

**ADMINISTRATIVE AND LEGAL REQUIREMENTS DOCUMENT
(ALRD)**



**U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy (EERE)**

Issue Date: December 2022

**Weatherization Assistance Program (WAP)
Program Year (PY) 2023 Formula Grants
WAP-ALRD-2023**

CFDA Number: 81.042 Weatherization Assistance for Low-Income Persons

WAP Program Year Ending

March 31, 2023

June 30, 2023

Application Due Date

February 10, 2023

May 3, 2023

The complete application package will be due no later than 12:00 noon Local Time of each Grantee on the due dates above, in accordance with each Grantee's PY. To ensure timely processing of awards, Grantees must submit complete Applications by the above deadlines.

REGISTRATION/SUBMISSION REQUIREMENTS

Registration Requirements: Allow at least 21 days to complete registrations.

If you have not registered, there are several one-time actions you must complete in order to receive an award under this ALRD:

1. Obtain a Unique Entity Identifier (UEI) number from the [System for Award Management \(SAM.gov\)](https://sam.gov) website. Subawardees at all tiers must obtain UEI numbers and provide the UEI to the prime awardee before the subaward can be issued. For questions, consult additional training resources [here](#).
2. Register in the System for Award Management (SAM) at <https://sam.gov/>. Applicants who are not registered with SAM should allow several days to complete this requirement. It is suggested that the process be started as soon as possible. **Prime awardees must update their SAM registration annually.** Please ensure that the organizational name in SAM matches what is listed in the Annual File. Also, prime awardees and subrecipients must check the excluded parties listing for their subawards. For questions, call 866-606-8220 or 334-206-7828.

NOTE: Due to the high demand of UEI requests and SAM registrations, entity legal business name and address validations are taking longer than expected to process. Entities should start the UEI and SAM registration process as soon as possible. If entities have technical difficulties with the UEI validation or SAM registration process they should utilize the HELP feature on SAM.gov. SAM.gov will work entity service tickets in the order in which they are received and asks that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: [GSAFSD Tier 0 Knowledge Base - Validating your Entity](#).

3. Register in FedConnect to receive and acknowledge your award at <https://www.fedconnect.net/>. See the [Quick Start Guide](#) for more information.

Acknowledgement of award documents by the Grantee's authorized representative through FedConnect, constitutes the Grantee's acceptance of the terms and conditions of the award and constitutes the Grantee's electronic signature.

For additional questions, email support@fedconnect.net or call 1-800-899-6665.

IMPORTANT: The electronically signed Assistance Agreement and attached award documents in FedConnect is the formal authorization and approval from the Contracting Officer (CO). Grantees may not rely on the Performance and Accountability for Grants in Energy (PAGE) as the formal authorization and approval. Award documents in the initial award and any modifications to the award must be reviewed and acknowledged by the Grantee in FedConnect.

4. Obtain an account for **PAGE** at <https://www.page.energy.gov/default.aspx> in order to submit your WAP application. For questions regarding PAGE, refer to the Help Menu in PAGE or contact the PAGE hotline at PAGE-Hotline@ee.doe.gov or 1-866-492-4546.

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PART I AUTHORITY

Title IV of the Energy Conservation and Production Act (EPCA), as amended, authorizes the U.S Department of Energy (DOE) to administer the Low-Income Weatherization Assistance Program (WAP). All grant awards made under this program shall comply with applicable laws and regulations, including but not limited to the regulations contained in [2 CFR 200](#) and [10 CFR 440](#) and other policies and procedures as DOE may, from time-to-time, prescribe for the administration of financial assistance.

PART II AWARD INFORMATION

A. TYPE OF AWARD INSTRUMENT

DOE will award grants for this funding.

B. ESTIMATED FUNDING

Availability of Funds: Funding for all awards and future budget periods is contingent upon the availability of funds appropriated by Congress for the purpose of this Program and the availability of future-year budget authority.

The Grantee shall administer DOE funds received under WAP in accordance with Federal rules and regulations and State policies and procedures. The Grantee is to manage Federal Funds in a prudent, effective and efficient manner to accomplish Program objectives. Grantees shall take the necessary steps to ensure that funds are expended within the grant project period.

Funding Level: Please see Weatherization Program Notice (WPN) 23-1, Program Year 2023 Weatherization Grant Application and WPN 23-2, Program Year 2023 Grantee Allocations.

C. PERIOD OF PERFORMANCE

This is the second year of a project period starting in Fiscal Year 2022, anticipated to be comprised of three annual budget periods, contingent on availability of funds.

PART III ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS

In accordance with [2 CFR 910.126 \(b\)](#) DOE Program Rule [10 CFR 440](#), Weatherization Assistance Program for Low-Income Persons, eligibility for awards are restricted to all fifty states, the District of Columbia, and the U.S. Territories. Indian Tribes and local applicants may apply if deemed to meet the requirements of [10 CFR 440.11](#) and [10 CFR 440.13](#) respectively by the Program Manager.

B. COST MATCHING

Cost matching is not required.

PART IV APPLICATION AND SUBMISSION INFORMATION

A. CONTENT AND FORM OF APPLICATION

The State Plan Application must be submitted online via the PAGE system at <https://www.page.energy.gov/default.aspx>. Please see the Application Instructions for more information. It is the responsibility of the Grantee to verify successful transmission. DOE reserves the right to request additional or clarifying information for any reason deemed necessary. Applications will be reviewed for consistency with WAP objectives. Please note that tables or spreadsheets shall be submitted as PDF attachments to the SF-424 Application and shall not be pasted within the Annual File, Master File, or Budget Comments in PAGE.

PART V AWARD ADMINISTRATION INFORMATION

A. AWARD DOCUMENTS

An Assistance Agreement issued by the CO is the authorizing award document. The Assistance Agreement normally includes, either as an attachment or by reference: (1) Special Terms and Conditions; (2) Program regulations [10 CFR 440](#); (3) Application as approved by DOE; (4) DOE assistance regulations at [2 CFR 200](#); (5) National Policy Assurances To Be Incorporated As Award Terms; (6) Annual File; (7) Master File; (8) Budget Information; (9) Federal Assistance Reporting Checklist, which identifies the Reporting Requirements, (10) Intellectual Property Provisions, (11) Health and Safety Plan, and (12) National Environmental Policy Act (NEPA) Determination.

B. FUNDING RESTRICTIONS

Cost Principles. Costs must be allowable, allocable and reasonable in accordance with the applicable Federal cost principles referenced in [2 CFR 200](#). The cost principles for commercial organizations are in Federal Acquisition Regulation (FAR) Part 31.

C. REPORTING

Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award agreement.

D. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. Administrative Requirements

- The administrative requirements for DOE grant awards are contained in:
 - [2 CFR 200](#) and [10 CFR 440](#) (See: Electronic Code of Federal Regulations at www.ecfr.gov).
 - [2 CFR, Part 25](#) – Universal Identifier and Central Contractor Registration
 - [2 CFR, Part 170](#) – Reporting Subaward and Executive Compensation Information to comply with the Federal Funding and Transparency Act of 2006 (FFATA). Additional information regarding FFATA is found at <https://www.fsr.gov>.

2. National Policy Requirements

The National Policy Assurances To Be Incorporated As Award Terms are located at <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms>.

Intellectual Property Provisions. The standard DOE financial assistance intellectual property provisions applicable to the various types of recipients are located at <http://energy.gov/gc/standard-intellectual-property-ip-provisions-financial-assistance-awards>.

3. Environmental Review in Accordance with National Environmental Policy Act (NEPA)

EERE's decision whether and how to distribute federal funds is subject to the National Environmental Policy Act (42 USC 4321, *et seq.*). NEPA requires Federal agencies to integrate environmental values into their decision-making processes by considering the potential environmental impacts of their proposed actions. Recipients should review the NEPA determination specific to Program Year (PY) 2023 in their award documents for the list of activities that have been categorically excluded from further NEPA review.

4. Buy America Requirements for Infrastructure Projects

Federally assisted projects which involve infrastructure work, undertaken by applicable recipient types, require that:

- All iron, steel, and manufactured products used in the infrastructure work are produced in the United States; and
- All construction materials used in the infrastructure work are manufactured in the United States.

Whether a given project must apply this requirement is project-specific and dependent on several factors, such as the recipient's entity type, whether the work involves "infrastructure," as that term is defined in Section 70914 of the Bipartisan Infrastructure Law, and whether the infrastructure in question is publicly owned or serves a public function.

For Weatherization projects, this requirement will typically apply to work performed on publicly-owned housing. Weatherization work conducted on privately-owned residences is not required to comply with this requirement. If you have specific questions about whether or not this requirement will apply to a given project, please consult with your WAP project officer, who can work with cognizant Agency personnel to provide you with a determination.

A. Definitions

For purposes of the Buy America requirements, the following definitions apply:

Construction materials includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives¹—that is or consists primarily of:

- Non-ferrous metals;
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);

¹ BIL, § 70917(c)(1).

- Glass (including optic glass);
- Lumber; or
- Drywall.

Infrastructure includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

In addition to the above, the infrastructure in question must be publicly-owned or must serve a public function; privately owned infrastructure that is solely utilized for private use is not considered “infrastructure” for purposes of Buy America applicability. The Agency, not the applicant, will have the final say as to whether a given project includes infrastructure, as defined herein. Accordingly, in cases where the “public” nature of the infrastructure is unclear, DOE strongly recommends that applicants complete their full application with the assumption that Buy America requirements will apply to the proposed project.

Project means the construction, alteration, maintenance, or repair of infrastructure in the United States.

B. Buy America Requirements for Infrastructure Projects (“Buy America” requirements)

In accordance with Section 70914 of the BIL, none of the project funds (includes federal share and recipient cost share) may be used for a project for infrastructure unless:

- (1) All iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) All construction materials² are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America requirements only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America requirements apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

The Buy America requirements only apply to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does the Buy America requirements apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

These requirements must flow down to all sub-awards, all contracts, subcontracts and purchase orders for work performed under the proposed project.

For additional information related to the application and implementation of these Buy America requirements, please see OMB Memorandum M-22-11, issued April 18, 2022:

<https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>

C. Waivers

In limited circumstances, DOE may waive the application of the Buy America requirements where DOE determines that:

- (1) Applying the Buy America requirements would be inconsistent with the public interest;
- (2) The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

² Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

If an applicant is seeking a waiver of the Buy America requirements, it must include a written waiver request with the Full Application. A waiver request must include:

- A detailed justification for the use of “non-domestic” iron, steel, manufactured products, or construction materials to include an explanation as to how the non-domestic item(s) is essential to the project;
- A certification that the applicant or recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with potential suppliers;
- Applicant /Recipient name and Unique Entity Identifier (UEI);
- Total estimated project cost, DOE and cost-share amounts;
- Project description and location (to the extent known);
- List and description of iron or steel item(s), manufactured goods, and construction material(s) the applicant or recipient seeks to waive from Domestic Content Procurement Preference requirement, including name, cost, country(ies) of origin (if known), and relevant PSC and NAICS code for each;
- Waiver justification including due diligence performed (e.g., market research, industry outreach) by the applicant or recipient; and,
- Anticipated impact if no waiver is issued

DOE may require additional information before considering the waiver request.

Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at [[link to awarding agency web site with information on currently applicable general applicability waivers](#)].

The applicant does not have the right to appeal DOE’s decision concerning a waiver request.

PART VI QUESTIONS/AGENCY CONTACTS

A. QUESTIONS

Questions and comments concerning this document shall be submitted not later than 10 calendar days prior to the application due date. Questions submitted after that date may not allow sufficient time to respond.

All questions regarding this announcement must be submitted to the contact identified below. Questions regarding the specific application submission must be submitted to the Project Officer for your Organization. For questions regarding DOE Project Officer assignments, please contact Michael Peterson at the email address below.

B. AGENCY CONTACT

Name: Michael Peterson, DOE Project Officer

E-Mail: michael.peterson@ee.doe.gov

PART VII OTHER INFORMATION

A. INTERGOVERNMENTAL REVIEW

Program Subject to Executive Order 12372

This program is subject to [Executive Order 12372](#) (Intergovernmental Review of Federal Programs) and the regulations at [10 CFR Part 1005](#).

One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Applicants should contact the appropriate State Single Point of Contact (SPOC) to find out about, and to comply with, the State's process under [Executive Order 12372](#). The names and addresses of the SPOCs are listed on the website of the Office of Management and Budget at <https://www.whitehouse.gov/wp-content/uploads/2017/11/SPOC-Feb.-2018.pdf>.

B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE

DOE reserves the right, without qualification, to reject any or all applications received in response to this ALRD and to select any application, in whole or in part, as a basis for negotiation and/or award.

C. COMMITMENT OF PUBLIC FUNDS

The CO is the only individual who can make awards or commit the Government to the expenditure of public funds. A commitment by anyone other than the CO, either explicit or implied, is invalid.

D. LOBBYING RESTRICTIONS

By accepting funds under this award, you agree that none of the funds obligated on the award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

E. MODIFICATIONS

Modifications to this ALRD will be processed and disseminated in the same manner as other Weatherization Program Notices (WPN).

F. PROPRIETARY APPLICATION INFORMATION

DOE will use data and other information contained in applications strictly for evaluation purposes. Applicants should not include confidential, proprietary, or privileged information in their applications unless such information is necessary to convey an understanding of the proposed project.

Applications containing confidential, proprietary, or privileged information must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The U.S. Government is not liable for the disclosure or use of unmarked information, and may use or disclose such information for any purpose.

The cover sheet of the application must be marked as follows and identify the specific pages containing confidential, proprietary, or privileged information:

Notice of Restriction on Disclosure and Use of Data:

Pages [list applicable pages] of this document may contain trade secrets or commercial or financial information that is privileged or confidential, and is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance or loan agreement between the submitter and the Government. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. [End of Notice]

The header and footer of every page that contains trade secrets or commercial or financial information that is privileged must be marked as follows: “May contain trade secrets or commercial or financial information that is privileged or confidential and exempt from public disclosure.”

In addition, each line or paragraph containing trade secrets or commercial or financial information that is privileged or confidential must be enclosed in brackets.

The above markings enable Energy Efficiency and Renewable Energy (EERE) to follow the provisions of [10 CFR 1004.11\(d\)](#) in the event a Freedom of Information Act (FOIA) request is received for information submitted with an application. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under a FOIA request or otherwise. The U.S. Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.

Please be aware that all information provided to DOE (including confidential proprietary or confidential commercial information) is subject to public release under the FOIA. (5 U.S.C. § 552(a)(3)(A) (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110175, 121 Stat. 2524). When a FOIA request covers information submitted to DOE by an applicant, and the cognizant DOE FOIA Officer cannot make an independent determination regarding public release of this information, the cognizant DOE FOIA Officer will contact the submitter and ask for comment regarding the redaction of information under one or more of the nine FOIA exemptions. The cognizant DOE FOIA Officer will make the final decision regarding FOIA redactions. Submitters are given a minimum of 7 days to provide redaction comments. If DOE disagrees with the submitter’s comment, DOE will notify the submitter of the intended public release no less than seven (7) days prior to the public disclosure of the information in question ([10 CFR Part 1004.11](#)).

G. PROTECTED PERSONALLY IDENTIFIABLE INFORMATION

In responding to this ALRD Applicants must ensure that Protected Personally Identifiable Information (PII) is not included. PII is defined by the Office of Management and Budget (OMB) and DOE as:

Any information about an individual maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information that can be used to distinguish or trace an individual's identity, such as their name, social security number, date and place of birth, mother's maiden name, biometric records, etc., including any other personal information that is linked or linkable to an individual.

This definition of PII can be further defined as: (1) Public PII and (2) Protected PII.

Public PII: PII found in public sources such as telephone books, public websites, business cards, university listing, etc. Public PII includes first and last name, address, work telephone number, email address, home telephone number, and general education credentials.

Listed below are examples of Protected PII that Applicants must not include.

- Social Security Numbers in any form
- Place of Birth associated with an individual
- Date of Birth associated with an individual
- Mother's maiden name associated with an individual
- Biometric record associated with an individual
- Fingerprint
- Iris scan
- DNA
- Medical history information associated with an individual
- Medical conditions, including history of disease
- Metric information, e.g. weight, height, blood pressure
- Criminal history associated with an individual
- Employment history and other employment information associated with an individual
- Ratings
- Disciplinary actions
- Performance elements and standards (or work expectations) are PII when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal
- Financial information associated with an individual
- Credit card numbers

- Bank account numbers
- Security clearance history or related information (not including actual clearances held)

PART VIII REFERENCE MATERIAL

A. REFERENCE MATERIAL

WPN 23-1: Program Year 2023 Weatherization Grant Application
Application Instructions (December 2022)