



Notice of Intent No. DE-FOA-0002906

DISCLAIMER: This “Notice of Intent” is for informational purposes only. The Department of Energy is not seeking comments on the information in this Notice and is not currently accepting applications. Any information contained in this notice is subject to change.

This is a Notice of Intent to issue Funding Opportunity Announcement No. DE-FOA-0002907

Bipartisan Infrastructure Law: Advanced Energy Manufacturing and Recycling Grant Program (Section 40209)

The United States (U.S.) Department of Energy’s (DOE) Office of Manufacturing and Energy Supply Chains (MESC) intends to issue a Funding Opportunity Announcement (FOA) titled “Bipartisan Infrastructure Law: Advanced Energy Manufacturing and Recycling Grant Program (Section 40209).” MESC intends to issue the FOA in the February 2023 timeframe, and the FOA will be funded by the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL).¹

The BIL appropriates more than \$62 billion to DOE to ensure the clean energy future delivers true economic prosperity to the American people by:

- Investing in American manufacturing and workers, including supporting high-paying jobs with the free and fair choice to join a union, and effective workforce development to upskill incumbent, underrepresented, and dislocated workers.
- Expanding access to energy efficiency and clean energy for families, communities, and businesses.
- Delivering reliable, clean, and affordable power to more Americans.
- Building the technologies of tomorrow through clean energy demonstrations.

The anticipated FOA supports the Advanced Energy Manufacturing and Recycling Grant Program (the “Program”), as established pursuant to BIL Section 40209.² DOE anticipates that the FOA will award financial assistance in the form of cooperative agreements or grants to small- and medium-sized manufacturers to support projects to build new, re-equip, or expand existing clean energy manufacturing or recycling facilities in coal transition communities. These projects are referred to in this Notice of Intent (NOI) as “Advanced Energy Property Projects.”

¹ Public Law 117-58 (Nov. 15, 2021).

² 42 U.S.C. § 18742.

The U.S. “needs resilient, diverse, and secure supply chains” to “ensure our economic prosperity and national security,” as well as “revitalize and rebuild domestic manufacturing capacity, maintain America’s competitive edge in research and development, and create well-paying jobs.”³ Under BIL Section 40209, the following types of energy property may be produced or recycled through an Advanced Energy Property Project:

- Property designed to be used to produce energy from the sun, water, wind, geothermal or hydrothermal resources, enhanced geothermal systems, or other renewable resources;
- Fuel cells, microturbines, or energy storage systems and components;
- Electric grid modernization equipment or components;
- Property designed for use in carbon capture, transport, removal, use, or sequestration / storage;
- Equipment designed to refine, electrolyze, or blend any fuel, chemical, or product that is renewable or low-carbon and low-emission;
- Property designed to produce energy conservation technologies (including for residential, commercial, and industrial applications);
- Light-, medium-, or heavy-duty electric or fuel cell vehicles, electric or fuel cell locomotives, electric or fuel cell maritime vessels, or electric or fuel cell planes; technologies, components, and materials of those vehicles, locomotives, maritime vessels, or planes; and charging or refueling infrastructure associated with those vehicles, locomotives, maritime vessels, or planes;
- Hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds; and technologies, components, and materials for those vehicles; and
- Other advanced energy property designed to reduce greenhouse gas emissions.⁴

The anticipated FOA will include projects that produce or recycle property in any of the statutory categories listed above, and projects will be selected in part based on their ability to bolster critical domestic supply chains needed to create an emissions-free power sector by 2035 and achieve net zero emissions economy-wide by no later than 2050. For example, in DOE’s February 2022 report “[Securing America’s Clean Energy Supply Chain](#),” DOE identified priority need for grain-oriented electric steel, continuously transposed conductors, copper wire, copper windings, large power transformers (LPT) bushings, conservator tanks, conservator bladders, and large power transformers to support grid modernization; polysilicon, rolled glass, aluminum, ingots, wafers, cells, supports, modules, inverters, and systems to support solar photovoltaics; Nd and Dy alloys, Nd magnets, semiconductors, large castings, forged rings and

³ E.O. 14017, America’s Supply Chains (Feb. 24, 2021).

⁴ BIL § 40209(a)(1).

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shafts, wind turbines, blades, towers, nacelle, and electric BOS hardware to support wind projects; and polytetrafluoro-ethylene, electrolyte membranes, bipolar plates, membrane electrodes, gas diffusion layers, PEM fuel cells and electrolyzers, and solid oxide fuel cells and electrolyzers to support hydrogen projects. Presidential Determinations invoking the Defense Production Act have also signaled the need to expand clean energy manufacturing in the areas of (1) solar; (2) transformers and electric grid components; (3) heat pumps; (4) insulation; and (5) electrolyzers, fuel cells, and platinum group metals.⁵

This Program includes a specific requirement that funds be invested in communities with historic ties to coal mining or power generation, and is one part of the Biden Administration’s overall efforts to invest in these communities.⁶ Coal mining and power plant workers drove the industrial revolution and the economic growth that followed.⁷ Investments in coal mining and power plant communities should, as described in President Biden’s Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, “include efforts to turn properties idled in these communities, such as brownfields, into new hubs for the growth of our economy.” DOE intends for the Program to draw on and utilize valuable facilities, infrastructure, and skilled workers in these communities to anchor clean energy manufacturing.

Applicants will be required to demonstrate that the proposed project site is located in (a) a census tract in which a coal mine closed after December 31, 1999, (b) a census tract in which a coal-fired electricity generating power plant unit closed after December 31, 2009, or (c) a census tract immediately adjacent to (a) or (b). To assist potential applicants in identifying eligible project locations, DOE has made a map showing relevant coal mine and coal-fired electricity generating power plant unit closures, as well as immediately adjacent census tracts, available [here](#). Potential applicants can also access this map under Program Resources here: [Advanced Energy Manufacturing and Recycling Grants | Department of Energy](#).

⁵ See [Memorandum on Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Solar Photovoltaic Modules and Module Components](#) (June 6, 2022); [Memorandum on Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Transformers and Electric Power Grid Components](#) (June 6, 2022); [Memorandum on Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Electric Heat Pumps](#) (June 6, 2022); [Memorandum on Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Insulation](#) (June 6, 2022); [Memorandum on Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Electrolyzers, Fuel Cells, and Platinum Group Metals](#) (June 6, 2022).

⁶ E.O. 14008, Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021).

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This FOA will include community benefits plans requirements related to community and labor engagement; investing in the American workforce; diversity, equity, inclusion and accessibility; and the Justice40 Initiative.⁸ The FOA will require stakeholder engagement, including interaction with members of coal, power-plant, industrial, and disadvantaged communities, as well as with labor unions. Guidance on specific application and reporting requirements will be included in the FOA.

DOE strongly supports investments that expand quality jobs with the free and fair chance to join a union, improve job quality through the adoption of strong labor standards, increase job access, strengthen local economies, and develop a diverse workforce for the work of building and maintaining the country's energy infrastructure and growing domestic manufacturing. DOE further expects to prioritize projects with higher levels of direct and indirect job creation in the vicinity of the project, particularly with respect to low-income communities and dislocated workers previously employed in manufacturing, coal power plants, or coal mining.

As part of the whole-of-government approach to advance equity across the Federal Government, the anticipated FOA and any related activities are in alignment with Section 40209 and consistent with the Biden Administration's commitments to ensure that disadvantaged communities have access to federal resources. Implementation efforts shall be in furtherance of the Justice40 Initiative ("Justice40"), which establishes a goal that 40% of the overall benefits of clean energy and energy efficiency investments flow to disadvantaged communities.

BIL Section 40209 requires that a project demonstrate a reasonable expectation of commercial viability. DOE anticipates that the FOA will recognize that sustained commercial success of a project is a necessary precondition to achieving the domestic supply chain and economic development objectives that DOE has set forth. DOE also anticipates encouraging applicants to demonstrate technological innovation and incorporation of best practices, including in advanced manufacturing, as markers of potential for commercial viability and success.

⁸ The Justice40 initiative, established by E.O. 14008, set a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. The Justice40 Interim Guidance defines benefits as direct and indirect investments (program outcomes) that positively impact disadvantaged communities and provides examples starting on page 4. See Memorandum on Interim Implementation Guidance for the Justice40 Initiative at 4 (July 20, 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>; DOE's definition of disadvantaged communities, which should be used to determine benefits calculations, is available at: <https://www.energy.gov/diversity/office-economic-impact-and-diversity>. A "Map Layers" function in the map available [here](#) can be used to identify disadvantaged communities that are located within relevant census tracts for this Program.

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In accordance with BIL Section 40209, applicants will be required to provide evidence of the following eligibility criteria:

1. Gross annual sales of less than \$100,000,000;
2. Fewer than 500 employees at the plant site of the manufacturing firm; and
3. Annual energy bills that total more than \$100,000 but less than \$2,500,000.⁹

Further, in accordance with BIL Section 40209, priority will be given to minority-owned firms, that is a firm “not less than 51% of which is owned by one or more individuals who are (A) citizens of the United States; and (B) Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or Alaska Native.”¹⁰ Applications from minority-owned firms will be highly encouraged.

Recipients should be aware that Build America, Buy America Act of the BIL¹¹ and the Davis-Bacon Act¹² requirements will apply to this program.

The anticipated FOA will provide approximately \$350 million in financial assistance in the form of cooperative agreements or grants to focus on Advanced Energy Property Projects with high supply chain impacts and strong community benefits plans through the following Topic Areas:

Area of Interest	Anticipated Cost Share Required	Anticipated Number of Awards		Anticipated Individual Award Value		Anticipated Total Funding Available
		Min	Max	Minimum	Maximum	
1	≥50%	3	15	\$10,000,000	\$100,000,000	\$150,000,000
2	≥50%	3	20	\$10,000,000	\$100,000,000	\$200,000,000
Total						\$350,000,000

⁹ BIL § 40209 (a)(3).

¹⁰ BIL § 40209 (a)(4), (c)(2).

¹¹ For more information regarding the implementation of Build America, Buy America, see [M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#).

¹² The BIL includes wage requirements and directs that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available through the BIL shall be paid wages at rates not less than those prevailing on similar projects in the locality.

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Topic Area 1 – Constructing new advanced energy manufacturing or recycling facilities.

The objective of this area of interest is to build new advanced energy property manufacturing or recycling facilities.

Topic Area 2 – Re-equipping or expanding existing facilities to manufacture or recycle advanced energy property.

The objective of this area of interest is to expand or re-equip manufacturing or recycling facilities to produce or recycle advanced energy property.

DOE envisions awarding multiple financial assistance awards in the form of cooperative agreements or grants. The period of performance for each award cannot exceed 3 years under any circumstance per BIL Section 40209.

DOE may issue a second release of the same or similar FOA in the future to solicit and select additional projects beyond those selected in the initial launch. DOE may also consider other funding mechanisms outside of the FOA to provide technical assistance. Information about current technical assistance offerings is available under Program Resources here: [Advanced Energy Manufacturing and Recycling Grants | Department of Energy](#).

This NOI is issued so that interested parties are aware of DOE’s intention to issue this FOA in the near term. All of the information contained in this NOI is subject to change.

Questions/comments regarding this NOI can be submitted to 40209Program@hq.doe.gov no later than January 6, 2023. DOE is under no obligation to acknowledge receipt of, or respond to, any submitted question/comment submitted under this NOI. Questions/comments received under this NOI are subject to public release pursuant to the Freedom of Information Act.

Submission and Registration Requirements for Full Application

MESC plans to issue the FOA in the February 2023 timeframe via the OCED eXCHANGE website <https://oced-exchange.energy.gov/>. If Applicants wish to receive official notifications and information from MESC regarding this FOA, they should register in OCED eXCHANGE. When the FOA is released, applications will be accepted only through OCED eXCHANGE.

In anticipation of the FOA being released, Applicants are advised to complete the following steps, which are **required** for application submission:

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- Register and create an account in OCED eXCHANGE at <https://oced-exchange.energy.gov/>. This account will allow the user to apply to any open OCED FOAs that are currently in OCED eXCHANGE.

Potential applicants will be required to have a Login.gov account to access OCED eXCHANGE. As part of the eXCHANGE registration process, new users will be directed to create an account in [Login.gov](https://login.gov/). Please note that the email address associated with Login.gov must match the email address associated with the eXCHANGE account. For more information, refer to the Exchange Multi-Factor Authentication (MFA) Quick Guide in the [Manuals section](#) of eXCHANGE.

It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Questions related to the registration process and use of the OCED Exchange website should be submitted to: OCED-ExchangeSupport@hq.doe.gov

- Register with the System for Award Management (SAM) at <https://www.sam.gov>. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in SAM registration. Please update your SAM registration annually. Upon registration, SAM will automatically assign a Unique Entity ID (UEI).
- Register in FedConnect at <https://www.fedconnect.net/>. To create an organization account, your organization's SAM MPIN is required. For more information about the SAM MPIN or other registration requirements, review the FedConnect Ready, Set, Go! Guide at https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf
- Register in Grants.gov to receive automatic updates when Amendments to a FOA are posted. However, please note that applications will not be accepted through Grants.gov. <http://www.grants.gov/>. All applications must be submitted through OCED eXCHANGE.

Teaming List

DOE is compiling a Teaming Partner List to facilitate the formation of new project teams for this potential FOA. The Teaming Partner List allows organizations who may wish to participate on an application to express their interest to other applicants and to explore potential partnerships.

- Updates to the Teaming Partner List will be available in the OCED Exchange website. The Teaming Partner List will be regularly updated to reflect new teaming partners who have provided their organization's teaming partner information.

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- **SUBMISSION INSTRUCTIONS:** Any organization that would like to be included on this list should submit the following information: Organization Name, Contact Name, Contact Address, Contact Email, Contact Phone, Organization Type, Area of Technical Expertise, Brief Description of Capabilities, and Area of Interest. Interested parties should email the information to 40209Program@hq.doe.gov with the subject line “Teaming Partner Information.”
 - **DISCLAIMER:** By submitting a request to be included on the Teaming Partner List, the requesting organization consents to the publication of the above-referenced information. By enabling and publishing the Teaming Partner List, DOE is not endorsing, sponsoring, or otherwise evaluating the qualifications of the individuals and organizations that are self-identifying themselves for placement on this Teaming Partner List. DOE will not pay for the provision of any information, nor will it compensate any applicants or requesting organizations for the development of such information.

Disclaimer

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Full Applications are not being accepted at this time.

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