



MESC

OFFICE OF MANUFACTURING AND ENERGY SUPPLY CHAINS

Bipartisan Infrastructure Law (BIL) Battery Materials Processing and Battery Manufacturing Grants - BIL 40207(b)&(c) -

DE-FOA-0003099 Funding Opportunity
Announcement Webinar

January 24, 2024

This webinar is being recorded and may be posted on DOE's website or used internally.





Agenda

- **Funding Opportunity Background and Overview**
- **FOA Milestones**
- **Full Application Overview**
 - Full Application Process
 - Full Application Contents
- **Full Application Review Information**
 - Full Application Technical Review Criteria
 - Standards for Application Evaluation
 - Non-Responsive Applications
- **Frequently Asked Questions**
- **Community Benefits Plan Deep Dive**





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Technology Manager | Batteries & Critical Materials
Office of Manufacturing and Energy Supply Chains



Funding Opportunity Background

- The activities to be funded under this FOA support BIL Sections 40207 (b) & (c), as well as the broader government-wide approach to upgrading and modernizing infrastructure, including by strengthening critical domestic manufacturing and supply chains to maximize the benefits of the clean energy transition as the nation works to curb the climate crisis and advance environmental justice.
- **Funding: \$3,500,000,000 in Competitive Grant Funding**
- **Intended Recipients of Funding:**
 - Battery Manufacturers and those involved in the battery supply chain
 - Requires at least 50% Cost Share
 - \$50 Million federal share minimum do retool, retrofit, or expansion and/or \$100 Million federal share minimum for new facilities

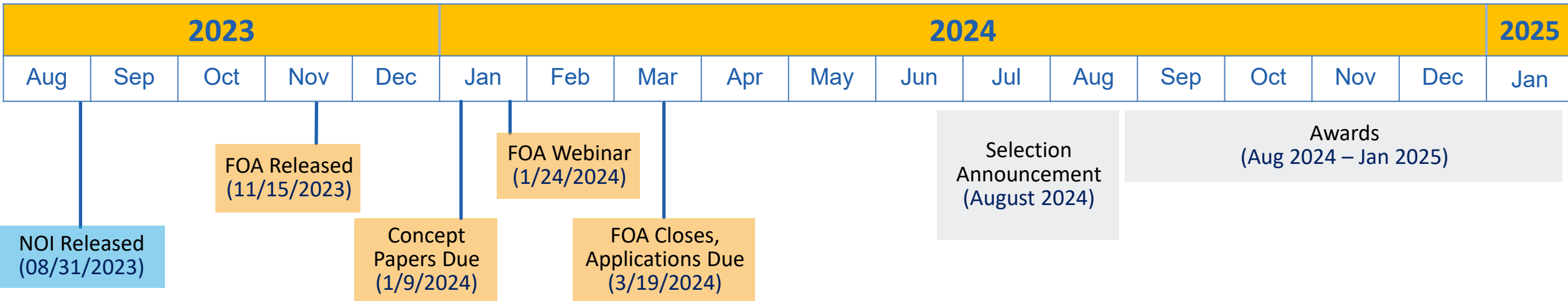


Funding Opportunity Overview

- The **Bipartisan Infrastructure Law (BIL) Battery Materials Processing and Battery Manufacturing Funding Opportunity Announcement (FOA)** will invest projects strengthening critical domestic manufacturing and supply chains to maximize the benefits of the clean energy transition as the nation works to curb the climate crisis and advance environmental justice.
- This FOA aims to reach across the upstream, midstream, and downstream segments of the battery supply chain, supporting upstream critical mineral refining, midstream battery materials, and component manufacturing, as well as subsequent cell manufacturing and end of life recycling.
- The Concept Paper deadline has passed. **Only applicants who have submitted an eligible concept paper (encouraged or discouraged) will be eligible to submit a full application.**
 - Please note: Receipt of a **Discouragement Notification** regarding a Concept Paper **DOES NOT** prohibit an organization from submitting a full application.



Funding Opportunity Milestones



| | |
|---|----------------------------|
| FOA Issue Date: | 11/15/2023 |
| Submission Deadline for Concept Papers: | 01/09/2024 at 5pm ET |
| Timeframe for Concept Paper Encourage/Discourage Notifications: | February 2024 |
| Submission Deadline for Full Applications: | 03/19/2024 at 5pm ET |
| Expected Date for DOE Selection Notifications: | August 2024 |
| Expected Timeframe for Award Negotiations: | August 2024 - January 2025 |

All timelines are tentative and subject to change.
Please refer to the first page of the FOA document for all official dates.

Funding Opportunity Overview

Bipartisan Infrastructure Law Section 40207 (b): Battery Materials Processing Grants

Area of Interest 1

Commercial-scale Lithium Separation from Domestic Sources

Anticipated Award Size (Federal Share):
\$50,000,000 - \$300,000,000

Anticipated Number of Awards: 3 - 7

Area of Interest 2

Commercial-scale Domestic Recovery of Battery Critical Minerals (non-Lithium)

Anticipated Award Size (Federal Share):
\$50,000,000 - \$300,000,000

Anticipated Number of Awards: 3 - 7

Area of Interest 3

Commercial-scale Domestic Processing of Battery Material Precursors

Anticipated Award Size (Federal Share):
\$50,000,000 - \$200,000,000

Anticipated Number of Awards: 2 - 4

Bipartisan Infrastructure Law Section 40207 (c): Battery Manufacturing Grants

Area of Interest 4

Commercial-scale Domestic Manufacturing of Battery Cathodes and Anodes

Anticipated Award Size (Federal Share):
\$50,000,000 - \$300,000,000

Anticipated Number of Awards: 4 - 8

Area of Interest 5

Commercial-scale Domestic Production of Electrolyte Salts and Electrolyte Solvents

Anticipated Award Size (Federal Share):
\$50,000,000 - \$300,000,000

Anticipated Number of Awards: 2 - 6

Area of Interest 6

Commercial-scale Domestic Production of Cell Manufacturing for Small and Specialized Markets

Anticipated Award Size (Federal Share):
\$50,000,000 - \$200,000,000

Anticipated Number of Awards: 2 - 3

Funding Opportunity Overview (continued)

Bipartisan Infrastructure Law Section 40207 (c): Battery Manufacturing Grants

Area of Interest 7

Commercial-scale Domestic Production of Non-Lithium Based Battery Cell and Systems

Anticipated Award Size (Federal Share):
\$50,000,000 - \$100,000,000

Anticipated Number of Awards: 1 - 2

Area of Interest 8

Commercial-scale Domestic Manufacturing of Other Battery Cell and System Components
(Open Topic)

Anticipated Award Size (Federal Share):
\$50,000,000 - \$50,000,000

Anticipated Number of Awards: 2 - 4

FUNDING OPPORTUNITY AVAILABLE AT: [Infrastructure-Exchange](#)
FULL APPLICATIONS DUE: March 19, 2024, at 5:00PM ET

The program will also aim to:

- Expand the capabilities of the United States in advanced battery manufacturing.
- Enhance national security by reducing the reliance of the United States on foreign competitors for critical materials and technologies.
- Ensure that the United States has a viable battery materials processing industry with sufficient capacity to supply the North American battery supply chain.
- Ensure investments in high-quality jobs support America's competitive advantage.
- Provide good quality jobs for people in low- or moderate-income communities, rural communities, and/or in communities and for workers that have lost jobs or are at risk of job loss due to the displacement of fossil energy, including automotive workers and communities.

Full Application Process

FOA Section IV.A.

The application process includes multiple submission phases: a Concept Paper phase and a Full Application phase. **ONLY APPLICANTS WHO HAVE SUBMITTED AN ELIGIBLE CONCEPT PAPER (ENCOURAGED OR DISCOURAGED) WILL BE ELIGIBLE TO SUBMIT A FULL APPLICATION.**



All submissions **MUST** conform to the form and content requirements described below, including maximum page lengths.

- Each **MUST** be submitted in Adobe PDF format unless stated otherwise;
- Each **MUST** be written in English;
- All pages **MUST** be formatted to fit on 8.5" x 11" paper with margins not less than one inch on every side. Use Calibri typeface, a black font color, and a font size of 12-point or larger (except in figures or tables, which may be 10-point font). A symbol font may be used to insert Greek letters or special characters, but the font size requirement still applies. References **MUST** be included as footnotes or endnotes in a font size of 10 or larger. Footnotes and endnotes are counted toward the maximum page requirement;
- A **control number** will be issued when an applicant begins the S3 Exchange application process. The control number **MUST** be included with all application documents. Specifically, the control number **MUST** be prominently displayed on the upper right corner of the header of every page and included in the file name (i.e., *Control Number_Applicant Name_Full Application*);
- Page numbers **MUST** be included in the footer of every page; and
- Each submission **MUST** not exceed the specified maximum page limit, including cover page, charts, graphs, maps, and photographs when printed using the formatting requirements set forth above and single spaced. If applicants exceed the maximum page lengths indicated below, DOE will review only the authorized number of pages and disregard any additional pages.

Full Application Process

FOA Section IV.A.i.

Additional Information on S3 Exchange

- S3 Exchange is designed to enforce the deadlines specified in this FOA. The “Apply” and “Submit” buttons will automatically disable at the defined submission deadlines.
- Applicants who experience technical difficulties with submission PRIOR to the FOA deadline should contact the S3 Exchange helpdesk for assistance (InfrastructureExchangeSupport@hq.doe.gov). The Exchange helpdesk and/or the Exchange system administrators will assist applicants in resolving issues.

**Under normal conditions (i.e., at least 48 hours BEFORE the submission deadline):
Applicants should ALLOW AT LEAST ONE HOUR to complete the Infrastructure Exchange submission process
for a Full Application.**

Applicants who successfully submitted a Concept Paper can do the following to initiate the Full Application phase of the submission process:

- Login to S3 Exchange
- Open the “My Submissions” page
- Locate the Concept Paper record
- Click “Start Full Application”

Please reference the Infrastructure User Guide for Applicants Manual for further instructions.

[Infrastructure eXCHANGE: Manuals \(energy.gov\)](#)



Application Forms

FOA Section IV.B.

To access application forms and instructions available on S3 Exchange, go to <https://infrastructure-exchange.energy.gov> and select the appropriate funding opportunity number.

Note: The maximum file size that can be uploaded to the S3 Exchange website is 50MB. Files larger than 50MB cannot be uploaded and hence cannot be submitted for review. If a file is larger than 50MB but is still within the maximum page limit specified in the FOA, it **MUST** be broken into parts and denoted to that effect.

For example: **TechnicalVolume_Part_1**
TechnicalVolume_Part_2

DOE will NOT accept late submissions that resulted from technical difficulties due to uploading files that exceed 50MB.

Full Application Content Requirement

FOA Section IV.D.i.

Each Full Application **MUST** be limited to a single concept.

Full Applications **MUST** conform to the following requirements and **MUST** not exceed the stated page limits.



Note: The maximum file size that can be uploaded to the S3 Exchange website is 50MB. See Section IV.B.

| # | Component | File Format | Page Limit | File Name |
|----|--|---------------|--------------|--|
| 1 | Technical Volume | PDF | 30 pages | ControlNumber_LeadOrganization_TechnicalVolume |
| 2 | Resumes | PDF | 3 pages each | ControlNumber_LeadOrganization_Resumes |
| 3 | Letters of Commitment | PDF | 1 page each | ControlNumber_LeadOrganization_LOCs |
| 4 | Offtake Agreement Letters of Commitment | PDF | 1 page each | ControlNumber_LeadOrganization_Offtake |
| 5 | Community Partnership Documentation | PDF | 10 pages | ControlNumber_LeadOrganization_PartnerDocs |
| 6 | Impacted Tribal Nations Documentation | PDF | 2 pages | ControlNumber_LeadOrganization_TribalNationsDoc |
| 7 | Letters of Support from Tribal Nations | PDF | n/a | ControlNumber_LeadOrganization_TribalLOS |
| 8 | Statement of Project Objectives | MS Word | 8 pages | ControlNumber_LeadOrganization_SOPO |
| 9 | SF-424: Application for Federal Assistance | PDF | n/a | ControlNumber_LeadOrganization_App424 |
| 10 | Budget Justification Workbook | MS Excel | n/a | ControlNumber_LeadOrganization_Budget_Justification |
| 11 | Summary/Abstract for Public Release | PDF | 1 page | ControlNumber_LeadOrganization_Summary |
| 12 | Summary Slides | MS PowerPoint | n/a | ControlNumber_LeadOrganization_Slide |
| 13 | Subrecipient Budget Justification | MS Excel | n/a | ControlNumber_LeadOrganization_Subrecipient_Budget_Justification |

Full Application Content Requirement Continued

FOA Section IV.D.i.

Each Full Application **MUST** be limited to a single concept.

Full Applications **MUST** conform to the following requirements and **MUST** not exceed the stated page limits.



Note: The maximum file size that can be uploaded to the S3 Exchange website is 50MB. See Section IV.B.

| # | Component | File Format | Page Limit | File Name |
|----|---|----------------|-------------|--|
| 14 | Data Management Plan | MS Word | n/a | ControlNumber_LeadOrganization_DMP |
| 15 | Authorization from cognizant Contracting Officer for FFRDC | PDF | n/a | ControlNumber_LeadOrganization_FFRDCAuth |
| 16 | Budget for DOE/NNSA FFRDC | PDF | n/a | ControlNumber_LeadOrganization_FWP |
| 17 | SF-LLL Disclosure of Lobbying Activities | PDF | n/a | ControlNumber_LeadOrganization_SF-LLL |
| 18 | Foreign Entity Waiver Requests and Foreign Work Waiver Requests | PDF | n/a | ControlNumber_LeadOrganization_Waiver |
| 19 | Letters of Support from Labor Unions | PDF | 1 page each | ControlNumber_LeadOrganization_LOS-LU |
| 20 | Community Benefits Plan | PDF | 12 pages | ControlNumber_LeadOrganization_CBP |
| 21 | Community Benefits Plan Budget Justification | MS Excel | n/a | ControlNumber_CBP_Budget_Justification |
| 22 | Location(s) of Work | MS Excel | n/a | ControlNumber_LeadOrganization_LOW |
| 23 | Environmental Information Volume (Applicants must use the template in Exchange) | PDF or MS Word | n/a | ControlNumber_LeadOrganization_EIV |
| 24 | Environmental Questionnaire (Applicants must use the template in Exchange) | PDF | n/a | ControlNumber_LeadOrganization_EQ |
| 25 | Potentially Duplicative Funding Notice | PDF | n/a | ControlNumber_LeadOrganization_PDFN |

Technical Volume

FOA Section IV.D.ii.

Technical Volume: The key technical component of the Full Application

Content of Technical Volume – 30 pages

Cover Page

Project Overview

(Approximately 10% of the Technical Volume)

Technical Description, Innovation, and Impact

(Approximately 25% of the Technical Volume)

Business Development, Market Viability, Management, and Financial Plan

(Approximately 35% of the Technical Volume)

Workplan

(Approximately 20% of the Technical Volume)

Technical Qualifications and Resources

(Approximately 10% of the Technical Volume)

Letter of Support from Labor Unions

FOA Section IV.D.xix.

If applicable, the letter(s) **MUST** state that the labor union is committed to specific terms that support the hiring and/or retention of workers in the motor vehicle or parts manufacturing industries, support workforce continuity, and reduce workforce risks. The following information for each third party contributing a letter should be identified:

- 1) the name of the organization;
- 2) the understanding and relationship between the applicant and the labor union.

Each letter **MUST** not exceed one page.



Transparency of Foreign Connections

FOA Section IV.D.xxvi.

NOTE: This information does not need to be submitted with the Full Application. This information will be required of applicants selected for Pre-Selection Interviews or upon request by DOE. Also note that this information is in addition to and separate from the requirement that applicants whose supply chains contain foreign entities of concern will not be prioritized.

Applicants **MUST** provide the following as it related to the ***proposed recipient and each subrecipient***. Include a separate disclosure for the applicant and each proposed subrecipient. U.S. National Laboratories, domestic government entities, and institutions of higher education are only required to respond to items 1, 2 and 9, and if applying as to serve as the prime recipient, **MUST** provide complete responses for project team members that are not U.S. National Laboratories, domestic government entities, or institutions of higher education.

1. Entity name, website address, and mailing address;
2. The identity of all owners, principal investigators, project managers, and senior/key personnel who are a party to any *Foreign Government-Sponsored Talent Recruitment Program* of a foreign country of risk (i.e., China, Iran, North Korea, and Russia);
3. The existence of any joint venture or subsidiary that is based in, funded by, or has a foreign affiliation with any foreign country of risk;
4. Any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;
5. Percentage, if any, that the proposed recipient or subrecipient has foreign ownership or control;
6. Percentage, if any, that the proposed recipient or subrecipient is wholly or partially owned by an entity in a foreign country of risk;



Transparency of Foreign Connections Continued

FOA Section IV.D.xxvi.

7. Percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of risk;
8. Any technology licensing or intellectual property sales to a foreign country of risk, during the 5-year period preceding submission of the proposal;
9. Any foreign business entity, offshore entity, or entity outside the United States related to the proposed recipient or subrecipient;
10. Complete list of all directors (and board observers), including their full name, citizenship and shareholder affiliation, date of appointment, duration of term, as well as a description of observer rights as applicable;
11. Complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and all equity on a fully diluted basis. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s). If the recipient or subrecipient is a publicly traded company, provide the above information for shareholders with an interest greater than 5%;
12. A summary table identifying all rounds of financing, the purchase dates, the investors for each round, and all the associated governance and information rights obtained by investors during each round of financing; and
13. An organization chart to illustrate the relationship between your entity and the immediate parent, ultimate parent, and any intermediate parent, as well as any subsidiary or affiliates. Identify where each entity is incorporated.

DOE reserves the right to request additional or clarifying information based on the information submitted.



Full Application Technical Review Criteria

FOA Section V.A.ii.

Criterion 1: Technology Merit, Innovation, and Supply Chain Impact (30%)

This criterion involves consideration of the following factors:

- **Supply chain security:** The extent to which the project resolves current or projected gaps in secure, resilient domestic supply chains, including domestic manufacturing equipment, extent of end product domestic content.
- **Supply chain strength:** Strength of the supply chain to support production of the projected market share as supported through supply chain analysis and supporting mitigation strategies for supply chain vulnerabilities, risks, or issues revealed.
- **Supply chain coverage:** Ability to significantly satisfy gaps within the critical supply chain segment(s) – materials, components, or whole systems.
- **Supply chain analysis:** Reasonableness of the supply chain analysis, comprehensiveness of supplier company list with locations, degree of supply capacity to be purchased from each supplier, extent of supply provided by domestic suppliers in terms of capacity and sales amount, justifications for the use of non-domestic suppliers, validity of certifications for foreign entities of concern, as well as strength and quantity of supplier offtake agreements and/or Letters of Commitment (Letters of Support are not applicable to this criterion). Validity of the upstream supply chain risk analysis and proposed risk mitigations. Applicants are asked to provide Information on facility and project sourcing from any entities which could be considered foreign entities of concern as defined by section 40207(a)(5) of BIL as interpreted by DOE’s guidance on the term foreign entity of concern. Applicants are further asked to provide information on recycled critical material exporting to an entity that could be determined to be a foreign entity of concern (if applicable).
- **Feasibility:** The extent to which the project can achieve commercial production within the proposed timeframe.
- **Technical innovation:** The extent to which the project will create efficient, advanced, and innovative production processes, develop partnerships with universities and laboratories to spur innovation and drive down costs, and reduce facility/process GHG emissions.
- **Technology impact:** The extent to which the project will contribute to reduction in energy use, cost, and greenhouse gas emissions, including projected manufactured end item performance.
- **End product:** Comprehensiveness of the manufactured product description, including specifications and applications.
- **Recycling approach:** Comprehensiveness and reasonableness of the recycling approach in terms of plans for recovery and reuse of materials within the manufacturing process in addition to the extent of waste material or residue that will be discarded annually at full production capacity.
- **Environmental impacts:** Comprehensiveness and reasonableness of the plan to address potential environmental impacts including emissions of greenhouse gases and other air pollutants, energy use, water use, habitat destruction or impairment, etc. from the manufacturing facility or facilities.
- **Workforce and operational impact:** Effectiveness of strategies that can contribute to providing good jobs that enable steady worker supply, retention, and increased productivity, such as training (especially registered apprenticeship), and frontline worker problem-solving.
 - Effectiveness of strategies that can contribute to workforce transition, retention, and increased productivity, such as training (especially registered apprenticeship), and frontline worker problem-solving.

Applicants will be reviewed considering factors that minimize risks to project success, including implementing effective strategies to avoid labor strife and otherwise ensure adequate labor supply.

Full Application Technical Review Criteria Cont'd

FOA Section V.A.ii.

Criterion 2: Cost Share, Financial Resources, and Commercial Market Viability (30%)

This criterion involves consideration of the following factors:

- **Cost share strength:** Soundness of proposed cost share, extent of use of cash as cost share, extent of commitments from potential investment partners if proposed, and reasonableness of the plan to secure future project financing.
 - The extent of the amount of cost share in proportion to the Federal funds requested.
 - The extent of leverage measured in terms of annual production capacity per government dollar invested for the entire project.
 - The extent to which the financial solvency of all entities is detailed to complete a project of this scale.
- **Financial availability:** The extent of cash in hand for the project and the realism of the plan for obtaining the balance of required project financing as well as the ability to leverage state and local incentives in addition to DOE funding, including the availability, credibility, capability, strength, and risk/terms of non-federal cost share sources to meet ongoing need.
- **Business viability:** The degree to which the application justifies the proposed project's economic viability, sustainability, and potential growth, to include current customers and replicability beyond DOE funding.
- **Market viability:** The extent to which the applicant demonstrates potential market for manufactured product including that the end product will be competitive based on a data-based market assessment, including with respect to average selling prices, competition, off-take agreement(s), and forward-looking market trend.
- **Budget reasonableness:** The reasonableness of the proposed project budget and spend plan for the proposed project and objectives, including the level of contingency proposed to address risk.
- **Intellectual property:** Extent that North American-owned intellectual property and content are deployed as a result of the project.
- **Regional impacts:** The extent to which the proposed project utilizes and leverages available regional resources to meet the FOA objectives.

Full Application Technical Review Criteria Cont'd

FOA Section V.A.ii.

Criterion 3: Project Workplan, Management Team, and Partners (20%)

This criterion involves consideration of the following factors:

- The degree to which the task descriptions are clear, detailed, timely, and reasonable, resulting in a high likelihood that the proposed Workplan will succeed in meeting the project goals.
- The adequacy, reasonableness, and soundness of the project metrics, project schedule, milestones, and track process.
- The soundness of the plan to address environmental, siting, and other regulatory requirements for the project in a timely manner.
- The extent to which the Community Benefits Plan is integrated into the project management schedule and provides mechanisms with measurable actions.
- The extent to which the proposed site and facilities are suited for the proposed project.
- The capability of the project team to address all aspects of the proposed work with a high probability of success, including the qualifications, relevant experience and expertise, and time commitment of the individuals on the team. The extent of evidence of the project team's and key personnel's experience and success in industry and/or in similar projects.
- The level of participation by project participants, including labor partners, as evidenced by letter(s) of commitment and how well they are integrated into the Workplan.
- The degree to which the application defines a project management structure and plan, including clear and appropriate roles for team members, that gives confidence in a high likelihood of success.
- The degree to which the application's labor relations plan and strategy reflects federal government policy to maintain an equitable balance of power between labor and management.
- The extent of project strengthening by participation in consortia or industry partnerships.
- The level of participation by project participants as evidenced by letter(s) of commitment and how well they are integrated into the Workplan. The extent of labor partnerships and agreements to support project execution.

Full Application Technical Review Criteria Cont'd

FOA Section V.A.ii.

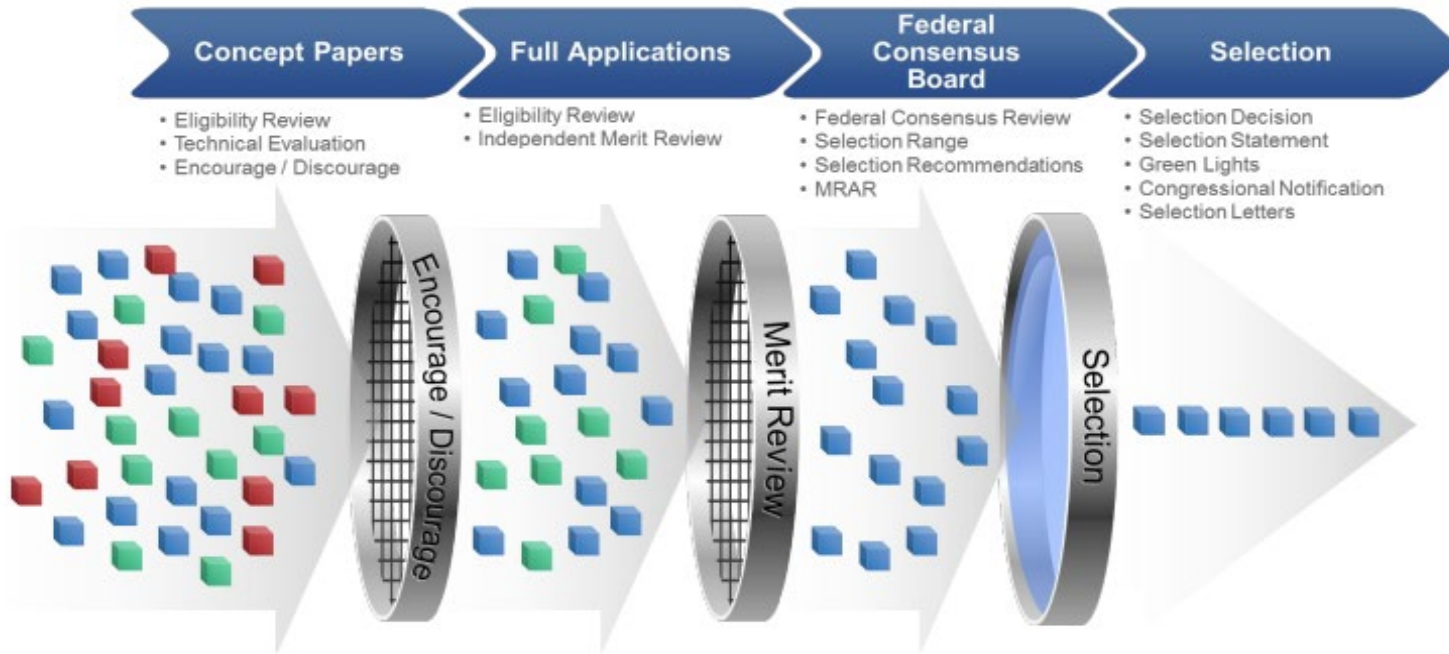
Criterion 4: Community Benefits Plan (20%)

This criterion involves consideration of the following factors:

- **Community and Labor Engagement:**
 - Extent to which the applicant demonstrates community and labor engagement to date that results in support letters from labor unions and CBOs for the proposed project.
 - Extent to which the applicant has a clear and appropriately robust plan to negotiate enforceable Workforce & Community Agreements—with labor unions, Tribal entities, and community-based organizations that support or work with disadvantaged communities and other affected stakeholders.
- **Quality Jobs to Attract and Retain Skilled Workers:**
 - Quality and manner in which the proposed project will create and/or retain high quality jobs with upper quartile wages, and employer-sponsored benefits for hourly classifications in both construction and ongoing production; investments in education, training, and worker advancement; and creation of health and safety committees.
 - Extent to which the project affirmatively supports in worker organizing and collective bargaining, by avoiding classification of workers as contract or temporary workers, pledging neutrality, union recognition via card check, or other actions that contribute to the effective conduct of business and facilitates amicable settlements of any potential disputes between employees and employers.
 - Affirmative commitment to negotiate or use a Project Labor Agreement on construction activity to mitigate risks and maximize benefits to project.
- **Diversity, Equity, Inclusion, and Accessibility:**
 - Extent to which the Community Benefits Plan includes specific and high-quality actions to meet DEIA goals, which may include DEIA recruitment procedures, supplier diversity plans, and other DEIA initiatives; and
 - Quality of any partnerships and agreements with apprenticeship readiness programs, or community-based workforce training and support organizations serving workers facing systematic barriers to employment to facilitate participation in the project's construction and operations.
- **Justice40 Initiative:**
 - Extent to which the Community Benefits Plan identifies specific, measurable benefits for disadvantaged communities, how the benefits will flow to disadvantaged communities, and how negative environmental impacts affecting disadvantaged communities would be mitigated; and
 - Extent to which the project would contribute to meeting the objective that 40% of the overall benefits of climate and clean energy investments will flow to disadvantaged communities.

Standards for Application Evaluation

FOA Section V.B.



Applications that are determined to be eligible will be evaluated in accordance with this FOA, by the standards set forth in EERE’s Notice of Objective Merit Review Procedure (76 Fed. Reg. 17846, March 31, 2011) and the guidance provided in the “DOE Merit Review Guide for Financial Assistance,” effective September 2020, which is available at:

<https://energy.gov/management/downloads/merit-review-guide-financialassistance-and-unsolicited-proposals-current>.

See FOA document, Section V.C. for Other Selection Factors and Section V.D. for Evaluation and Selection Process.

Non-Responsive Applications

FOA Section I.C.

The following types of applications will be deemed nonresponsive and will not be reviewed or considered for an award:

- Applications that fall outside the technical parameters specified in Sections I.A. and I.B. of the FOA.
- Applications for proposed technologies that are not based on sound scientific principles (e.g., violates the laws of thermodynamics).
- Applications that are based on research, development, or pilot-scale (alone) activities.
- Applications for Demonstration Projects that have less than \$50,000,000 for Federal Share.
- Applications for new Commercial-Scale Projects that have less than \$100,000,000 for Federal Share.
- Applications for retooling, retrofitting, or expanding Commercial-Scale Projects that have less than \$50,000,000 for Federal Share.
- Applications that include mining operations (mining and extraction) or mining equipment, excavation, labor, siting, etc. within the project scope.
- Applications that propose cost share contributions in the form of donation of land, existing buildings, or existing equipment.
- Applications that propose the purchase of land in the scope of the award (as part of the budget).
- Applications that propose to subordinate Federal government interest in property or equipment to obtain project financing.
- Applications that propose the use of Federal Financing such as DOE Loans or Loan Guarantees, to provide the required cost share or otherwise support the same scope that is proposed in response to this FOA.

Frequently Asked Questions

Continue to submit FOA Questions to the
FOA inbox:

DE-FOA-0003099@netl.doe.gov

Full Frequently Asked Questions document
available at:

<http://infrastructure-exchange.energy.gov>



Disclaimer

This presentation is not a rule or regulation, and the recommendations it contains may not apply to a particular situation based upon the individual facts and circumstances. If you have specific Community Benefits Plans (CBPs) guidance questions, please refer to the funding opportunity announcement for this specific program. In addition, check out the “About Community Benefits Plan” page on the Department of Energy’s website.

Community Benefits Plans: Battery Manufacturing and Recycling Grants



U.S. DEPARTMENT OF
ENERGY

Agenda

1. Community Benefit Plan Overview
2. Effective Community Benefit Plans
3. Deep Dives Into Each CBP Priority
4. Summary

Community Benefit Plans: Overview

Community Benefits Plan: Key to Successful Implementation

- Reduces risks of opposition and delays
- Maximizes benefits
- Ensures long-term success
- Builds durable support for implementation

“I’m confident that as the American people see and feel the benefits from our efforts to transform America’s economy, lower costs, create jobs, and strengthen our national security, we will build momentum and broaden support for further action.”



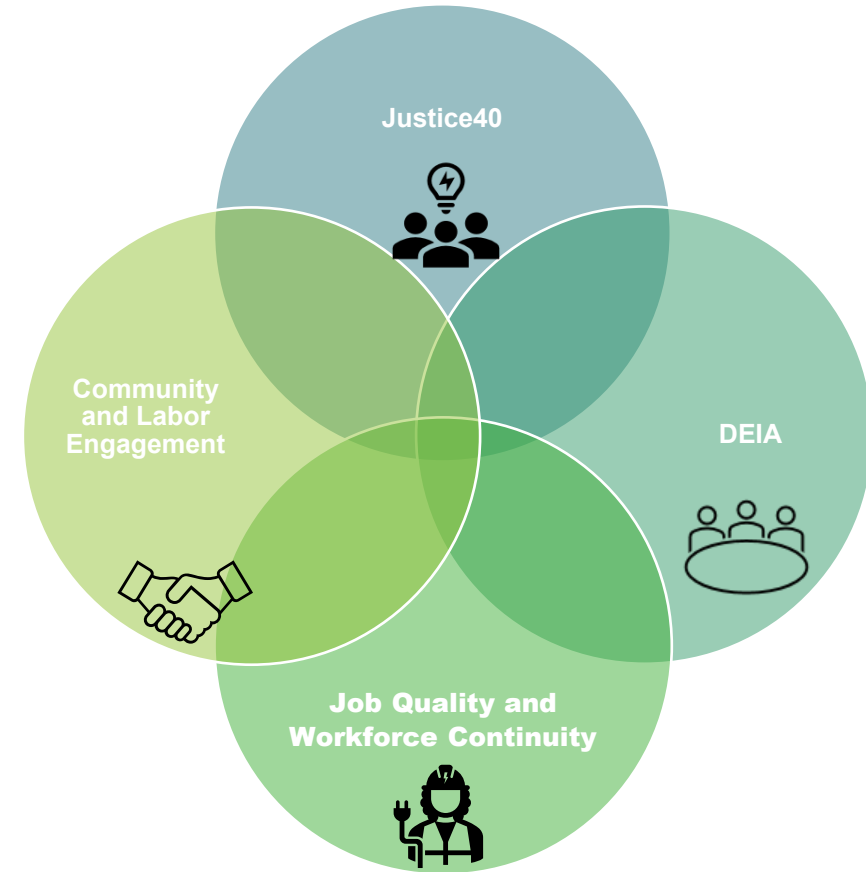
Introduction to the CBP

- The applicant's Community Benefits Plan must include at least one Specific, Measurable, Assignable, Realistic and Time-based (SMART) milestone per budget period in order to measure progress on the proposed actions.
- The Community Benefits Plan will be evaluated as part of the technical review process, typically valued at 20% of the overall score.
- If the project is selected, DOE will incorporate the Community Benefits Plan into the award and the recipient will be required to implement the Community Benefits Plan it proposed.
- During the life of the DOE award, DOE will evaluate the recipient's progress, including as part of the Go/No-Go review process.



Community Benefits Plan: Four Priorities

- **Community and Labor Engagement**
 - Meaningful engagement with community and labor partners leading to formal agreements with accountability to affected stakeholders
- **Job Quality and Workforce Continuity**
 - Create good-paying jobs to attract and retain skilled workers and ensure workers have a voice on the job over decisions that affect them
- **Diversity, Equity, Inclusion, and Accessibility**
 - Equitable access to good jobs and wealth-building opportunities (teaming, inclusive recruitment and workforce development investments, business and contracting opportunities, etc.)
- **Justice 40**
 - Meet or exceed the objectives of the Justice40 initiative that 40% of total benefits accrue to disadvantaged communities (not per project or per FOA)



*In most cases, these plans equate to 20% of the technical merit points for project proposals

Community Benefit Plans



- Decrease project risks and delays due to community or labor opposition
- Decrease health and safety risks to workers and communities



- Increase participation of affected stakeholders in decision-making
- Increase opportunities for two-way communication
- Increase accountability to affected workers and communities
- Increase benefits and broadly shared prosperity from place-based projects

Can CBPs fulfill Tribal Consultation requirements?

- CBPs do not fulfill the requirements for formal tribal consultation.
- Tribal consultation is a government-to-government process between DOE and the Tribal government in recognition of Tribal sovereignty.
- Tribes have a right to formal consultation with DOE if all the following occur:
 - An Indian Tribe could be impacted by a project.
 - The impacted Indian Tribe is Federally recognized. This includes Alaska Native Regional and Village Corporations.
 - The Indian Tribe is not a party to the grant application (or other relevant activity). A letter of support from the Tribe or involvement in a CBP does not determine whether a Tribe is a party to an action.

Need Help?

Direct questions to the Tribal Energy Steering Committee: tribalconsultation@hq.doe.gov.

Community Benefits Plan Template

A Community Benefits Plan template is available at this link: [CBP Template](#)

Each Funding Opportunity Announcement applicant is encouraged to use the CBP template to aid in the submission of the CBP portion of the application.

The CBP Template provides instructions on the type of information that an applicant should include so that they can submit a Community Benefits Plan that addresses all four priorities identified in the Community Benefits Plan portion of the Funding Opportunity Announcement.

CBP Template

Community Benefits Plan Master Template

[Cover page for federal employees only]

Introduction:

The committee on Equity, Labor, and Economic Prosperity (ELEP) currently supports 3 templates for the Community Benefits Plan Implementation. Please follow the process below to select the correct template for your funding opportunity. The CBP templates are intended to assist applicants and programs with clarifying and refining commitments in their CBP applications submitted in response to a FOA. Programs should consult with legal counsel in connection with allowable cost-share.

Step 1: Assess type of project and identify the correct template for your funding opportunity:

Using the table below assess which CBP template best applies to the funding opportunity or program.

| A demonstration and deployment (D&D) project or program. | Research + Development (R&D) | FEED Study/ Phase One Projects |
|--|---|--|
| A demonstration and deployment project in phase 2-4 of a phased award. This template is suitable for most award project types. This template is appropriate for any project incorporating construction work. | A research- or lab-based study that does not include construction or deployment activities as part of the project. This template is consistent with the EERE R&D guidance in the FOA template. Any R&D project that incorporates construction work should use the D&D template. | A project that is at a phase 1 or 2 in a multiple phase award, e.g., a study that could lead to construction of facility or technology. This template contains sections that ask the Selectee to consider future workforce considerations and benefits and impacts of a project. |

Step 2: Copy and paste the desired CBP template into a new document.

The different CBP templates are located at the pages noted in the contents below. Offer the selected template at the time of FOA release or provide the appropriate template to the Selectee to complete after the award, if needed. **Copy and paste the relevant template into a new document before distributing.**

Step 3: Ensure the summary table at the end of the template is completed.

This summary will become the Community Benefits Outcomes and Objectives (CBOO). **Similar to the Statement of Project Objectives (SOPO)**, this table should contain the high-level

Effective Community Benefit Plans

Effective Community Benefit Plans Include

- **SMART Milestones with clear metrics to measure success.**
- **Specific commitments that align with the section of the [CBP Template](#) and that respond to the specific FOA topic.**
- **Integrate with the project such that CBP outcomes can impact project decisions.**
- **Identify sufficient resources (money, people, and time) to achieve the tasks outlined in the CBP.**
- **Reach beyond a high-level or vague vision to demonstrate actionable goals, outcomes, and implementation.**
- **Commitments consider possible project impacts on impacted communities and workers, labor and workforce, and Tribes. The identified commitments align with the identified needs and priorities.**

Effective Community Benefit Plans, cont.

- **Clearly identify those communities that will be impacted by the project and where they are located (name, zip, CEJST).**
- **Offer substantive analysis on the volume of community benefits or when/how they are expected to flow.**
- **Provide specific details for who will be engaged, when, how, and to what purpose.**
- **Thoroughly model, offer to monitor, or ameliorate environmental impacts**

Community and Labor Engagement

Community and Labor Engagement in Community Benefits Plans

Describe the applicant's plans to engage with labor unions and worker organizations, Tribal governments, and community-based organizations representing local stakeholders including disadvantaged communities.

Describe plans to negotiate formal workforce and community agreements to detail benefits, partner obligations, and remedies to ensure accountability.



Community and Labor Engagement:

Examples of Effective Commitments

1. Commitment to negotiate Collective Bargaining Agreements, Community Benefits Agreements, Community Workforce Agreements, and/or Good Neighbor Agreements. (MOU outlining the conditions for negotiation at DOE negotiation stage)
2. Identification of benefits provided to affected stakeholders and local community (e.g., the number of local jobs to be created and wages paid), timelines, and remedies for non-compliance
3. Establishment of Community Advisory Councils including labor, Tribal, and environmental justice representatives

Community and Labor Stakeholder Engagement: Important Questions

- What specific community groups and labor stakeholders will be engaged for consultations and feedback over the life of the project?
 - Over what timeline will these meetings/workshops occur?
 - Is there a specific number of engagements within a specific timeframe?
 - Are the number and type of proposed engagements reasonable and timely for the proposed project?
- Is there a defined methodology for community and/or labor stakeholder feedback (workshop strategies, white boards, surveys, analyses, reports)?

Community and Labor Stakeholder Engagement: Important Questions, cont.

- **Is there a commitment to incorporate engagement feedback into the project or program? Are there specific dates or decision points for how engagement feedback will be incorporated?**
- **Is there a plan for collective bargaining agreements?**
- **Are there established check-in dates and deadlines for the negotiation and execution of any community benefit agreement, collective bargaining agreement, or similar agreements?**
- **Are any milestones, goals or metrics that were committed to in the CBP recorded in the CBOO, CBR, and quarterly reporting for follow up?**

Community and Labor Engagement

Plan to detail governance and accountability

Governance

- Detail how key investment decisions will be made
- Detail how community and labor input will be incorporated into investment decisions
- Community benefits plan committee structure, composition, roles, responsibilities
- Equal worker and community representation

Accountability

- Negotiate self-governing and legally-enforceable agreements to ensure accountability to affected community stakeholders (DOE is not a party to these agreements)
- Agreements detail community benefits
- Agreements detail remedies for non-compliance

Job Quality and Workforce Continuity

Job Quality

Plan to attract, train, and retain a qualified workforce for project success

- High-quality job creation and retention
 - Pay **above average wages** and benefits in both the construction and ongoing operations jobs
 - Invest in workforce training to **support a skilled workforce** and provide pathways to advancement
 - Ensure workplace **health and safety** plan design and implementation
- Affirmative support for worker organizing and collective bargaining
 - Pledge for neutrality and/or card check



Workforce Continuity

Minimizing risks that could contribute to work stoppages and workforce shortages

Work stoppages can occur due to:

- Health and safety incidents due to unsafe working conditions and inadequate training for workers.
- Strikes, lock-outs, or disagreements between workers and employers
- Insufficient workforce and workforce shortages

Workforce shortages can occur due to:

- High workforce turnover and insufficient recruitment due to low job quality
- Failure to retain a skilled workforce
- Insufficient skills development
- Insufficient recruitment of people to workforce training
- Inadequate upskilling programs for incumbent workers
- Barriers for people to participate in training or jobs (e.g., childcare, transportation, lack of a wage subsidy for time involved in training)

Job Quality and Workforce Continuity: Examples of Effective Commitments

Operations Phase Jobs

- **Commitments to support worker organizing and collective bargaining, such as:**
 - **Pledge to remain neutral during any union organizing campaigns**
 - **Pledge to permit union recognition through card check (as opposed to requiring union elections)**
 - **Pledge to enter into binding arbitration to settle first contracts**
 - **Pledge to allow union organizers access to appropriate onsite non-workspaces (e.g., lunchrooms)**
 - **Pledge to refrain from holding captive audience meetings**
- **Commitments to provide high-quality jobs, such as:**
 - **75th percentile wages or above for industry and relevant production occupations + competitive benefits**
 - **Paid training plus tuition reimbursement for additional training**
 - **Establishment of health and safety committees with participation and training of hourly production workers**

Workforce Continuity: Construction Projects

Risks and Challenges associated with large-scale construction:

- delays in project timeline;
- unexpected increases in project labor costs;
- coordination challenges across multiple contractors and subcontractors;
- compliance with federal labor, wage, and equal opportunity laws;
- availability of appropriately skilled and trained workers to carry out project;
- labor disputes and unrest; and
- public and worker health and safety considerations.

Risk Mitigation Measures:

- Use a project labor agreement or a project workforce continuity plan

Job Quality and Workforce Continuity: Examples of Effective Commitments

Construction-Phase Jobs

1. Commitments to negotiate Project Labor Agreements for large construction activity associated with project. (An MOU can spell out the process by which PLAs would be negotiated)
2. Commitments to utilize registered apprentices, such as a ratio 15-20% of work hours
3. Commitments to local hire, such as 50% of jobs
4. Commitments to skilled and trained/credentialed workforce with a national journey-card credential
5. Wages above required Davis-Bacon prevailing wages

Project Labor Agreement: Construction Projects

- Collective-bargaining agreement
- Used for complex, large, or long-duration projects
- Negotiated before construction begins
- Intended to provide a legally-binding and enforceable contract related to labor conditions and labor-management relations
- Negotiations for PLAs typically occur between one or more labor unions and the project owner or manager

For more information:

[Project Labor Agreement Resource Guide | U.S. Department of Labor \(dol.gov\)](#)

Workforce Continuity Plan Details

- Names of any subcontracted entities performing work on the project, and the total number of workers employed by each such entity, disaggregated by job title
- Number of contractors and sub-contractors working on the project
- Number of workers on the project hired directly and hired through a third party
- Wages and benefits of workers on the project by classification

Workforce Continuity Plan Details, cont.

- Steps taken, and those that will be taken, to:
 - ensure sufficient supply of appropriately skilled and unskilled labor
 - minimize risks of labor disputes and disruptions
 - ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities
 - ensure that workers on the project receive wages and benefits sufficient to secure an appropriately skilled workforce in the context of the local or regional labor market.
 - make investments in and/or partnerships for career-track workforce education and training, placement, and plan for continuous employment

DEIA

DEIA in Community Benefits Plans

- The Community Benefits Plan must describe how diversity, equity, inclusion, and accessibility (DEIA) objectives will be incorporated into the project.
- The Plan should detail how the applicant will reduce barriers to employment and advancement opportunities for underrepresented individuals by providing supportive services and through partnerships with:
 - Underrepresented businesses
 - Minority Serving Institutions
 - Training organizations that serve workers who face barriers to accessing quality jobs, and/or
 - Other project partners to help improve DEIA in energy jobs



DEIA Effective CBPs may include:

- Commitments for projects to make financial investments to **effective inclusive workforce development programs** (e.g., a small percentage of total project costs), with an emphasis on disadvantaged communities, fence-line communities, and organizations that serve marginalized populations:
 - Apprenticeship readiness programs or pre-apprenticeship programs
 - Apprenticeship utilization plans
 - Programs with K-12 school systems
 - Programs for post-secondary education
- Commitment for projects to provide workers and people in supported trainings with a variety of **supportive services** critical to accessing work and workforce training:
 - Access to affordable, high-quality childcare or other caregiving benefits for workers or people in supported to trainings
 - Transportation assistance
 - Career navigation, mentoring programs, or other supportive services

DEIA Effective CBPs may include:

- Commitments to **embed inclusive recruitment and retention practices** in negotiated agreements, hiring local workers, setting goals for recruitment and retention of workers from disadvantaged communities.
- Commitment to **contract with minority- and women-owned businesses**
- Pledge to **affirmatively support employment opportunities for formerly incarcerated workers** This may include: a pledge to build workforce partnerships with CBOs, agencies that serve the incarcerated or formerly incarcerated (e.g., build workforce pathways for people leaving incarceration)
- Commitment to **baseline DEIA assessment and targeted DEIA improvements** transparently shared and modified with community input

DEIA: Important Questions

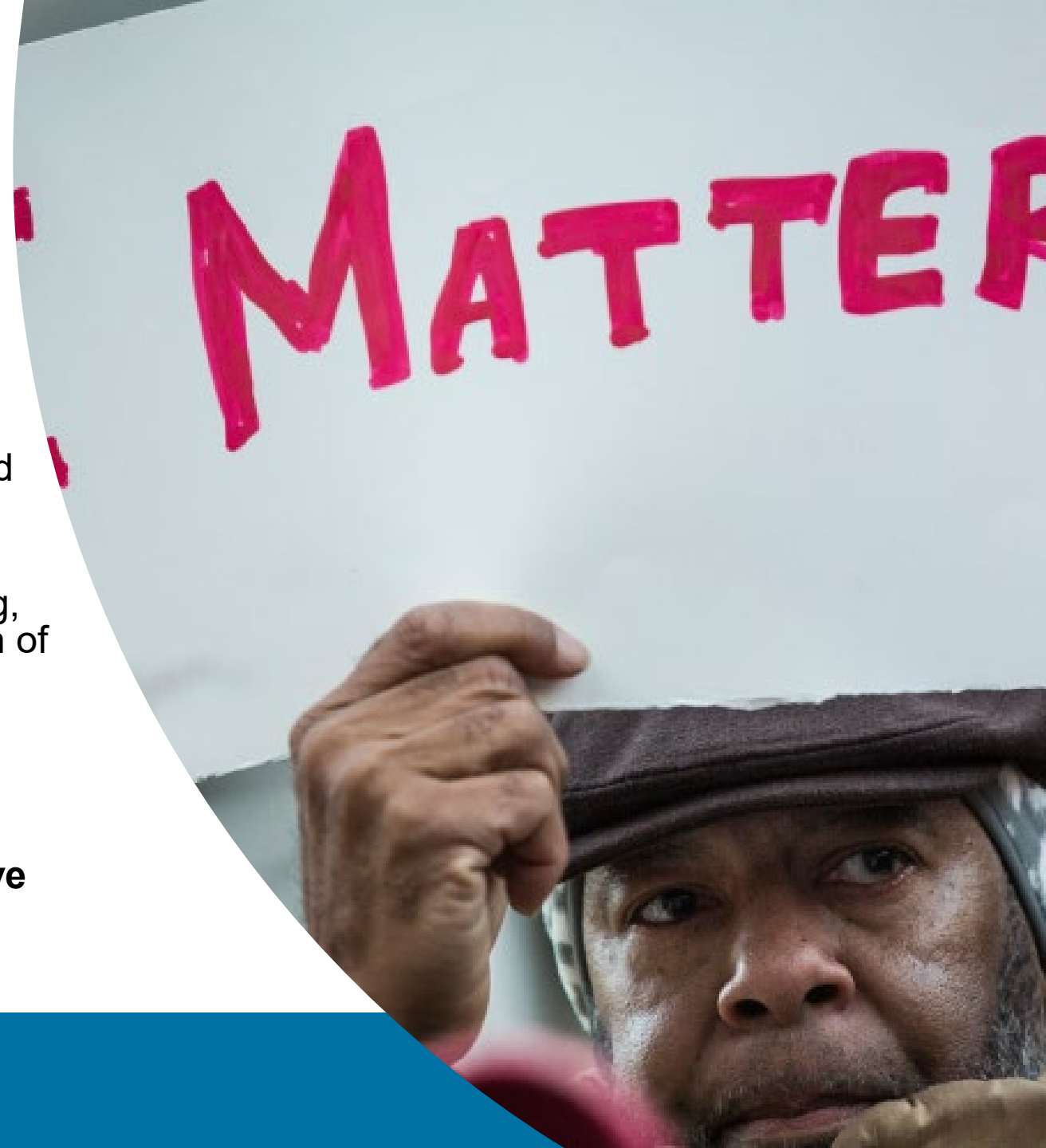
- Does the CBP **specifically identify MWDBE** (Minority, Women, and Diverse Business Enterprise) firms **and MSIs** (Minority Serving Institutions) that the applicant plans to contract/partner with?
- Does the CBP identify **workforce training organizations that serve disadvantaged communities, underrepresented or marginalized populations** and with whom the applicant will work to recruit, train and/or retain workers?
- Has the CBP identified **robust and inclusive workforce development investments, including critical supportive services**, that it will make as part of the project?
- Has the CBP included a commitment to **support apprenticeship readiness and registered apprenticeship**?
- Does potential awardee commit to **partner with or recruit from HBCUs** (Historically Black Colleges and Universities), **TCUs** (Tribal Colleges and Universities), **and other MSIs** for research and development opportunities?
- If awarded, will the applicant **record commitments related to milestones, goals or metrics** into the CBOO, CBR, and quarterly reporting for follow up?

Justice 40

Justice40 Initiative in the Community Benefits Plan

The **Justice40 Initiative** section must include:

- Identification of **applicable disadvantaged communities** where the anticipated project benefits will flow.
- Identification of applicable benefits that are **quantifiable, measurable, and trackable**, including, at a minimum, a discussion of the relevance of each of the **eight DOE Justice40 Policy Priorities**.
- A description of **how** and **when** anticipated benefits are **expected to flow to disadvantaged communities**.
- A discussion of anticipated **negative** and **cumulative impacts** on disadvantaged communities.



J40 CBP Concerns



- Community desired benefits won't be in CBPs
- Advisory boards won't have meaningful input or truly represent communities
- Fence-line communities won't be engaged
- Harms will impact fence-line communities without benefits
- Engagement with communities won't be genuine

J40 CBP Concerns

- DOE-funded infrastructure could add further burdens
- Some communities face a legacy of burden
- Communities facing high climate risks that could produce catastrophic emergencies
- Poor disaster response
- Poor compliance and enforcement
- Jobs and financial benefits won't go to communities who bear the risks



Specific EJE Guidance for CBPs:

Refine and Strengthen across 5 key topic areas

| <u>Community and Labor Engagement</u> | <u>Community and Labor Engagement</u> | <u>Justice40 Initiative</u> | <u>Justice40 Initiative, DEIA</u> | <u>Justice40 Initiative</u> |
|--|---|---|--|---|
| 1. EEJ Regional History and Context | 2. Equitable and Effective EEJ Engagement | 3. Transformative Investments | 4. CBPs as bridges to lasting commitments | 5. Monitoring and Accountability |
| <ul style="list-style-type: none"> • What key local issues are generating distrust? • What are key local opportunities to build trust? • How can community CBP priorities be surfaced? | <ul style="list-style-type: none"> • Community Advisory Board composition and timeline • Engaging fence-line Communities/DACs • Supporting community engagement • Community responsive planning | <ul style="list-style-type: none"> • How can CBPs open the door to transformative investments? • Resilience hubs, environmental remediation | <ul style="list-style-type: none"> • How can CBPs build a foundation for benefits and CBAs? • Budget and process support • DEIA considerations | <ul style="list-style-type: none"> • Transparent modelling of benefits and harms • Transparent and accessible monitoring • Accountability systems and metrics |

Justice40 Effective CBPs may include

- Applicant clearly identifies the communities impacted (positive or negative) by the project or program and provides how these communities are characterized (CEJST, DOE DAC reporter, state tools, other).
- Applicant clearly defines what benefits will result from the project or program and how these benefits will flow to the communities impacted. Benefits should be reasonable, obtainable, and in accordance with DOE's Justice40 policy priorities.





Justice40 Effective CBPs may include

- Applicant clearly describes impact of the project (both positive and negative) on local air, water, and/or land quality.
- Applicant offers clear and reasonable metrics to track how the identified benefits will flow and provides milestones/a schedule for when these expected outcomes will be achieved.

[DOE Justice40 General Guidance | Department of Energy](#)

Justice40: Aims & Recommendations

- All CBP commitments are publicly available in one shared location online
- All Go/No Go criteria are publicly available
- Commitment to transparently model environmental impacts e.g., air quality modeling
- Third party compliance
- Commitment to community advisory board and transparent accountability measures
- Environmental compliance as criteria for Go/No Go
- End of Phase 1 life-cycle assessments transparently shared and inclusive of upstream and downstream impacts
- Emergency response and capacity building for first responders
- Commitment to develop transparent community accessible environmental monitoring

Effective CBP Wrap Up

Success is in the details: Driving towards Specifics

- CBA or PLA execution dates
- Budgets, timelines, and deadlines for stakeholder engagement (includes standing up Community Advisory Boards)
 - Clearly identifying stakeholders
 - Governance structure
- Definitively identifying benefits tied to concrete metrics that can be measured and set as goals
- Clearly describing size and scope of impacts to what communities
 - Modeling health impacts
 - Emissions monitoring
 - Amelioration plans

Review: Effective CBPs

1. SMART Milestones with clear metrics to measure success.
2. Specific commitments that align with the section of the [CBP Template](#) and that respond to the specific FOA topic.
3. Integrate with the project such that CBP outcomes can impact project decisions.
4. Identify sufficient resources (money, people, and time) to achieve the tasks outlined in the CBP.
5. Reach beyond a high-level or vague vision to demonstrate actionable goals, outcomes, and implementation.
6. Commitments consider possible project impacts on impacted communities and workers, labor and workforce, and Tribes. The identified commitments align with the identified needs and priorities.

Resources

Community Benefits Plan FAQ

- Community Benefits Plan Template:
[CommunityBenefitsPlanTemplate.docx \(live.com\)](#)
- Community Benefits Plan FAQ
[About Community Benefits Plans | Department of Energy](#)
- Community Benefit Agreement Toolkit, including a webinar

UC Berkeley Technical Assistance

- [Technical Assistance: DOE Community Benefit Plans - UC Berkeley Labor Center](#)

The Green Economy Program of the UC Berkeley Labor Center has been contracted by the Lawrence Berkeley National Laboratory through the Department of Energy's Office of Energy Jobs to provide no-cost technical assistance to stakeholders interested in developing and implementing the job quality and skilled workforce and labor engagement components of Community Benefit Plans (CBPs) for demonstration and deployment projects.

Questions?

Thank You!

Connect With MESC

 www.energy.gov/mesc

Contact MESC @ MESC@hq.doe.gov



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