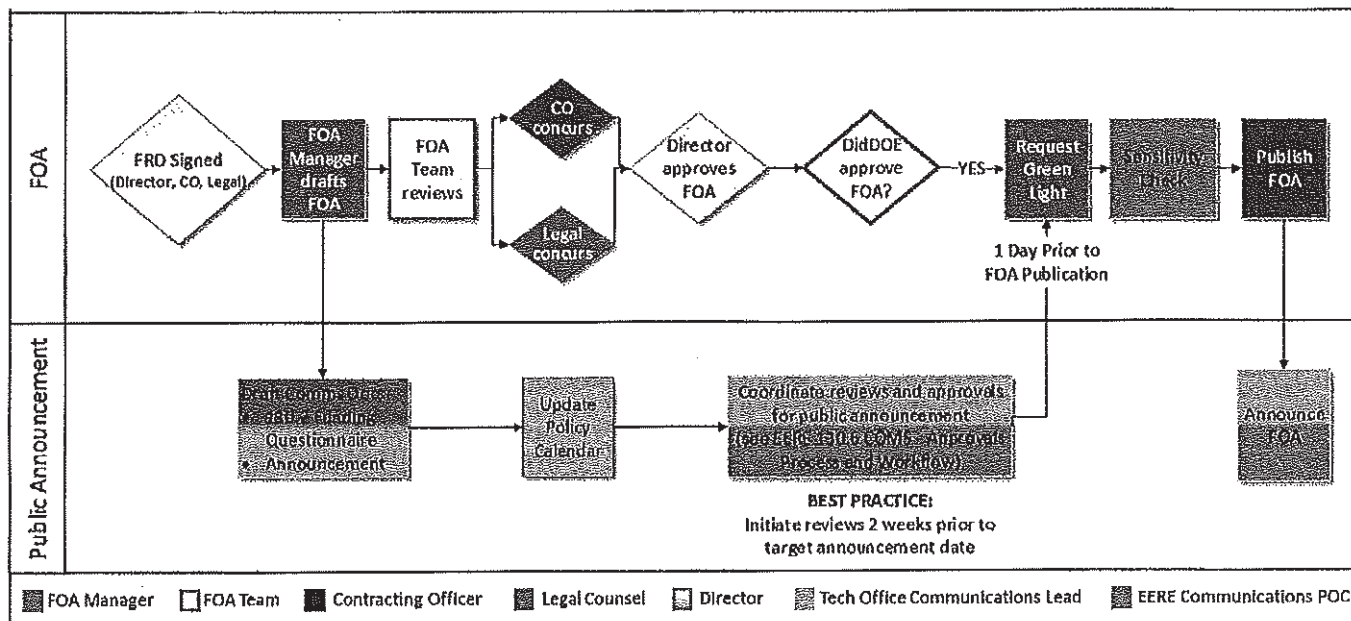
- Coordinate the FOA announcement into DOE's overall communication strategy and messaging.
- Ensure awareness and coordination across various DOE offices (including CI, CF, and PA) via sensitivity checks prior to going public.

The public announcement review and approval process takes place concurrently with the FOA review and approval process (see Figure 6 below).

<sup>20</sup> Please note, you must log in to the Exchange systems to view user guides for EERE employees.



FOA Public Announcement Process (Figure 6)



**Step 1:** The Technology Office Communications Lead begins writing the communications materials (press release, progress alert, or stakeholder email). For assistance, see [Tips for Writing Public Announcements](#).

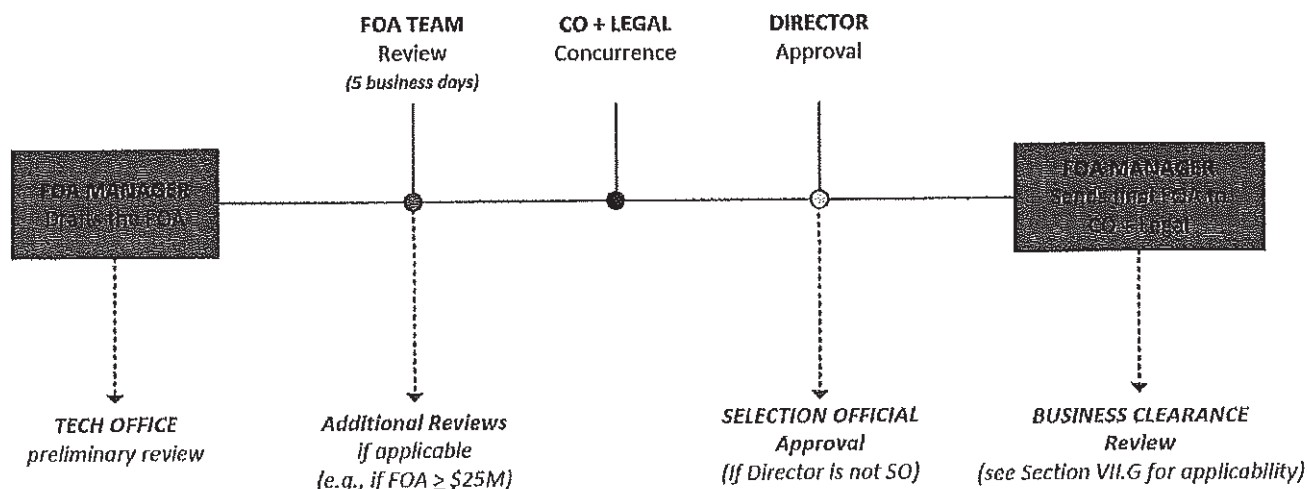
**Step 2:** The Technology Office Communications Lead updates the FOA details on the policy calendar.

**Step 3:** At least 2 weeks before the target FOA Announcement release date, the Technology Office's Communications Lead initiates the public announcement review process. For details, see [Public Announcement Approval Process](#).

## F. FOA Review & Approval

**Purpose:** The FOA review process supports quality control, compliance, and data verification of the final FOA. Special emphasis is placed on ensuring that the FOA conforms to the approved FOA template as well as the approved MA Cover Sheet and FRD. Successive reviews by senior management are prescribed for FOAs above specified dollar thresholds per the local procurement review matrix. The FOA Manager is responsible for drafting the FOA and obtaining the required reviews and approvals.

FOA Review and Approval Process (Figure 7)



**Step 1:** After drafting the FOA (see Section VII.A), the FOA Manager coordinates any preliminary internal Technology Office reviews. This varies by Technology Office, so consult the Technology Office Director for specific requirements.

**Step 2:** If anything in the FOA does not reflect the decisions approved in the final MA Cover Sheet and FRD, the FOA Manager follows the guidance in Section VII of the FRD to determine what actions are necessary.

**Step 3:** The FOA Manager sends the draft FOA to the FOA Team, providing a *minimum of five business days* for review and comments.

**Step 4:** The CO will determine if additional reviews outside of the standard reviews are required based on the local procurement review matrix and coordinate those reviews<sup>21</sup>.

**Step 5:** The FOA Team reviews the draft FOA and provides feedback to the FOA Manager.

**Step 6:** The FOA Manager revises the FOA, maintaining a record of all comments and how they were addressed or resolved.

**Step 7:** After all comments are resolved, the FOA Manager sends the final draft FOA to CO and Legal.

<sup>21</sup> This is an internal process specific to the Golden Field Office (see the Review Matrix tab of the SWEET). NETL Contract Specialists shall follow the guidance related to this topic in the appropriate Best Practices Guide.

**Step 8: CONCURRENCE**

The CO and Legal Counsel review the final draft FOA and provide concurrence.

**Step 9:** If the Technology Office's internal policies require any additional reviews/concurrences on the program side prior to the Technology Office Director's review, the FOA Manager obtains those at this time. If anything changes due to these reviews, the FOA Manager re-sends the FOA to CO and Legal Counsel for final concurrence.

**Step 10:** The FOA Manager collects the final versions of the FOA Package (contents listed below) and sends the FOA Package to the Technology Office Director for review and approval.

FOA Package contents:

- Approved MA FOA Cover Sheet and FRD
- Final draft FOA concurred on by CO and Legal
- If applicable, also include:
  - Approved Determination of Restricted Eligibility (DRE) (see Section V.G.i)
  - Approved Cost Share Reduction or Waiver Determination (see Section V.G.ii)
  - Signed FRD Modification (see Section VI.F)

**Step 11: APPROVAL**

The Technology Office Director reviews the FOA Package. If the Director is not the Selection Official, the FOA Manager must also send the FOA to the Selection Official for approval.

- If the FOA conforms to the approved MA FOA Cover Sheet and FRD, the Technology Office Director approves the FOA and the FOA Manager can proceed to Step 12 below.
- If the FOA does not conform to the approved MA FOA Cover Sheet and FRD, the FOA Manager follows the guidance in Section VII of the FRD to determine if an FRD modification is necessary.

**Step 12:** FOA Manager sends the final FOA to the CO and Legal Counsel.

**BEST PRACTICE:** FOA Manager sends both the clean copy of the FOA and a red-lined version that specifically highlights what changes (if any) were made to the FOA since the CO and Legal Counsel last concurred.

**Step 13:** If Business Clearance elected to review the FOA (see Section IV.D Business Clearance Review Initiated), the CO coordinates the review of the final draft FOA, through the HCA and Office of Management's Field Assistance &



Oversight Division (MA-621) for Business Clearance review. Additional time must be allocated to accommodate the review and incorporation of any Business Clearance comments and edits provided after Business Clearance review. See Section VII.G below for additional detail on when this might be necessary.

### **G. DOE Business Clearance Review (If Applicable)**

Applicability: At the beginning of the FOA season, a subset of FOAs from the EERE Annual FOA List is sent to Business Clearance (see Section IV.D Business Clearance Review Initiated). From that subset, Business Clearance identifies the EERE FOAs they plan to review. If the FOA was not originally intended to be \$50M or greater, or if the FOA was added to the EERE Annual FOA List after the subset of FOAs was offered to Business Clearance, the CO offers the FOA to Business Clearance at this time. For the complete Business Clearance process, see Chapter 71 of the current DOE Acquisition Guide.

Timing: Business clearance review will take at least ten business days. Business Clearance will only review the final draft FOA.

**Step 1:** The GMS/CS drafts the Transmittal Memo for Business Clearance. In addition to the Memo, the Business Clearance Submission package should include the following information:

- Final draft FOA
- Evidence of reviews and approvals from all required reviewers, including all comments and resolution of comments
- Any applicable supporting documents (e.g., DRE, Cost Share Waiver, etc.)

**Step 2:** The GMS/CS coordinates all reviews of the Memo and the Business Clearance Submission package according to the local procurement review matrix<sup>22</sup>. As part of the review, the CO ensures all necessary reviews have been completed for the supporting documents (e.g., legal review for FOA).

**Step 3:** The CO coordinates submission of the final package to Business Clearance.

**Step 4:** Within ten business days, Business Clearance informs the CO if the FOA is “approved,” “not approved,” or “conditionally approved” and if it needs to be re-submitted for subsequent Business Clearance review after revisions are made.

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<sup>22</sup> Golden Field Office GMSs, see the Review Matrix tab of the SWEET. NETL Contract Specialists shall follow the guidance related to this topic in the appropriate Best Practices Guide.

**Step 5:** The CO distributes the comments to the GMS/CS, Legal Counsel, and the FOA Manager.

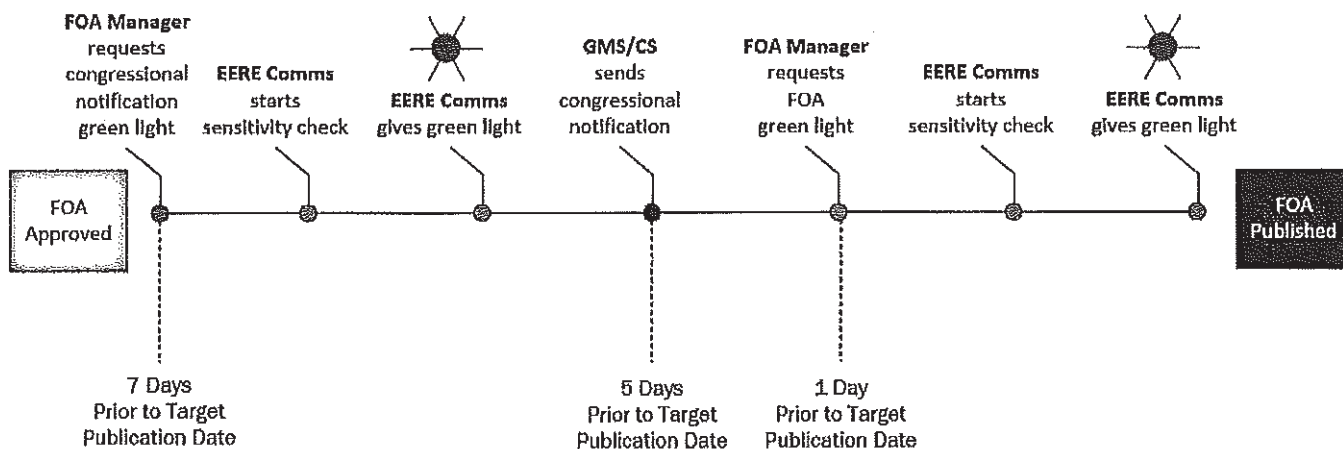
- "Mandatory" comments must be corrected by the GMS/CS, CO, Legal Counsel and the FOA Manager prior to FOA publication.
- "Highly Recommended," "Clarification," "Suggestion", and "Editorial" comments are reviewed by the GMS/CS, CO, Legal Counsel and the FOA Manager and are incorporated where appropriate.

## VIII. FOA Publication

### A. Congressional Notifications (If Applicable)

**Purpose:** FOAs over \$50 million (DOE Share + Cost Share) require a 72 hour (3 full business days) Congressional Notification ([DOE F 541](#)) prior to FOA publication. See Chapter 5.1 of the current DOE Acquisition Guide, "Congressional Notification" and Chapter 2 of the current [DOE Guide to Financial Assistance](#).

Green Light for Congressional Notifications (Figure 8)



**Step 1:** The FOA Manager confirms that DOE Approval for the FOA concept has been received (see Section V.D DOE Approval) and the Public Announcement for the FOA has been approved (see Section VII.E Public Announcement Review & Approval).

**Step 2:** The FOA Manager emails the EERE Communications POC to request the Congressional Notification green light. This should occur at least 7 days before the target FOA Announcement publication date.

**Step 3:** The EERE Communications POC performs the sensitivity check (see [Public Announcement Approval Process](#) for details) and emails the Green Light to the FOA

Manager to send congressional notifications.

**Step 4:** The FOA Manager forwards the green light email to the CO and GMS/CS.

**Step 5:** GMS/CS sends a completed DOE F 541: CI Solicitation Notification form to CI.Notification@hq.doe.gov with the subject line: "ACTION: CI Solicitation Notification."

## **B. Green Light to Publish FOA**

### Timing:

- The FOA Manager initiates the FOA Announcement Green Light Process at least one business day before the FOA is scheduled to be published (see Figure 8).
- If congressional notifications WERE required (see Section VIII.A Congressional Notifications), wait to request the FOA green light until 24 hours before the congressional notification waiting period is scheduled to expire.
- If congressional notification WERE NOT required, prior to requesting the green light the FOA Manager must confirm that DOE Approval for the FOA concept has been received (see Section V.D DOE Approval) and the Public Announcement for the FOA has been approved (see Section VII.E Public Announcement Review & Approval).

**Step 1:** The FOA Manager emails the EERE Communications POC to request the green light and confirms that the FOA is ready to publish.

**Step 2:** The EERE Communications POC performs the sensitivity check and emails the green light to the FOA Manager to post the FOA. For details, see Public Announcement Approval Process.

**Step 3:** The FOA Manager forwards the Green Light email from the EERE Communications POC to the CO and GMS/CS.

## **C. Publish FOA**

**Step 1:** The GMS/CS enters the FOA into STRIPES and into EERE Exchange and routes the FOA to the CO for review and approval (see STRIPES User Guide and Exchange User Guide<sup>23</sup> for instructions).

### **Step 2: APPROVAL**

The CO publishes the FOA in STRIPES and in EERE Exchange.

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<sup>23</sup> Please note, you must log in to the Exchange systems to view user guides for EERE employees.

**Step 3:** The GMS/CS publishes the FOA Synopsis to Grants.gov via STRIPES (see STRIPES User Guide for instructions)

**Step 4:** The GMS/CS sends the live EERE Exchange link to the FOA Manager, who forwards it to the Technology Office Communication Lead.

**Step 5:** The Technology Office Communications Lead publishes the FOA synopsis on the Technology Office's website. If a public announcement is planned for the FOA, the EERE Communications POC ensures the publication of the announcement. For details, see Public Announcement Approval Process.

## **IX. Post-FOA Publication**

### **A. FOA Webinar (Optional)**

Purpose: A FOA webinar provides potential applicants with an overview of the FOA objectives, the applicant submission process, and the evaluation and selection process.

**Step 1:** The FOA Manager prepares the FOA Webinar slide deck using the FOA Webinar Template.

**Step 2:** CO and Legal Counsel review the tailored FOA Webinar slide deck before it is finalized and used.

**Step 3:** The FOA Manager sets up a webinar format that can be recorded (e.g., WebEx, GoToMeeting, etc.) and invites the CO, GMS/CS, and Legal Counsel to participate in the webinar.

**Step 4:** In order to meet the requirements of the Section 508 Amendment to the U.S. Rehabilitation Act<sup>24</sup>, the FOA Manager emails DL-EEREActionNetWebTeam@Hq.Doe.Gov to request a transcription service, copying the Technology Office's Technical Monitor. The request must include:

- Anticipated length of the webinar
- Title of the webinar
- Deliverables, i.e., a transcript and text alternative that includes the following information so that someone could read the transcript and understand everything that occurred during the webinar:
  - All spoken dialogue (except ums and ahs)

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<sup>24</sup> Requires Federal agencies to make their electronic and information technology accessible to people with disabilities.

- Description of all important events and actions that occurred during the webinar
- Description of anything visually displayed during the webinar

**Step 5:** The FOA Manager leads the webinar. Live Q&A can take place during the webinar; however the FOA Manager cannot express opinions or ideas not included in the FOA.

**BEST PRACTICE:** The FOA Manager should ensure the webinar recording has good audio quality. It is important that all speech is audible, otherwise, the transcript will cost more.

**Step 6:** The FOA Manager sends the recording of the webinar and the slides to [DL-EEREActionNetWebTeam@Hq.Doe.Gov](mailto:DL-EEREActionNetWebTeam@Hq.Doe.Gov), who creates a Section 508-compliant transcript and sends it to the FOA Manager to forward to the GMS/CS<sup>25</sup>.

**Step 7:** The GMS/CS posts a link to the webinar recording, Section 508-compliant transcript, and any Q&A to Exchange. This ensures all potential applicants receive the same information.

**Step 8:** Additional webinars are optional and are conducted at the Technology Office's discretion.

## B. FOA Q&A

Purpose: The FOA Q&A process:

- Ensures all applicants have access to the same information about the FOA.
- Prevents the appearance of competitive advantage or applicant "coaching" that could arise from DOE communicating with applicants one-on-one.

For GFO, the details of the FOA Q&A process are explained in [FOA Q&A Process](#). For NETL, the CS posts all questions and answers to the respective FAQs webpage in the Exchange system.

If DOE/EERE employees or contractors receive a question outside of the FOA Q&A process (e.g., by phone or to a non-FOA Mailbox email), the person receiving the question should:

1. Immediately notify the FOA Manager and the Contracting Officer.
2. Direct the person asking the question to Exchange and explain that for fairness purposes, all questions must go through the public process.

<sup>25</sup> This should take approximately one week, however, if multiple offices request a webinar transcript at the same time, it could take longer. Similarly, if the Technology Office does not have sufficient funds on the web services contract, new funds would need to be added, which could take six weeks or more.

### C. FOA Modifications (If Applicable)

Purpose: After the FOA is published, modifications may be needed based on the needs of the Technology Office or as a result of questions submitted during the Q&A period. For example, if there are many questions requesting clarification of a certain section or a technical requirement, the FOA Manager may see the need to clarify that section of the FOA by publishing a modification for the public to view.

The FOA Manager is responsible for initiating all modifications to the FOA and obtaining the necessary reviews and approvals.

**Step 1:** The FOA Manager revises the FOA document, noting changes on the modifications table (copy from the FOA Template and paste into the modified FOA).

**Step 2:** If the FOA is within 30 days of closing, the CO and FOA Manager, in consultation with Legal Counsel, should consider whether the modification is significant enough to extend the FOA close date.

**Step 3:** The FOA Manager discusses the FOA modification with the Technology Office Director (and the Selection Official, if different from Technology Office Director).

**Step 4:** The FOA Manager sends a red-lined copy of the FOA modification to the GMS/CS and CO for review.

- The CO determines if additional reviews are necessary, based on the local procurement review matrix<sup>26</sup>.
- Depending on the scope of the modification, the CO will determine if Legal Counsel concurrence is necessary, however, Legal will always receive notice that the FOA is being modified (see Step 8 below).

**Step 5:** The GMS/CS enters the FOA modification into STRIPES and into the Exchange system and routes the FOA modification to the CO for approval (see STRIPES User Guides and Exchange User Guides<sup>27</sup> for instructions).

**Step 6:** The CO publishes the FOA modification in STRIPES and in the Exchange system.

**Step 7:** The GMS/CS publishes the FOA modification Synopsis to Grants.gov via STRIPES.

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<sup>26</sup> Golden Field Office GMSs, see the Review Matrix tab of the SWEET. NETL Contract Specialists shall follow the guidance related to this topic in the appropriate Best Practices Guide.


<sup>27</sup> Please note, you must log in to the Exchange systems to view user guides for EERE employees.

**Step 8:** The GMS/CS notifies the FOA Team, Technology Office Director, and Selection Official (if different from the Technology Office Director) once the FOA modification is approved.

*This concludes the FOA Development Phase. For guidance on what comes next, see the Evaluation and Selection SOP. For questions, contact [PMHelpDesk@ee.doe.gov](mailto:PMHelpDesk@ee.doe.gov).*



FOA Development Standard Operating Procedure  
EERE S 540.110  
Issued on August 31, 2018

  
Signature

Bindu Jacob  
Acting Director, Project Management Coordination Office  
Office of Energy Efficiency and Renewable Energy  
U.S. Department of Energy



# EXHIBIT Q

**Rodriguez, Susan (CONTR)**

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**From:** Jones-Albertus, Becca  
**Sent:** Tuesday, August 28, 2018 6:21 PM  
**To:** Gay, Charlie;DL-EERE-4S PMsolar;Unruh, Timothy  
**Cc:** Hamos, Ian;Fricker, Kyle;Kane, Victor;Murley, Susanna (CONTR)  
**Subject:** RE: SETO FOA Topic 1 Cancellation Notice

At some point, we should also craft a letter to send to the roughly 30 merit reviewers who sent many days of their time reviewing the topic 1 applications.

Becca

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**From:** Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Date:** Tuesday, Aug 28, 2018, 7:58 PM  
**To:** DL-EERE-4S PMsolar <DL-EERE-4SPMSolar@ee.doe.gov>, Unruh, Timothy <Timothy.Unruh@EE.Doe.Gov>  
**Cc:** Hamos, Ian <Ian.Hamos@EE.doe.gov>, Fricker, Kyle <Kyle.Fricker@EE.DOE.Gov>, Kane, Victor <Victor.Kane@EE.Doe.Gov>, Murley, Susanna (CONTR) <Susanna.Murley@EE.DOE.Gov>  
**Subject:** FW: SETO FOA Topic 1 Cancellation Notice

FYI

- Charlie  
202-287-1987

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**From:** Passarelli, Derek <Derek.Passarelli@ee.doe.gov>  
**Date:** Tuesday, Aug 28, 2018, 7:28 PM  
**To:** Tripodi, Cathy <Cathy.Tripodi@hq.doe.gov>, Fitzsimmons, Alexander <Alexander.Fitzsimmons@ee.doe.gov>, Gay, Charlie <Charlie.Gay@EE.DOE.Gov>  
**Subject:** SETO FOA Topic 1 Cancellation Notice

Cathy, Alex and Charlie,

Per my discussion with Cathy, (b) (5)

(b) (5)

Charlie, (b) (5)

# EXHIBIT R

Gay, Charlie

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**From:** Yuan, Guohui  
**Sent:** Thursday, August 30, 2018 9:56 AM  
**To:** Nilsen, Garrett; Fricker, Kyle; DL-EERE-4S PMsolar  
**Cc:** Baylor, Meisha (CONTR)  
**Subject:** RE: SETO FOA - Honorarium Delays

I agree with Garrett. Regardless what happens to Topic 1 or the entire FOA, (b) (5)  
Otherwise, we would have much harder time to recruit reviewers in the future.

Guohui

**From:** Nilsen, Garrett  
**Sent:** Thursday, August 30, 2018 9:32 AM  
**To:** Fricker, Kyle <Kyle.Fricker@EE.DOE.Gov>; DL-EERE-4S PMsolar <DL-EERE-4SPMSolar@ee.doe.gov>  
**Cc:** Baylor, Meisha (CONTR) <Meisha.Baylor@EE.DOE.Gov>  
**Subject:** RE: SETO FOA - Honorarium Delays  
**Importance:** High

Thank you for bringing this to our attention Kyle. We absolutely do not want to leave the reviewers with negative feels,  
(b) (5)

Ebony/Meisha,  
(b) (5)

**From:** Fricker, Kyle  
**Sent:** Thursday, August 30, 2018 9:12 AM  
**To:** DL-EERE-4S PMsolar <DL-EERE-4SPMSolar@ee.doe.gov>  
**Subject:** SETO FOA - Honorarium Delays

Hi all—

I want to bring to everyone's attention the issue of honorarium delays for our reviewers. We have 120+ reviewers for the FOA, and it is my understanding that most or all have not received payment. Most of them had to pay hundreds to a thousand dollars or more to travel to our merit review meetings 2-3 weeks ago (and likely expended the money on flights/hotels well over a month ago). Some of them work for nonprofits or governmental organizations and do not have the resources to be in the holding pattern they now find themselves in.

I just want to make sure we are doing everything we can to get them paid as fast as possible. I have multiple upset reviewers for my panels and I am sure the other FOA leads have the same. I wouldn't want this experience to sour the reviewers experience and make them less likely to accept the invitation in the future.

Thanks for your attention to this,

Kyle

Kyle J Fricker, PhD  
Solar Energy Technologies Office