

**Sample Funding Opportunity Announcement (FOA) provision and review criteria language for Community Benefits Plan (CBP) requirements for base appropriations or other non-BIL or IRA funded D&D activities.**

**1. Sample FOA provision language for base appropriations or other non-BIL or IRA funded D&D CBPs**

**Prescription:** *Program Offices have the discretion to incorporate CBPs in DOE financial assistance programs that are authorized and funded under annual base appropriations and/or other non-BIL/IRA appropriations. The CBP FOA provision is tailorable and should be tailored based on the Program Office mission requirements, and type of FOA and anticipated financial assistance award. Program Offices that include a requirement for a CBP should tailor the requirements accordingly. Program Offices may, as necessary, consult with ELEM subject matter experts, the CO, and General Counsel (GC) to assist with tailoring the CBP requirements in FOAs utilizing annual base appropriations and/or other non-BIL/IRA appropriations. Email [cbp-help@hq.doe.gov](mailto:cbp-help@hq.doe.gov) for ELEM coordination or if you have questions regarding CBP requirements.*

*When included in a FOA, the CBP provision must clearly state the requirements that the applicant must address and include in its CBP. The CBP requirements and the applicants' CBP must have a direct nexus to the program's objectives in the FOA and the applicants' proposed projects. The FOA should also include merit review criteria that clearly describe how DOE will evaluate the applicant's CBP. The CO should ensure that the FOA language has been approved for use by the Program Office, and GC, if necessary, prior to issuing.*

**The following sample FOA provision should be tailored accordingly and included in Section IV - Application and Submission Information, subsection E – Content and Form of Full Application.**

**a. Community Benefits Plan: Job Quality and Equity**

The Community Benefits Plan: Job Quality and Equity (Community Benefits Plan or Plan) must set forth the applicant's approach to ensuring that federal investments advance four goals: 1) community and labor engagement; 2) investing in job quality and workforce continuity 3) advancing DEIA; and 4) contributing to the Justice40 Initiative. The below sections include the requirements for each goal. The Community Benefits Plan should indicate the applicant's intention to engage meaningfully with labor and community stakeholders on these goals, including the potential of entering into formal Workforce and Community Agreements. Given project complexity and sensitivities, applicants should consider pursuing multiple agreements.

For your convenience, a Community Benefits Plan template is available at: [About Community Benefits Plans](#). Applicants are strongly encouraged to use the template to complete their specific

Plan. If the template is not used, the Plan must address all of the elements described below, and as outlined in the template.

The applicant's Community Benefits Plan must include at least one Specific, Measurable, Attainable, Realistic and Timely (SMART) milestone per budget period to measure progress on the proposed actions. The Plan will be evaluated as part of the technical review process. If DOE selects a project, DOE will incorporate the Community Benefits Plan into the award and the recipient must implement its Community Benefits Plan when carrying out its project. Public transparency around the plan and SMART commitments ensure accountability. In addition, DOE will evaluate the recipient's progress during the award period of performance, including as part of the Go/No-Go review process.

The Community Benefits Plan must not exceed [up to 12] pages. It must be submitted in PDF format. This Plan must address the technical review criterion titled "Community Benefits Plan: Job Quality & Equity." See Section V. of the FOA.

For additional information, see [About Community Benefits Plans](#).

The Community Benefits Plan must address the following:

**1. Community and Labor Engagement:** The Community Benefits Plan must describe the applicant's actions to date and plans to engage with community partners, such as local and/or Tribal governments, labor unions, and community-based organizations that support or work with underserved communities, including disadvantaged communities as defined for purposes of the Justice40 Initiative. By facilitating community input, social buy-in, and accountability, such engagement can substantially reduce or eliminate stalls or slowdowns, litigation, and other risks associated with project implementation.

Community and labor engagement should lay the groundwork for the negotiation of Workforce and Community Agreements, which could take the form of one or more kinds of negotiated agreements with communities, labor unions, or, ideally, both. Registered apprenticeship programs, labor-management training partnerships, quality pre-apprenticeship programs, a card check provision, and local and targeted hiring goals are all examples of provisions that Workforce and Community Agreements could cover that would increase the success of a DOE-funded project.

Applicants may also provide Community and Labor Partnership Documentation from representative organizations reflecting substantive engagement and feedback on the applicant's approach to community benefits, including job quality and workforce continuity; diversity, equity, inclusion, and accessibility; and the Justice40 Initiative detailed below.

**2. Investing in Job Quality and Workforce Continuity:** A well-qualified, skilled, and trained workforce is necessary to ensure project stability, continuity, and success, and to meet

program goals. High-quality jobs are critical to attracting and retaining the qualified workforce required.

The Plan must describe the applicant's approach to investing in workforce education and training of both new and incumbent workers and ensuring jobs are of sufficient quality to attract and retain skilled workers in the industry.

As the 1935 National Labor Relations Act states, employees' ability to organize, bargain collectively, and participate, through labor organizations of their choosing, in decisions that affect them contributes to the effective conduct of business and facilitates amicable settlements of any potential disputes between employees and employers, providing assurances of project efficiency, continuity, and multiple public benefits.

The Plan must include:

- A) A summary of the applicant's plan to attract, train, and retain a skilled and well-qualified workforce for construction *and* ongoing operations/production activities. A collective bargaining agreement, labor-management partnership, or other similar agreement would provide evidence of such a plan. Alternatively, applicants may describe:
  - i. Wages, benefits, and other worker supports to be provided, benchmarking against prevailing wages for construction and local median wages for other occupations;
  - ii. Commitments to invest in workforce education and training, including measures to reduce attrition, increase productivity from a committed and engaged workforce, and support the development of a resilient, skilled, and stable workforce for the project; and
  - iii. Efforts to engage employees in the design and execution of workplace safety and health plans.
- B) It is the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association. Applicant should provide a description of how and if they plan to affirmatively support worker organizing and collective bargaining. This might include a commitment to negotiate pre-hire project labor agreements for construction activity, a pledge to remain neutral during any union organizing campaigns, intention or willingness to permit union recognition through card check (as opposed to requiring union elections), intention or willingness to enter into binding arbitration to settle first contracts, a pledge to allow union organizers access to appropriate onsite non-work

places (e.g., lunch rooms), a pledge to refrain from holding captive audience meetings, and other supportive commitments or pledges.

- C) *[Reserved for any other specific statutory requirement or program preference pertaining to jobs or workforce]*

**3. DEIA:** The Community Benefits Plan must include a section describing how DEIA objectives will be incorporated into the project. The section should detail how the applicant will partner with underrepresented businesses, educational institutions, and training organizations that serve workers who face barriers to accessing quality jobs, and/or other project partners to help address DEIA.

The following is a list of potential DEIA actions that could be included in a Plan. This list is offered to provide guidance to applicants and is not intended to be comprehensive:

- A) Commit to partnering with Minority Business Enterprises, minority-owned businesses, women-owned businesses, and veteran-owned businesses for contractor support needs;
- B) To fill open positions for the DOE-funded project, partner with workforce training organizations serving underrepresented communities and those facing systemic barriers to quality employment, such as those with disabilities, women, returning citizens, opportunity youth, and veterans;
- C) Provide workers with comprehensive support services, such as childcare and transportation, to increase representation and access in project's construction and operations jobs.

**4. Justice40 Initiative:** Applicants must provide an overview of benefits to disadvantaged communities that the project can deliver, supported by measurable milestones. The Justice40 Initiative section must include:

- A. Identification of applicable disadvantaged communities to which the anticipated project benefits will flow.
- B. 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 Initiative benefits outlined below.

Benefits include (but are not limited to) measurable direct or indirect investments or positive project outcomes that achieve or contribute to the following in disadvantaged communities: (1) a decrease in energy burden; (2) a decrease in environmental exposure and burdens; (3) an

increase in access to low-cost capital; (4) an increase in high-quality job creation, the clean energy job pipeline, and job training for individuals; (5) increases in clean energy enterprise creation and contracting (e.g., minority-owned or disadvantaged business enterprises); (6) increases in energy democracy, including community ownership; (7) increased parity in clean energy technology access and adoption; and (8) an increase in energy resilience. Applicants should also discuss how the project will maximize all the benefits listed in number 4 above.

- C. A description of how and when anticipated benefits are expected to flow to disadvantaged communities. For example, whether the benefits will be provided directly within the disadvantaged communities identified in the Justice40 Initiative section or in another way; whether the benefits will flow during project development or after project completion; and how the applicant will track benefits delivered.
- D. A discussion of anticipated negative and cumulative environmental impacts on disadvantaged communities. Applicants should discuss any anticipated negative or positive environmental impacts associated with the project, and how they will mitigate any negative impacts. Within the context of cumulative impacts created by the project, applicants should use Environmental Protection Agency's EJSCREEN tool to quantitatively discuss existing environmental impacts in the project area. See [EJScreen: Environmental Justice Screening and Mapping Tool](#).

For projects funded under this FOA, DOE will provide specific reporting guidance for the benefits described above.

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**Prescription:** *When the Job Quality and Equity CBP is included, also include the CBP Budget Justification. Program Offices have the discretion to incorporate CBPs in DOE financial assistance programs that are authorized and funded under annual base appropriations and/or other non-BIL/IRA appropriations. The CBP FOA provision is tailorable and should be tailored based on the Program Office mission requirements, and type of FOA and anticipated financial assistance award. Program Offices that include a requirement for a CBP should tailor the requirements accordingly. Program Offices may, as necessary, consult with ELEM subject matter experts, the CO, and General Counsel (GC) to assist with tailoring the CBP requirements in FOAs utilizing annual base appropriations and/or other non-BIL/IRA appropriations. Email [cbp-help@hq.doe.gov](mailto:cbp-help@hq.doe.gov) for ELEM coordination or if you have questions regarding CBP requirements.*

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**The following sample FOA provision should be tailored accordingly and included in Section IV - Application and Submission Information, subsection E – Content and Form of Full Application.**

**b. Community Benefits Plan Budget Justification**

Applicants must provide a separate budget justification identifying the Community Benefit Plan costs included in the "Budget Justification" This Community Benefits Plan Budget Justification must include the same justification information described in the "Budget Justification" section above but should only include Community Benefits Plan costs.

**2. Sample D&D CBP Merit Review Criteria**

**When D&D CBPs are required the FOA must contain merit review criteria that clearly describes how DOE will evaluate the applicant's D&D CBP.**

**Merit review criteria should be tailored accordingly and included in Section V – Application Review Information, in subsection A, Technical Review Criteria under Full Applications.**

Sample merit review criteria that should be tailored:

**Criterion [x]: Community Benefits Plan (xx%)**

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 for the proposed project;

- Extent to which the applicant has a clear and appropriately robust plan to engage—ideally through a clear commitment to negotiate enforceable Workforce & Community Agreements—with labor unions, Tribal entities, and community-based organizations that support or work with DACs and other affected stakeholders;
- Extent to which the applicant has considered accountability to affected workers and community stakeholders, including those most vulnerable to project activities, with a plan to publicly share SMART Community Benefits Plan commitments; and
- Extent to which the applicant demonstrates that community and labor engagement will lead to the delivery of high-quality jobs, minimal environmental impact, and allocation of project benefits to DACs.

#### Job Quality and Workforce Continuity

- Quality and manner in which the proposed project will create and/or retain high quality, good-paying jobs with employer-sponsored benefits for all classifications and phases of work;
- Extent to which the project provides employees with the ability to organize, bargain collectively, and participate, through labor organizations of their choosing, in decisions that affect them and that contribute to the effective conduct of business and facilitates amicable settlements of any potential disputes between employees and employers, providing assurances of project efficiency, continuity, and multiple public benefits; and
- Extent to which applicant demonstrates that they are a responsible employer, with ready access to a sufficient supply of appropriately skilled labor, and an effective plan to minimize the risk of labor disputes or disruptions.

#### 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 DACs, how the benefits will flow to DACs, and how negative environmental impacts affecting DACs would be mitigated; and
- Extent to which the project would contribute to meeting the objective that 40% of the benefits of climate and clean energy investments will flow to DACs.

Rescinded by Policy Flash 2025-16