

**FINANCIAL ASSISTANCE  
FUNDING OPPORTUNITY ANNOUNCEMENT**



**U.S. Department of Energy  
Office of Science  
Office of Biological and Environmental Research**



**U. S. Department of Agriculture  
National Institute of Food and Agriculture**

**Plant Feedstock Genomics for Bioenergy: A Joint Research  
Funding Opportunity Announcement USDA, DOE**

**Funding Opportunity Number: DE-FOA-0000598**

**Announcement Type: Initial**

**CFDA Number: 81.049 & 10.310**

**Issue Date: November 16, 2011**

**Pre-Application Due Date: December 16, 2011, 4:30 p.m. Eastern Time  
(Pre-applications are Required)**

**Application Due Date: February 24, 2012, 11:59 p.m. Eastern Time**

## Where to Submit:

### NOTE: REQUIREMENTS FOR GRANTS.GOV

**Where to Submit:** Applications must be submitted through Grants.gov to be considered for award. You cannot submit an application through Grants.gov unless you are registered. Please read the registration requirements carefully and start the process immediately. Remember you have to update your CCR registration annually. If you have any questions about your registration, you should contact the Grants.gov Helpdesk at 1-800-518-4726 to verify that you are still registered in Grants.gov.

**Registration Requirements:** There are several one-time actions you must complete in order to submit an application through Grants.gov (i.e., obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number, register with the CCR, register with the credential provider, and register with Grants.gov). To register with Grants.gov go to “Get Registered” at [http://grants.gov/applicants/get\\_registered.jsp](http://grants.gov/applicants/get_registered.jsp). Use the Grants.gov Organization Registration Checklist at <http://www.grants.gov/assets/OrganizationRegCheck.pdf> to guide you through the process. Designating an E-Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in the CCR registration process. Applicants, who are not registered with CCR and Grants.gov, should allow at least 21 days to complete these requirements. It is suggested that the process be started as soon as possible.

**IMPORTANT NOTICE TO POTENTIAL APPLICANTS:** When you have completed the process, you should call the Grants.gov Helpdesk at 1-800-518-4726 to verify that you have completed the final step (i.e. Grants.gov registration).

**Questions:** Questions relating to the registration process, system requirements, how an application form works, or the submittal process must be directed to Grants.gov at 1-800-518-4726 or [support@grants.gov](mailto:support@grants.gov). Part VII of this FOA explains how to submit other questions to the Department of Energy (DOE).

## Application Receipt Notices

After an application is submitted, the Authorized Organization Representative (AOR) will receive a series of four e-mails. It is extremely important that the AOR watch for and save each of the emails. It may take up to two (2) business days from application submission to receipt of email Number 2. The titles of the four e-mails are:

Number 1 - Grants.gov Submission Receipt Number

Number 2 - Grants.gov Submission Validation Receipt for Application Number

Number 3 - Grants.gov Grantor Agency Retrieval Receipt for Application Number

Number 4 - Grants.gov Agency Tracking Number Assignment for Application Number

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## **PART I – FUNDING OPPORTUNITY DESCRIPTION**

### **GENERAL INQUIRIES ABOUT THIS FUNDING OPPORTUNITY ANNOUNCEMENT (FOA) SHOULD BE DIRECTED TO:**

#### **Technical/Scientific Program Contact:**

**Program Manager:** Dr. Catherine M. Ronning  
U. S. Department of Energy  
Office of Biological and Environmental Research  
**Phone:** 301-903-9549  
**E-Mail:** [Catherine.ronning@science.doe.gov](mailto:Catherine.ronning@science.doe.gov)

**Program Manager:** Dr. Ed Kaleikau  
U.S. Department of Agriculture  
National Institute of Food and Agriculture  
**Phone:** 202-401-1931  
**E-Mail:** [ekaleikau@nifa.usda.gov](mailto:ekaleikau@nifa.usda.gov)

#### **STATUTORY AUTHORITY**

Public Law 95-91, US Department of Energy Organization Act  
Public Law 109-58, Energy Policy Act of 2005  
Public Law 110-246, Food, Conservation, and Energy Act of 2008  
Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b))

#### **APPLICABLE REGULATIONS**

U.S. Department of Energy Financial Assistance Rules, codified at 10 CFR Part 600  
U.S. Department of Energy, Office of Science Financial Assistance Program Rule, codified at 10 CFR Part 605  
7 CFR Part 3430 – NIFA procedures to implement Competitive and Noncompetitive Nonformula Grant Programs—General Grant Administrative Provisions

#### **SUMMARY:**

The U.S. Department of Energy's Office of Science, Office of Biological and Environmental Research (BER), and the U.S. Department of Agriculture (USDA), National Institute of Food and Agriculture (NIFA), hereby announce their interest in receiving applications for genomics based research that will lead to the improved use of biomass and plant feedstocks for the production of fuels such as ethanol or renewable chemical feedstocks. Specifically, applications are sought for fundamental research on plants that will improve biomass characteristics, biomass yield, or sustainability. Systems biology approaches to identify genetic indicators enabling plants to be efficiently bred or manipulated, or research to predict phenotype from underlying genotype that could lead to improved feedstock characterization and sustainability are also encouraged.

## SUPPLEMENTARY INFORMATION

Renewable energy from biomass has the potential to reduce or remove dependency on fossil fuels as well as reduce negative environmental impacts from emissions of greenhouse gases and toxic pollutants. Realizing this potential will require the simultaneous development of high yielding biomass production systems and bioconversion technologies that efficiently convert biomass energy into the forms of energy usable by industry. Most agricultural research to date has focused on enhancing the production of seeds, roots and tubers that are used for food and feed production. However, these improvements in food crops have frequently been directed towards increases in starch content with a corresponding reduction of lignocelluloses accumulation. Research applications are solicited for genomics-based research that will lead to improved utilization of plant biomass for the production of fuels such as ethanol or renewable chemical feedstocks. This Funding Opportunity Announcement (FOA) continues a commitment, initiated in 2006, to conduct a fundamental research program in biomass genomics, to provide the scientific foundation to facilitate the use of lignocellulosic materials, either primary material or agricultural residues, for bioenergy and biofuels. The rationale for developing lignocellulosic crops for energy is that less intensive production techniques and poorer quality land can be used for these crops, thereby avoiding competition with food production on better quality land.

Significant advances in breeding, molecular genetics, and genomic technologies provide an opportunity to build upon the existing knowledgebase of plant biology to be able to confidently predict and manipulate their biological function for bioenergy resources. Specific areas of interest include:

- Phenotyping plant germplasm collections and advanced breeding lines in public breeding programs of bioenergy crops (energy cane, *Miscanthus*, sorghum, switchgrass, *Populus*) to discover and deploy valuable alleles for bioenergy traits such as:
  - biomass yield, quantity and quality of key metabolites (sugars, starches, lignocelluloses);
  - adaptation to temperature extremes, drought (water use efficiency), salinity, and nitrogen use efficiency.

Applicants must ensure that 1) relevant germplasm is available for distribution and use; 2) standardized methods for high-throughput phenotyping are feasible or will need to be developed as part of the application; and 3) phenotype data generated will be publicly available. In addition, if collections from the USDA National Plant Germplasm System (NPGS) are employed, ***before the proposal is submitted***, research applicants must confer and coordinate with the crop-specific curators in the USDA NPGS (<http://www.ars-grin.gov/npgs/index.html>) and appropriate public plant breeding programs and ensure that phenotype data generated will be entered and curated in the Germplasm Resource Information Network database (GRIN) and other public databases for breeders to use. ***Similarly, should new germplasm be generated through this project, arrangements for its conservation and distribution must also be included. The preceding curatorial arrangements must be documented by a letter of support from the curator. As appropriate, a budgeted plan to support the preceding curatorial arrangements must be included. Although high-throughput methods can be proposed and developed to facilitate***

*efficient screening for these traits, applications focused solely on methods development are not acceptable.*

- Fundamental research to enhance translation of genomics information into cultivar improvement (“phenomics”) utilizing candidate bioenergy crops, specifically perennial grasses and woody biomass crops, for which genomic resources are available or are currently being developed. Specific areas include:
  - genotype-to-phenotype: functionality determination and confirmation of candidate bioenergy-relevant genes (biomass yield, quantity, and quality; environmental adaptation);
  - systems biology approaches, including integration of complex data, to predict phenotype from genotype (e.g., reconstruction of metabolic pathways and regulatory networks relevant to bioenergy traits).

Research that seeks to increase starch content for improved nutrient qualities or to facilitate the digestion and fermentation of starch to produce sugars and other bio-based products or biofuels is not the focus of this FOA. Also, research that seeks to increase grain yield or seed-oil production is not the focus of this FOA.

Projects **should not** request support for whole genome-scale sequencing; such requests should be submitted separately to the DOE Joint Genome Institute's Community Sequencing Program for an independent merit review (see information at <http://www.jgi.doe.gov/CSP/index.html>). This FOA strongly encourages individual investigators as well as interdisciplinary teams that assemble a range of expertise into a coordinated approach; for the latter situation, applicants must include a clear plan describing the individual contributions of each participant, as well as the overall management scheme.

Information about the DOE Genomic Science Program data release policy, with which awardees will be expected to comply, is available at <http://genomicscience.energy.gov/datasharing/index.shtml>.

For USDA:

- All sequence and expression data must be released to public repositories (e.g., GenBank under the Bermuda standards; Gene Expression Omnibus (GEO) under Minimum Information About a Microarray Experiment (MIAME) compliance; etc.). All phenotype and map data must be deposited into an appropriate public database (e.g., major databases of the research community, etc.) in a rapid timeframe after quality control tests.
- Researchers are encouraged to confer with the Crop Curators and Crop Germplasm Committees (CGCs) in the USDA National Plant Germplasm System (NPGS) (<http://www.ars-grin.gov/npgs/cgcweb.html> and <http://www.ars-grin.gov/cgi-bin/npgs/html/sites2.pl>) regarding the desirability of depositing genetic stocks and experimental plant populations generated into the NPGS genebanks. Crop curators and the researchers need to define mutual responsibilities for quality assurance, replenishing depleting stock, and the projected duration for the NPGS's commitment to curate these materials.
- Beginning in 2007, the Consultative Group on International Agricultural Research

(CGIAR) International Agricultural Research Centers (e.g., International Maize and Wheat Improvement Center (CIMMYT); International Rice Research Institute (IRRI), International Center for Tropical Agriculture (CIAT), International Potato Center (CIP), International Crops Research Institute for the Semi-Arid Tropics (ICRISAT), International Center for Agricultural Research in the Dry Areas (ICARDA)) and most national genebanks began distributing germplasm of certain crops accompanied by the Food and Agriculture Organization (FAO) International Treaty on Plant Genetic Resources for Food and Agriculture Standard Material Transfer Agreement (SMTA). Researchers are encouraged to confer with their host institution regarding how such materials should be handled. For further information, see the International Treaty's web site at <http://www.planttreaty.org/> For issues about intellectual property policy, applicants should consult the Agency's intellectual property web page at <http://www.nifa.usda.gov/business/awards/intellprop.html>.

Applicants are encouraged to visit the Plant Feedstocks Genomics for Bioenergy website for more detailed information about the program, including prior year award abstracts: <http://www.genomicscience.energy.gov/research/DOEUSDA/>.

#### **Indirect Costs:**

**For DOE:** Explain the basis for each overhead and indirect cost. Include the current rate.

**For USDA:** Section 7132 of the Food, Conservation, and Energy Act of 2008, amended the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310(a)), limiting indirect costs to 22 percent of the total Federal funds provided under each award. To accommodate USDA limit on indirect costs, applicants may be required at the time of award to submit a revised budget.

Applications selected for funding by USDA will be required to limit their requests for recovery of indirect costs to the lesser of their institution's official negotiated indirect cost rate or the equivalent of 22 percent of total Federal funds awarded.

#### **Annual Meeting:**

If a project is funded, beginning in the first year of funding, at least one member of the project team will be required to attend annual investigator meetings; these meetings may be held in conjunction with internationally attended genomics meetings (e.g. Plant and Animal Genome) or jointly with other DOE or USDA program meetings (e.g. the Genomic Science Program meeting) as specified by the USDA and DOE program managers. Reasonable travel expenses may be submitted as part of the project budget.



## **PART II – AWARD INFORMATION**

### **A. TYPE OF AWARD INSTRUMENT.**

DOE and USDA anticipate awarding grants under this Funding Opportunity Announcement (FOA).

### **B. ESTIMATED FUNDING.**

It is anticipated that up to \$6 million total will be available for multiple awards to be made in FY 2012 contingent on the availability of appropriated funds. The number of awards will be contingent on satisfactory peer review, the availability of appropriated funds, and the size of the awards. Multiple year funding is expected. Applications may request project support for up to three years, with out-year support contingent on the availability of appropriated funds, progress of the research, and programmatic needs; it is anticipated that this will reflect a long term commitment to improved use of primary feedstocks or residues for energy resources. Annual budgets are expected to range from \$200,000 to \$500,000 total costs.

Neither DOE nor USDA is under any obligation to pay for any costs associated with the preparation or submission of an application. DOE and USDA reserve the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this FOA.

In FY 2012, USDA support for this Plant Feedstock Genomics for Bioenergy FOA is available through the Agriculture and Food Research Initiative (AFRI) Competitive Grants Program.

### **C. MAXIMUM AND MINIMUM AWARD SIZE.**

See B. Estimated Funding section above.

### **D. EXPECTED NUMBER OF AWARDS.**

See B. Estimated Funding section above.

### **E. ANTICIPATED AWARD SIZE.**

See B. Estimated Funding section above.

### **F. PERIOD OF PERFORMANCE.**

See B. Estimated Funding section above.

### **G. TYPE OF APPLICATION.**

DOE will accept new and renewal applications under this FOA. USDA will accept only new applications under this FOA.

Renewal applications are requests for additional funding for a period subsequent to that provided by a current award. Renewal applications compete with all other applications and must be submitted by any established due date/deadline or at least six months before additional funding is required if there is no specified due date/deadline. In preparing a renewal application, applicants should assume that reviewers will not have access to previous applications. The application should be developed as fully as though the applicant were applying for the first time.

## RENEWAL APPLICATION INSTRUCTIONS

Renewal applications must include the same forms and information as a new application, in addition to the following:

1. Include under the project description/narrative section, information on any research changes (size or scope) that affect the original research endeavor.
2. Include an estimate of anticipated unexpended funds that will remain at the end of the current project period.
3. Include a progress report, **5 pages maximum**, as an appendix to the narrative section (**this will not count against the narrative page limit**) that describes the results of work accomplished through the date of the renewal application and how such results relate to the activities proposed to be undertaken in the renewal period.

## **PART III - ELIGIBILITY INFORMATION**

### **A. ELIGIBLE APPLICANTS.**

**DOE Eligibility Criteria:** Applicants from U.S. Colleges and universities, non-profit organizations, for-profit commercial organizations, state and local governments, and unaffiliated individuals are eligible to apply, except Federally Funded Research and Development Center (FFRDC) Contractors, and nonprofit organizations described in section 501(c)(4) of the internal Revenue Code of 1986 that engaged in lobbying activities after December 31, 1995. Researchers from other Federal agencies are encouraged to submit a pre-application referencing **DE-FOA-0000598**; if a formal application is encouraged, additional submission information will be provided.

**USDA Eligibility Criteria:** The Secretary may award grants to State agricultural experiment stations; colleges and universities; university research foundations; other research institutions and organizations; Federal agencies; national laboratories; private organizations or corporations; individuals; or any group consisting of two or more of the aforementioned entities. Applications from scientists at non-U.S. organizations will not be accepted. Award recipients may subcontract to organizations not eligible to apply, provided such organizations are necessary for the conduct of the project.

### **B. COST SHARING.**

Cost sharing is not required.

### **C. OTHER ELIGIBILITY REQUIREMENTS.**

If a National Laboratory is involved as collaborator, the maximum that can be budgeted to the Lab is 50 percent of the total budget.

## PART IV – APPLICATION AND SUBMISSION INFORMATION

### A. ADDRESS TO REQUEST APPLICATION PACKAGE.

Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>, select “**Apply for Grants,**” and then select “**Download a Grant Application Package.**” Enter the CFDA and/or the Funding Opportunity Announcement number located on the cover of this FOA and then follow the prompts to download the application package.

### B. LETTER OF INTENT AND PRE-APPLICATION.

#### 1. Letter of Intent.

Letters of Intent are not required.

#### 2. Pre-Application.

Potential applicants are **required** to submit a brief pre-application, referencing **DE-FOA-0000598** for receipt by DOE by **4:30 p.m.**, Eastern Time, **December 16, 2011**. Preapplications will be reviewed for conformance with the guidelines presented in the Funding Opportunity Announcement (FOA) and suitability in the technical areas specified. A response to the pre-applications encouraging or discouraging formal applications will be communicated to the applicants by **January 9, 2012**. Applicants who have not received a response regarding the status of their pre-application by this date are responsible for contacting the program to confirm this status.

Only those preapplicants that receive notification from DOE encouraging a formal application may submit full applications. **No other formal applications will be considered.** Pre-applications referencing **DE-FOA-0000598** should be sent as PDF file attachments via email to: [SCbiomass.genomics@science.doe.gov](mailto:SCbiomass.genomics@science.doe.gov) with "**Pre-application DE-FOA-0000598**" as the subject. **No FAX or mail submission of pre-applications will be accepted.**

Potential applicants must submit a brief pre-application that consists of a cover page **plus** two to three pages of narrative describing the research objectives, the technical approach(s), and the proposed team members and their roles. The intent in requesting a pre-application is to save the time and effort of applicants in preparing and submitting a formal project application that may be inappropriate for the program. Pre-applications will be reviewed relative to the scope and research needs as outlined in the summary paragraph and in the SUPPLEMENTARY INFORMATION.

The pre-application must identify, on the cover sheet, the title of the project, the institution or organization, principal investigator name, telephone number, fax number, and e-mail address. No budget information or biographical data need be included, nor is an institutional endorsement necessary.

## C. CONTENT AND FORM OF APPLICATION – SF 424 (R&R).

You must complete the mandatory forms and any applicable optional forms (e.g., SF-LLL-Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. **Files that are attached to the forms must be in Adobe Portable Document Format (PDF) unless otherwise specified in this FOA.**

### 1. SF 424 (R&R).

Complete this form first to populate data in other forms. Complete all the required fields in accordance with the pop-up instructions on the form. The list of certifications and assurances referenced in Field 17 can be found on the DOE Financial Assistance Forms Page at <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms>, under Certifications and Assurances.

### 2. RESEARCH AND RELATED Other Project Information.

Complete questions 1 through 6 and attach files. The files must comply with the following instructions:

#### **Project Summary/Abstract (Field 7 on the Form)**

The project summary/abstract must contain a summary of the proposed activity suitable for dissemination to publication. It should be a single page that identifies the name of the applicant, the project director/principal investigator(s), the project title, the objectives of the project, a description of the project, including methods to be employed, the potential impact of the project (i.e., benefits, outcomes), and major participants (for collaborative projects). This document must not include any proprietary or sensitive business information as the Department may make it available to the public. The project summary must not exceed one page when printed single spaced with font not smaller than 11 point using standard 8.5” by 11” paper with one inch margins (top, bottom, left and right). To attach a Project Summary/Abstract, click “Add Attachment.”

#### **Project Narrative (Field 8 on the form)**

The Project Narrative comprises the research plan for the project and is limited to **10 pages maximum** (8.5x11-inch pages of single-spaced, standard 11-point type with 1-inch margins pages), including figures. It should contain enough background material in the Introduction, including review of the relevant literature, to demonstrate sufficient knowledge of the state of the science. The major part of the narrative should be devoted to a description and justification of the proposed project, including a clear, concise statement of the specific objectives/aims of the proposed project and details of the method(s) to be used. It should also include a timeline for the major activities of the proposed project, a project management plan indicating which project personnel will be responsible for which activities, and **must** include a data sharing plan.

The Project Narrative should begin with a **cover page** that includes the project title **and** the lead Principal Investigator's name and complete contact information. The cover page WILL NOT count in the project narrative page limitation.

The **cover page** of your narrative must include the following information:

**Project Title:**

**Applicant/Institution:**

**Street Address/City/State/Zip:**

**Principal Investigator (PI):**

**PI Postal Address:**

**PI Telephone Number:**

**PI Email:**

**Funding Opportunity Announcement Number: DE-FOA-0000598**

**DOE/Office of Science Program Office:** Office of Biological & Environmental Research

**DOE/Office of Science Program Manager Contact:** Dr. Catherine Ronning

**Is this a Collaboration?** If yes, please list ALL Collaborating Institutions/PIs and indicate which ones will also be submitting applications. Also indicate the PI who will be the point of contact and coordinator for the combined research activity.

Note that collaborating applications must be submitted separately. These collaborative applications should all have the same title as the lead application. Each collaborating institution submitting an application must use the same title in Block 11 of the SF 424 (R&R) form. The narrative of these applications needs to be the same and should include a summary of the main contributions from each of the collaborating institutions. However, the respective applications must have their own budget and budget justification.

The project narrative must include:

### **Project Objectives**

This section should provide a clear, concise statement of the specific objectives/aims of the proposed project.

### **Appendix 1: Biographical Sketch Appendix.**

Provide a biographical sketch for the project director/principal investigator (PD/PI) and each senior/key person listed in Section A on the R&R Budget form. **Provide the Biographical Sketch information as an Appendix to your project narrative. Do not attach a separate file. The Biographical Sketch Appendix will not count in the project narrative page limitation.** The biographical information for each person must not exceed **five pages** when printed on 8.5" by 11" paper with one-inch margins (top, bottom, left, and right) with font not smaller than 11 point and must include:

Education and Training. Undergraduate, graduate and postdoctoral training, provide institution, major/area, degree and year.

Research and Professional Experience: Beginning with the current position list, in chronological order, professional/academic positions with a brief description.

Publications. Provide a list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors\* (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address if available electronically.

Patents, copyrights and software systems developed may be provided in addition to or substituted for publications.

Synergistic Activities. List no more than five professional and scholarly activities related to the effort proposed.

Identification of Potential Conflicts of Interest or Bias in Selection of Reviewers. Provide the following information in this section:

Collaborators and Co-editors: List in alphabetical order all persons, including their current organizational affiliation, who are, or who have been, collaborators or co-authors with you on a research project, book or book article, report, abstract, or paper during the 48 months preceding the submission of this application. Also, list any individuals who are currently, or have been, co-editors with you on a special issue of a journal, compendium, or conference proceedings during the 24 months preceding the submission of this application. If there are no collaborators or co-editors to report, state "None."

Graduate and Postdoctoral Advisors and Advisees: List the names and current organizational affiliations of your graduate advisor(s) and principal postdoctoral sponsor(s) during the last five years. Also, list the names and current organizational affiliations of your graduate students and postdoctoral associates during the past five years.

\*In cases where the author list is exceptionally long, or the applicant is a member of a consortium which is given as the author (e.g., a genome sequencing paper; the Arabidopsis Genome Initiative) it is acceptable to list only the first few authors or the consortium name, as appropriate.

### **Appendix 2: Current and Pending Support.**

Provide a list of all current and pending support (both Federal and non-Federal) for the Project Director/Principal Investigator(s) (PD/PI) and senior/key persons,

including subawardees, for ongoing projects and pending applications. For each organization providing support, show the total award amount for the entire award period (including indirect costs) and the number of person-months per year to be devoted to the project by the senior/key person. **Provide the Current and Pending Support as an Appendix to your project narrative. Do not attach a separate file. The Current and Pending Support Appendix will not count in the project narrative page limitation.** Concurrent submission of an application to other organizations for simultaneous consideration will not prejudice its review.

### **Appendix 3: Bibliography and References Cited.**

Provide a bibliography of any references cited in the Project Narrative. Each reference must include the names of all authors (in the same sequence in which they appear in the publication), the article and journal title, book title, volume number, page numbers, and year of publication. Include only bibliographic citations. Applicants should be especially careful to follow scholarly practices in providing citations for source materials relied upon when preparing any section of the application. **Provide the Bibliography and References Cited information as an Appendix to your project narrative. Do not attach a separate file. The Bibliography and References Cited Appendix will not count in the project narrative page limitation.**

### **Appendix 4. Facilities and Other Resources.**

This information is used to assess the capability of the organizational resources, including subawardee resources, available to perform the effort proposed. Identify the facilities to be used (Laboratory, Animal, Computer, Office, Clinical and Other). If appropriate, indicate their capacities, pertinent capabilities, relative proximity, and extent of availability to the project. Describe only those resources that are directly applicable to the proposed work. Describe other resources available to the project (e.g., machine shop, electronic shop) and the extent to which they would be available to the project. **Provide the Facility and Other Resource information as an Appendix to your project narrative. Do not attach a separate file. The Facility and Other Resources Appendix will not count in the project narrative page limitation.**

### **Appendix 5: Equipment.**

List major items of equipment already available for this project and, if appropriate identify location and pertinent capabilities. **Provide the Equipment information as an Appendix to your project narrative. Do not attach a separate file. The Equipment Appendix will not count in the project narrative page limitation.**

### **Appendix 6: Other Attachments.**

If you need to elaborate on your responses to questions 1-6 on the “Other Project Information” document, **provide the information as an Appendix to your project narrative. Do not attach a separate file. The Other Attachment Appendix will not count in the project narrative page limitation.**



**Do not attach any of the requested appendices described above as files for fields 9, 10, 11 and 12; instead follow the above instructions to include the information as appendices to the project narrative file.**

### **3. RESEARCH AND RELATED BUDGET.**

Complete the Research and Related Budget form in accordance with the instructions on the form (Activate Help Mode to see instructions) and the following instructions. You must complete a separate budget for each year of support requested. The form will generate a cumulative budget for the total project period. You must complete all the mandatory information on the form before the NEXT PERIOD button is activated. You may request funds under any of the categories listed as long as the item and amount are necessary to perform the proposed work, meet all the criteria for allowability under the applicable Federal cost principles, and are not prohibited by the funding restrictions in this FOA (See PART IV, G).

#### **Budget Justification (Field K on the form).**

Provide the required supporting information for the following costs (See R&R Budget instructions): equipment; domestic and foreign travel; participant/trainees; material and supplies; publication; consultant services; ADP/computer services; subaward/consortium/contractual; equipment or facility rental/user fees; alterations and renovations; and indirect cost type. Include all budget-line items for which funds are requested. Provide any other information you wish to submit to justify your budget request. **Attach a single budget justification file for the entire project period in Field K.** The file automatically carries over to each budget year.

### **4. R&R SUBAWARD BUDGET ATTACHMENT(S) FORM.**

**Budgets for Subrecipients, other than DOE FFRDC Contractors.** Please note that NIFA requires budgets for all subrecipients. You must provide a separate cumulative R&R budget for each subrecipient that is expected to perform work estimated to be more than \$100,000 or 50 percent of the total work effort (whichever is less). If you are selected for award, you must submit a multi-year budget for each of these subrecipients (See Section IV.D for submission of Subrecipients' multi-year budgets). Download the R&R Budget Attachment from the R&R SUBAWARD BUDGET ATTACHMENT(S) FORM and e-mail it to each subrecipient that is required to submit a separate budget. After the subrecipient has emailed its completed budget back to you, attach it to one of the blocks provided on the form. Use up to ten letters of the subrecipient's name (plus.xfd) as the file name (e.g., ucla.xfd or energyres.xfd).

### **5. PROJECT/PERFORMANCE SITE LOCATION(s).**

Indicate the primary site where the work will be performed. If a portion of the project will be performed at any other site(s), identify the site location(s) in the blocks provided.

**Note that the Project/Performance Site Congressional District is entered in the format of the two-digit state code followed by a dash and a three-digit Congressional district code, for example VA-001. Hover over this field for additional instructions.**

Use the Next Site button to expand the form to add additional Project/Performance Site Locations.

**6. SF-LLL DISCLOSURE OF LOBBYING ACTIVITIES.**

If applicable, complete SF- LLL. Applicability: If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the grant/cooperative agreement, you must complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying."

**Summary of Required Forms/Files**

Your application must include the following documents:

<b>Name of Document</b>	<b>Format</b>	<b>Attach to</b>
<b>SF 424 (R&amp;R)</b>	Form	N/A
<b>RESEARCH AND RELATED Other</b>		
<b>Project Information</b>	Form	N/A
Project Summary/Abstract	PDF	Field 7
Project Narrative, including required Appendices	PDF	Field 8
<b>RESEARCH &amp; RELATED BUDGET</b>	Form	N/A
Budget Justification	PDF	Field K
<b>PROJECT/PERFORMANCE SITE LOCATION(S)</b>	Form	N/A
<b>SF-LLL Disclosure of Lobbying Activities, if applicable</b>	Form	N/A

**D. SUBMISSIONS FROM SUCCESSFUL APPLICANTS.**

If selected for award, DOE reserves the right to request additional or clarifying information for any reason deemed necessary, including, but not limited to:

- Indirect cost information
- Other budget information
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See 10 CFR 1040.5)
- Representation of Limited Rights Data and Restricted Software, if applicable
- Commitment Letter from Third Parties Contributing to Cost Sharing, if applicable

If selected for award, NIFA reserves the right to request additional or clarifying information for any reason deemed necessary, including, but not limited to:

- Indirect cost information;
- Revised budgets; and
- NIFA Supplemental Form (See the [NIFA Grants.gov Application Guide](#) for information related to the questions on the form).

Applications that USDA has agreed to fund will be sent to the agency for final negotiations and implementation of awards.

## **E. SUBMISSION DATES AND TIMES.**

### **1. Letter of Intent Due Date.**

Letters of Intent are not required.

### **2. Pre-Application Due Date.**

#### **PRE-APPLICATIONS ARE REQUIRED.**

Potential applicants are **required** to submit a brief pre-application, referencing **DE-FOA-0000598** for receipt by DOE by **4:30 p.m.**, Eastern Time, **December 16, 2011**.

Preapplications will be reviewed for conformance with the guidelines presented in the Funding Opportunity Announcement (FOA) and suitability in the technical areas specified. A response to the pre-applications encouraging or discouraging formal applications will be communicated to the applicants by **January 9, 2012**. Applicants who have not received a response regarding the status of their pre-application by this date are responsible for contacting the program to confirm this status.

Only those pre-applicants that receive notification from DOE encouraging a formal application may submit full applications. **No other formal applications will be considered.** Pre-applications referencing **DE-FOA-0000598** should be sent as PDF file attachments via e-mail to: [SCbiomass.genomics@science.doe.gov](mailto:SCbiomass.genomics@science.doe.gov) with "**Preapplication DE-FOA-0000598**" as the subject. **No FAX or mail submission of preapplications will be accepted.**

Potential applicants must submit a brief pre-application that consists of a cover page **plus** two to three pages of narrative describing the research objectives, the technical approach(s), and the proposed team members and their roles. The intent in requesting a pre-application is to save the time and effort of applicants in preparing and submitting a formal project application that may be inappropriate for the program. Pre-applications will be reviewed relative to the scope and research needs as outlined in the summary paragraph and in the SUPPLEMENTARY INFORMATION.

The pre-application must identify, on the cover sheet, the title of the project, the institution or organization, principal investigator name, telephone number, fax number, and e-mail address. No budget information or biographical data need be included, nor is an institutional endorsement necessary.

### **3. Application Due Date.**

Formal applications submitted in response to this FOA must be received by **February 24, 2012**, 11:59 p.m. Eastern time, to permit timely consideration of awards in **Fiscal Year 2012**. **You are encouraged to transmit your application well before the deadline. APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED OR CONSIDERED FOR AWARD.**

### **F. INTERGOVERNMENTAL REVIEW.**

This program is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

### **G. FUNDING RESTRICTIONS.**

Cost Principles. Costs must be allowable in accordance with the applicable Federal cost principles referenced in 10 CFR part 600.

Pre-award Costs. Recipients may charge to an award resulting from this FOA pre-award costs that were incurred within the ninety (90) calendar day period immediately preceding the effective date of the award, if the costs are allowable in accordance with the applicable Federal cost principles referenced in 10 CFR part 600. Recipients must obtain the prior approval of the contracting officer for any pre-award costs that are for periods greater than this 90 day calendar period.

Pre-award costs are incurred at the applicant's risk. DOE is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award is made for a lesser amount than the applicant expected.

### **H. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS.**

#### **1. Where to Submit.**

**APPLICATIONS MUST BE SUBMITTED THROUGH GRANTS.GOV TO BE CONSIDERED FOR AWARD.**

Submit electronic applications through the "Apply for Grants" function at [www.Grants.gov](http://www.Grants.gov). If you have problems completing the registration process or submitting your application, call Grants.gov at 1-800-518-4726 or send an email to [support@grants.gov](mailto:support@grants.gov).

## **2. Registration Process.**

You must COMPLETE the one-time registration process (all steps) before you can submit your first application through Grants.gov. We recommend that you start this process at least three weeks before the application due date. It may take 21 days or more to complete the entire process. To register with Grants.gov go to “Get Registered” at [http://grants.gov/applicants/get\\_registered.jsp](http://grants.gov/applicants/get_registered.jsp). Use the Grants.gov Organization Registration Checklist at <http://www.grants.gov/assets/OrganizationRegCheck.pdf> to guide you through the process. IMPORTANT: During the CCR registration process, you will be asked to designate an E-Business Point of Contact (EBIZ POC). The EBIZ POC must obtain a special password called "Marketing Partner Identification Number" (MPIN). When you have completed the process, you should call the Grants.gov Helpdesk at 1-800-518-4726 to verify that you have completed the final step (i.e., Grants.gov registration).

You cannot submit an application through Grants.gov unless you are registered. Please read the registration requirements carefully and start the process immediately. Remember you have to update your CCR registration annually.

## **3. Application Receipt Notices**

After an application is submitted, the Authorized Organization Representative (AOR) will receive a series of four e-mails. It is extremely important that the AOR watch for and save each of the emails. It may take up to two (2) business days from application submission to receipt of email Number 2. The titles of the four e-mails are:

Number 1 - Grants.gov Submission Receipt Number

Number 2 - Grants.gov Submission Validation Receipt for Application Number

Number 3 - Grants.gov Grantor Agency Retrieval Receipt for Application Number

Number 4 - Grants.gov Agency Tracking Number Assignment for Application Number

## **PART V - APPLICATION REVIEW INFORMATION**

### **A. CRITERIA.**

#### **1. Initial Review Criteria.**

Prior to a comprehensive merit evaluation, DOE will perform an initial review in accordance with 10 CFR 605.10(b) to determine that (1) the applicant is eligible for the award; (2) the information required by the FOA has been submitted; (3) all mandatory requirements are satisfied; and (4) the proposed project is responsive to the objectives of the funding opportunity announcement. Applications that fail to pass the initial review will not be forwarded for merit review and will be eliminated from further consideration.

#### **2. Merit Review Criteria**

Applications will be subjected to scientific merit review (peer review) and will be evaluated against the following evaluation criteria which are listed in descending order of importance codified at 10 CFR 605.10(d):

1. Scientific and/or Technical Merit of the Project;
2. Appropriateness of the Proposed Method or Approach;
3. Competency of Applicant's Personnel and Adequacy of Proposed Resources; and
4. Reasonableness and Appropriateness of the Proposed Budget.

The evaluation process will include program policy factors such as the relevance of the proposed research to the terms of the FOA and the agencies' programmatic needs. Note that external peer reviewers are selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Both Federal and non-Federal reviewers may be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution. DOE and USDA will make final funding decisions based on the results of the peer review and internal programmatic review. USDA agrees to abide by DOE's application review procedures. Applicants selected for funding may be required to provide additional information. The application will then be forwarded to the appropriate offices for funding in accordance with each agency's procedures.

### **B. REVIEW AND SELECTION PROCESS.**

#### **1. Merit Review.**

Applications that pass the initial review will be subjected to a formal merit review and will be evaluated based on the criteria codified at 10 CFR Part 605.10(d) in accordance with the guidance provided in the "Office of Science Merit Review System for Financial Assistance." This Merit Review System is available at:

<http://www.sc.doe.gov/grants/merit.asp>.

2. **Selection.**

**Selection Official Consideration:** The Selection Official will consider the merit review recommendation, program policy factors, and the amount of funds available.

3. **Discussions and Award.**

**Government Discussions with Applicant:** The Government may enter into discussions with a selected applicant for any reason deemed necessary, including but not limited to: (1) the budget is not appropriate or reasonable for the requirement; (2) only a portion of the application is selected for award; (3) the Government needs additional information to determine that the recipient is capable of complying with the requirements in 10 CFR Part 600 and 605; and/or (4) special terms and conditions are required. Failure to resolve satisfactorily the issues identified by the Government will preclude award to the applicant.

**C. ANTICIPATED NOTICE OF SELECTION AND AWARD DATES.**

DOE is striving to make **awards within six months**. The time interval begins on the date applications are due or the date the application is received, if there is no specified due date/deadline. Awards will be made in Fiscal Year 2012.

## PART VI - AWARD ADMINISTRATION INFORMATION

### A. AWARD NOTICES.

#### 1. Notice of Selection.

**Selected Applicants Notification:** DOE will notify applicants selected for award. This notice of selection is not an authorization to begin performance. (See Part IV.G with respect to the allowability of pre-award costs.) Those applications selected for funding by USDA will be notified and will be requested to submit additional information.

**Non-selected Applicants Notification:** Organizations whose applications have not been selected will be advised as promptly as possible. This notice will explain why the application was not selected.

#### 2. Notice of Award.

**DOE:** An Assistance Agreement issued by the contracting officer is the authorizing award document. It normally includes, either as an attachment or by reference: 1. Special Terms and Conditions; 2. Applicable program regulations, if any; 3. Application as approved by DOE/NNSA; 4. DOE assistance regulations at 10 CFR Part 600; 5. National Policy Assurances to Be Incorporated As Award Terms; 6. Budget Summary; and 7. Federal Assistance Reporting Checklist, which identifies the reporting requirements.

For grants made to universities, non-profits and other entities subject to OMB Circular A-110 the Award also includes the Research Terms and Conditions located at <http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp>.

**USDA:** Once NIFA conducts peer panel and internal administrative reviews, successful applicants will receive a signed, electronic notification of their award. The award document will provide pertinent instructions and information including, at a minimum, the following:

- (1) Legal name and address of performing organization or institution to whom the Director has issued an award under the terms of this request for applications;
- (2) Title of project;
- (3) Name(s) and institution(s) of PDs chosen to direct and control approved activities;
- (4) Identifying award number assigned by the Department;
- (5) Project period, specifying the amount of time the Department intends to support the project without requiring recompetition for funds;
- (6) Total amount of Departmental financial assistance approved by the Director during the project period;



- (7) Legal authority(ies) under which the award is issued;
- (8) Appropriate Catalog of Federal Domestic Assistance (CFDA) number;
- (9) Applicable award terms and conditions (see <http://www.nifa.usda.gov/business/awards/awardterms.html> to view NIFA award terms and conditions);
- (10) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the award; and
- (11) Other information or provisions deemed necessary by NIFA to carry out its respective awarding activities or to accomplish the purpose of a particular award.

## **B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS.**

### **1. Administrative Requirements.**

**DOE:** The administrative requirements for DOE grants are contained in 10 CFR 600 and 10 CFR Part 605 (See: <http://ecfr.gpoaccess.gov>). Grants made to universities, non-profits and other entities subject to Title 2 CFR are subject to the Research Terms and Conditions located on the National Science Foundation web site at <http://www.nsf.gov/bfa/dias/policy/rtc/index.jsp> .

#### **DUNS and CCR Requirements**

Additional administrative requirements for DOE grants are contained in 2 CFR, Part 25 (See: <http://ecfr.gpoaccess.gov>). Prime awardees must keep their data at CCR current. Subawardees at all tiers must obtain DUNS numbers and provide the DUNS to the prime awardee before the subaward can be issued.

#### **Subaward and Executive Reporting**

Additional administrative requirements necessary for DOE grants to comply with the Federal Funding and Transparency Act of 2006 (FFATA) are contained in 2 CFR, Part 170. (See: <http://ecfr.gpoaccess.gov>). Prime awardees must register with the new FSRS database and report the required data on their first tier subawardees. Prime awardees must report the executive compensation for their own executives as part of their registration profile in the CCR.

**USDA:** Several Federal statutes and regulations apply to grant applications considered for review and to project grants awarded under this program. These include, but are not limited to:

2 CFR Part 215—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110).

7 CFR Part 1, subpart A—USDA implementation of the Freedom of Information Act.

7 CFR Part 3—USDA implementation of OMB Circular No. A-129 regarding debt collection.

7 CFR Part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR Part 331 and 9 CFR Part 121—USDA implementation of the Agricultural Bioterrorism Protection Act of 2002.

7 CFR Part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and 7 CFR Part 3021—Governmentwide Requirements for Drug Free Workplace (Grants).

7 CFR Part 3018—USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR Part 3052—USDA implementation of OMB Circular No. A-133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR Part 3407—NIFA procedures to implement the National Environmental Policy Act of 1969, as amended.

7 CFR Part 3430—NIFA procedures to implement Competitive and Noncompetitive Nonformula Grant Programs—General Grant Administrative Provisions.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15b (USDA implementation of statute) —prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 et seq. —Bayh Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR Part 401).

## **2. Special Terms and Conditions and National Policy Requirements.**

### **Special Terms and Conditions and National Policy Requirements.**

The DOE Special Terms and Conditions for Use in Most Grants and Cooperative Agreements are located at <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms>.

The National Policy Assurances to Be Incorporated As Award Terms are located at <http://www.nsf.gov/bfa/dias/policy/rtc/appc.pdf>.

### **Intellectual Property Provisions.**

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

### **Statement of Substantial Involvement**

Either a grant or cooperative agreement may be awarded under this FOA. If the award is a cooperative agreement, the DOE Contract Specialist and DOE Project Officer will negotiate a Statement of Substantial Involvement prior to award.

## **C. REPORTING.**

Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award agreement. For a sample Checklist, see <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms> under Award Forms.

**USDA grantees are to submit initial project information and annual summary reports to NIFA's electronic, Web-based inventory system that facilitates both grantee submissions of project outcomes and public access to information on Federally-funded projects. The details of these reporting requirements are included in the award terms and conditions.**

For informational purposes, the "Federal Financial Report," Form SF-425, consolidates into a single report the former Financial Status Report (SF-269 and SF-269A) and the Federal Cash Transactions Report (SF-272 and SF-272A). The [NIFA Agency-specific Terms and Conditions](#) include the requirement that Form SF-425 is due on an annual **basis no later than 90 days following the end of each reporting period. A final "Federal Financial Report," Form SF-425, is due 90 days after the expiration date of this award.**

## PART VII - QUESTIONS/AGENCY CONTACTS

### A. QUESTIONS.

Questions regarding the content of the FOA must be submitted through the FedConnect portal. You must register with FedConnect to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of all responses. More information is available at [https://www.fedconnect.net/FedConnect/PublicPages/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf). DOE/NNSA will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the website.

### **Applications submitted through FedConnect will not be accepted.**

Questions relating to the registration process, system requirements, how an application form works, or the submittal process must be directed to Grants.gov at 1-800-518-4726 or [support@grants.gov](mailto:support@grants.gov). DOE cannot answer these questions.

### B. AGENCY CONTACTS.

**Program Manager:** Dr. Catherine M. Ronning  
U. S. Department of Energy  
Office of Biological and Environmental Research  
**Phone:** 301-903-9549  
**E-Mail:** [Catherine.ronning@science.doe.gov](mailto:Catherine.ronning@science.doe.gov)

**Program Manager:** Dr. Ed Kaleikau  
U.S. Department of Agriculture  
National Institute of Food and Agriculture  
**Phone:** 202-401-1931  
**E-Mail:** [ekaleikau@nifa.usda.gov](mailto:ekaleikau@nifa.usda.gov)

## **PART VIII - OTHER INFORMATION**

### **A. MODIFICATIONS.**

Notices of any modifications to this FOA will be posted on Grants.gov and the FedConnect portal. You can receive an email when a modification or an announcement message is posted by registering with FedConnect as an interested party for this FOA. It is recommended that you register as soon after release of the FOA as possible to ensure you receive timely notice of any modifications or other announcements. More information is available at <http://www.fedconnect.net>.

### **B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE.**

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

### **C. COMMITMENT OF PUBLIC FUNDS.**

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

### **D. PROPRIETARY APPLICATION INFORMATION.**

Patentable ideas, trade secrets, proprietary or confidential commercial or financial information, disclosure of which may harm the applicant, should be included in an application only when such information is necessary to convey an understanding of the proposed project. The use and disclosure of such data may be restricted, provided the applicant includes the following legend on the first page of the project narrative and specifies the pages of the application which are to be restricted:

“The data contained in pages \_\_\_\_\_ of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government’s right to use or disclose data obtained without restriction from any source, including the applicant.”

To protect such data, each line or paragraph on the pages containing such data must be specifically identified and marked with a legend similar to the following:

“The following contains proprietary information that (name of applicant) requests not be released to persons outside the Government, except for purposes of review and evaluation.”

## **E. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL.**

In conducting the merit review evaluation, the Government may seek the advice of qualified non-Federal personnel as reviewers. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The applicant, by submitting its application, consents to the use of non-Federal reviewers/administrators. Non-Federal reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-Federal personnel conducting administrative activities must sign a non-disclosure agreement.

## **F. INTELLECTUAL PROPERTY DEVELOPED UNDER THIS PROGRAM.**

### **DOE**

Patent Rights. The government will have certain statutory rights in an invention that is conceived or first actually reduced to practice under a DOE award. 42 U.S.C. 5908 provides that title to such inventions vests in the United States, except where 35 U.S.C. 202 provides otherwise for nonprofit organizations or small business firms. However, the Secretary of Energy may waive all or any part of the rights of the United States subject to certain conditions. (See “Notice of Right to Request Patent Waiver” in paragraph G below.)

Rights in Technical Data. Normally, the government has unlimited rights in technical data created under a DOE agreement. Delivery or third party licensing of proprietary software or data developed solely at private expense will not normally be required except as specifically negotiated in a particular agreement to satisfy DOE’s own needs or to insure the commercialization of technology developed under a DOE agreement.

### **USDA**

35 U.S.C. 200 et seq. —Bayh Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR Part 401).

## **G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER.**

Applicants may request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of an agreement as a result of this FOA, in advance of or within 30 days after the effective date of the award. Even if such advance waiver is not requested or the request is denied, the recipient will have a continuing right under the award to request a waiver of the rights of the United States in identified inventions, i.e., individual inventions conceived or first actually reduced to practice in performance of the award. Any patent waiver that may be granted is subject to certain terms and conditions in 10 CFR 784, [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title10/10cfr784\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title10/10cfr784_main_02.tpl).

Domestic small businesses and domestic nonprofit organizations will receive the patent rights clause at 37 CFR 401.14, i.e., the implementation of the Bayh-Dole Act. This clause permits domestic small business and domestic nonprofit organizations to retain title to subject inventions. Therefore, small businesses and nonprofit organizations do not need to request a waiver.

#### **H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES.**

Eligible activities under this program include those which describe and promote the understanding of science and technology but not those which encourage or support political activities such as the collection and dissemination of information related to potential, planned or pending legislation.

#### **I. AVAILABILITY OF FUNDS.**

Funds are not presently available for this award. The Government's obligation under this award is contingent upon the availability of appropriated funds from which payment for award purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Contracting Officer or Authorized Departmental Officer for this award and until the awardee receives notice of such availability, to be confirmed in writing by the Contracting Officer or Authorized Departmental Officer.