
members to arrange work structure, project execution, and any other matters. Regardless of these arrangements, the entity that applied as the prime recipient for the project will remain the prime recipient for the project.

III. Eligibility Information

To be considered for substantive evaluation, an applicant's submission must meet the criteria set forth below. If the application does not meet these eligibility requirements, it will be considered ineligible and removed from further evaluation.

A. Eligible Applicants

i. Restricted Eligibility

The National Energy Technology Laboratory is ineligible to participate as a prime applicant or as a team member/sub-recipient on any application because of its role in developing the requirements for this announcement.

Entities applying as the prime applicant under AOI 2, “Battery Electric Heavy-duty Freight Vehicles” are restricted to businesses and entities involved in vehicle production, vehicle component supply, charging equipment manufacturing, and freight movement, logistics, or management. All other entities that submit an application as a prime applicant to this AOI will be considered non-responsive and the application will not be reviewed. The restricted eligibility does not apply to entities applying as a subrecipient.

ii. Individuals

U.S. citizens and lawful permanent residents are eligible to apply for funding as a prime recipient or subrecipient.

iii. Domestic Entities

For-profit entities, educational institutions, and nonprofits that are incorporated (or otherwise formed) under the laws of a particular State or territory of the United States and have a physical location for business operations in the United States are eligible to apply for funding as a prime recipient or subrecipient. Nonprofit organizations described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities after December 31, 1995, are not eligible to apply for funding.

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State, local, and tribal government entities are eligible to apply for funding as a prime recipient or subrecipient.

DOE/NNSA FFRDCs are eligible as follows:

AOI Number	Area of Interest	DOE/NNSA FFRDC allowed as Recipient	DOE/NNSA FFRDC allowed as Subrecipient
1a	Research: Advanced Storage for Gaseous Fuels	No	*Yes, except LBNL, LLNL, NREL, PNNL, and SNL
1b	Research: Waste-to-Energy	No	Yes
1c	Technology Integration: Natural Gas Vehicle Maintenance Cost Study	No	Yes
1d	Technology Integration: Compressed Natural Gas (CNG) Fuel Tank Affordability	No	No
1e	Technology Integration: Smart Compressed Natural Gas (CNG) Refueling	No	Yes
1f	Technology Integration: Next-Generation Compressed Natural Gas (CNG) Driver Information Systems	No	Yes
2	Battery Electric Heavy-duty Freight Vehicles	No	Yes
3	High Throughput Hydrogen Fueling Technologies for Medium- and Heavy-duty Transportation	No	Yes
4	High-durability, Low Platinum Group Metal (PGM) Membrane Electrode Assemblies (MEAs) for Medium- and Heavy-duty Truck Applications	No	*Yes, except ANL, LANL, LBNL, NREL and ORNL
5	Energy Efficient Commercial Off-road Vehicles	No	Yes

* These FFRDCs are not eligible to participate as a subrecipient due to their participation in a consortium that is already funded to perform similar work.

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For all AOIs where an FFRDC is eligible to apply as a subrecipient, the FFRDC's scope of work may not exceed that of the prime recipient as measured by total project cost.

Federal agencies and instrumentalities (other than DOE) are eligible to apply for funding as a subrecipient but are not eligible to apply as a prime recipient.

iv. Foreign Entities

Other than as provided in the "Individuals" or "Domestic Entities" sections above, all prime recipients receiving funding under this FOA must be incorporated (or otherwise formed) under the laws of a State or territory of the United States and have a physical location for business operations in the United States. If a foreign entity applies for funding as a prime recipient, it must designate in the Full Application a subsidiary or affiliate incorporated (or otherwise formed) under the laws of a State or territory of the United States to be the prime recipient. The Full Application must state the nature of the corporate relationship between the foreign entity and domestic subsidiary or affiliate.

A foreign entity may receive funding as a subrecipient.

v. Incorporated Consortia

Incorporated consortia, which may include domestic and/or foreign entities, are eligible to apply for funding as a prime recipient or subrecipient. For consortia incorporated (or otherwise formed) under the laws of a State or territory of the United States, please refer to "Domestic Entities" above. For consortia incorporated in foreign countries, please refer to the requirements in "Foreign Entities" above.

Each incorporated consortium must have an internal governance structure and a written set of internal rules. Upon request, the consortium must provide a written description of its internal governance structure and its internal rules to the EERE Contracting Officer.

vi. Unincorporated Consortia

Unincorporated Consortia, which may include domestic and foreign entities, must designate one member of the consortium to serve as the prime recipient/consortium representative. The prime recipient/consortium representative must be incorporated (or otherwise formed) under the laws of a State or territory of the United States. The eligibility of the consortium will be

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determined by the eligibility of the prime recipient/consortium representative under Section III.A of the FOA.

Upon request, unincorporated consortia must provide the EERE Contracting Officer with a collaboration agreement, commonly referred to as the articles of collaboration, which sets out the rights and responsibilities of each consortium member. This agreement binds the individual consortium members together and should discuss, among other things, the consortium's:

- Management structure;
- Method of making payments to consortium members;
- Means of ensuring and overseeing members' efforts on the project;
- Provisions for members' cost sharing contributions; and
- Provisions for ownership and rights in intellectual property developed previously or under the agreement.

B. Cost Sharing

The cost share must be at the required percentages identified in the table below and is calculated based on the total allowable costs (i.e., the sum of the Government share, including FFRDC costs if applicable, and the recipient share of allowable costs equals the total allowable cost of the project) and must come from non-federal sources unless otherwise allowed by law. (See 2 CFR 200.306 and 2 CFR 910.130 for the applicable cost sharing requirements.)

- **Cost Sharing Generally**

The cost share must be at least 20% of the total allowable costs for research and development projects (i.e., the sum of the Government share, including FFRDC costs if applicable, and the recipient share of allowable costs equals the total allowable cost of the project) and must come from non-federal sources unless otherwise allowed by law. (See 2 CFR 200.306 and 2 CFR 910.130 for the applicable cost sharing requirements.)

PLEASE NOTE: Section 108, "Short-Term Cost-Share Pilot Program" of the Department of Energy Research and Innovation Act (RIA), Pub. L. 115-246, amended EPACT 2005 section 988 to include a 2-year pilot program exempting Institutions of Higher Education and Non-Profit Organizations from the minimum 20 percent cost share requirement for research and development activities. Nevertheless, RIA did not change the cost share requirements set forth in 2 CFR 910.130 of DOE's financial assistance regulation and the requirements of that regulation remain in effect. Until the regulation is amended to align with RIA or a cost share reduction or elimination is issued, DOE programs and Contracting Officers must adhere to the cost share requirements as set forth in 2 CFR 910.130. Independent of the EPACT 2005 section 988 and 2 CFR 910.130 requirements and the Pilot Program notwithstanding, DOE

may require cost share of any activity as a matter of programmatic discretion.

AOI Number	Area of Interest		Cost Share for Universities, Institutions of Higher Learning, and Non-Profits	Cost Share for all Other Applicants
1a	Research: Advanced Storage for Gaseous Fuels		20%	≥20%
1b	Research: Waste-to-Energy		20%	≥20%
1c	Technology Integration: Natural Gas Vehicle Maintenance Cost Study		≥50%	≥50%
1d	Technology Integration: Natural Gas Vehicle Tank Affordability		≥50%	≥50%
1e	Technology Integration: Smart Compressed Natural Gas (CNG) Infrastructure Projects		≥50%	≥50%
1f	Technology Integration: Next Generation Compressed Natural Gas (CNG) Driver Information Systems		≥50%	≥50%
2	Electrification of Heavy-duty Freight Vehicles	Phase 1: Technology Research and Development:	20%	≥20%
		Phase 2: Vehicle Integration and Demonstration:	50%	50%
3	High Throughput Hydrogen Fueling Technologies for Medium- and Heavy-duty Transportation		20%	≥20%
4	High-durability, Low Platinum Group Metal Membrane Electrode Assemblies (MEAs) for Medium- and Heavy-duty Truck Applications		20%	≥20%
5	Energy Efficient Commercial Off-road Vehicles	Phase 1: Technology Research and Development:	20%	20%

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		Phase 2: Vehicle Integration and Demonstration:	50%	50%
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To assist applicants in calculating proper cost share amounts, EERE has included a cost share information sheet and sample cost share calculation as Appendices A and B to this FOA.

i. Legal Responsibility

Although the cost share requirement applies to the project as a whole, including work performed by members of the project team other than the prime recipient, the prime recipient is legally responsible for paying the entire cost share. If the funding agreement is terminated prior to the end of the project period, the prime recipient is required to contribute at least the cost share percentage of total expenditures incurred through the date of termination.

The prime recipient is solely responsible for managing cost share contributions by the project team and enforcing cost share obligation assumed by project team members in subawards or related agreements.

ii. Cost Share Allocation

Each project team is free to determine how best to allocate the cost share requirement among the team members. The amount contributed by individual project team members may vary, as long as the cost share requirement for the project as a whole is met.

iii. Cost Share Types and Allowability

Every cost share contribution must be allowable under the applicable federal cost principles, as described in Section IV.I.i of the FOA. In addition, cost share must be verifiable upon submission of the Full Application.

Project teams may provide cost share in the form of cash or in-kind contributions. Cost share may be provided by the prime recipient, subrecipients, or third parties (entities that do not have a role in performing the scope of work). Vendors/contractors may not provide cost share. Any partial donation of goods or services is considered a discount and is not allowable.

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Cash contributions include, but are not limited to: personnel costs, fringe costs, supply and equipment costs, indirect costs and other direct costs.

In-kind contributions are those where a value of the contribution can be readily determined, verified and justified but where no actual cash is transacted in securing the good or service comprising the contribution. Allowable in-kind contributions include, but are not limited to: the donation of volunteer time or the donation of space or use of equipment.

Project teams may use funding or property received from state or local governments to meet the cost share requirement, so long as the funding was not provided to the state or local government by the federal government.

The prime recipient may not use the following sources to meet its cost share obligations including, but not limited to:

- Revenues or royalties from the prospective operation of an activity beyond the project period;
- Proceeds from the prospective sale of an asset of an activity;
- Federal funding or property (e.g., federal grants, equipment owned by the federal government); or
- Expenditures that were reimbursed under a separate federal program.

Project teams may not use the same cash or in-kind contributions to meet cost share requirements for more than one project or program.

Cost share contributions must be specified in the project budget, verifiable from the prime recipient's records, and necessary and reasonable for proper and efficient accomplishment of the project. As all sources of cost share are considered part of total project cost, the cost share dollars will be scrutinized under the same federal regulations as federal dollars to the project. Every cost share contribution must be reviewed and approved in advance by the Contracting Officer and incorporated into the project budget before the expenditures are incurred.

Applicants are encouraged to refer to 2 CFR 200.306 as amended by 2 CFR 910.130 for additional guidance on cost sharing.

iv. Cost Share Contributions by FFRDCs

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