

# Frequently Asked Questions (FAQ)

## Grid Resilience Formula Grants to States and Indian Tribes IIJA Section 40101(d)

**January 24, 2024**

Recent changes to the FAQs have been highlighted in **yellow** (December 2023) and **blue** (January 2024).

**Jump to section:**

[Application](#)

[Tribal Consortiums and Third-Party Agents](#)

[Program Narrative and Public Notice & Hearing](#)

[Allowable Activities](#)

[Eligible Entities](#)

[Project Administration](#)

[Cost Match](#)

[Forms and Templates](#)

[Definitions](#)

**Application:**

**How can I apply for FY 2024 funding?**

The process for requesting a FY 2024 allocation depends on whether the applicant is an existing grant recipient, a current grant applicant, or a new grant applicant:

**Existing Grant Recipients** that have already received grants for FY 2022 and FY 2023 of the Program will have 90 days from the issuance of ALRD Amendment 000008 to request their FY 2024 allocation, in accordance with the Terms and Conditions of their current Grant award.

**Current Grant Applicants** that previously submitted a grant application for FY 2022 and FY 2023 of the program but have not yet received their grant at the time the ALRD Amendment 000008 (for FY 2024) is issued, will have 90 days from the issuance of ALRD Amendment 000008 to amend their submitted grant application to include the FY 2024 allocations.

**New Grant Applicants** are eligible applicants (as defined in ALRD Amendment 000008) that did not submit a grant application for FY 2022 and FY 2023 of the Program. New Grant Applicants will have 90 days from the issuance of ALRD Amendment 000008 to submit a grant application for a FY 2024 allocation. Several one-time actions, explained below, must be completed before an application can be submitted, including registration with the System for Award Management (SAM), obtaining a Unique Entity Identifier (UEI), and registering with FedConnect.net. These actions can be completed prior to the issuance of ALRD Amendment 000008. Prospective New Grant Applicants are encouraged to address these items as soon as possible, as some may take several weeks to complete. Additional instructions for New Grant Applicants will be provided in the ALRD Amendment 000008.

### **Why is my State or Indian tribe's FY 2024 allocation different from its FY 2023 allocation?**

Formula grant allocations may change year-to-year for several reasons. BIL Section 40101(d) language requires that all data relating to the factors used in the allocation formula be updated annually, which means that each recipient's annual allocation may be different for each year of the Grid Resilience Formula Grant Program. Changes to underlying data, such as [updates to FEMA's National Risk Index](#) released in March 2023, may translate to changes in allocations. Additional reasons why allocations may have changed include improvements to the data sources and methodologies used to calculate each factor and addition of previous years' unclaimed funds to the pool of available FY24 allocations.

### **Can my Indian tribe submit an application if we did not apply for the first round of funding?**

Yes. States, Indian tribes, and Territories that did not apply for FY 2022 – FY 2023 funding by the relevant deadline may apply for the remaining years of grant funding.

### **How can I confirm that my application has been submitted/received?**

Once an application has been submitted, FedConnect will display the date and time of the submission on a confirmation page. Submitted applications initially undergo a compliance and technical review. This process may take a few months based on the number of applications received. A Federal Project Officer (FPO) is then assigned to be the primary point of contact for the grant. The FPO will reach out to provide an update. If you have not received any correspondence regarding your application, you can reach out via FedConnect (<https://www.fedconnect.net/fedconnect/?doc=DE-FOA-0002736&agency=DOE>) or [gdotribalassistance@hq.doe.gov](mailto:gdotribalassistance@hq.doe.gov) for an update.

### **If I am an existing grant recipient, do I need to submit a new Program Narrative and conduct a new public hearing to receive FY 2024 funds?**

States, Indian tribes, and Territories must submit a Program Narrative to DOE that accounts for each year

of funding in order to receive the annual funding allocation. Existing grant recipients do not need to submit a revised Program Narrative—and comply with associated public notice and hearing requirements—unless the recipient’s approach has changed or if the original Program Narrative did not account for or contemplate resilience projects beyond those implemented with FY 2022 and FY 2023 funding.

**Some Tribes have difficulties with internet. Is there any way a Tribe can submit a hard copy application?**

A mail-in option is available for Tribes with limited internet connectivity. The mail-in address is listed on the Administrative Legal Requirements Document (ALRD) and applications must be postmarked by the deadline. Tribes can reach out to [GDOTribalAssistance@hq.doe.gov](mailto:GDOTribalAssistance@hq.doe.gov) if additional flexibilities are required. Indian tribes may also join a Tribal Consortium, as described above.

**Two or more Indian tribes are interested in using their own grant funding to collaborate on a project, by combining some or all of their funding and cost match, to execute a resilience project that mutually benefits all participating Indian tribes? For example, could five Indian tribes collaborate on a project that increases energy resilience of a regional healthcare facility that serves all five Indian tribes and its members?**

Yes. Multiple Tribes can award funding to eligible entities that collaborate on a resilience project by combining allocations and the required cost match as long as each Tribe finds that project provides the greatest community benefit in reducing the likelihood and consequences of disruptive events and aligns with the objectives of the Grid Resilience Formula Grant program.

In addition, the Tribes should track and report costs to DOE in a manner that verifies that work and costs have been charged that precludes any double payment for work done on the full project effort. Tribes may choose to apply for the Grid Resilience Formula Grant separately or join a consortium to better facilitate the coordination of a joint project. DOE encourages Tribes to submit a consortium application in this case as reporting requirements may be consolidated.

**Can multiple Tribes conduct a single public notice and hearing?**

Yes, as long as the public notice and hearing are inclusive of all the Tribes in question.

**Can IJA funding be used for the acquisition of land and is it an allowable cost under the grant?**

Acquisition of land or easements is not allowed. Improvements to real property for the purpose of grid hardening or resilience is not considered acquisition of real property for the purpose of this grant

program.

**As stated in the IIJA, an eligible entity may not submit an application for a grant provided by the Secretary under subsection (c) and a grant provided by a State or Indian tribe pursuant to subsection (d) during the same application cycle. Can DOE provide more clarity and guidance on this issue?**

An eligible entity is not allowed to submit the same application for a grant under IIJA Section 40101(c) and Section 40101(d) in the same application cycle. DOE considers a "grant" to have a specific scope (i.e., a unique project). Accordingly, an eligible entity may not submit a grant application with the same scope under both Sections 40101(c) and 40101(d) in the same application cycle. Eligible entities can submit proposals to both Sections 40101(c) and 40101(d) in the same application cycle as long as they are separate scopes of work that address different resilience measures.

**Do applicants need to provide detailed information for the subaward resilience projects, such as a detailed budget, when we submit the application for the grant?**

Aside from the information required in the Program Narrative, applicants should NOT provide detailed resilience project subaward information (e.g., budget) in the initial application to DOE. After the issuance of the grant to the State or Indian tribe, the State or Indian tribe, may, at any time, provide the specific budget and other information to DOE in accordance with **ALRD Section V.G – Resilience Project and Subaward/Subcontract Notification**.

**If an eligible applicant does not submit an application what happens to the funds, i.e., if funds aren't used in one fiscal year, will they roll over into the next year?**

Unallocated funds (unused funding for an eligible applicant) in one allocation year will transfer into the subsequent allocation year's pool of available funds and be re-distributed to applicants based on that subsequent year formula allocation.

**How will my state allocate its funds?**

Each State or Indian tribe will determine its own process for allocation of funds to eligible entities by preparing a plan that will be adopted after notice and a public hearing and described in the Program Narrative, as described in section 40101(d)(2)(B). State or Indian tribes shall give priority to projects that, in the determination of the State or Indian tribe, will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.

**Can states use their technical assistance funds to provide technical assistance for Tribes during the**

## application process?

Of the amounts made available to a State or Indian tribe under the program each fiscal year, the State or Indian tribe may use up to 5 percent for providing technical assistance and administrative expenses associated with the program. Section 40101(d) does not include instructions on how or for whom the technical assistance must support. Further, as long as the technical assistance is within the scope of the ALRD and grant agreement as well as supports both the State and Indian tribe, it is likely an allowable cost for the State.

## Tribal Consortiums and Third-Party Agents:

### What changes were made under the ALRD Amendment 007 to allow Tribal Consortium applications?

The U.S. Department of Energy (DOE) issued an amendment to the Administrative and Legal Requirements Document (ALRD) for the Grid Resilience State and Tribal Formula Grants Program to allow Tribes to submit applications via Tribal Consortium.

Indian tribes may form a “Tribal Consortium.” For purposes of the Grid Resilience State and Tribal Formula Grant program, a “Tribal Consortium” is “two or more Indian tribes (as defined in Section 40001(2)), that have designated a single Indian tribe to act on their behalf as lead Indian tribe of the Tribal Consortium.” To participate in a Tribal Consortium, two or more eligible Indian tribes must designate an eligible Indian tribe to act on their behalf as lead Indian tribe of the Tribal Consortium. The lead Indian tribe of the Tribal Consortium would be the awardee and would be responsible for meeting all grant requirements on behalf of the Tribal Consortium. Using a Tribal Consortium would allow resource-constrained eligible Indian tribes to pool resources to meet the Sec. 40101(d) Program Grid Resilience State and Tribal Formula Grant requirements, such as applying to the grant, managing funds, and providing the required reporting. Template Head of Government letters are available that can be used by Indian tribes to designate another Tribe as the lead Indian tribe of the Tribal Consortium and to accept such designation. The Tribal Consortium approach will reduce the reporting requirements by consolidating reporting for Indian tribes participating in a consortium. GDO encourages Tribes to apply as a Tribal Consortium to streamline reporting requirements of each Tribe.

- **Example of a Tribal Consortium.** Indian tribes A, B, and C are all eligible to receive an allocation in Grid Resilience State and Tribal Formula Grant and decide to form a Tribal Consortium. Indian tribes B and C each provide a Head of Government Letter or Tribal Council Resolution, as appropriate, designating Indian tribe A as the lead Indian tribe to act on its behalf as lead Indian tribe of the Tribal Consortium. Indian tribe A, as the lead Indian tribe, provides a Head of Government Letter or Tribal Council Resolution, as appropriate, accepting the designation of lead Indian tribe for the Tribal Consortium and may then act on behalf of the Tribal Consortium and apply, receive funding, and administer the Grid Resilience State and Tribal Formula Grant on behalf of Tribes A, B, and C. As the lead Indian tribe, Indian tribe A would be the awardee and would use its UEI number in FedConnect, and it would be responsible for meeting all grant

requirements including submitting the application, receiving the grant funding, and fulfilling all reporting requirements. Reporting requirements may be consolidated for a Tribal Consortium.

### **Can a third-party agent submit an application on behalf of a Tribe or Tribal Consortium?**

An eligible Indian tribe or a Tribal Consortium (as defined above) may authorize a third-party agent to prepare the grant application, submit the application, and manage the grant funds. If authorized by the Indian tribe or Tribal Consortium, third-party agents may draw funds from the Automated Standard Application for Payments (ASAP) system, and deposit them into the designated bank account as needed to pay for allowable costs. The third-party agent may also submit the required reporting for the eligible Indian tribe or Tribal Consortium pursuant to the award.

However, only the eligible Indian tribe or the lead Indian tribe of the Tribal Consortium may be the awardee. The eligible Indian tribe and/or the lead Indian tribe of the Tribal Consortium, as applicable, will ultimately be responsible for satisfying all grant requirements, including the applicable cost match. The application must be submitted in the name of the eligible Indian tribe (or lead Indian tribe if using a Tribal Consortium) and use the eligible Indian tribe's (or lead Indian tribe's) Unique Entity Identifier (UEI) in FedConnect. Reimbursements for allowable expenses under the grant may be paid directly to an awardee eligible Indian tribe, an awardee lead Indian tribe, or third-party agent if authorized by the Indian tribe. However, the statutory limit of five percent of the federal allocation used for technical and administrative costs still applies, whether the costs are incurred directly by the eligible Indian tribe, the lead Indian tribe, or by the third-party agent.

### **Why was this change made?**

GDO has heard the concerns from Indian tribes, including Alaska Native Village Corporations and Alaska Native Regional Corporations, regarding the importance of Tribal Consortium applications for smaller Tribes to be able to take advantage of the funding available to them. Indian tribes have expressed the desire to submit consortia applications to enable groups of Tribes to coordinate, and that the desired forms of coordination could include either a consortium led by a single Tribe representing multiple Tribes or a third-party entity acting as the agent of multiple Tribes. GDO has worked with its legal counsel to explore potential paths that complies with the Bipartisan Infrastructure Law and other statutory requirements. GDO continues to encourage Tribes to voice any concerns they have regarding the Grid Resilience State and Tribal Formula Grant as the program is shaped in response to stakeholder feedback. This change will allow Tribes to streamline their grant implementation process by consolidating their administrative and reporting efforts.

### **Does the change to the ALRD impact a Tribe that would like to apply individually?**

No, if your Tribe would like to apply individually, there are no changes to the application process.

However, we have included additional flexibilities regarding working with a third-party agent. Please see the following question on working with a third-party.

**Can a 638 contract or compact, Tribal Health Consortium, or similar tribal organization apply on behalf of their member Tribes?**

For the purposes of the Grid Resilience State and Tribal Formula Grant, a Tribal Consortium is defined as “two or more Indian tribes (as defined in Section 40001(2)), that have designated a single Indian tribe to act on their behalf as lead Indian tribe of the Tribal Consortium.” Therefore, an Indian tribe will need to be designated as the lead Tribe.

However, a 638 contract or compact, tribal health consortium, or any other tribal organization may act as a third-party agent for their tribal membership. Tribes that wish to be part of the Tribal Consortium should submit a letter to the lead Tribe designating them as the lead of the Tribal Consortium. The lead Tribe may then authorize a third-party agent to prepare the grant application, submit the application, and have a third-party manage the grant funds (i.e., make payments for allowable expenses and receive reimbursements from DOE) on behalf of the Tribal Consortium. If authorized by the Indian tribe, a third-party agent may draw funds from ASAP (and deposit them into the designated bank account) as needed to pay for allowable costs. The lead Tribe will ultimately be responsible for the grant requirements and will be the awardee. The application must be submitted in the name of the eligible Indian tribe (or lead Indian tribe if using a Tribal Consortium) and use the eligible Indian tribe’s (or lead Indian tribe’s) Unique Entity Identifier (UEI) in FedConnect.

**What should a Tribe do if they would like to join a consortium, but they have already received their award funds?**

Tribes that have already been awarded their grant funds that would like to join a Tribal Consortium should notify their Federal Project Officer immediately. It is advised to stop any expenditures as soon as possible.

Any unused funds will be available for the Tribe to include in the consortium application. The 5% cap on the technical assistance and administration expenses will carry over to the consortium application if funds were already used. For example, if a Tribe has \$100K award and used \$2K in technical assistance already, when they join a consortium, they will have up to \$3K available for technical assistance and administration and a total of \$98K of federal funds available. Cost match that was already provided as part of the original grant may carry over to the Tribal Consortium.

**What should a Tribe do if they would like to join a consortium, but they have already applied and have not received their award funds yet?**

A Tribe that has not yet received their award but has already applied should immediately contact the Federal Project Officer to withdraw its current application in order to join a consortium. If a Tribe is unsure who to contact, please reach out to the Grid Deployment Office at [GDOTribalAssistance@hq.doe.gov](mailto:GDOTribalAssistance@hq.doe.gov). An award for an individual Tribe in a consortium may not be active at the time of the consortium application submission. An application that is not withdrawn in time may cause delays in the awarding of funds.

**Our Tribe has already applied and would like to receive our funds as quickly as possible. Would we be able keep our Tribe’s application for FY22 and FY23 and join a Tribal Consortium for the following years?**

Yes, a Tribe may apply individually for the first two years of funding and then choose to join a Tribal Consortium for subsequent funding years. In this case, the Tribe will need to complete their own reporting for their original award. Funds under the Tribal Consortium should be kept separate from the funds from the individual award. Please let your federal project officer know if you would like to join a Tribal Consortium for subsequent years.

**What documents must a participating Indian tribe provide for a Tribal Consortium application?**

Participating Indian tribes, or Tribes that are not designated as the lead Indian tribe of a Tribal Consortium must provide a “Tribal Council Resolution” or “Head of Government Letter” to the lead Tribe providing authority to the lead Indian tribe to act on its behalf as lead Indian tribes of the Tribal Consortium and receive its allocations. If the participating Indian tribe expects to provide all or part of the required cost match, a cost match commitment letter stating that the Indian tribe is committed to providing a specific minimum dollar amount of cost match, identify the type of proposed cost match (e.g., cash, services, and/or property) to be contributed, and be signed by the person authorized to commit the expenditure of funds by the entity.

**What documents must a lead Indian tribe provide for a Tribal Consortium application?**

The lead Indian tribe is responsible for submitting all the required documents. The following documents will be almost identical to an application filled out independently, other than changes in award amounts.

- SF-424
- Environmental Questionnaire
- SF-LLL Disclosure of Lobby Activities
- Pre-Award Information Sheet
- Cost match Commitment letter
- Authorization from cognizant Contracting Officer for DOE/NNSA FFRDC/NL or non-DOE FFRDC/NL, if applicable



Key differences in the Tribal Consortium application will be in the following documents:

- The Program Narrative for a Tribal Consortium will need to include all the requirements of an individual Tribe's Program Narrative. It will also need to include a statement on how resilience objectives will benefit all participating Consortium Tribes and how Consortium Tribes will participate in decisions regarding use of grant funds.
- Besides including a "Tribal Council Resolution" or "Head of Government Letter" from each participating Tribe that provides the lead Tribe with the authority to act on behalf of the participating Tribes, the lead Indian tribe must also submit a "Tribal Council Resolution" or "Head of Government Letter" stating that the lead Tribe will apply for grant funding and administer the grant on behalf of all participating consortium Indian tribes.
- The lead Tribe will also need to gather cost match commitment letters from each participating Tribe, if they are committed to providing any or all of the required cost match.

**If a Tribe has already hosted a public notice and hearing individually but would like to join a consortium, can they use the same public notice and hearing as part of their application?**

The public notice and hearing should discuss the process in which the projects will be selected and administered post award and allow for a discussion of the program narrative. The public notice, hearing and program narrative must address the implementation as a Tribal Consortium. Therefore, a previously held public notice and hearing for an individual will not satisfy the public notice and hearing for a Tribal Consortium. At a minimum, the lead Tribe or third-party agent should host one public notice and hearing encompassing all Tribes in the consortium.

**Our Tribal Consortium would like to add additional Tribes next year. Would we need to host a new public notice and hearing to add additional Tribes to our application?**

The public notice, hearing, and program narrative must address the implementation as a Tribal Consortium. A Tribal Consortium that is planning to add additional members in subsequent years are encouraged to invite the potential participating Tribes to the first public notice and hearing. The Program Narrative should be written in a manner that allows other Tribes to join the consortium during a later application cycle without the need to make changes to the Program Narrative. If a change to the Program Narrative is required, a new public notice and hearing will need to be held.

**Our Tribal Council meets quarterly, and we will not be able to obtain a Tribal Council Resolution in time for our application. Can we provide a letter from our chairperson that a resolution to ratify their signature will be forthcoming?**

The appointment letter does not necessarily need to be a Tribal Council Resolution. Any instrument of appointment by the Indian tribe's legally authorized entity may be accepted as long as it is consistent

with the Indian tribe's customs and provides the appropriate designation. Therefore, a letter from the Chairperson would be accepted as long as it meets the Tribe's customs and includes the appropriate information.

**As the lead Tribe of a Tribal Consortium, do I need to disclose lobbying activities from each Tribe?**

Yes.

**As the lead Tribe of a Tribal Consortium, do I need an SF-424 for each Tribe's allocations?**

Only one SF-424 is needed for each Tribal Consortium. The total requested funding for all Tribes within a consortium should be included on the SF-424 form. The maximum funding that can be requested by a Tribal Consortium by the application deadline is equal to the sum of the available allocations for all Tribes within a consortium.

**As the lead Tribe of a Tribal Consortium, how do I fill out the Pre-award Information Sheet?**

The pre-award information sheet for a Tribal Consortium should be filled out in the same manner as if the lead Tribe was applying individually. The questions listed on the pre-award information sheet will only apply to the lead Tribe.

**How do I designate a third-party to access grant funds in the ASAP system?**

With the Indian tribe's consent and authorization, the third party may enter its banking information into the ASAP system and be able to receive reimbursements on behalf of the Indian tribe. The Indian tribe should be aware that as the grant recipient it is solely responsible for adhering to the Terms and Conditions of the grant and is accountable for appropriate use of grant funds regardless of where reimbursements are made (i.e., to third-party's bank account or Indian tribe's bank account).

**Our Tribe plans to submit our application independently but will likely work with a third-party agent later to administer the grant and submit reporting requirements. Can we authorize a third-party as a representative of the Tribe after the application deadline?**

Yes, a Tribe may apply independently and authorize a third-party agent to represent the Tribe after the application deadline. Please consult with the DOE Federal Project Officer for your grant for additional instructions.

**Our Tribe or Tribal Consortium would like to ensure that we understand the grant requirements and provide all the required documents in time. What grant application assistance can DOE provide?**

GDO is available to meet with Tribes and representatives of Tribal Consortia to discuss the grant application and requirements. Please send an email at [GDOTribalAssistance@hq.doe.gov](mailto:GDOTribalAssistance@hq.doe.gov) or call 240-654-2941 to schedule a meeting.

**If an Indian tribe is included in a consortium application and cannot come up with the full 15% + 1/3 cost share that may be needed to expend their funds – provided they are considered a small utility – can that Indian tribe make the determination that they want their funds expended in the community of a different Indian tribe in the consortia that has those match funds available?**

Member Indian tribes of a tribal consortium do not have to demonstrate a specific/proportional cost-share amount as long as the lead Indian tribe can demonstrate the required cost match is met for the total tribal consortium award. (The eligible entity cost match requirements will be determined as projects are identified, and are not assigned to individual member Indian tribes).

The tribal consortium and its members have the discretion to make decisions regarding the use of the funds each year. DOE expects that all tribal consortium member Indian tribes consent to the proposed use of the funds and all member Indian tribes will receive a community benefit from the funding awarded. Accordingly, as directed in the ALRD, the consortium's Program Narrative must address how resilience objectives will benefit all participating Consortium Tribes and how Consortium Tribes will participate in decisions regarding use of grant funds.

**If we have a tribal consortia of 10 Indian tribes all of whom have an idea how much money they will be allocated for the full 5 years and the consortia decides that it is more advantageous to do projects in 2 communities per year, is there any issue with the Indian tribes agreeing to use all of that year's allocation of funds in say 2 of the 10 villages in the consortia each year thereby hitting all 10 communities in that 5 year period just in a coordinated/systematic manner? This is provided that Indian tribes recognize the possibility that congress could change the funding in the future and some Indian tribes may be left without projects at some point.**

DOE provides the flexibility for tribal consortium members to decide on the priorities for implementing resilience projects (including where and when projects will occur). However, DOE does not expect member Indian tribes of a tribal consortium to assume a risk of receiving no benefits from their awarded allocation based on assumptions of future funding. A tribal consortium may choose to proceed with resilience projects using the current awarded funds if the benefits to all consortium member Indian tribes can be demonstrated. Benefits to member Indian tribes may be possible even if a project is not physically

located on that Indian tribe's land. Alternatively, the tribal consortium may choose to mitigate the risk of some member Indian tribes receiving no community benefits by waiting to implement projects until the full allocations have been awarded for the 5-year formula grant program.

#### **ALRD 006 Update:**

#### **What changes were made under ALRD Amendment 6?**

The U.S. Department of Energy (DOE) issued an amendment to the Administrative and Legal Requirements Document (ALRD) for the Grid Resilience State and Tribal Formula Grants Program to increase allocations for certain Indian tribes. Changes were also made to separate allocations for specific Tribal bands to reflect guidance from the Bureau of Indian Affairs (BIA) regarding sub-governmental tribal entities. No allocations to Tribes, States, or Territories have been reduced. Additionally, the application deadline for FY22 and FY23 allocations was extended to August 31, 2023, at 11:59 pm ET for federally recognized Tribes, Alaska Native Village Corporations, and Alaska Native Regional Corporations. The application deadline for States and Territories remained unchanged: May 31, 2023, at 11:59 pm ET.

#### **Why were only certain Tribes impacted by Amendment 6?**

DOE made changes to certain Tribe allocations for one of two reasons:

1. To reflect the improved use of available disaster data to better account for the probability of disruptive events on Tribal lands. Probability of disruptive events is one of five factors considered in the formula to determine allocations. A total of 243 Indian tribe allocations increased as a result of this modification.
2. To provide certain Tribes that have bands recognized as separate entities with individual allocations for FY22 and FY23. DOE made these modifications in response to feedback from Tribes and guidance from the Bureau of Indian Affairs (BIA).

#### **Why do allocations change each year?**

The Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, requires that allocations for the Grid Resilience State and Tribal Formula Grants are updated annually based on the most recent and accurate datasets. DOE invites Tribes and other entities to provide information that can help improve the allocation development process going forward.

#### **Do Tribes with updated allocations have to accept the additional funding if they cannot provide the required cost match?**

No, a Tribe does not have to accept the additional funding. Furthermore, while in the grant application recipients must commit to providing the cost match on the federal allocation provided with the grants, the cost match is provided as federal funds are expended during the course of project execution and as drawdown of federal funds occurs. The cost match is only provided on federal funds that are expended.

**What actions should a Tribe take if the Tribe has already applied for their formula grant allocation, but the allocation has now increased?**

The National Energy Technology Laboratory (NETL), which is helping the Grid Deployment Office (GDO) administer the Grid Resilience Formula Grant program, will contact the Tribe and work with the applicant to ensure the required forms and documentation are updated.

**How does the Office of Management and Budget Controller Alert CA-23-04 “Waiving Matching Fund Requirements for Insular Areas” affect cost match requirements for the Grid Resilience Formula Grant program?**

DOE has reviewed the guidance in CA-23-04 regarding waiving certain requirements for local matching funds for grants to the four insular areas, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to determine how it applies to the Grid Resilience Formula Grant program. In accordance with Controller Alert CA-23-04, DOE has determined that it is necessary and appropriate to waive the non-Federal cost sharing requirement of 15% pursuant to BIL Section 40101(d)(8) for \$200,000 and greater for the Program for the Insular Areas under ALRD DE FOA-0002736. The Grid Deployment Office will provide the insular areas with additional information about cost match requirements.

**Program Narrative and Public Notice & Hearing:**

**Do States and Indian tribes need to identify the specific subrecipients (i.e., eligible entity name) in the Program Narrative?**

No, subrecipients do not need to be identified by name within the Program Narrative. The Program Narrative submitted with the application should address the objectives, criteria and methods for formulating, selecting and executing resilience projects. At a minimum, it should address the anticipated categories of eligible entities the State or Indian tribe anticipates carrying out these projects through subawards, and the process for selecting those eligible entities. The DOE recognizes that each State and Indian tribe has internal processes it must adhere to in making these selections and resulting subawards, and that the solicitation and award process for these subawards will likely occur after the grant is

awarded by DOE to the State or Indian tribe. Accordingly, after the issuance of the grant to the State or Indian tribe, the State or Indian tribe, may, at any time, provide the specific budget and other information to DOE in accordance with **ALRD Section V.G – Resilience Project and Subaward/Subcontract Notification** for approval to proceed with the proposed resilience project carried out by a specific eligible entity.

**Must a State or Indian tribe conduct a public hearing every year? Is the public hearing held prior to the submission of the application or post-submittal?**

There is no requirement to conduct a public hearing annually unless the Program Narrative is revised. A State or Indian tribe must submit a Program Narrative with its initial application for the initial grant funding and with each allocation request thereafter to the Department of Energy each year to receive its annual funding allocation. A public notice and hearing must be conducted in order to change the Program Narrative. DOE advises that if the Program Narrative is intended to apply to more than one year, that the Program Narrative indicate that, and it be communicated to the public during the public notice and hearing. A sample Program Narrative is available for use.

**Must the public notice and hearing be conducted prior to submitting the application?**

Yes, the public notice and hearing must be completed prior to submitting the application and must be documented in the Program Narrative submitted with the application.

**What must the public notice and hearing address?**

The purpose of the public hearing is to foster comments from diverse stakeholders on the criteria and methods being considered by a State or Indian tribe for undertaking the Section 40101(d) formula grant program. The criteria pertain to the approach proposed for selecting and determining awards to eligible entities; the ALRD specifies a minimum set of required criteria. The methods are those proposed for soliciting, awarding, distributing and leveraging funds and they may include several options, including the use of competitive solicitations, direct awards, and the use of financial institutions, such as Green Banks. The State or Indian tribe may alter or refine its proposed criteria and methods based on stakeholder comments, and each has full discretion in determining and modifying what criteria and methods it chooses to apply, as long as minimum requirements are met, as noted above. If a Tribal Consortium application will be submitted, the public notice and hearing must address the Tribe's plan to join a Tribal Consortium.

DOE understands that States and Indian tribes may not have completely formulated their criteria and methods, especially within the first year of the formula grant program. In such cases, a State or Indian tribe may use the public hearing to engage in a discussion on an appropriate set of criteria and methods. The outcome of these discussions should result in a set of proposed or preliminary criteria and methods

which would then be reported within the Program Narrative provided within the applicant's application. The level of detail provided on the criteria and methods should reflect the extent to which they can be articulated. For example, the methods proposed for soliciting, awarding, distributing, and leveraging funds do not have to be specific, but minimally provide the direction and options being considered. This approach also applies to the formulation of criteria. However, if the criteria and methods are more rigorously defined in subsequent years of grant funding then a new notice and public hearing will have to be conducted prior to submitting the amended Program Narrative to DOE.

In addition, DOE is interested having applicants formulate objectives and associated metrics for guiding planning and subsequent investment decisions and for measuring their outcomes. At a minimum, DOE would like applicants to provide within their respective Program Narratives objectives and metrics for resilience, strong labor standards and protections, workforce engagement, and energy justice. Applicants may use the public hearing to obtain comments from stakeholders on their approach for formulating such objectives and metrics, as well as on strategies for achieving and enabling them.

#### **Allowable Activities:**

#### **Can grant funds be used for routine generator maintenance and/or weatherization?**

DOE encourages grant recipients to focus on projects that would result in grid resilience benefits that would not be realized absent the grant funding. Projects focused on routine maintenance are discouraged.

#### **What equipment is allowable with respect to integration into microgrids, e.g, integration of battery/load management systems into a solar-powered microgrid?**

As previously stated, new electric generating facilities are not allowable under this provision. Energy storage systems, e.g. batteries, are allowable if the system is used to improve grid resilience during disruptive events. If there is a project that includes integrating a battery into a solar-powered microgrid, certain factors need to be taken into consideration based on the language in the statute. First, if there is existing solar generation, then any equipment used to integrate batteries into the energy system would likely be considered allowable. However, if a new solar facility is being designed with an energy storage system, it can be a little more complicated. Any equipment required to integrate the battery into the solar system would likely be considered an allowable expense. If equipment is being shared by both the solar and the battery system, the shared equipment may be allowable as long as the equipment is required for the battery to operate within the system. Any equipment or installation that is specifically used for a solar array (or any new generation) would not be an allowable cost. Specific project details and approaches can be discussed with the assigned Federal Project Officer.

#### **If project is part of a broader project, how do you as the Recipient account for federal portion of the funds**

### **and separate out the scope?**

Federally funded projects should provide standalone benefits to the grid. Federally funded projects under this program should not be contingent on the successful execution of other projects being funded through other sources. When a subaward is part of a larger project, recipients should distinguish between (a) the federally funded portion of the scope and (b) the broader project in the subaward/project notification template. For example, a project that seeks to use federal funding to underground 5 miles of power lines as part of a 30-mile undergrounding effort should distinguish between the federally funded scope (5 miles) and the broader project (25 miles). The subaward/project notification template for such projects should explain how the project will benefit targeted communities on its own and as part of the broader project. Recipients should work with their FPOs to determine how best to utilize financial, annual metrics and quarterly reporting templates for their specific project compliance needs.

### **Is an emergency generator on an essential facility or critical facility eligible?**

IIJA Section 40101(e)(2)(A) prohibits eligible entities from using grant funds to construct any new electric generating facilities or any large-scale battery storage facility that is not used for enhancing system adaptive capacity during a disruptive event. Therefore, grant funds or cost match may not be used to purchase and install an emergency generator. However, a large-scale battery storage facility installed to continue to supply electricity where needed during disruptive events would be an allowable project.

### **Can a recipient use BIL funds to perform an overhaul on existing diesel engine generators or replace existing distributed energy resources (DER) components such as wind turbine blades, solar farm inverter, etc.?**

BIL Section 40101(e)(2)(A)(i) prohibits the use of grant funds for construction of a “new electric generating facility.” Modification of an existing generation facility may be an eligible use of funds, but the scope of the project would need to reduce the likelihood and consequences of disruptive events and meet one of the eligible uses of grant funds listed in BIL Section 40101(e), such as weatherization or hardening of facilities. Additionally, any work performed on an existing generating system cannot increase the maximum rated output of the original nameplate capacity. It is the responsibility of the recipient to ensure the work performed meets the intent of the BIL Section 40101(d).

Examples of allowable projects:

- Replacing old generation components with new components of the same type in order to ensure weatherization/resilience, such as wind turbine blade replacement or damaged solar cells within an existing solar farm.
- Overhauling a diesel engine including replacement of components and parts that are reducing the performance of the existing system.



- Building inventories of parts and components needed for providing grid resilience benefits.
- Training and contracts for critical maintenance needs.
- Refurbishment of existing transformers.
- New fuel tanks, either to replace old or faulty tanks or to increase fuel storage capacity would be an allowable project under this program if it provides resilience benefits for the grid (see FAQ response below for additional guidance on fuel storage).

Examples of projects that are not allowable:

- Expansion of existing generation system such as expanding a solar generation facility.
- Replacing a diesel generation with clean generation system, such as a solar farm.

**Would construction of new distribution or transmission lines for the purposes of providing redundancy during disruptive events be considered an eligible use of funds?**

Section 40101(e)(2) states a grant under Section 40101 may be given to an eligible entity for “activities, technologies, equipment, and hardening measures to reduce the likelihood and consequences of disruptive events” and provides examples of permitted activities in section 40101(e)(1)(A)-(L). If it is determined that a new distribution power line, below 69kV, reduces the likelihood and consequence of disruptive events by providing redundancy or fail-over capability, then it is an eligible use of a Section 40101 grant. Section 40101 funds may not be used for new transmission lines. However, undergrounding of existing distribution and transmission lines is an eligible use of Section 40101 funds.

**Can you please clarify whether or not the construction of new solar generation in support of a microgrid – built to provide clean power for the “community facilities” on tribal trust lands – is an allowable cost.**

No, construction of new solar generation is not an allowable cost for Section 40101 grant funds. However, other costs outside of new generation associated with building out a microgrid may be allowable. IJA Section 40101(e)(2)(A) prohibits eligible entities from using grant funds to construct 1) any new electric generating facilities or 2) any large-scale battery storage facility that is not used for enhancing system adaptive capacity during a disruptive event. Therefore, a State and Indian tribe may not use 40101(d) grant funds or associated cost match to construct new solar generation within a microgrid on tribal trust lands.

**What funding opportunities from US Department of Agriculture can be stacked with the Grid Resilience Formula Grant?**

The Department of Agriculture (USDA) funds two programs that can be used in conjunction with the 40101(d) grant: [Powering Affordable Clean Energy \(PACE\)](#) and [Empowering Rural America \(New Era\)](#). [PACE](#) can fund new renewable power generation and energy storage and has broad eligibility (e.g.; for profits, nonprofits, states, territories, and Tribes). Projects must serve at least 50 percent rural populations. For Tribes and territories, under PACE, USDA Rural Development’s Rural Utilities Service

(RUS) will forgive up to 60 percent of a loan, up to \$100M, for renewable energy projects that use wind, solar, hydropower, geothermal, or biomass, as well as for energy storage projects. The application window was open June 30 – September 29, 2023, with applications processed on a rolling basis. [New ERA](#) can fund clean energy generation and grid investments for rural electric cooperatives. Funds can be used to purchase, build, or deploy renewable energy, zero-emission systems, carbon capture storage systems, and make related energy efficiency and other improvements to transmission and distribution. The application for New ERA opened on July 31, 2023, and was open until August 31, 2023.

Additional funding opportunities for Tribes are listed on [the Office of Indian Energy's Current Funding Opportunities page](#).

**Weatherization is one of the allowable uses. Could Tribes use the funds to weatherize tribal facilities or Indian housing facilities? That way when they have a power disruption – which for some Tribes happens weekly – at their homes and tribal facilities will stay warm.**

Applicants need to demonstrate how a project or in this case a weatherization concept can reduce the likelihood and consequences of disruptive events. Weatherization in context of this BIL is focused on grid components and systems and not weatherization of a facility or building.

**Can the funds be used to provide individual households with backup energy resources that can be used during outages?**

IIJA Section 40101(d)(5) requires States and Indian tribes to give priority to projects that, “in the determination of the State or Indian tribe, will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.” While the criteria and rationale for resilience projects are described in the Program Narrative and evaluated on a case-by-case basis, generally, projects for individual benefit (i.e., individual houses) are not allowable under this program. Also, refer to the question regarding the prohibition against using grant funds to purchase or install an emergency generator for an essential facility.

**What is meant by “the use or construction of distributed energy resources for enhancing system adaptive capacity during disruptive events?”**

System adaptive capacity is the ability of the electrical grid to continue to supply electricity where needed during disruptive events. A range of distributed energy resources, including energy storage devices (e.g., batteries) and microgrids, can be used to provide electrical energy during disruptions and, therefore, provide system adaptive capacity.

**Can Grid Resilience Formula grant funding be used to replace fuel tanks if it would provide grid resilience**

**benefits to the Indian tribe?**

Yes. New fuel tanks, either to replace old or faulty tanks or to increase fuel storage capacity would be an allowable project under this program if it provides resilience benefits for the grid serving the Indian tribe.

**Could a recipient use their 40101d funding to install EV charging stations and/or to pay for operations and maintenance costs for those EV charging stations? Alternatively, would snow removal equipment to protect wind turbines be an applicable use of funds? What about building management systems?**

Applicants **do not** need to identify specific resilience projects in their program narratives. GDO encourages applicants to keep their program narratives high-level and omit project specifics, to encourage post-award flexibility. Upon receipt of award, the Recipient must demonstrate the resilience benefits of their proposed investments, consistent with the rationale provided and identified metrics within the program narrative of the application. The primary purpose of the Grid Resilience Formula Grant program is to reduce the likelihood and consequences of disruptive events. Specifically for the EV charging question, a justification would need to be provided on how the EV charging stations reduce the likelihood and consequences of disruptive events. Other non-competitive federal funding is available to Tribes and could potentially be used for EV charging stations, including the [Energy Efficiency and Conservation Block Grant](mailto:EECBG@hq.doe.gov) (EECBG@hq.doe.gov). Other relevant federal funding opportunities for Tribes can be found at: [Rural EV Infrastructure Funding Matrix | US Department of Transportation](#).

**Can equipment acquired through BIL funds for the Grid Resilience Formula Grants be used only during disruptive events or can equipment be used during normal operations as well as disruptive events?**

Equipment acquired through the Grid Resilience Formula Grant program can be used during normal operations, but the expectation is that these technologies, systems, etc. will be used to reduce the likelihood and consequences of disruptive events.

**Can any of the funding beyond the 5% allowed for technical assistance and administrative activities be used for studies?**

Formula grant funding can be used for different types of studies. The scope and cost of the studies will be reviewed on a case-by-case basis.

Generally, if the study being performed is more exploratory and studying different options, then of the federal allocation, only the technical assistance and administrative allowance could be used (capped at 5% of the federal funding received). Applicants may also use some or all of their required cost match (15%) to fund planning/scoping studies.

However, if the study is focused on a specific project to determine project viability, performance specifications, bill of materials, etc. then it could be considered part of project implementation (and not subject to the 5% TA cap) or technical assistance. Additional detail regarding the applicability if different types of studies can be found in the table below.

Study Phase	Description	Phase/Category	Performer
Planning/Scoping Studies	General studies not focused on a specific project; but instead used to explore feasibility of alternative approaches, develop general plans, strategies, etc.	Section 40101(d) Technical Assistance and subject to 5% cap on Federal allocation	Grant Recipient or TA contractor
Feasibility Studies	A study <b><i>focused on a specific project</i></b> to determine project viability, performance specifications and estimated cost	Part of Project Implementation <b>or</b> Technical Assistance and subject to 5% cap on Federal allocation	Eligible Entity (subject to required cost match) if part of project implementation. Grant Recipient or TA contractor if part of 5% TA allowance
Environmental Studies	Studies focused on environmental impacts of specific projects, needed to comply with NEPA, permitting requirements, etc.	Part of Project Implementation <b>or</b> Technical Assistance and subject to 5% cap on Federal allocation	Eligible Entity (subject to required cost match) if part of project implementation. Grant Recipient or TA contractor if part of 5% TA allowance
Preliminary Designs	A more detailed planning design to refine project costs design components, performance specifications and approximate cost	Part of Project Implementation <b>or</b> Technical Assistance and subject to 5% cap on Federal allocation	Eligible Entity (subject to required cost match) if part of project implementation. Grant Recipient or TA contractor if part of 5% TA allowance

Final Design	Plans and specifications needed for contract solicitation, materials/equipment specifications, construction drawings, etc.	Part of Project Implementation or Technical Assistance and subject to 5% cap on Federal allocation	Eligible Entity (subject to required cost match) if part of project implementation. Grant Recipient or TA contractor if part of 5% TA allowance
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**I know 95% of the award has to be sub-awarded to qualified recipients. Should we anticipate that the cost for the required Environmental Assessments will come out of their 95%?**

The environmental assessment can be part of Project Implementation or Technical Assistance and subject to 5% cap on Federal allocation. The performer of this study can either be the Eligible Entity (subject to required cost match) if part of project implementation or the Grant Recipient or TA contractor if part of 5% TA allowance.

**Eligible Entities:**

**When should recipients submit Eligible Entity Secretarial Designation Requests to DOE for potential subawardees who do not fall under the eligible entities outlined in BIL Sec. 40101(d)?**

Grant recipients may use the Eligible Entity Designation Request Template when a proposed resilience project will be carried out by an entity other than those identified as 'eligible' in Section 40101(a)(2). Requests should be submitted to DOE via the grant recipient's Federal Project Officer (FPO) following the initial award kickoff meeting but before submission of a subaward notification package. If an entity's eligibility status is unclear, grant recipients should discuss it with their FPO.

**What is the cost match for an Indian tribe that elects to be an eligible entity and perform the project work?**

A grant recipient that elects to also serve and is qualified to be an eligible entity for a resilience project will be required to provide the 15% cost match on the total grant *as well as* the required eligible entity cost match for the grid resilience project (100% or 1/3). The eligible entity cost match level depends on whether the grant recipient is considered a small utility.

**If small utilities do not utilize funds provided in the set-aside, can those funds be rolled up into the bigger pot and made available to other eligible entities?**

IIJA Section 40101(d)(6) states that the funds must be made available to eligible entities that meet the IIJA definition of a small utility (i.e., sell not more than 4,000,000 megawatt hours of electricity per year). If small utilities do not avail themselves of the opportunity, the funds may be made available to other eligible entities. Although to satisfy the “set aside” requirement, the funds would need to be first made available to only eligible entities that meet the definition of a small utility.

**Does the set aside have to go directly to small utilities – or could it benefit communities served by small utilities?**

IIJA Section 40101(d)(6) states that the funds must be made available to eligible entities that meet the IIJA definition of small utility.

**Would wholesale energy providers qualify?**

If the wholesale energy provider is not explicitly one of the types of eligible entities identified in the statute, the eligibility determination would need to be requested by the applicant on a case-by-case basis. If the wholesale energy provider is an eligible entity and sells less than 4,000,000 MW hours of electricity per year, then it would qualify as a small utility.

**Can DOE provide more information on how the Secretary will determine what other entities can and will be considered eligible entities?**

Section 40101(a)(2)(G) provides the Secretary the authority to designate additional eligible entities for the Section 40101(d) program. States and Indian tribes are required to submit a Program Narrative to the Secretary, which describes the criteria and methods it will use to award grants to eligible entities. DOE recommends that State and Tribes should not include specific entities in the program narrative. Note that acceptance of a Program Narrative submitted with the grant application does not constitute the Secretary’s approval of any entity mentioned in the Program Narrative as being an eligible entity. Moreover, identifying a specific entity in the program narrative may cause delay, because if a specific proposed eligible entity is identified as completing a specific project and DOE denies the request for an entity to be deemed eligible for Section 40101 funding, the State or Indian tribe may be required to amend its Program Narrative and conduct a new public notice and hearing in order to comply with Section 40101(d)(2)(B)(ii)

After a grant has been awarded to a State or Indian tribe, but prior to selecting an entity for a subaward, the State or Indian tribe must request the Secretary make an eligible entity determination for a proposed entity not identified in Section 40101(a)(2). The State or Indian tribe must indicate how this proposed eligible entity will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events as required by Section 40101(d)(5). The request for a determination by the Secretary would be initiated by the State or Tribe grant recipient by submitting the request to the Federal Project Officer for the grant agreement. The Federal Project Officer can advise

the State or Indian tribe on the process and information requirements for making the request.

### **Can an eligible entity submit the same ideas to multiple provisions?**

It is understood that there is some overlap in various provisions. An eligible entity could respond to multiple provisions that relate to a specific concept. However, there must be different scope for a given application submittal. In addition, note that, under Section 40101(e)(2)(C), “[a]n eligible entity may not submit an application for a grant provided by the Secretary under subsection(c) and a grant provided by a State or Indian tribe pursuant to subsection (d) during the same application cycle.”

### **Project Administration:**

#### **How can I request additional technical or other assistance beyond the 5% of federal funds I am allowed under my award?**

The Grid Deployment Office provides technical and other assistance in response to state, Indian tribe, territory, and industry needs. Assistance may be available at no additional cost to recipients. Please refer to this page for details on how you can submit a request to DOE: [Request Grid Resilience Assistance | Department of Energy](#)

Additional DOE technical or other assistance opportunities can be found at the following links:

- [Clean Energy to Communities Program | Department of Energy](#)
- [Request Technical Assistance | Department of Energy](#)
- [Other Technical Assistance Opportunities | Department of Energy](#)

### **What are the reporting requirements?**

Recipients have several reporting requirements related to metrics and impacts during and following completion of resilience projects:

1. Inclusion of the project information in the Annual Program Metrics and Impact Reports throughout the duration of the award agreement, and
2. Inclusion of project-specific information in the Quarterly Progress Reports (QPRs) during the project implementation and in the QPR submitted following completion (i.e., close out) of the resilience project.

Recipients are advised to assure that subawards and contracts issued for resilience projects include provisions for continued reporting of project impacts and metrics needed by the Recipient to satisfy these reporting requirements. Note that there are additional reporting requirements in your Terms and Conditions and Federal Assistance Reporting Checklist in your Assistance Agreement pertaining to

resilience projects, such as those related to reporting and disposition of property and equipment acquired under the project.

*Example: Project X completed construction on May 23, 2024. The recipient still has 3 other ongoing projects and funds remaining in the agreement. The recipient continued reporting on Project X in addition to other ongoing projects in Annual Program Metrics and Impact Reports submitted to DOE at the end of the Federal Fiscal through the duration of the award agreement, which ended January 2029, five years after being awarded in January 2024. The Recipient submitted a final QPR for Project X on June 30, 2024 to document construction completion.*

### **Annual Program Metrics and Impact Reports Instructions manual under “Instructions Overview”:**

The Excel workbook named “Annual Program Metrics and Impact Report – Greater than 500k.xlsx” serves as the annual performance report template for recipients receiving GREATER than \$500,000 in BOTH year 1 and year 2 allocations (i.e., recipients should use this workbook if they were awarded more than \$500,000 in Year 1 and more than \$500,000 in Year 2). As a grant recipient, you will populate this template once a year at the end of each Federal Fiscal Year throughout the duration of the award agreement for all projects. The report should be submitted via the Energy Efficiency and Renewable Energy Project Management Center Portal (EERE-PMC Portal). Please see your Assistance Agreement for more information regarding this process.

The reporting requirements will be provided in the Reporting Requirements Checklist included in the Assistance Agreement. There are three primary reporting templates designed to ease the reporting burden for recipients while also ensuring the necessary data is collected:

- **Quarterly Progress Report (QPR)** – This Excel-based QPR template is the same as the Project Management Plan (PMP) template. The PMP is due 90 days after the assistance agreement is awarded. The PMP established baseline information for the grant activities. Following the first full quarter (based on Federal fiscal year) of performance after receiving your grant, the PMP will simply be updated each quarter and resubmitted as the QPR. This report is the same for **all** grant recipients. A lead Tribe of a consortium will fill out one Quarterly Progress Report for the entire consortium. Third-party agents that have applied on behalf of a Tribe/Tribal Consortium must fill out a report for each Tribe/Tribal Consortium they represent. This report captures data on project attributes, which includes data on the type of project, the expected benefits, the customers impacted, project location, subaward entity, cost, project milestones, and build metrics. The template includes a separate workbook for each resilience project.
- **Annual Program Metrics and Impact Report** – This report captures the benefits that communities realize through the program. Data requests include tracking avoided outages, avoided costs, and reduced restoration time, as well as further information on community and labor engagement; workforce and community agreements, investments in job quality and job training; diversity, equity, inclusion and accessibility; and [Justice40 benefits](#). Award recipients will use one of two annual reporting templates dependent on the amount of funds they receive in FY22 and FY23.



- “Annual Program Metrics and Impact Report – Greater than 500k” serves as the annual performance report template for recipients receiving GREATER than \$500,000 in *BOTH* year 1 and year 2 allocations (i.e., recipients should use this workbook if they were awarded more than \$500,000 in FY22 *and* more than \$500,000 in FY23).
- “Annual Program Metrics and Impact Report – Less than 500k” serves as the annual performance report template for recipients *receiving LESS than \$500,000 in EITHER FY22 OR FY23 allocations*.
- If a Tribal Consortium is formed where pooled funds in FY22 are greater than \$500K *and* pooled funds in FY23 are greater than \$500K, then the “Annual Program Metrics and Impact Report – Greater than 500k” template must be used. A lead Tribe of a consortium will fill out one Annual Program Metrics and Impact Report for the entire consortium. Third-party agents that have applied on behalf of a Tribe/Tribal Consortium must fill out a report for each Tribe/Tribal Consortium they represent and use the appropriate templates based on funding allocated to *each* Tribe/Tribal Consortium.
- For more guidance on reporting requirements see the “Guidance for Bipartisan Infrastructure Law Grid Resilience Formula Grant Metrics Tracking” Guidebook, published by the DOE Grid Deployment Office (GDO), which outlines the motivation and framework for 40101(d) metrics, identifying three categories of metrics, as well as three investment examples and the types of metrics a grant recipient could consider.
- Following the award of your assistance agreement, your Federal Project Officer will contact you to schedule a kick-off meeting to go over the reporting requirements.
- GDO seeks to work with grant recipients to arrive at a set of metrics for each project that communicate the use of funding and the benefits of funded projects without creating undue burden. To achieve this, Grant recipients will work through their DOE Federal Project Officer to select metrics that are most applicable to their proposed projects.
- Metrics tracking guidance for all projects funded by the BIL is under development by the DOE Office of Policy, which may identify additional reporting requirements. These additional reporting requirements will be added as needed to the Annual Program Metrics and Impact Report. Recipients should maintain sufficient records on their projects.

**How and when do States and Indian tribes request and receive approval to proceed with resilience projects and associated subawards to eligible entities?**

Grant recipients may, at any time after they receive the grant, provide notification and documentation to DOE for resilience projects and subawards. This process is described in ALRD Section V.G – Resilience Project and Subaward/Subcontract Notification.

Be aware that review of the documentation and required written concurrence by DOE may take considerable time and will be impacted by factors such as National Environmental Policy Act (NEPA) considerations. Please allow for at least 45 days for this process from when you provide the required

information to DOE.

**Can Tribes receive and accumulate multiple annual allocations until they have enough resources to do a larger project? Most Tribes' allocations are between \$30k - \$60k per year (e.g., shipping costs alone could consume most of the funds). If funds could roll over, then by year five they would have enough funding to do a more meaningful project.**

It is DOE's intent for States and Indian tribes to utilize grant funding to implement grid resilience projects as expeditiously as possible to achieve the objectives of Section 40101. However, if the Program Narrative, submitted with the annual allocation request, identifies a strategy that requires accumulating multiple year (e.g., 2 to 3 years) allocations to initiate and complete an identified project, then the State or Indian tribe may accumulate the annual allocations until it has sufficient funds obligated to the grant agreement to successfully complete the project. The initial DOE award will have a Period of Performance of five years. Work must be performed within the Period of Performance of the grant agreement.

**What are the National Environmental Policy Act (NEPA) requirements for the projects States and Indian tribes propose under the grant?**

NEPA compliance for Section 40101(d) formula grants is being conducted in two phases. First, with the initial grant application, applicants must submit an Environmental Questionnaire (Form NETL Form 451.1-1/3) addressing only the technical assistance and administrative activities (identified as "Group A" activities in the Environmental Questionnaire) performed under the grant. Second, after the grant is awarded, the State or Indian tribe must submit an Environmental Questionnaire for each proposed resilience project and subaward, in accordance with the Resilience Project and Subaward/Subcontract Notification Term in the ALRD (term will also be in the resulting grant agreements). If any projects are likely to require an environmental assessment (EA) or environmental impact statement (EIS), the DOE NEPA representative will provide further guidance. If DOE determines certain studies or records must be prepared to complete the NEPA review process (e.g., biological evaluations or environmental assessments), the costs to prepare the necessary records may be included as part of the project costs. Accordingly, if the resilience project that is being proposed is likely to have environmental impacts warranting additional studies and NEPA reviews prior to receiving DOE concurrence to proceed, States and Indian tribes are advised to account for that in the implementation schedule for that project.

**May applicants incur costs before the award of the grant and be reimbursed through the grant when it is awarded?**

***ALRD Section IV.F – Pre-Award Costs*** addresses the allowance of pre-award costs. Pre-award costs are allowed for the technical assistance and administrative expenses; but there are restrictions and limitations that are addressed in this section of the ALRD.

## Are States, U.S. Territories, and Indians Tribes required to apply 40 percent of their grant allocation towards benefiting disadvantaged communities?

The Justice40 initiative, created by Executive Order 14008, establishes a goal that 40% of the overall benefits of certain federal investments should flow to disadvantaged communities (see: <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>). This is a federal government goal and not a requirement of the IJA Section 40101(d) Formula Grant program. However, DOE encourages States, U.S. Territories, and Indian tribes to apply funding in a way that provides benefits to disadvantaged and underserved communities. Also, per IJA Section 40101(d), priority should be given to projects that will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.

## What do I need to submit with my subaward notification package?

In accordance with the Resilience Project and Subaward/Subcontract Notification Term in your Assistance Agreement, your subaward notification package should include the following forms, templates, and information:

- [Resilience Project & Subaward Notification Template](#)
- [SF-424A](#) is required for resilience project subawards and any other subaward over \$250,000.
- Budget Justification Workbook to provide budget detail for the proposed resilience project
- [Environmental Questionnaire](#) is required for NEPA compliance covering the subaward activity.
- **Cost Match Commitment Letter** from the subawardee committing to meet the cost matching as required in BIL Section 40101(h).
- **Metrics to be collected and reported in the Quarterly Progress Report.** This list will be used to measure and demonstrate the beneficial impact of the resilience project on the resilience of the grid and to the community served.
- [Secretarial Eligible Entity Designation Request Template](#) (only if the subawardee is not an eligible entity as defined in the program requirements)
- [Buy America Waiver Request](#) (only if the subawardee is requesting a waiver from the Build America Buy America Act)
- **Performance of Work in the United States Waiver** (only if the subawardee is performing a portion of the work outside the United States).

Subaward notification templates and instructions can be found here: <https://netl.doe.gov/bilhub/grid-resilience/formula-grants/post-award-documents>

### **How much time should I plan for the subaward approval process, once I've submitted a subaward notification package to DOE?**

DOE aims to provide subaward approvals in a timely fashion. Once a subaward notification package has been submitted, it initially undergoes a compliance review. The FPO may request additional information if the notification package is deficient. Once this initial review is complete, the package proceeds through several additional reviews, including a technical review, NEPA determination, and risk review process (as applicable). The duration of these reviews is highly dependent on the project details. For example, NEPA reviews can vary between weeks for a categorical exclusion (CX), months for an Environmental Assessment (EA), and longer for a full Environmental Impact Statement (EIS), depending upon the complexity of the project and potential environmental impacts. Note that projects that are determined by DOE to require an EA or EIS will require additional studies to be performed by the Recipient before the NEPA process can be concluded.

### **Can past expenses be reimbursed or used for cost match?**

In accordance with the Terms and Conditions of your Assistance Agreement, you are entitled to reimbursement for costs incurred on or after May 3, 2022, if such costs are allowable in accordance with the applicable Federal cost principles referenced in 2 C.F.R. Part 200 as amended by 2 C.F.R. Part 910 and meet the following requirements:

- Cost incurred must be for technical assistance and administrative expenses only;
- Amount incurred is limited to no more than 5% of the Federal allocation amount; and
- Amount incurred is limited to no more than the required 15% cost match of the total Federal allocation amount.

Questions regarding allowability of previous costs incurred for proposed resilience projects must be directed to the Federal Project Officer (FPO) and Contracting Officer for your Grant Agreement and will be evaluated on a case-by-case basis. Recipients are advised not to incur costs for resilience projects until they have completed the project notification process in accordance with the Resilience Project and Subaward/Subcontract Notification Term in their Assistance Agreement.

### **Cost Match:**

**If multiple small utilities that are otherwise eligible for the small utility cost-match of 1/3 (40101(h)(2)) submit an application as a consortium (joint application), are their aggregate electricity sales used to determine whether they are eligible for the small utilities cost-match?**

If a sub-award is made to a consortium of small utilities, then the cost match requirement would be 1/3

of the amount of the grant if each utility in the consortium sells not more than 4,000,000 megawatt hours of electricity per year, or 100% of the amount of the grant if a utility in the consortium sells more than 4,000,000 megawatt hours of electricity per year.

If there is a large utility within the consortium, it is recommended a new sub-award notification be created specifically for the large utility because the cost match for that large utility would be 100% of the amount of the grant.

**If the sub-award is made to an organization or association of small utility members, could DOE explain the required cost match for that association?**

It may be possible for an organization or association with members that are considered eligible entities as defined in BIL Section 40101 to be considered an eligible entity. The cost match would be based on the project performers. If the project performers are utilities that sell less than 4,000,000 MWhs annually, then the cost match could be 1/3.

**Can ratepayer funds be used as a cost match for the State match and/or (not the same funds) for the subawardee match?**

Utility funding derived from ratepayers can be used as cost match, pending any state-specific regulatory limitations. This can be used for the State's 15% cost match and/or the eligible entity (1/3 or 100%) cost match.

**How do the federal Buy America, and Davis Bacon provisions apply to projects under this grant program?**

Buy America and Davis Bacon requirements apply to grant recipients and subawardees of this program.

Build America, Buy America Act (BABA). BABA applies a domestic content procurement preference requirement to federally funded public "infrastructure projects." Since applicable to these projects and recipient entity types, Buy America requirements flow down to all sub-awardees regardless of the sub-awardee's entity type. Additional BABA implementation guidance for BIL funded projects can be found here: [Build America, Buy America | Department of Energy](#).

Davis Bacon Act (DBA). The DBA mandates the payment of local prevailing wages on federal funded public works projects of \$2,000 or more—including construction, alteration, and repair work. Further, BIL Section 41101 applied the DBA wage rate requirements to all construction, alteration, or repair work under DOE BIL-funded projects. DOE anticipates rolling out an electronic payroll compliance software to assist with DBA compliance. In the interim, grant recipients should comply with the Davis Bacon provisions included in their Award Terms and Conditions and ensure these requirements flow down to subawardees.

## What BABA waivers are available for grant recipients under this program?

When necessary, recipients may apply for, and DOE may grant, a waiver from the Buy America requirements. DOE may grant a waiver if it determines that the request meets one of the following justifications:

- **Public Interest:** Applying the Buy America Requirement would be inconsistent with the public interest.
- **Non-Availability:** 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.
- **Unreasonable Cost:** 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.

Additional information about the items that should be included in a waiver request can be found [here](#).

## When and how can I apply for a BABA waiver?

Grant recipients should submit waiver requests in writing to DOE via their assigned Federal Project Officer (FPO). In most cases, waiver requests should be submitted along with the associated project/subaward notification package. Waiver requests are subject to review by DOE and the Office of Management and Budget (OMB), as well as a public comment period of at least 15 calendar days. Recipient's waiver requests will be made publicly available on DOE's and OMB's websites. Waiver requests may take up to 90 calendar days to process. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public. DOE's final determination regarding approval or rejection of the waiver request may not be appealed.

Additional guidance on submission of a waiver request and the existing BABA waivers can be found here: [DOE Buy America Requirement Waiver Requests | Department of Energy](#).

**We intend for eligible entities to pay the 15% match on our behalf when those partners are chosen. However, we haven't selected a partner yet, as that is part of our work plan for the grant. Are we then required to pay the 15% match ourselves?**

If an applicant intends to require that the eligible entity pay the 15% cost match for the applicant, on top of their own cost match requirements of either 100% or 1/3 of the amount of the subgrant, this information should be included in the Cost Match Information Sheet submitted with the grant

application. If the applicant has not chosen the eligible entity yet and no entities have confirmed their commitment to pay the cost match, a Cost Match Commitment Letter is not required at the time of application submission. The Cost Match Commitment Letter is only required with the initial grant application if and when a third party other than the applicant has committed to paying for all or a portion of the applicant's 15% cost match. DOE will require a Cost Match Commitment Letter from the eligible entity prior to the start of any resilience project, as noted in ALRD Section IV.G – Resilience Project and SubAward/Subcontract Notification. Cost match should be provided/dispensed as federal funds are expended during the course of project execution and drawdown of federal funds occurs.

Keep in mind that an applicant may use up to 5% of the federal funds for technical assistance and administrative purposes without subgranting these funds to an eligible entity. This portion of the funds will be subject to the applicant's 15% cost match. If this work is not subgranted to the eligible entity, then it may not require additional cost match from the eligible entity. The applicant will need to determine if the eligible entity will also provide the 15% cost match for the technical assistance and administrative funds that the applicant uses, or if the applicant will use other funding sources for this part of the 15% cost match. This information should be included in the *Cost Match Information Sheet*.

**May a State or Indian tribe elect to manage and execute the resilience project itself using the formula grant funds, rather than through a subaward, such as by procuring technologies or services directly from vendors? If yes, then how does the impact other issues such as the initial application process and the cost match requirements?**

To administer a program under Section 40101(d), States and Indian tribes are required to match 15% of the amount of each grant provided to it by DOE under the program. Section 40101(d)(8). Eligible entities that receive a grant under Section 40101 are required to match 100% of the amount of the project specific grant. Section 40101(h)(1). An eligible entity that is a small utility, as defined by Section 40101(h)(2), is required to match 1/3 of the amount of the grant.

State and Indian tribes are not eligible entities as defined in Section 40101(a)(2). A State or Indian tribe may request that DOE determine the State or Indian tribe is an eligible entity. If DOE designates the State or Indian tribe as an eligible entity, then it could execute a resilience project and own certain equipment (e.g., battery energy storage system). Upon designation as an eligible entity, the State or Indian Tribal entity would provide the cost match of 100% for the project specific award, unless it meets the definition of a small utility, as defined by Section 40101(h)(2), which is required to match 1/3 of the amount of the grant. This cost match would be in addition to the 15% cost match each State or Indian tribe is required to submit to participate in the Section 40101(d) program.

**Can the States and Indian tribes pass the 15% match onto the eligible entities, in addition to the 100% or 1/3 match required of eligible entities?**

IJA Section 40101(d)(8) requires "Each State and Indian tribe shall be required to match 15 percent of the amount of each grant provided to the State or Indian tribe under the program." However, the law is silent on the source of the 15 percent match. Consequently, there is nothing in the grant requirements

prohibiting a State or Indian tribe from requiring an additional 15 percent match from the eligible entities receiving subawards and using that funding to meet the 15 percent cost match for the federal award from DOE.

**Can States and Indian tribes use American Rescue Plan Act (ARPA) funding for to meet the 15 percent cost match for the Section 40101(d) Grid Resilience grant?**

Yes, however, the amount of State and Local Fiscal Recovery Funds (SLFRF) issued under America Rescue Plan Act (ARPA) that can be used by a recipient is limited to an amount calculated based on reduced revenue as specified in the Treasury Final Rule, 31 CFR Part 35.

**Can Indian tribes use funds from the Local Assistance and Tribal Consistency Fund (LATCF) to meet the cost match for the Section 40101(d) Grid Resilience grant?**

Yes, per the Guidance for the Local Assistance and Tribal Consistency Fund (LATCF), issued by the U.S. Department of Treasury, Indian tribes may use LATCF funds to meet the cost match requirements if it is consistent with the terms and conditions of the LATCF funds. Indian tribes that wish to use LATCF Funds should include a statement acknowledging that their use of the cost match is consistent with the use of said funds.

**Can Indian tribes use funds from the Native American Housing and Self Determination Act of 1996 (NAHASDA) funds to meet the cost match for the Section 40101(d) Grid Resilience grant?**

There is no prohibition in NAHASDA against using grant funds as matching funds. Indian tribes that wish to use NAHASDA funds should include a statement acknowledging that their use of the cost match is consistent with the use of said funds.

**When do all applicants need to confirm they will have the cost match? State budgeting timelines might make it challenging for many states to commit to a state match in the short-term.**

States and Indian tribes must agree that they will provide cost match, as part of the terms of the grant agreement. However, cost match should be provided/dispensed as federal funds are expended during the course of project execution and drawdown of federal funds. State and subrecipients may utilize in-kind contributions to meet cost match, where applicable. Refer to Section III.B of the ALRD.

**Each State and Indian tribe is required to match 15 percent of the amount of each grant provided to the State or Indian tribe under the Program. So, is the 15% on the total grant amount, and in addition to the**



### **required subrecipient cost match?**

The State or Indian tribe is required to provide a 15% cost match on the total Federal grant allocation. Additionally, subrecipients are required to match either 100% (an eligible entity) or 1/3 (an eligible entity that is a small utility pursuant to Section 40101(h)(2) of the IJA) of the subaward granted to it by the State or Indian tribe.

### **Does the state have to match the entire amount or should 5% for TA be deducted first and then the 15% cost match applies?**

The 15% cost match applies to the ENTIRE federal allocation to the State. For example, DOE awards an Indian tribe a \$100,000 grant, the Indian tribe matches that with 15% (\$15,000) so the total amount available for projects would be \$115,000.

### **Can the State or Indian tribe use up to 5% of the amount awarded for technical assistance and (TA) and administrative expenses?**

Section 40101(d)(7) states “Of the amounts made available to a State or Indian tribe under the program each fiscal year, the State or Indian tribe may use not more than 5 percent for – (A) providing technical assistance under subsection (g)(1)(A); and (B) administrative expenses associated with the program.” Therefore, the amounts made available under the program would be the federal funds provided by DOE. Therefore, up to 5% of the federal funds could be used for TA and administrative expenses combined. For example, DOE awards state X a \$100,000 grant, state X can use up to \$5,000 of that amount for TA and administrative expenses. In addition, state X must provide a cost match of 15% (\$15,000) on the total Federal allocation. The entire cost match of \$15,000 could also be used for TA and administrative expenses.

### **Can more information be provided on DOE’s cost match requirements and differences with cost sharing? Specifically, information pertaining to requirements associated with match type (i.e., cash vs in-kind) and funding source.**

The terms “cost sharing” and “cost matching” are often used synonymously. However, the term “cost sharing,” conveys the concept that non-federal share is calculated as a percentage of the **Total Project Cost**. On the other hand, “cost matching” for the non-federal share is calculated as a percentage of the **federal funds only**, rather than the Total Project Cost. The applicable regulations appear at 2 C.F.R. § 910.130(d)(2).

The following costs are allowable in accordance with the applicable cost principles:

- (i) Cash;
- (ii) Personnel costs;
- (iii) The value of a service, other resource, or third-party in-kind contribution determined in accordance with Subpart E - Cost Principles - of [2 CFR part 200](#). For recipients that are for-profit organizations as defined by [2 CFR 910.122](#), the Cost Principles which apply are contained in [48 CFR 31.2](#). See [§ 910.352](#) for further information;
- (iv) Indirect costs or facilities and administrative costs; and/or
- (v) Any funds received under the power program of the Tennessee Valley Authority (except to the extent that such funds are made available under an annual appropriation Act);

Exclude the following costs:

- (i) Revenues or royalties from the prospective operation of an activity beyond the time considered in the award;
- (ii) Proceeds from the prospective sale of an asset of an activity; or
- (iii) Other appropriated Federal funds.
- (iv) Repayment of the Federal share of a cost-shared activity under Section 988 of the Energy Policy Act of 2005 shall not be a condition of the award.

**Is the state 15% cost match on the entire federal grant amount or just the amount the state spends? That is, does the state have to provide a 15% match for the federal amount sub-granted to other entities?**

Each State and Indian tribe is required to match 15 percent of the total federal allocation provided to the State or Indian tribe under the grant. If a State or Indian tribe chooses to accept less than the formula allocated amount, they would only be responsible for cost match on the amount accepted.

**Regarding the funding that can be used for technical assistance and administrative costs, is the 5% for TA and 5% for admin? Or 5% for both combined?**

The 5% is being applied for both technical assistance and administrative costs combined.

**The ALRD indicates that cybersecurity resilience measures are not allowed under Sec 40101(d). Please explain why and does this apply to cost match?**

DOE realizes the importance of cybersecurity and wants to ensure that investments made through the Grid Resilience Grants will not exacerbate issues within the energy delivery system. It is expected that any concepts, technologies, or systems deployed will meet, at a minimum, any cyber requirements within the entity's energy infrastructure and further be in compliance with any corresponding standards. However, IJIA Section 40101(e)(2)(A)(ii) states that "[a] grant awarded to an eligible entity under the program may not be used for . . . cybersecurity." Additionally, cybersecurity investments cannot be used

as cost matching since financial assistance regulations treat government share and recipient share the same. Thus, since government funds cannot be used to support cybersecurity resilience measures, neither can recipient share be counted as part of the award.

**May our Tribe, or its eligible entity receiving the subaward, use the design costs for a resilience project to meet the cost match for the resilience project? And if so, may these costs be incurred before the grant is awarded or the notification process (per Section V.G – Resilience Project and Subaward/Subcontract Notification) has been completed?**

Design costs are an eligible expense for allowable resilience projects, and the associated costs may be used as cost match towards a resilience project, if incurred after May 3, 2022. The design costs incurred must meet the cost match requirements set forth in the ALRD (refer to ALRD Section IV.F – Pre-Award Costs) and 2 CFR 200.306 as amended by 2 CFR 910.130. Additionally, the resilience project will be subject to Section V.G – Resilience Project and Subaward/Subcontract Notification of the ALRD. However, incurring design costs prior to a grant being awarded, or a subsequent resilience project completing the notification process, places the grant recipient and its subawardee at financial risk should the project or subaward not be deemed allowable pursuant to the notification process. Additionally, the DOE is not obligated to reimburse costs: (1) in the absence of appropriations; (2) if an award is not made; or (3) if an award is made for a lesser amount than the Applicant anticipated.

If a utility begins a resilience project (such as AMI upgrades for the purpose of resilience), and the project begins implementation prior to being selected as a sub-awardee OR prior to receiving any 40101(d) funds, would that AMI project still be eligible through our state's anticipated program if "construction" began already? Furthermore, could the utility spend some of their 1/3 cost match on the project prior to receiving notification as a sub-awardee?

While the ALRD does allow pre-award costs for technical assistance and administrative activities (see the FAQ response above and refer to ALRD Section IV.F – Pre-Award Costs), pre-award costs (using Federal grant funds or cost match) for resilience projects are most likely unallowable under the State's 40101d grant agreement. Resilience projects paid for by Federal grant funds and associated cost match must adhere to the Terms and Conditions contained in the DOE Grant Agreement with the State. These Terms and Conditions must flow down to subrecipients. In addition, costs incurred for resilience projects prior to the selection and/or receiving notification of the subawardee must also adhere to the State's rules and regulations.

#### **Forms and Templates:**

**Both the Pre-Award Info and the Environmental Questionnaire request a "Principal Investigator". Is there a specific definition for who this is for an applicant? Can the Principal Investigator be the same person as the authorized Representative on the Pre-Award Info form? Or the same as the Business Officer or Technical project Manager?**

The principal investigator is the same as the Technical Project Manager. The Technical Project Manager is the technical lead, or project manager, of the project. This person is responsible for all technical and project management aspects of the grant activities.

**On the Pre-Award Information Sheet, B. 1. Information for Determining Cognizant Agency/Office, Federal contracts/awards- The applicant is asked to provide information for the "5 highest dollar award valued for current Federal contracts, grants or awards for which the organization receives funding (either as a prime or subcontract) directly from a Governmental agency." The applicant is an Alaska Native Regional Corporation and has a large subsidiary that has extensive government contracting. Would that subsidiary's Federal contracts be included here? Or just those held by the primary applicant.**

Only the federal awards that the prime applicant or lead Indian tribe for a Tribal Consortium, has should be included on the Pre-award information sheet, not their subsidiary. Generally, any agreements/contracts with the Federal Government under the same UEI as the prime applicant should be considered when listing the five highest dollar awards.

**Our Tribe would like to authorize a unit/branch of the Tribal Government that is legally its own entity to apply on behalf of the Tribe. What is needed in this case?**

A Tribe may authorize a unit/branch of their Tribal government to serve as the prime applicant through a Head of Government letter. With this authorization, the unit/branch will assume the responsibility for the grant requirements. All required grant documents should be filled out according to the unit/branch's financial information and Unique Entity Identifier (UEI).

**Does Section B – Accounting System on the Pre-award information sheet need to be filled out if the applicant is proposing indirect costs as part of their budget, i.e., as part of their 15% cost match, since there otherwise is no budget approval process for this application?**

Section B – Accounting System must be completed to the best of the applicant's ability regardless of whether the applicant is proposing indirect costs. Some of the fields might need to be marked "N/A".

**The Pre-award Information Sheet explanation refers to "provisional indirect rate agreement" and "final indirect rate agreement." My assumption would be that an applicant would either be aware of any prior negotiations or rate agreements and be able to list their CFA contact info, or they would not have this info because a CFA has not previously been assigned in some cases. e.g., an applicant may not have a CFA if they have not negotiated these rates previously because they do not have any current federal awards with indirect cost components, or they have no previous federal awards at all.**

This is correct.

**For the Pre-award Information Sheet, am I correct that even though funds have already been allocated by formula to applicants through this Grid Resilience FOA, since these grid resilience funds haven't been awarded for any applicant that hasn't applied yet, the grid resilience award being applied for doesn't need to be listed in either table of 5 highest dollar awards for Federal contracts or DOE contracts?**

This is correct. The Grid Resilience Formula Grant does not need to be listed.

**Are there any resources on indirect rate negotiation that might help me, or an applicant interpret this section any more clearly?**

Resources:

1. 2 CFR Part 200, Appendix VII – States and local Government and Indian tribe Indirect Cost Proposals
2. 2 CFR Part 200, Subpart E, Cost Principles (200.400 – 200.476)

**What date should I use for the Project Start and End dates on the SF-424, Section 17?**

You may leave those fields blank. The project start date will be the date the DOE Contracting Officer executes the grant agreement, and the end date will be five years after the start date.

**DUNS numbers are no longer used. The UEI number will not fit into the SF-424 field for the DUNS number. What should I do?**

If you are using an older version of the SF-424, the SF-424 might not accept the UEI number in the DUNS field (8c). If this happens either use a more recent version of the form or leave that field blank and include the UEI in the Pre-Award Information Sheet submitted with your application.

**How do I fill out the SF-LLL (Disclosure of Lobbying Activities)?**

Prime recipients and subrecipients may not use any federal funds to influence or attempt to influence, directly or indirectly, congressional action on any legislative or appropriation matters.

Prime recipients and subrecipients are required to complete and submit SF-LLL, "Disclosure of Lobbying Activities" to ensure that non-federal funds have not been paid and will not be paid to any person for

influencing or attempting to influence any of the following in connection with the application:

- An officer or employee of any federal agency;
- A Member of Congress;
- An officer or employee of Congress; or
- An employee of a Member of Congress.

**Do I need to fill out the SF-LLL if our Tribe does not have a lobbyist?**

Yes, If the applicant does not lobby and has no lobbyist, fields in Section 10 on the SF-LLL may be marked “not applicable.”

**Do the application forms need to be electronically signed?**

The signatures on the application forms may be signed electronically or they may be printed, signed by pen/ink, and then scanned.

**How and when do States and Indian tribes request and receive approval to proceed with resilience projects and associated subawards to eligible entities?**

Grant recipients may, at any time after they receive the grant, provide notification and documentation to DOE for resilience projects and subawards. This process is described in **ALRD Section V.G - Resilience Project and Subaward/Subcontract Notification**.

Be aware that review of the documentation and required written concurrence by DOE may take considerable time and will be impacted by factors such as National Environmental Policy Act (NEPA) considerations. Please allow sufficient time for this process from when you provide the required information to DOE.

**How do I fill out the Environmental Questionnaire?**

The NEPA Environmental Questionnaire you submit with your grant application will address only the technical assistance and administrative activities.

- The initial award will only authorize the technical assistance and administrative activities.
- Resilience projects and associated subawards must be approved individually post-award and will require separate Environmental Questionnaires.
- Technical assistance and administrative activities are “Group A” activities.

For the initial grant application, once you complete Section II Questionnaire, you may check the Group A box, then proceed directly to Section III Certification by Proposer and sign the form.

**If our Tribe does not have a cognizant federal agency, how should I fill out the “Information for Determining Cognizant Agency/Office” section of the Pre-Award Information Sheets?**

If the Tribe does not have a cognizant federal agency (an agency that an entity works with to develop their indirect rates/accounting information), then you can put N/A for the Agency and the DOE Office and leave the remainder of those sections blank.

**Definitions:**

**Allocation** BIL Section 40101(d) prescribes a formula to allocate funds to States and Indian tribes. The formula includes five factors based on population, land area, probability of disruptive events, economic impact of past disruptive events, and amount of expenditures spent to mitigate likelihood and consequence of disruptive events. The resulting allocations are the amount a State or Indian tribe may receive during each of the five years of grant funding. Annual allocation amounts will be determined each year based on available BIL Section 40101(d) funding and annual updates to the data relating to the five factors.

**ALRD** An Administrative and Legal Requirements Document (ALRD) is the instrument the government uses to announce and describe a financial assistance opportunity, such as a formula grant. It is similar to a Funding Opportunity Announcement (FOA), except that an ALRD is typically used for a non-competitive grant program whereas a FOA is typically used for a competitive financial assistance opportunity. The ALRD provides the administrative and legal requirements of the formula grant program and instructs eligible applicants on the process and documents needed to apply for the grant.

**Applicant** An Applicant is a State, U.S. Territory, District of Columbia or Indian tribe, including Alaska Native Corporations (normally referred to as “State and Indian tribes” for the purpose of BIL Section 40101(d)) eligible to receive a formula grant under Section 40101(d) Formula Grant Program of the [Bipartisan Infrastructure Law \(BIL\)](#).

**Application** There are two definitions for an application, depending on the stage of the award process:

**Grant Application**

States and Indian tribes must submit a grant application to the U.S. Department of Energy to receive a formula grant under BIL Section 40101(d). Section 40101(d)

requires that applications include a plan (referred to as the Program Narrative) that describes the criteria and methods that will be used by the State or Indian tribe to award grants to eligible entities; be adopted after notice and a public hearing; and describe the proposed funding distributions and recipients of the grants to be provided by the State or Indian tribe. In addition to the Program Narrative, the ALRD Sections IV.A and IV.B require additional information and documents needed to apply for and receive a grant.

### **Allocation Application**

States and Indian tribes must submit an annual allocation application to request and receive their annual funding allocations (this is after receipt of their initial award).

The Grant Agreement will contain instructions on the requirements and process for annual allocation application submittals. Annual allocations will be obligated to the same grant agreement each year, thereby increasing the grant amount with each annual allocation.

### **Cost Match**

Cost Match under BIL Section 40101(d) is the amount of non-Federal funding a State or Indian tribe must provide to match the amount of Federal funds awarded under a Section 40101(d) formula grant. Under the Section 40101(d) each State and Indian tribe is required to match 15 percent of the amount provided to it under the program.

Further, an Eligible Entity that receives a subaward under this program is required to match 100 percent of the amount of the subaward as required by Section 40101(h)(1). However, if the Eligible Entity sells not more than 4,000,000 megawatt hours of electricity per year (i.e., is a Small Utility), the required match will be one-third of the amount of the subaward as required by Section 40101(h)(2).

### **Eligible Entity**

States and Indian tribes may use BIL Section 40101(d) formula grant funds to issue subawards to Eligible Entities for the purpose of implementing eligible resilience measures that achieve the objectives of Section 40101(d). An Eligible Entity is defined by Section 40101(d) as:

- a) an electric grid operator;
- b) an electricity storage operator;
- c) an electricity generator;
- d) a transmission owner or operator;
- e) a distribution provider;
- f) a fuel supplier; and
- g) any other relevant entity, as determined by the Secretary (of the U.S. Department of Energy).

### **Formula Grant**

A formula grant is a type of financial assistance award in which the government awards grants to eligible applicants, with the grant amount being based on a



prescribed formula. BIL Section 40101(d) prescribes a formula to allocate Section 40101(d) funds to States and Indian tribes. The formula includes five factors based on population, land area, probability of disruptive events, economic impact of past disruptive events, and amount of expenditures spent to mitigate likelihood and consequence of disruptive events.

**GDO**

The Grid Deployment Office (GDO) is the programmatic office within the U.S. Department of Energy responsible for implementing the BIL Section 40101(d) and other BIL grid resilience programs. Information about GDO is available here: [Grid Deployment Office | Department of Energy](#)

**Grant Agreement**

A grant agreement is the contractual financial assistance instrument in which a State or Indian tribe and the Department of Energy enter into for the purpose of the Department of Energy making available funds to the applicant to achieve grant objectives. The grant agreement contains the Terms and Conditions the State or Indian tribe must adhere to when utilizing grant funds. The U.S. Department of Energy will award Section 40101(d) grant agreements with an initial Period of Performance of five years.

**NETL**

The National Energy Technology Laboratory (NETL) is administering the BIL Section 40101(d) and other BIL grid resilience programs on behalf of the U.S. Department of Energy Grid Deployment Office (GDO) and will provide administrative and technical oversight over the formula grants. NETL will assign Federal Project Officers, Award Administrators, and Contracting Officers to negotiate, award, monitor and administer the BIL Section 40101(d) formula grants to States and Indian tribes. Information about NETL is available here: <https://netl.doe.gov>.

**New Generation**

BIL Section 40101 prohibits a grant awarded to an Eligible Entity under the program being used for construction of a new electric generating facility. In this context, new generation is defined as construction of a facility that produces electricity, including emergency back-up generation, solar generation or any other electric generation unit or facility.

**Power Line**

The term “power line” includes a transmission line or a distribution line, as applicable. Distribution power lines are considered to be below 69kV.

**Program Narrative**

The Program Narrative is a critical part of the grant application. Section 40101(d) requires that applications include a plan (referred to as the Program Narrative) that as describes the criteria and methods that will be used by the State or Indian tribe to award grants to eligible entities; be adopted after notice and a public hearing; and (iii) describe the proposed funding distributions and recipients of the grants to be provided by the State or Indian tribe. The ALRD provides additional requirements for the Program Narrative, which include:

- Objective and metrics

- Criteria
- Methods
- Funding distribution
- Equity Approach
- Technical assistance and administration
- Public notice and hearing

<b>Section 40101(d)</b>	Section 40101(d) of the <a href="#">Bipartisan Infrastructure Law (BIL)</a> authorizes the U.S. Department of Energy to award formula grants to States and Indian tribes to improve the resilience of their electric grids.
<b>Small Utility</b>	As defined in BIL Section 40101(h)(2) for the purpose of this grant program, a Small Utility sells not more than 4,000,000 megawatt hours of electricity per year.
<b>Tribal Consortium</b>	Two or more Indian tribes (as defined in Section 40001(2)), that have designated a single Indian tribe to act on their behalf as lead Indian tribe of the Tribal Consortium.
<b>Weatherization</b>	Technologies or equipment that can be used to enhance reliability and resiliency of electric grid components in preparation for extreme weather conditions.