

ISWG: AFFECT BIL FAC OVERVIEW

May 18, 2023



Overview

WHAT	Assisting Federal Facilities with Energy Conservation Technologies (AFFECT) Bipartisan Infrastructure Law (BIL) Federal Agency Call (FAC), <i>Advancing Net-Zero Federal Facilities</i> .
WHY	Authorities (42 U.S.C. §8256(b)) and Priorities (42 U.S.C. §8253 and Executive Orders)
WHEN	Summer 2023 thru Winter 2025
HOW MUCH	\$250,000,000
HOW	Selection Criteria and Application Content
WHO	Federal Agencies ONLY
WHERE	S3 eXCHANGE at https://infrastructure-exchange.energy.gov , DE-FOA-0003026
HELP	AFFECT BIL Team at AFFECTBIL@hq.doe.gov

WHY | Authority

42 USC § 8256 (b) FEEF

- (1) The Secretary shall establish a Federal Energy Efficiency Fund to provide grants to agencies to assist them in meeting the requirements of section 8253 of this title.
- (2) Not later than June 30, 1993, the Secretary shall issue guidelines to be followed by agencies submitting proposals for such grants. All agencies shall be eligible to submit proposals for grants under the Fund.
- (3) The Secretary shall award grants from the Fund after a competitive assessment of the technical and economic effectiveness of each agency proposal. The Secretary shall consider the following factors in determining whether to provide funding under this subsection:
 - (A) The cost-effectiveness of the project.
 - (B) The amount of energy and cost savings anticipated to the Federal Government.
 - (C) The amount of funding committed to the project by the agency requesting financial assistance.
 - (D) The extent that a proposal leverages financing from other non-Federal sources.
 - (E) Any other factor which the Secretary determines will result in the greatest amount of energy and cost savings to the Federal Government.

BIL Section 40554

ASSISTING FEDERAL FACILITIES WITH ENERGY CONSERVATION TECHNOLOGIES GRANT PROGRAM. There is authorized to be appropriated to the Secretary to provide grants authorized under section 546(b) of the National Energy Conservation Policy Act (42 U.S.C. § 8256 (b)), \$250,000,000 for fiscal year 2022, to remain available until expended.

WHY | Priorities

Energy Act of 2020 EA2020 amendments to section 543 of NECPA (42 USC § 8253) prioritize implementation energy conservation measures (ECMs) and adds water management as a requirement throughout. EA2020 includes the following requirements:

- Complete comprehensive evaluations (i.e., energy and water audits) of each covered facility at least once every four years;
- Implement all cost-effective ECMs identified within two years of completion of evaluation (audit);
- Use performance contracting to address at least 50% of ECMs identified.

E.O. 14057 E.O. 14057 commits the U.S. Government to lead by example to leverage its scale and procurement power to drive clean, healthy, and resilient operations in tackling the climate crisis. The E.O. includes the following goals:

- 100% carbon pollution-free electricity (CFE) on a net annual basis by 2030, including 50% 24/7;
- A net-zero emissions building portfolio by 2045, including a 50% emissions reduction by 2032;

- Net-zero emissions from overall federal operations by 2050, including a 65% emissions reduction by 2030;
- 100% zero-emission vehicle (ZEV) acquisitions by 2035, including 100% zero-emission light-duty vehicle acquisitions by 2027;
- Achieving climate resilient infrastructure and operations;
- Building a climate- and sustainability-focused workforce; and
- Advancing environmental justice and equity.

E.O. 14008 E.O. 14008 directs the Federal Government to deploy American-made clean energy technologies and infrastructure, increase climate resilience, and ensure that environmental and economic justice are key considerations in energy planning. The E.O. includes the following goals:

- Increasing the use of American-made products when purchasing clean energy and energy efficiency technologies;
- Applying the Davis-Bacon Act and prevailing wage and benefit requirements; and
- Directing 40 percent of the overall benefits from Federal investments to flow to disadvantaged communities.

WHEN | Key Dates

March 23rd, 2023	Issue AFFECT BIL FAC
April 4th, 2023	Informational Webinar
Summer 2023	May 31st, 2023: Application Submission Deadline August 31st, 2023: Expected Selection Notifications
Winter 2023/24	November 29th, 2023: Application Submission Deadline February 29th, 2024: Expected Selection Notifications
Summer 2024	May 29th, 2024: Application Submission Deadline August 29th, 2024: Expected Selection Notifications
Winter 2024/25	November 27th, 2024: Application Submission Deadline February 27th, 2025: Expected Selection Notifications

HOW MUCH | Funding

FEMP expects to make approximately **\$250 million** of federal funding available under this AFFECT BIL FAC, subject to the availability. FEMP intends to expend these funds over approximately the next **two years**, with **four separate application submission opportunities**. FEMP may issue one, multiple, or no awards. FEMP will consider individual awards greater than the historical average but **not in excess of \$10 million**. FEMP does not intend to allocate more than **5% of the AFFECT BIL grants to Topic Area 1 projects**.

Topic Area Number	Topic Area Title	Anticipated Number of Awards	Anticipated Award Size for Any One Individual Award	Approximate Total Federal Funding Available for All Awards
1	Assistance with Net-Zero Buildings Opportunity Development	0-125	\$0-\$100K	\$12.5M
2	Modify Existing Projects for Net-Zero Buildings	0-20	\$0-\$10M	\$95M
3	New/In Development Net-Zero Buildings Projects	0-30	\$0-\$10M	\$142.5M

WHAT | Net-Zero Buildings

Net-Zero Building Definitions

AFFECT BIL FAC relies on net-zero building related definitions provided in the Implementing Instructions for E.O. 14057. As used in this FAC, net-zero building refers more generally to a building that is a net-zero emission, water, and/or waste building.

- **Net-zero emission building** means a building that is designed and operated so that, when connected to a regional electrical grid fully serviced by carbon pollution-free electricity, the scope 1 and 2 greenhouse house emissions from all operational end uses are zero on an annual basis.
- **Net-zero waste building** means a building that is operated to reduce, reuse, recycle, compost, or recover solid waste streams (with the exception of hazardous and medical waste) thereby resulting in zero waste disposal.
- **Net-zero water building** means a building that is designed, constructed, or renovated and operated to greatly reduce total water consumption, use non-potable sources as much as possible, and recycle and reuse water in order to return the equivalent amount of water as was withdrawn from all sources, including municipal supply, without compromising groundwater and surface water quantity or quality.

WHAT | Topic Areas

Topic Area 1: Assistance with Net-Zero Buildings Opportunity Development

- Applications submitted under Topic Area 1 are for proposed assistance requests for the initiation and development of an opportunity that will lead to a replicable process or program for future net-zero buildings projects.
- For purposes of this AFFECT BIL FAC, “assistance” includes but may not be limited to review of identified ECMs to determine life-cycle cost effectiveness, analysis of ECMs to determine the feasibility of a performance contract, and development of documentation and analysis to pursue a project.
- Agencies that are awarded funds for assistance with net-zero buildings opportunity development under Topic Area 1 may submit a Topic Area 2 or Topic Area 3 application under future AFFECT BIL FAC submission opportunities.

Topic Area 2: Modify Existing Projects for Net-Zero Buildings

- Applications submitted under Topic Area 2 are for proposed projects that would add net-zero buildings ECMs to previously awarded contracts.

Topic Area 3: New/In Development Net-Zero Buildings Projects

- Applications under Topic Area 3 are for new projects or projects in development that support net-zero buildings efforts.

WHAT | Deliverables for Grant Release

Topic Area 1:

- For Energy Savings Performance Contract (ESPC) or ENABLE projects: Issued Notice of Opportunity (NOO); or
- For Utility Energy Service Contract (UESC) projects: Issued Letter of Interest (LOI) or Sources Sought Request for Proposal (RFP); or
- For projects executed through other procurement mechanisms: Issued RFP or Request for Quote (RFQ).

Topic Area 2:

- Issued Amendment of Solicitation/Modification of Contract SF-30 (or equivalent form); or
- Project proposal provided by the energy service company (ESCO) (for an ESPC or ENABLE project) or by the utility (for UESC projects) to the applicant.

Topic Area 3:

- For ESPC or ENABLE projects: Issued NOO, Notice of Intent to Award (NOITA), and project Proposal provided by the ESCO to the applicant; or
- For UESC projects: Issued LOI or Sources Sought RFP, Notice to Proceed (NTP) to investment grade audit (IGA), and project Proposal provided by the utility to the applicant; or
- For projects executed through other procurement mechanisms: Issued RFP/RFQ and awarded contract for the acquisition of one or more eligible ECMs.

HOW | Selection Criteria

Topic Area 1:

- Criterion 1: Agency Commitment to Net-Zero Buildings (30%)
- Criterion 2: Potential Net-Zero Buildings Project Viability (35%)
- Criterion 3: Value and Funding Impact (35%)

Topic Area 2 and Topic Area 3 [*aligns with the FEEF requirements*]:

- Criterion 1: The Viability and Cost Effectiveness of the Project (25%)
- Criterion 2: The amount of energy and cost savings anticipated to the federal Government (20%)
- Criterion 3: Leverage (15%)
- Criterion 4: Programmatic Priorities and Policy Considerations (20%)
- Criterion 5: Replicability and/or Scalability (20%)

**Note that each criteria aligns with questions in the appropriate Topic Area application form.

HOW | Other Selection Factors

Program Policy Factor

In addition to the noted selection criteria, the Selection Official may consider the following in determining selection:

- The **diversity of technologies and approaches** (including the degree to which the proposed project would be complementary to and support the existing portfolio of projects to achieve the overall goals and objectives of FEMP).
- The **geographic distribution** of projects.
- The **diversity of agencies or sub-agencies** in the project portfolio.
- The **previous history** of agencies or sub-agencies receiving AFFECT awards.
- The extent to which the project results in positive or negative cumulative environmental **impacts to disadvantaged communities**.
- The extent to which the project supports **American-made products**, a **diversified workforce** within the clean energy economy in construction, and **high-quality jobs**.
- The extent to which the project contributes to the advancement of **diversity, equity, inclusion, and accessibility**.

HOW | Full Application Content Requirements

Required Documents Checklist (PDF, unless stated otherwise)	File Name(s) Convention for Upload to S3 eXCHANGE
AFFECT BIL Application Form (PDF format) for Topic Area 1 OR Topic Area 2 and Topic Area 3. <i>Applicants must use the application forms available in S3 eXCHANGE.</i>	ControlNumber_LeadOrganization_Application Form
SF-424 Application for Federal Assistance (PDF format) <i>Available in S3 eXCHANGE.</i>	ControlNumber_LeadOrganization_App424
Letter of Endorsement (PDF format) <i>From federal site's leadership or headquarter official responsible for sustainability, energy management, or procurement.</i>	ControlNumber_LeadOrganization_LoE
Summary Slide (MS PowerPoint format) for Topic Area 1 OR Topic Area 2 and Topic Area 3. <i>Applicants must use the template forms available in S3 eXCHANGE.</i>	ControlNumber_LeadOrganization_Slide
Two eProject Builder (ePB) Calculating Templates (MS Excel format) uploaded to S3 eXCHANGE (Topic Area 2 and Topic Area 3 only). <i>Applicants must use the ePB Calculating Template available in S3 eXCHANGE. DO NOT upload to ePB.</i>	ControlNumber_LeadOrganization_ePB_Project WITHOUT_AFFECT BIL Grant ControlNumber_LeadOrganization_ePB_Project WITH_AFFECT BIL Grant

WHO | Eligibility

Eligible Applicants

AFFECT BIL FAC is available to **U.S. federal agencies ONLY (including sub-agencies)**. Only facilities that are owned by the U.S. federal government are eligible for funding under this FAC.

Eligible Applicants are permitted to coordinate the development of application content, information, and documentation as required for submission with National Laboratory, ESCO or Utility, or Contractor Partners as per their preference. The application, however, must be submitted by the Eligible Applicant federal agency.

In order for a project at a government-owned, contractor-operator facility to be eligible for AFFECT, the AFFECT applicant must be submitted by the cognizant Federal Contracting Officer and the following requirements must be met: the federal agency must pay the utility bills, receive the benefits of the reduced utility bills and, in the case of a performance contract, pay the ESCO/utility.

Eligible Project Costs

AFFECT BIL grant funding may be spent on any of the equipment and/or technical assistance and other services related to the planning, development, or implementation of an eligible project.

MORE | Additional Information

- FEMP personnel are **prohibited** from communicating (in writing or otherwise) with agencies regarding the FAC except through the established question and answer process as described below.
 - Questions regarding the content of this FAC must be submitted to: AFFECTBIL@hq.doe.gov. Questions must be submitted 3 business days prior to the application due date and time.
 - All questions and answers related to this FAC will be posted on S3 eXCHANGE at: <https://infrastructure-exchange.energy.gov>. Please note that you must first select this specific FOA/FAC Number in order to view the questions and answers specific to this FAC.
 - Problems with S3 eXCHANGE, please email: InfrastructureeXCHANGESupport@hq.doe.gov and include FOA/FAC name and number in subject line.

THANK YOU!!