

## QUESTIONS AND ANSWERS

PLEASE REFER TO THE GENERAL FAQs SECTION OF ARPA-E'S WEBSITE ([HTTP://ARPA-E.ENERGY.GOV/?Q=FAQ/GENERAL-QUESTIONS](http://arpa-e.energy.gov/?q=faq/general-questions)) FOR ANSWERS TO MANY GENERAL QUESTIONS ABOUT ARPA-E AND ARPA-E'S FUNDING OPPORTUNITY ANNOUNCEMENTS. ADDITIONAL QUESTIONS SPECIFIC TO THIS FOA ONLY ARE INCLUDED BELOW. PLEASE REVIEW ALL EXISTING GENERAL FAQs AND FOA-SPECIFIC QUESTIONS BEFORE SUBMITTING NEW QUESTIONS TO ARPA-E.

*ARPA-E anticipates that notifications concerning the disposition of all Concept Papers submitted in response to the OPEN 2018 Funding Opportunity Announcement (DE-FOA-0001858) will be provided in early May.*

### I. Concept Paper Phase Questions:

#### **Q1. Are Federal organizations ... able to serve as the lead organization in applications for the subject opportunity?**

**ANSWER:** As set forth at FOA Section III.A.2:

*FFRDCs/DOE Labs are eligible to apply for funding as the lead organization for a Project Team or as a member of a Project Team that includes institutions of higher education, companies, research foundations, or trade and industry research collaborations, but not as a Standalone Applicant. ... Federal agencies and instrumentalities (other than DOE) are eligible to apply for funding as a member of a Project Team, but not as a Standalone Applicant or as the lead organization for a Project Team.*

#### **Q2. In Section II. Award Information – A. Award Overview – it is stated: “The period of performance for funding agreements may not be less than 18 months and may not exceed 36 months.”**

**In the same document, Section III. Eligibility Information – Section B. 3. Reduced Cost Share Requirement ● Small Businesses – it is stated: “0% cost share through the first 12 months, but 10% if the project continues beyond the 12 month cost share grace period.”**

**If a small business desires to avoid cost share and proposes a 12 month program, it violates the minimum 18 months requirement given above. If the small business meets the 18 month minimum time requirement given above, than a 10% cost share is required.**

**Please clarify the dichotomy of the 12 and 18 month time and required cost share versus time for a small business.**

**ANSWER:** The text is correct as written. It addresses instances where an agreement is terminated for any reason within twelve months of its effective date.

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**Q3. We would like to propose a project for OPEN 2018 that goes beyond the IDEAS proposal (larger deliverable, longer time and higher budget). Does the IDEAS concept paper “in-review” affect this new OPEN proposal in any way?**

**ANSWER:** As set forth at FOA Section III.C.2:

*ARPA-E performs a preliminary technical review of Concept Papers and Full Applications. The following types of submissions may be deemed nonresponsive and may not be reviewed or considered:*

*... Submissions that have been submitted in response to other currently issued ARPA-E FOAs.*

Prospective applicants seeking consideration under OPEN 2018 must withdraw any corresponding application submitted under other ARPA-E FOAs.

**Q4. ARPA-E recently published a Teaming Partner List for an upcoming FOA. May I submit my idea to both the OPEN 2018 FOA and the future FOA, or should I submit my idea to only one FOA?**

**ANSWER:** An identical concept can not be submitted to both FOAs. Per FOA Section III.C.2, identical applications submitted in response to currently issued ARPA-E FOAs will only be reviewed and considered for funding once, under the first FOA to which the applicant submitted.

**Q5. I am a small business prime applicant considering adding a government laboratory as a sub-awardee. The lab is government owned and operated, but not an FFRDC. Will their involvement exclude my team from the reduced 10% cost share requirements that the solicitation describes as:**

**"Project Teams where domestic educational institutions, domestic nonprofits, small businesses, and/or FFRDCs perform greater than or equal to 80%, of the total work under the funding agreement (as measured by the Total Project Cost) are required to provide at least 10% of the Total Project Cost as cost share."**

**ANSWER:** For purposes of determining project cost-sharing requirements, non-DOE Government-owned, Government-operated laboratories are afforded the same treatment as DOE laboratories/Federally Funded Research and Development Centers (FFRDCs).

**Q6. My firm is considering applying as part of a team to the 2018 ARPA-E OPEN FOA, but need clarification on one of the responsiveness criteria. Is there a more specific or quantitative definition of "large-scale demonstration projects of existing technologies" that can be used to assess the responsiveness of our potential submission?**

**ANSWER:** As set forth at 2 CFR § 910.130(e), *demonstration* means a project designed to determine the technical feasibility and economic potential of a technology on either a pilot plant or a prototype scale. Whether any project is considered *large-scale* is necessarily fact-dependent given the varying technical categories and subcategories of interest under this FOA.

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**Q7. Regarding [FOA Section III.B.]3. REDUCED COST SHARE REQUIREMENT, can a university be “A domestic educational institution” which qualifies for 5% minimum cost share requirement?**

**ANSWER:** Virtually all accredited public or other **nonprofit** U.S. universities qualify for this cost-share requirement. Specifically, such universities are *Institutions of Higher Education*, as used at 2 CFR § 200.55, and defined at 20 USC 1001. Any domestic institution complying with this definition is considered a domestic educational institution under this FOA.

**Q8. [Referring to the ARPA-E Concept Paper Template] The first requirement in the proposed work section states, “Describe the final deliverable(s) for the project and the overall technical approach used to achieve project objectives.”**

**a. What is the definition of “final deliverables”? Is this the results of work the work we would hope to complete if we received an anticipated level of funding that we would define? Or, are you looking for longer term “ultimate goals” that would potentially go beyond the work that could be funded by a grant award, but that would speak more to the transformative nature of the technology?**

**ANSWER:** Final deliverables are the expected results of the research performed under any funding agreement, usually a Cooperative Agreement, awarded by ARPA-E.

**b. Will we be held accountable to the statements we make about the final deliverables? Would you advise us to state them conservatively or optimistically?**

**ANSWER:** Statements regarding final deliverables must be accurate. ARPA-E focuses on energy challenges that could radically improve U.S. economic prosperity, national security, and environmental well being. We invest in short-term research projects that can have transformational impacts. ARPA-E does not fund basic or incremental research. Both Concept Papers and subsequent Full Applications submitted to ARPA-E must reflect this paradigm.

**Q9. In the Concept Paper Template, the 4th bullet point under paragraph 2 "Innovation and Impact" states "Describe how the concept will have a positive impact on at least one of the ARPA-E mission areas in Section I.A of the FOA."**

**I do not see any discussion in Section I.A that is referred to as "mission areas" Are the mission areas those items identified in the first paragraph of Section I.A as "(A)...(B)...technologies."?**

**ANSWER:** ARPA-E’s mission areas are set forth in the first paragraph of FOA Section I.A.

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**Q10. Is multi-megawatt offshore wind energy electrolytic production of hydrogen responsive to any or all of the following technical categories?**

**1E, Grid Scale (Non-Battery) Storage**

**2A, Alternative Fuels (Non-Bio)**

**2J, Non-Battery Storage for Transportation**

**4I, Chemical and Biological Conversions from Fossil Fuels**

**5B, Wind - Energy Conversion**

**6C, Biofuel Production - Nonbiological Methods**

**ANSWER:** Refer to General FAQ 6.19.

**Q11. Category 2: Transportation**

**Subcategory A: Alternative Fuels (Non-Bio)**

**Good morning –**

**Please clarify why only non-bio based fuels are eligible for funding under this solicitation.**

**ANSWER:** Refer to category 6, subcategories B and C, which include biofuel production.

**Q12. In the context of the ARPA-E Open 2018 solicitation, what is the meaning of a proposal being a Phase I or Phase I&II proposal (Page 27 of the FOA)**

**This is the only reference to Phase I and II in this FOA and my guess would be this is a carryover from a prior FOA template. However, as stated in this FOA as written, this is a required declaration in a submitted concept paper.**

**The other use of the term 'phase' in the FOA is in regard to it being a concept paper phase. However, this does not distinguish between the meaning of I & II**

**ANSWER:** Refer to the updated version of the funding opportunity announcement titled “OPEN 2018 FOA – Concept Paper\_Mod 01” in the “Documents” section of the funding opportunity announcement.

**Q13. If I have submitted an application to ARPA-E Funding Opportunity Announcement DE-FOA-0001428 (IDEAS), may I submit a Concept Paper addressing the same subject matter under the OPEN 2018 FOA?**

**ANSWER:** Applicants whose applications have not been dispositioned under the IDEAS FOA as of February 12, 2018, may submit concept papers addressing similar subject matter under the OPEN 2018 FOA, but may not submit a concept paper identical to the previous submission in scope or goals of the proposed effort. Per Section III.C.2 of the OPEN 2018 FOA, applications to OPEN 2018 must not be identical to applications submitted under other currently issued ARPA-E FOAs. Any application under OPEN 2018 must be scientifically distinct and include some material difference in scope, goals, or scientific approach.

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### **Q14. Is a foreign researcher eligible for being a PI, Co-PI or Collaborator on a proposal?**

**ANSWER:** Applicants are responsible for personnel staffing decisions concerning their proposal, including for foreign researchers working on ARPA-E awards. Principal Investigators and other researchers are not necessarily required to be U.S. citizens or permanent residents. Hiring/work assignment decisions for ARPA-E research should consider that ARPA-E awards normally involve technology or software - including any manufacturing know-how - that is “restricted or proprietary” as cited in export control regulations (at 15 C.F.R Section 734.8(a)). This includes when a university awardee partners with/licenses to a for-profit team entity, or if the university awardee seeks ARPA-E approval of “protected data” resulting from the research. Also, awardees’ inventions resulting from ARPA-E research must be reported and protected, and are subject to U.S. manufacturing requirements. Refer to Attachment 1, Clauses 4 and 12, and Attachment 2 of the ARPA-E Model Cooperative Agreement for awardee immigration and export control obligations.

### **Q15. We are a small business collaborating with both the [omitted] and the [omitted]. Can you please tell me the best way to submit the concept paper?**

**ANSWER:** ARPA-E will not provide a pre-submission assessments or guidance concerning potential teaming arrangements for project teams. Please review Section III. Eligibility Information of the FOA for information on entities which are eligible to apply to this FOA, and Section IV.H.1. Use of ARPA-E eXCHANGE, regarding how to submit your concept paper. (Note: this is the only one “way” (means) to submit your concept paper.)

### **Q16. The latest FOA mentions Technical Design Targets and Associated Indicators (Section I.D) but does not specify where this information should be provided. Could you please clarify if there is a strict associated deliverable?**

**ANSWER:** FOA Section I.D requires that each Concept Paper identify a Technical Category and Subcategory or Subcategories for the technology submitted to ARPA-E for its consideration, from the list included therein, in order to organize the submissions for the purpose of merit review. As set forth at FOA Section IV.C, the Concept Paper’s first paragraph must identify, among other things, the Technical Category and Subcategories.

### **Q17. I have a question pertaining to page 40 of the FOA and Government Use Licenses (refer to FOA Section VIII.G.1). For how long does the Government retain the license. Period of performance of the project or is it indefinitely. Can you also clarify as how this would extend to contractors? Does this occur very often? Should I expect to see outside sources having right to my invention at anytime?**

**ANSWER:** Government use licenses (that is, use for U.S. government purposes) are perpetual. This use includes by federal agencies, and government contractors conducting work for/on behalf of the US government. The government license for use of ARPA-E awardees’ “subject inventions” has rarely, if ever, been exercised, since awardees are expected to commercialize their inventions, thus resulting in commercial products can be purchased efficiently and normally at lower cost than produced for or by the US government for its sole purposes. Refer to General FAQ 2.20 for additional information on this topic.

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**Q18. Is there a method how to determine Lead Organization Percent Effort? Is it based on work time, financial input or any other criteria?**

**ANSWER:** Lead Organizations can measure their participation in a project by calculating the ratio of estimated project costs incurred by the organization to estimated total project costs (i.e., the sum of estimated costs incurred by the organization and its sub-recipients). Project costs include all allowable costs incurred (including cost share), both direct costs and indirect costs.

**Q19. We would like to partner with one company, which was previously funded by ARPA-E to apply their technology in our project. Should we include them as the project team or mentioning them as sub-contractors will be enough?**

**ANSWER:** Refer to OPEN 2018 FAQ 15.

**Q20. Is a 40% share of the overall budget for the lead organization allowed? Is the lead organization required to have more than 50% of the requested budget?**

**ANSWER:** Refer to General FAQ 2.18.

**Q21. Please clarify if the Cost Share Grace Period overrides the Section 6. COST SHARE TYPES AND ALLOWABILITY requirement on page 20 reading, “Cost share contributions must be specified in the project budget, verifiable from the Prime Recipient’s records, and necessary and reasonable for proper and efficient accomplishment of the project. Every cost share contribution must be reviewed and approved in advance by the Contracting Officer and incorporated into the project budget before the expenditures are incurred.” We want to know if the grace period provides 12 additional months to submit an expected letter of commitment from a funding entity for Shared Costs.**

**ANSWER:** No.

**Q22. (FOA Section) III.C.2 Responsiveness Criteria excludes “Submissions for large-scale demonstration projects of existing technologies.” The scale-up of an existing technology, demonstrated at an economically un-viable small scale to an economically viable size involves substantial research, development, and proving efforts. Without this research and proof of scale, a theoretically viable energy technology cannot be transferred to the private sector and the broader market for widespread adoption. Please indicate if a modified existing technology, which has been demonstrated effective at a smaller scale, is eligible for grant funding for the required R&D necessary to demonstrate its economic viability at a larger (e.g., 3X) scale.**

**ANSWER:** Refer to OPEN 2018 FAQ 6.

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**Q23. (FOA Section) III.C.2 Responsiveness Criteria also excludes, “Submissions for proposed technologies that represent incremental improvements to existing technologies.” Please indicate if DOE considers the technical challenges associated with the 3X scale-up of a modified “existing” technology to be an “incremental improvement.”**

**ANSWER:** Refer to OPEN 2018 FAQ 6.

**Q24. (FOA Section) VIII.E. MARKING OF CONFIDENTIAL INFORMATION - please indicate if cover pages count toward the four-page limit for any grant application submittals (e.g., concept paper or full application).**

**ANSWER:** A cover sheet is not required for Concept Papers. Refer to General FAQ 6.5 for additional information.

**Q25. Is our organization allowed to take exception to requirements listed within the FOA; for example, if we have concerns over a section (e.g. Section G.2. March-In Rights), is it suggested to include this in our concept paper, will be be able to include in our Full Application, or during Award Negotiation?**

**ANSWER:** First, ARPA-E – and Department of Energy overall - has never exercised “march in rights”, and to the best of ARPA-E’s knowledge, the U.S. government as a whole has never exercised “march-in rights”, which is included in awards only to ensure that awardees do not ‘sit’ on/fail to attempt to commercialize inventions arising from government-funded research. Second, prior to seeking any exception(s) understand the large majority of ARPA-E’s award terms and conditions are governed by requirements in corresponding Federal law or regulation (e.g., U.S. Government March-in Rights have their genesis in the Bayh-Dole Act (P.L. 96-517)), thereby limiting the discretion available to ARPA-E to negotiate these terms with prospective awardees.

**Q26. The question is in regard to Category 7 – Other Energy Technology, Subcategory I – High Temperature Materials. When you state in subcategory I, that you are looking for “extremely high temperatures”. What does that mean? It can be relative depending on the material (I.e.: alloy vs CMC). Or do you have a temperature in mind? Also, in the description of Subcategory I, you say you want the material to enable “new energy generation technology”. Can this mean, the next generation coal plant or something else?**

**ANSWER:** The Applicant should describe and quantify the advances of its proposed technology relative to the state of the art, and should make the case for the impact of the proposed technology, in energy applications as defined by the Applicant.

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**Q27a. Project teams qualifying for 10% cost share, but with a large company who want patent rights thus requiring 20% cost share, does that mean the total project still requires 10%, however the large company is providing 20% and thus a greater portion of that cost share. Or, is it 10% for non-profit portion and 20% for the large company portion thus the overall cost share is > 10% for the entire project.**

**ANSWER:** As set forth at FOA Section III.B.3 (p.19):

*Project Teams where domestic educational institutions, domestic nonprofits, small businesses, and/or FFRDCs perform greater than or equal to 80%, of the total work under the funding agreement (as measured by the Total Project Cost) are required to provide at least 10% of the Total Project Cost as cost share. However, any entity (such as a large business) receiving patent rights under a class waiver, or other patent waiver, that is part of a Project Team receiving this reduction must continue to meet the statutory minimum cost share requirement (20%) for its portion of the Total Project Cost.*

**Q27b. Will the lead organization have to process all subcontracts, or can subcontracts and funds be sent directly to subcontractors by DOE?**

**ANSWER:** With the exception of awards to FFRDCs/DOE Labs as described at FOA Section II.B.2, the Recipient is responsible for all its subaward and procurement activities.

**Q28. We are a university and planning to include a [non-DOE Federal laboratory] as a teaming partner in our OPEN application. Our questions regarding the funding are below:**

**Q28a. Will the Lab receive reimbursement from ARPA-e for their staff that will work on the project?**

**ANSWER:** Lab personnel compensation and fringe benefits are allowable costs under any Cooperative Agreement resulting from the OPEN 2018 FOA, assuming such costs are itemized in a Full Application SF-424A workbook. This workbook will be made available at a later date, following the disposition of Concept Papers submitted under the OPEN 2018 FOA.

**Q28b. Is there any specific agreement or procedure with this lab, in particular, that prevents their reimbursement through the project?**

**ANSWER:** This question should be addressed to the laboratory for a response.

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**Q28c. There are two different ways described in the FOA (copied below) for funding of a non-DOE Lab. Which one would be in effect in our case and how it is decided? Are we the ones, as the leading party, that decide which way to choose?**

a) Funding agreements with non-DOE/NNSA FFRDCs, GOGOs (including NETL), and Federal instrumentalities (e.g., Tennessee Valley Authority) will be consistent with the sponsoring agreement between the U.S. Government and the Laboratory. Any funding agreement with a FFRDC or GOGO will have similar terms and conditions as ARPA-E's Model Cooperative Agreement (<http://arpa-e.energy.gov/arpa-e-site-page/award-guidance>).

b) Non-DOE GOGOs and Federal agencies may be proposed to provide support to the project team members on an applicant's project, through a Cooperative Research and Development Agreement (CRADA) or similar agreement.

**ANSWER:** As set forth at FOA Section II.B.2: *Funding agreements with non-DOE/NNSA FFRDCs, GOGOs (including NETL), and Federal instrumentalities (e.g., Tennessee Valley Authority) will be consistent with the sponsoring agreement between the U.S. Government and the Laboratory.* This may include the use of a Cooperative Research and Development Agreement (CRADA) as described in the aforementioned FOA Section. Refer to General FAQ 2.21 for additional information.

**Q28d. Will we include the Labs' costs in the overall budget of the project?**

**ANSWER:** ARPA-E will publish instructions on preparing budgets for Full Applications following disposition of Concept Papers submitted under the OPEN 2018 FOA.

**Q29. Is the \$10M upper award limit the federal portion only or the total budget including the cost share?**

**ANSWER:** It is the portion of the Total Project costs funded by ARPA-E (i.e., the Federal portion).

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**Q30.** The following is a question for FOA OPEN2018. The question is similar to Q5 in the OPEN 2018 FAQ regarding the level of cost share percentage.. We wanted to ask for clarification. We are a small business. We have teamed with a GOGO Lab. We will be prime. They will be a sub. The work split is approximately 60% us and 40% them. As they are prohibited from funding/cost share contribution, we will be funding the total program. Does that mean we fall under the 20% cost share as described in Section B. Cost Sharing, Subsection 1. Basic Cost Sharing Requirements or Subsection 3. Reduced Cost Share Requirement?

**ANSWER:** Refer to General FAQs 4.9 and 4.16.

**Q31.** [We are] planning to submit a concept paper in response to this solicitation- DE-FOA-0001858. (<https://arpa-e-foa.energy.gov/#Foalded06b7da-00fc-49eb-9ac0-22e052e62640>) [A FFRDC/DOE lab] will be the prime submitting the concept paper. As per the FOA guidelines, since they are FFRDCs/DOE lab they cannot contribute towards cost share. We are eligible for reduced cost share commitment of 5% and I do understand that the cost share % is based on the total project cost. Can you please clarify the definition of “Total Project Cost”? It’s not clear if [our] cost share contribution will be based on our sub-recipient budget portion or do we need to include the budget proposed by [the FFRDC/DOE lab] as well to calculate the cost share amount.

**ANSWER:** Refer to General FAQ 4.3 and OPEN 2018 FAQ 18. The cost share amount will be based upon the sum of the proposed FFRDC/DOE lab budget and the sub-recipient budget.

**Q32a.** Are funding requests for graduate students allowed or are they discouraged?

**ANSWER:** Personnel compensation and fringe benefits are allowable costs under any Cooperative Agreement resulting from the OPEN 2018 FOA. Refer to 2 C.F.R. § 200.430-431 for additional details.

**Q32b.** If funding for graduate students is allowed, is it better if the majority of personnel funding is for post-docs?

**ANSWER:** ARPA-E does not provide pre-submission assessments.

**Q32c.** Is funding for technical staff allowed?

**ANSWER:** Refer to OPEN 2018 FAQ 32a.

**Q33.** Shall we modify the Concept Paper to adhere to the instructions of Section VIII.E? For example, the FOA indicates that “The header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows...” yet the marking appears only in the template footer (not also the header).

**ANSWER:** Single markings in either the header or the footer are acceptable.

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**Q34. Our intended proposal describes one alternative approach that we may want to pivot to depending on the outcome of our main plan, but we can't fit its detail into the concept paper. How flexible is this FOA for pivots and changes in plan that pursue the same essential concept objective?**

**ANSWER:** Refer to General FAQ 7.23.

**Q35. It says, "Individual awards may vary between \$500,000 and \$10 million." Does that mean minimum budget should be minimum \$500k**

**ANSWER:** The minimum Federal share of any agreement resulting from this FOA must be \$500,000.

**Q36. Can you please clarify what you are expecting from Bullet 1.B.5 from the concept paper template " To the extent possible, provide quantitative metrics in a table that compares the proposed technology concept to current and emerging technologies and to the appropriate Technology Category in Section I.D of the FOA."**

**How do you want us to compare metric to technical category, is it as a table with four columns?**

Quantitative Metric	Proposed Concept	Current / Emerging Technology	Technical Categories / Sub
Contaminants removed	100%	0%	7A – Water Production / Reuse

**ANSWER:** It is the prospective applicant's responsibility to provide ARPA-E with adequately written submittals that demonstrate the merits of its technology. Presentation of this information is within the discretion of the prospective applicant, subject to the limitations set forth at FOA Section IV.C.

**Q37a. For small businesses arranging interviews and soliciting feedback from participants and subject matter experts in related industries, is ARPA-E open to sharing their substantial involvement with such additional advisers?**

**ANSWER:** Any substantial involvement on ARPA-E's part would be directed to the Recipient and address accomplishment of the agreement's objectives and milestones or compliance with its terms and conditions. The Recipient may engage or consult, at its discretion, with knowledgeable individuals that can aid or assist it to comply with ARPA-E's instruction.

**Q37b. Is ARPA-E in a position to recommend advisers, or subject matter experts for periodic informational interviews throughout the funded interval?**

**ANSWER:** No, because this would give the appearance of an endorsement of a non-U.S government entity, which is prohibited under U.S. government ethics rules.

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**Q37c. Would advisers and volunteer subject matter experts need to be listed as team members, or can such explicit listing be reserved for those who would be compensated?**

**ANSWER:** Third party volunteer services can be claimed as cost share under ARPA-E agreements (refer to 2 C.F.R. § 200.306(e)), and if submitting a Full Application, their value can be itemized in the appropriate part of the SF-424A workbook. This workbook will be made available at a later date, following the disposition of Concept Papers submitted under the OPEN 2018 FOA.

**Q38. As a single individual applying for an OPEN 2018 Grant, I understand I have to create a business entity if my final proposal is accepted by ARPA-E. What are the minimal, or acceptable entities for a single individual to set up as a business?**

**ANSWER:** Individuals should consult their advisors regarding the appropriate type of business structure for their needs.

**Q39. Among the technical subcategories for proposed technologies, does DOE consider I.D Category 6, Bioenergy, Subcategory A, Biomass Production, include the use of municipal solid waste as a feedstock? Alternatively, would DOE recommend we instead classify municipal solid waste-to-energy as Category 7, Other Energy Technologies, Subcategory L, Other Energy Technologies Not Listed Above?**

**ANSWER:** Refer to General FAQ 2.8.

**Q40. We are a Canadian corporation wishing to apply for funding under the DE-FOA-0001858: OPEN 2018 program. The proposed project will take place in New-York state and we are in the process of opening a U.S. subsidiary. As the deadline for concept paper submission is in a few weeks time I would like to know if there is an option to start the application process using our Canadian entity and transfer it to the U.S. one at a later stage?**

**ANSWER:** Per FOA Section III.A.3: Entities not incorporated in the U.S., whether for-profit or otherwise, are not eligible to apply for funding, but may be proposed by an Applicant as a member of a Project Team. Also, U.S.-incorporated subsidiaries of foreign entities may apply.

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**Q41. We are teaming up with two universities and planning to submit a new Concept paper under FOA 1858. This CP will have a much larger scope since more money is potentially available and we could actually design, build and field test a complete [omitted]. I assume if on the outside chance we won awards for both we could somehow rescope the efforts to preclude double billing for some of the efforts. Is that correct?**

**ANSWER:** ARPA-E agreements are subject to the requirements of 2 C.F.R. Part 200 and provide for reimbursement of actual costs incurred, both direct and indirect, in the performance of work under the agreement, subject to the limitations of the pertinent cost principles (i.e., 2 C.F.R. Part 200, Subpart E or 48 C.F.R. Subpart 31.2). It is fundamental that costs incurred may only be assigned to a single cost objective, or pooled and allocated as indirect cost in proportion to the benefits received. *Double billing* of cost is not permitted under any circumstance.

At its sole discretion, ARPA-E may consider post-award revisions to any agreement per the authority at 2 C.F.R. § 200.308, including changes in the scope or objective of the project. Any revised agreement must continue to achieve the program objectives set forth at FOA Section I.C.

**Q42. If I'm an FFRDC applying as the prime recipient and partnering with a small business, what is the cost share requirement and what is the minimum percentage of work that the small business is required to perform?**

**ANSWER:** With respect to the former, assuming the two types of entities identified constitute the entirety of the project team, then per FOA Section III.B.3 (p.19):

*Project Teams where domestic educational institutions, domestic nonprofits, small businesses, and/or FFRDCs perform greater than or equal to 80%, of the total work under the funding agreement (as measured by the Total Project Cost) are required to provide at least 10% of the Total Project Cost as cost share.*

Regarding the latter, refer to General FAQ 2.18.

**Q43. Now that ARPA-E has extended the time and date for receipt of Concept Papers under OPEN 2018, can we revise a previously submitted document and re-upload?**

**ANSWER:** Yes, Concept Papers previously submitted via ARPA-E eXCHANGE may be revised, and re-submitted as follows, at any time prior to 9:30 a.m. Eastern Time, Friday, February 16, 2018, the new deadline for Concept Paper receipt. The ARPA-E eXCHANGE system will allow applicants to reopen their papers in Edit mode at their discretion up to the deadline. This action has the effect of withdrawing a timely submitted Concept Paper. Applicants who choose to reopen (i.e., withdraw) their Concept Paper in this manner must resubmit it prior to the aforementioned time (note a.m., not p.m.) and date to be considered for Merit Review.

*Applicants should not wait until the last minute if wishing to revise a timely submitted Concept Paper. During the final hours before the submission deadline, Applicants may experience server/connection*

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*congestion that prevents them from completing the necessary steps in ARPA-E eXCHANGE to submit their applications.* ARPA-E may not review or consider incomplete applications and applications received after the above deadline stated in the amended FOA. Such applications may be deemed noncompliant (refer to OPEN 2018 FOA Section III.C.1).

### II. Full Application Phase Questions:

**Q44. I recently received a notification of Concept Paper response to my DE-FOA-0001858 OPEN 2018 Concept Paper submission from ARPA-E. The notification letters stated that ARPA-E considered comments by subject matter reviewers in evaluating the Concept Papers. Are these comments available to view?**

**ANSWER:** Due to the high volume of submissions, ARPA-E is unable to provide specific comments and feedback on individual Concept Papers.

**Q45. I have four questions regarding the SF-424A instructions in the excel workbook template. In the workbook, on the equipment tab, it indicates “For equipment over \$50,000 in price, also include a copy of the associated vendor quote or catalog price list.” My questions regarding this statement are as follows:**

**1) Does the price of \$50,000 refer to the unit cost of a piece of equipment, or the total cost of the equipment if more than one unit is needed?**

**ANSWER:** Provide a copy of the associated vendor quotation or catalog price list if the unit cost of a piece of equipment is \$50,000 or greater.

**2) Where should a copy of “associated vendor quote or catalog price list” be included in the SF-424A for equipment above \$50,000? I do not see a location to attach PDF documents to this spreadsheet.**

**ANSWER:** Applicants can copy or embed (using the Object command in Excel) the vendor quote in the budget justification worksheet on a tab labeled Vendor Quote.

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Lastly, regarding the differentiation between “Equipment” and “Supplies.” In both the SF-424A and 10 CFR 600 document, it appears that the differentiation between these two categories are a price above \$5000 and having a useful life expectancy of longer than 1 year being “equipment,” and a price below \$5000 and having a useful life expectancy shorter than 1 year being “supplies.” There is also language that suggests “supplies” are generally consumed during the project performance. My questions regarding this language is as follows:

**3) If a particular item to purchase has a unit price of less than \$5,000 but is expected to have a useful life expectancy of longer than 1 year, is it considered “equipment” or “supplies” for budgeting purposes?**

**ANSWER:** As set forth at 2 C.F.R. § 200.33, *Equipment* means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. All other tangible personal property are considered *Supplies* per 2 C.F.R. § 200.94. A computing device is considered a supply item provided its per-unit acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000, regardless of its useful life.

**4) If a particular item to purchase has a unit price of more than \$5,000 but is expected to have a useful life expectancy of shorter than 1 year, is it considered “equipment” or “supplies” for budgeting purposes?**

**ANSWER:** See answer to the preceding question.

**Q46.** I am seeing a discrepancy in the due date of the above subject FOA. This webpage <https://www.grants.gov/web/grants/view-opportunity.html?oppld=299398> states the Full Application due date is June 26 and references Synopsis #4 but I can't find a revised FOA. The ARPA-E website <https://arpa-e-foa.energy.gov/Default.aspx#Foaldded06b7da-00fc-49eb-9ac0-22e052e62640> and FOA modification 03 state the Full Application is due July 2. Would you please confirm the due date of the Full Application?

**ANSWER:** The DE-FOA-0001858 OPEN 2018 funding opportunity announcement on the <http://www.Grants.gov> website has been updated to reflect the July 2, 2018 09:30 AM ET deadline for Full Application submissions.

## QUESTIONS AND ANSWERS

**Q47. We are trying to determine the applicable cost share requirement given the involvement of an unfunded collaborator:**

- 1. If a domestic educational institution (which is leading a project and performing 100% of the project- as measured by total project costs) has an unfunded large business collaborator, then is the large business considered part of the project team? If it is not considered part of the project team, and there is no other collaborator, can you please confirm the cost share requirement for the project would be 5% of the Total Project Cost.**
- 2. If a domestic educational institution (which is leading a project and performing 80% of the project- as measured by total project costs) has an unfunded large business collaborator, but the collaborator is contributing towards the total project costs by providing cost share only, then is the large business considered part of the project team? If it is considered part of the project team, and there is no other collaborator, can you please confirm the cost share requirement for the project would be 10% of the Total Project Cost.**

**ANSWER:** Refer to ARPA-E General Question 4.21.

**Q48. After going through the FOA and the IV. APPLICATION AND SUBMISSION INFORMATION webpage (<https://arpa-e.energy.gov/?q=site-page/iv-application-and-submission-information>), I had a couple of questions:**

- 1. The Business Assurances & Disclosures Form indicates that “if the Applicant is a FFRDC/DOE Lab, requires the Applicant to provide written authorization from the cognizant Federal agency and, if a DOE/NNSA FFRDC/DOE Lab, a Field Work Proposal.” Does that apply if they are a subaward and not prime applicant?**

**ANSWER:** Refer to ARPA-E General Question 13.1.

- 2. There is no mention about letters of commitment, including for cost share commitments. Should/can we include these as an appendix to the technical volume?**

**ANSWER:** Refer to ARPA-E General Question 8.3 addressing letters of support in general, and ARPA-E General Question 4.15 about documenting cost share commitments.

## QUESTIONS AND ANSWERS

**Q49. Thank you for the concept paper feedback. I was discouraged to apply to the full application. I understand however, that I may continue the application anyhow.**

**Because I believe the concept perfectly fits the stated goals of the FOA, because I believe that I have the capacity to deliver, and because the short format of the concept paper was not conducive to explaining these two points given the complex nature of the idea, I am inclined to proceed nevertheless with the full application. However, I have three questions about proceeding.**

**1.) The received letter did not include explanation of the decision, but that explanation would be very helpful in preparing an informative and compelling full application. Is it possible to receive feedback on the concept paper about any specific areas of concern regarding feasibility, relevance, qualification, legality, or anything else that should have been better addressed?**

**ANSWER:** Due to the high volume of submissions, ARPA-E is unable to provide specific comments and feedback on individual Concept Papers.

**2.) Will the reviewer of the full application be the same individual, or a different individual, from the one who provided the decision on the concept paper?**

**ANSWER:** ARPA-E's merit review process is guided by the Department of Energy's *Merit Review Guide for Financial Assistance and Unsolicited Proposals* and the applicable regulations on financial assistance, including 2 CFR Part 200 as amended by 2 CFR Part 910. Also refer to FOA Section V.B.2 concerning reviewer selection, found at <https://arpa-e.energy.gov/?q=site-page/v-application-review-information>.

**3.) Has any concept paper which was initially discouraged, nevertheless led to a successful full application?**

**ANSWER:** ARPA-E does not compile this information. Participants are discouraged from submitting Full Applications in order to save them the time and expense of preparing an submission that is unlikely to be selected for award negotiations. By discouraging the submission of a Full Application, ARPA-E intends to convey its lack of programmatic interest in the proposed project. Such assessments do not necessarily reflect judgments on the merits of the proposed project.

## QUESTIONS AND ANSWERS

**Q50. A partner we are considering and included in our white paper does not have a NICRA [i.e., Negotiated Indirect Cost Rate Agreement]. However, we would like to propose them using the same indirect rate that they have previously been specifically authorized to use under another Federal award. Would ARPA-e be willing to accept/approve an indirect rate based on supporting documentation provided from the subrecipient's accounting system?**

**ANSWER:** The publication *ARPA-E Indirect Cost Rate (ICR) Proposal Submission Procedures* can be found at <https://arpa-e.energy.gov/?q=site-page/required-forms-and-templates>.

**Q51. I have a question about the following requirement listed in the ARPA-E full proposal template:**

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#### 4.1 Techno-economic analysis.

- Provide a preliminary cost model for the proposed technology and compare the economic benefits of the proposed technology with those of competing technologies.
- Identify major cost factors and explain how the proposed project will reduce the cost and uncertainties around the technology cost.

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**When it requests a "preliminary cost model", does this just mean results, or is this actually a request that we deliver some sort of model/tool alongside the proposal? Also, is a basic excel-style assessment sufficient (plus a block-flow diagram), or is something more robust (e.g. Aspen or SuperPro process model) expected?**

**ANSWER:** Relevant equations and/or data plots from the preliminary cost model should be included with the Application. Software or data files for the model itself should not be delivered to ARPA-E. ARPA-E does not mandate the use of any specific modeling tools, but the Application should include a description of the methods, tools and key assumptions used to produce the cost model.

**Q52. In years past, the TT&O requirement has been detailed in the FOA; however I did not see this requirement in the "OPEN 2018" solicitation.**

**In the Business Assurance form, there is the section regarding waiver from the 5% requirement for TT&O cost allocation. Where is the 5% requirement indicated, and what are the parameters for a waiver?**

**ANSWER:** Refer to FOA Section IV.G.8, found at <https://arpa-e.energy.gov/?q=site-page/iv-application-and-submission-information>.

## QUESTIONS AND ANSWERS

**Q53. In the technical volume template the instructions indicate that the Executive summary section is not to exceed 1 page in length, including a requisite graphical abstract. Given that the title page information takes up nearly a half-page itself, should the executive summary start on top of page 2, or does it need to fit (with the figure and title information) all within one page in order to be compliant?**

**ANSWER:** The technical volume instructions are correct as written.

**Q54. Is it acceptable to include unfunded collaborators in the proposal as Key Personnel?**

**ANSWER:** Unfunded collaborators may be identified as Key Personnel in your Full Application. Depending upon the nature of the collaboration, the Recipient may still be required to flowdown the Intellectual Property and other articles from any resulting cooperative agreement to the collaborating entity. Refer to General FAQs 2.20 and 4.23 for more information on the Intellectual Property articles included with any ARPA-E cooperative agreement and their applicability.

**Q55. Regarding the cost share requirement, which arrangement will apply to our project team that consists of an FFRDC and a private, nonprofit university?**

**ANSWER:** Refer to General FAQ 4.9.

**Q56. We submitted a concept paper under Category 5 "Power Generation: Renewable", Subcategory D: "Hydro Energy", and our Concept Paper was discouraged. While the decision is fine, according to the FOA, it did reserve an opportunity to submit a full application. However, to save our time and the DOE's time, we would like to use the reserved opportunity to submit a variance on the topic invention that we believe may be more suitable (and would be far more appropriate than submitting a full application for a technology that was previously discouraged). Our first question is 1) is this allowable? And, 2) if so, is there a program manager for the Hydro Energy category that we may please contact to first discuss the revised topic for clarification on the revised proposal (and if so, what is the contact information, please)?**

**ANSWER:** Refer to General FAQs 7.23 and 2.6 respectively.

**Q57. Two of [our] project team members are located in Australia and not affiliated with any US entity. Is this allowed? They were included in our Concept Paper. We will request a waiver via the Business Assurance Form regarding all work being done in the U.S. but we weren't sure if this was enough.**

**ANSWER:** Refer to General FAQ 3.1.

## QUESTIONS AND ANSWERS

**Q58. I am submitting a full application to OPEN and anticipate forming a startup during the proposed award period to commercialize the technology. Should this company be formed prior to submission? If not, how would budget allocations be made if it is formed after the submission and/or award date?**

**ANSWER:** Refer to OPEN 2018 FAQ 38.

**Q59. As part of the Business Assurances and Disclosures Form it appears that we are required to provide detailed information about our investors, including their name, telephone number, email and address. Can you indicate how this information is disclosed and used?**

**ANSWER:** ARPA-E is required by statute to “accelerat[e] transformational technological advances in areas that industry is by itself not likely to undertake because of technical and financial uncertainty” (America COMPETES Act, Pub. L. No. 110-69, § 5012 (2007), as amended (codified at 42 U.S.C. § 16538)). In accordance with ARPA-E’s statutory mandate, the Applicant is required to (among other things):

- Disclose any applications for the same project or related work currently pending with any Federal or non-Federal entities; and
- Disclose all funding for work in the same technology area as the proposed project received from any Federal or non-Federal entity within the last 5 years.

Refer to General FAQ 13.7 for additional information regarding the extent of disclosure required by this form.

ARPA-E uses this information to fulfill its statutory mandate and does not disclose this information to third parties, except under the conditions described at FOA Section V.B or to comply with any lawful order from a court of competent jurisdiction.

**Some of our angel investors would prefer that their personal information remain in confidence and not be disclosed. ... Is it sufficient to disclose some of our investors, and disclose the remaining amounts as “other investors” and not include contact information?**

**ANSWER:** No.

## QUESTIONS AND ANSWERS

**Q60. We have been invited to submit a full proposal to DE-FOA-0001858 and would like to completely clarify the cost share per the concept paper accepted as cost share at 10% since we are a small business with a university partner, neither of which individually perform 80% of the effort. This particular entity combination is not clearly stated in the instructions utilizing a cost share of 10%. Can you please definitively clarify that the 10% cost share is acceptable in our proposal to ARPA-E.**

**ANSWER:** Refer to General FAQ 4.9.

**Q61. Non-Compliant criteria states: “Submissions that are not distinct in scientific approach or objective from activities currently supported by or actively under consideration for funding by any other office within Department of Energy.” What is meant by “actively under consideration”? Does that mean we are not allowed to submit a similar proposal under any other DOE funding opportunity for the duration of the OPEN 2018 selection process? Or does “actively under consideration” mean apply to proposals that have been chosen but the award contract not finalized?**

**ANSWER:** Applicants to the OPEN 2018 FOA may not submit a scientifically similar or the same application in response to other DOE funding opportunities unless the application submitted under OPEN 2018: (i) is withdrawn by the Applicant, (ii) has been determined by ARPA-E to be either non-compliant or non-responsive, (iii) is not selected for award negotiation by ARPA-E, or (iv) award negotiations are discontinued without award of a cooperative agreement following selection.

**Q62. Could you please provide answer to the following questions relevant to the subject FOA:**

**1. What value shall be entered in the yellow-highlighted Award Number field on the SF-424A tab of the Budget Justification Workbook/SF424A? Is this field for ARPA-E use only?**

**ANSWER:** Applicants have the option of inserting the Control Number that has been assigned to their submission record or leaving it blank.

**2. The ARPA-E Budget Justification Guidance (AR-110-07.14; MAY 2013) indicates that “Sub-recipients can provide budget documents directly to ARPA-E if necessary.”**

**a. What means of transmission shall sub-recipients use?**

**b. If the sub-recipient provides its budget documents directly to ARPA-E and does not provide the same file directly to the prime, is the following requirement therefore waived: “[Sub-recipient budget] worksheets must be inserted as additional sheets within in the Prime Recipient’s Budget Justification”?**

**ANSWER:** Refer to General FAQ 10.11

## QUESTIONS AND ANSWERS

**3. The FOA instructions state the following: “The header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: “Contains Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure.” In order to maximize space for application content, may we mark such pages in either the header or the footer, and not both?**

**ANSWER:** Yes.

**Q63. Our team has a couple questions on our full proposal submission to the DE-FOA-0001858 (OPEN 2018).**

**1. Can advisors or consultants forgo wages as part of cost share?**

**ANSWER:** The value of donated services may be claimed as cost share per 2 C.F.R. § 200.306(f).

**2. Can the total project cost be modified from what was submitted in the Concept Paper?**

**ANSWER:** Yes. Also refer to General FAQ 7.13.

**Q64. The deadline for OPEN is currently Monday July 2nd at 7:30 MT time, which is my time zone. Is there any possibility the time could be pushed back a couple hours to allow upload on Monday morning during business hours?**

**ANSWER:** ARPA-E is not presently contemplating an extension of the date and time for submission of Full Applications.

**Q65. I am working on a full proposal, due July 2. I wanted to see if it is possible to request an extension, which would be helpful due to overlapping time constraints of our team members?**

**ANSWER:** ARPA-E is not presently contemplating an extension of the date and time for submission of Full Applications.

## QUESTIONS AND ANSWERS

**Q66. This question is in regard to the guidance for Section 2 - Proposed Work in the technical volume template for the OPEN 2018 full application. Specifically, is it possible to further distinguish subsection 2.3 Work Plan and subsection 2.6 Task Description? Their instructions are very similar, and it's hard to imagine that the content would not be redundant. The subsection headings are different (and less clear) than from the previous OPEN application. Are you able to clarify any further?**

The instructions for Work Plan are:

- *Provide a detailed description of the proposed work by identifying major tasks, their objectives and final deliverable(s). Use the "SMART" (specific, measureable, attainable, relevant and time bound) methodology to define appropriate project tasks, objectives and deliverables.*

The instructions for Task Descriptions are:

- *Identify and provide a full technical description for each main task in the proposed effort.*
- *Describe the key technical milestones and describe how these define the critical path for successful completion of the task.*

**ANSWER:** The Work Plan section (2.3) is intended to describe the structure for the major tasks for the effort, and the Task Descriptions section (2.6) is intended to provide deeper technical detail and proposed milestones on specific tasks within the structure. As the questioner notes, there is overlap in these sections, and Applicants are welcome to combine the sections if appropriate for clear communication of the proposed technical effort.

**Q67. On page 15 of the FOA, second bullet says this concept may be considered nonresponsive if "Submissions that are not distinct in scientific approach or objective from activities currently supported by or actively under consideration for funding by other government agencies or the private sector" (emphasis added). If part of our concept has been submitted for review in parallel to another funding agency, but we have not been notified that we have been selected for negotiations for an award or grant, is the concept eligible for review by OPEN 2018?**

**ANSWER:** Yes, such a concept paper may be submitted. However, ARPA-E will not fund a submission that is scientifically similar or the same as an activity funded by other government agencies or the private sector. Please note that whether a particular research concept is distinct in scientific approach or objective from other activities sponsored or actively under consideration for support by another government agency or private sector is necessarily a fact-dependent determination. ARPA-E considers this matter twice during its award process: (i) upon receipt of the Full Application, and (ii) during discussions if a particular application selected for award negotiations.

## QUESTIONS AND ANSWERS

**Q68a. I am having some problems with the SF-424A Budget Justification Worksheet. Is there a way to unlock this?**

**ANSWER:** The Budget Justification Workbook/SF-424A (“Workbook”) is a protected document so that ARPA-E can ensure consistency in budgetary calculations from applicants. Applicants are required to complete the Workbook available on ARPA-E Exchange.

**Q68b. In regards to subcontractors, are there dollar amount limits for this category?**

**ANSWER: No.**

**Q68c. I have certain equipment that I plan on leasing to the project for both [reimbursement] and portions of my cost-share. Where would equipment fall under in regards to the budget justification? Is that an expense that is allowed?**

**ANSWER:** Costs for leasing equipment are allowable expenses. Equipment expenses may be reimbursed or claimed as cost share as either direct costs or indirect costs. Refer to 2 C.F.R. § 200.405 (academic and non-profit entities) or FAR 31.201-4 (for-profit entities) for additional guidance on allocating costs as direct vs. indirect.

**Q69. ARPA does not permit direct labor with salaries \$200,000 or greater to work on the program. We have a small number of employees who make over \$200,000 per year. At least one of these employees is critical to the proposed program. Is it permissible to charge the government a rate that is equivalent to a \$199,999 salary for this employee? The company would absorb the difference in rates.**

**ANSWER:** The inquirer is incorrect. ARPA-E limits reimbursement of salaries to \$200,000 per individual per year. It does not place any limit on the individual salary rates. Reimbursement of salary expenses are subject to tests of reasonableness (refer to 2 C.F.R. § 200.404 or FAR 31.201-3).

**Q70. Applicant is interested in applying for funding via an FOA offered by the DOE Office of Energy Efficiency and Renewable Energy (EERE) for the same technology/R&D plan, and has recently submitted a Concept Paper for said FOA. According to the ARPA-E OPEN FOA, section III.C.2, a submission may be deemed nonresponsive and won't be reviewed if, “Submissions that are not distinct in scientific approach or objective from activities currently supported by or actively under consideration for funding by any other office within Department of Energy.” Can Applicant simultaneously apply for the EERE FOA, in addition to the ARPA-E OPEN FOA, or must applicant only submit one Full Application to be deemed responsive by either entity?**

**ANSWER:** Refer to OPEN FAQ 61.

## QUESTIONS AND ANSWERS

**Q71. Does the 5% TT&O requirement apply to the federal assistance, or to the total cost of the project including the cost share?**

**ANSWER:** The TT&O requirement applies to the federal share of any amount awarded.

**Q72. Will software licenses be allowable as cost share? What are the requirements for the software licenses for it to be allowable and can be considered as cost share? I.E. licenses available for duration of the project and used only for project allowable?**

**ANSWER:** Refer to 2 C.F.R. § 200.306 for federal guidance on acceptable cost share and its valuation. See also General FAQs 4.5 and 4.6.

**Q73. We have the following two questions related to budget and budget justification for DE-FOA-0001858: OPEN 2018:**

- In the “Budget Justification/ SF-424A Workbook Guidance” document provided for the DE-FOA-0001858: OPEN 2018 (<https://arpa-e-foa.energy.gov/>) it is noted that “No individual may be paid more than \$200,000 per year under an ARPA-E funding agreement.” Would you please explain whether this is the maximum allowable annual budget?

**ANSWER:** Refer to OPEN 2018 FAQ 69.

- In the same document, some activities are noted as example TT&O activities. We plan to hire a student to specifically focus on commercialization by learning about the market, potential customers and exploring future funding avenues. Will this be considered as a TT&O activity?

**ANSWER:** These matters will be addressed during award negotiations should a particular application be selected.

**Q74. We have four members of our project team:**

- Two are U.S. educational
- One is U.S. not-for-profit
- One is foreign educational

**We know the co-PI who works at the foreign institution is eligible to be funded, if we are awarded. However, does the inclusion of this foreign educational institution affect our eligibility for a 5% cost-share which is given when all team members are educational and/or not-for-profit?**

**ANSWER:** *Institutions of Higher Education*, as defined at 20 U.S.C. 1001, do not include academic institutions located outside of the United States and its possessions. These entities are subject to the minimum cost share requirements set forth at FOA Section III.B.1. (Note: work at a foreign institution would be subject to ARPA-E approval of a Foreign Work Waiver request.)

## QUESTIONS AND ANSWERS

**Q75. How do I go about finding out who the contracting officer (and contact information) is for this FOA?**

**ANSWER:** Refer to FOA Section VII.A.

**Q76. The eligibility clauses state that foreign entities may be members of teams (while not eligible to receive funding), and an FAQ states that researchers do not necessarily need to be US citizens or permanent residents. However, the cost share clauses do not specifically state if cost share may come from a foreign entity. May a foreign entity contribute cost share, as cash or in-kind contributions, if the work is performed at facilities in the US? For example, a foreign scientist spending a year working at a US facility working on the ARPA-E project.**

**ANSWER:** Yes.

**Q77. Can general legal expenses (not related to IP) be included when calculating the indirect cost rate?**

**ANSWER:** Legal expenses may be pooled for purposes of calculating an indirect cost rate, but may be limited by, *inter alia*, 2 C.F.R. § 200.435 or FAR 31.205-47.

**Q78. The SF424 budget justification workbook tab. A has preset headers for 8 tasks, however the proposal being prepared has 15 tasks. How do you modify the worksheet to add more tasks. If unable to modify worksheet, how to report the additional tasks?**

**ANSWER:** ARPA-E requests that you format your submission such that two or more of your tasks are identified as distinct subtasks under a single task heading – e.g., under Task 1 there might be Task 1.A and Task 1.B versus Task 1 and Task 2.

**Q79. I have some questions on how to complete this form for a full proposal to the ARPA-E program (DE-FOA- 0001858). Right now I'm having all team members supply information to sections that apply to their situation and will have this information as an addendum in the completed form. One of our partners in the proposed effort is a large business, which has agreed to cost share at > 20% of total project costs. This business is also not requesting any money from the DoE for the project. Team members from this business believe they do not need to complete portions of the Business Assurances & Disclosure Form (namely sections 3 and 4) because they are not receiving any DOE funding; however, they are willing to complete these sections if it is a requirement. So, are they required to complete this form?**

**ANSWER:** Our reply to this question assumes that the “partner” will be performing project-related work under the anticipated agreement with ARPA-E as identified in its Attachment 3 (titled *Statement of Project Objectives*). Accordingly, the partner will need to complete the Business Assurances & Disclosure Form for the reasons and purposes set forth in the reply to OPEN 2018 FAQ 59. Also, as

## QUESTIONS AND ANSWERS

noted in the reply to OPEN 2018 FAQ 54, prospective recipients will be required to flow-down Intellectual Property and other clauses from the anticipated agreement.

**Q80. The Funding Opportunity Announcement provides that “ARPA-E typically issues ‘class patent waivers’ under which large businesses ... that meet certain stated requirements, such as cost sharing of at least 20%, may elect to retain title to their subject inventions.” Does ARPA-E typically grant class or individual waivers on or before award of the funding agreement? If not, at what point in the term of the funding agreement would an awardee anticipate a waiver decision by APRA-E would be made?”**

**ANSWER:** The class waiver applicable to OPEN 2018 can be found at <https://arpa-e.energy.gov/?q=site-page/project-management-reporting-requirements>. Because of the class waiver, individual waivers would not be necessary.

**Q81. We have three questions:**

**1. We have several industrial entities participating in technology to market and technology transfer and outreach activities by e.g. participating in technical advisory committee, providing market information, identifying industry constraints, priorities, and desires for the technology, etc.**

**For these efforts they will not receive any federal funding, but they will participate in project activities / tasks.**

- a) These entities won't be subrecipients, but are they still considered team members?**
- b) Can we list participants from these organizations as key persons even if they are not subrecipients?**
- c) Do we need to list these entities on the proposal cover page?**
- d) Do we need to list these entities in the team members tab on the application?**

**ANSWER:** Unfunded participants or collaborators may be considered team members and listed as key personnel. Refer to OPEN 2018 FAQ 54 for additional information.

**2. In addition to SF-424A workbook and budget justification from each subrecipient, are we required to procure formal letters of commitment on letterhead signed by a contracting officer / official from the entity:**

- a) if the entity is listed as a team member**
- b) the entity is a subrecipient with a 424A**
- c) the entity is a (sub)contractor?**
- d) the entity is an equipment vendor?**

**ANSWER:** No formal letters of commitment are required as part of the Full Application. The form and content instructions for submitting a Full Application can be found at FOA Section IV.D.

## QUESTIONS AND ANSWERS

**3. How detailed must the cost share contribution be? Can the PRIME simply state the amount that will be provided and then collect / distribute the hard commitments after the project is awarded?**

**ANSWER:** Prospective applicants should use their best efforts to identify the types, sources, and amounts of cost share being provided in their applications. Details are subject to negotiation should a particular application be selected for award negotiations.

**Q82. We had a question regarding the reviewer comments and replies stage of the OPEN 2018 FOA. The language I found in the FOA states:**

**“This FOA has been configured to display reviewer comments and accept replies to reviewer comments documents from 8/21/2018 5:00:00 PM ET to 8/24/2018 5:00:00 PM ET. Comments are not currently available.”**

**Does this mean that reviewer comments will not be shared with applicants until August 21st? Or will comments be shared before then, but replies only accepted between August 21 - 24?**

**ANSWER:** The ARPA-E Funding Opportunity Exchange website is set up to make the reviewer comments available to applicants and provide a document upload field for rebuttal documents from the beginning of the comments review phase 8/21/2018 5:00:00 PM ET to the end of the comments review phase 8/24/2018 5:00:00 PM ET. Neither the comments nor the document upload field are available either before the start date and time or after the end date and time.