



Bi-Partisan Infrastructure Law (BIL) Request for Information on Energy Efficiency Conservation Block Grant (EECBG) Competitive Program

DATE: December 14, 2022
SUBJECT: Request for Information (RFI) DE-FOA-0002883

Description

This is a Request for Information (RFI) issued by the U.S. Department of Energy's (DOE) Office of State and Community Energy Programs (SCEP). The intent of this RFI is to obtain public input regarding the solicitation process and structure of a DOE Funding Opportunity Announcement (FOA) to fund Sec. 40552, the Energy Efficiency and Conservation Block Grant (EECBG) Competitive Program, which aims to support units of local government including Indian Tribes ineligible for direct formula grants from DOE under the EECBG program to lower fossil fuel emissions and energy use in their jurisdictions, in accordance with the Program's authorizing legislation, Title V, Subtitle E of the Energy Independence and Security Act of 2007.¹ Specifically, this RFI seeks input on:

1. Potential partnership structures and models to achieve the goals of the provision and leverage the financial investment for deeper impact;
2. Technical assistance needs of applicants and their stakeholders and partners;
3. Program criteria and metrics;
4. Opportunities to reduce administrative burden on award recipients while protecting against waste, fraud, and abuse;
5. Employment and expanding union jobs;
6. Equity, environmental and energy justice priorities;
7. Market adoption and industry sustainability; and,
8. Build America, Buy America requirements.

DOE aims to facilitate substantial additional investment, prioritize communities with high needs, minimize administrative burden, and build enduring capacity in jurisdictions to maximize impact equitably and efficiently. Information collected from this RFI will be used by DOE for planning purposes to develop the EECBG Competitive Program FOA. The information collected will not be published.

Background

¹ Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021)

<https://www.congress.gov/bill/117th-congress/house-bill/3684>

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Local governments are widely recognized as leaders in addressing climate change. For example, over 600 cities have climate action plans² and many more are taking actions like reducing energy use, expanding clean energy resources, and investing in low and no carbon transportation options. Similarly, Tribal Nations have made great strides in recent years in implementing energy efficiency and conservation, clean energy technology and other initiatives.

Through the American Recovery and Reinvestment Act (ARRA) of 2009, EECGB distributed nearly \$2.7 billion to 2,350 cities, counties, states, territories, and Native American tribes to support local energy and sustainability work. This program was the largest nationwide direct investment in energy efficiency and renewable energy technologies at the community level in U.S. history and resulted in:

- **\$5.2 billion** in total lifetime cost savings
- **409 MMBtu** in lifetime energy savings
- **62,900 direct, indirect, or induced jobs** created or retained,
- **25.7 million metric tons** of carbon equivalent avoided due to energy savings and renewable generation

Despite this good progress, the United Nations Intergovernmental Panel on Climate Change (IPCC)'s 6th Assessment report³ from April 2022 concludes that globally greenhouse gas emissions continue to rise and that governments need to increase the ambitions of their climate action plans and speed up implementation in order to stave off the worst impacts.

On November 15, 2021, President Joseph R. Biden, Jr. signed the Infrastructure Investment and Jobs Act (Public Law 117-58), also known as the Bipartisan Infrastructure Law (BIL). The BIL is a once-in-a-generation investment in infrastructure, which provides the backbone for a more sustainable, resilient, and equitable economy through enhancing U.S. competitiveness in the world, diversifying regional economies to include supply chain and manufacturing industries, creating good union jobs, and ensuring stronger access to these economic and other benefits for underserved communities. The BIL appropriates more than \$62 billion to DOE to ensure the clean energy future delivers true economic prosperity to the American people by:

- Investing in American manufacturing and workers, including good-paying jobs with the right to join a union, and effective workforce development to upskill incumbent and dislocated workers.
- Expanding access to energy efficiency and clean energy for families, communities, and businesses.
- Delivering reliable, clean, and affordable power to more Americans.

² <https://zeroenergyproject.org/all-cities-with-climate-action-plans/>

³ [AR6 Climate Change 2022: Mitigation of Climate Change — IPCC](#)

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- Building the technologies of tomorrow through clean energy demonstrations.

Through section 40552 (b) of the BIL, Congress authorized \$550 million for the EECBG Program. This program supports the Biden Administration's goal to achieve a carbon-free electric grid by 2035 and a net zero emissions economy by 2050.⁴ The purpose of EECBG is to assist eligible entities in implementing strategies to:

- reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities
- reduce the total energy use of the eligible entities
- improve energy efficiency in the transportation, building, and other appropriate sectors.

While 98% of EECBG BIL funds will be allocated to eligible jurisdictions through a formula allocation per statutory direction, 2% or \$8.8 million are directed to be provided through a competitive process for:

- Units of local government (including Indian tribes) that are not eligible for a formula allocation based on population, or
- to a consortium of local governments.

By statute⁵, priority shall be given to units of government located in states with populations of less than 2,000,000 or to those that plan to carry out projects that would result in significant energy efficiency improvements or reductions in fossil fuel use.

The goals of EECBG remain the same as implemented under ARRA. The lessons of the ARRA-funded EECBG program can be applied to improve the program and decrease administrative burden to grant recipients. DOE is focused on streamlining the process and leveraging this funding to catalyze and support other energy efficiency and sustainability efforts within local governments and communities.

Principles of equity and justice will guide BIL implementation, consistent with the Biden Administration's commitments to ensure that overburdened, underserved, and underrepresented individuals and communities have access to federal resources pursuant to Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities*; EO 14020, *Establishment of the White House Gender Policy Council*; and EO 14008, *Tackling the Climate Crisis at Home and Abroad*. Implementation efforts will support the goal that 40% of the overall benefits of certain federal investments flow to

⁴ FACT SHEET: [President Biden sets 2030 Greenhouse Gas Pollution Reduction Target Aimed at Creating Good-paying Union Jobs and Securing U.S. Leadership on Clean Energy Technologies](#)

⁵ 42 U.S.C. 17156(c)

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disadvantaged communities (the Justice40 Initiative).⁶ Also, DOE shall ensure that the EECGB Competitive Program does not exacerbate existing inequalities, including disproportionate exposure to environmental hazards and harms. Moreover, the BIL implementation process should advance equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.

Strengthening prosperity – by expanding good, safe union jobs and supporting job growth through investments in domestic manufacturing – is a key goal set by President Biden and is discussed in depth in his Executive Orders (EOs) on Ensuring the Future Is Made in All of America by All of America's Workers (EO 14005), Tackling the Climate Crisis at Home and Abroad (EO 14008), Worker Organizing and Empowerment (EO 14025), and Promoting Competition in the American Economy (EO 14036). The EECGB Competitive Program will support the creation of good-paying jobs with the free and fair choice to join a union, the incorporation of strong labor standards, and high-road workforce development, especially registered apprenticeship, and quality pre-apprenticeship.

As such, SCEP encourages eligible jurisdictions to prioritize investments in historically disadvantaged communities, and investments that drive the creation of good-paying union jobs through a focus on high labor standards and the free and fair chance for workers to join a union.

DOE's Draft Strategy for BIL Implementation

DOE envisions that the EECGB Competitive Program FOA will likely be structured as a single, multi-year FOA. DOE anticipates making between 5 - 12 awards between \$300,000 and \$2 million. Potential funding amounts and the number of awards are approximate and subject to change.

Purpose

The purpose of this RFI is to solicit feedback from local governments and Indian Tribes, as well as partner stakeholders such as clean energy finance providers, labor unions, service providers, utilities, researchers, government agencies, community-based organizations (CBOs),⁷ and other stakeholders on issues related to how local governments and Tribes can implement initiatives that reduce energy use and greenhouse emissions and other covered activities. SCEP is specifically interested in information on:

1. Potential partnerships structures and models;
2. Technical assistance needs;

⁶ The Justice40 initiative, established by E.O. 14008, sets a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. [Justice40 Initiative | Department of Energy](#)

⁷ Community-Based Organizations (CBOs) are public or private not-for-profit resource hubs that provide specific services to the community or targeted population within the community.

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3. Program criteria and metrics;
4. Opportunities to reduce administrative burden;
5. Employment and expanding union jobs;
6. Equity, environmental and energy justice (EEEJ) priorities;
7. Market adoption and industry sustainability; and,
8. Build America, Buy America requirements.

This is solely a request for information and not a FOA. SCEP is not accepting applications.

You may answer as few or as many of the questions below as you would like. Please use the bolded Category numbers and sub-numbers as headings in your response to the greatest extent possible and refer to the questions (C1.1a, C2.12 etc.) in the body of your responses. This helps save time both for the responder and the reviewers.

Specifically, DOE is requesting input on the following categories and questions:

Category 1: Partnerships and Leveraging Investments

Questions

- a. What other resources, funds, program structures, and partnerships exist in your region or state for supporting energy projects and programs (e.g., utility program support, state energy office or other technical assistance programs, public benefit funds, clean energy finance entities, etc.)?
- b. What are examples of successful attempts to leverage funds for energy projects and programs and novel ways to capture value; and what is needed to scale these solutions?
- c. What innovative partnership structures have been used to realize economies of scale or other collective impacts and what factors were key to success?
- d. How can DOE best facilitate the formation and sustainability of consortiums to apply for and manage grant funds?
- e. What external non-project partners/stakeholders (e.g., CBOs, Tribal groups, state and local governments, economic development organizations, labor unions) will be critical to the success of the program? What types of outreach and engagement strategies are needed to make sure these stakeholders are involved?
- f. What supportive activities would make the provision successful and sustainable (e.g., workforce development, community-based organization engagement, domestic manufacturing, labor standards, etc.)?
- g. What policies, infrastructure, or other considerations could be put in place to enable the program to be more successful?

Category 2: Technical Assistance

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DOE is exploring ways to provide technical assistance to potential applicants to both apply for and manage awards as well as more generally to implement projects and programs.

Questions

- a. In which programmatic areas (i.e., energy planning, energy efficiency, renewable energy, building codes and performance standards, retrofits, electrification, electric vehicles, workforce development, resilience, grid modernization, etc.) are potential recipients mostly likely to focus their applications?
- b. What kinds of technical assistance (e.g., planning and program design, building retrofits, modeling and engineering, community and stakeholder engagement, program administration and implementation support) would be most effective in helping potential recipients and their partners develop competitive applications and maximize the impact of their work?
- c. What are examples of organizations that are currently providing effective technical assistance to potential recipients and their partners?
- d. Would recipients be interested in receiving a voucher for technical assistance or for equipment either fully or partially in lieu of grant funding?
- e. What other resources or support can DOE provide to recipients to maximize impact?

Category 3: Criteria and Metrics

DOE is directed by statute to give priority to units of local government (including Tribes) 1) located in States with populations of less than 2,000,000; or 2) that plan to carry out projects that would result in significant energy efficiency improvements or reductions in fossil fuel use.

Questions

- a. What key review criteria (technical merit, workplan, market transformation, team and resources, financial, regional economic benefits, greenhouse gas reduction potential, quality jobs, environmental justice) should DOE utilize to prioritize the distribution of these competitive funds?
- b. How can eligible entities best assess, demonstrate, and articulate the degree to which they can leverage other funding to maximize impact?
- c. What data should DOE collect from recipients to evaluate the impact of the program? How should this data and the program outcomes be disseminated to the public? How should applicants be asked to measure progress toward the administration's goal of transforming the economy by 2050 to achieve net-zero emissions goals?
- d. What regional and site-specific factors should be considered when identifying and selecting applicants and in measuring the impact of programs? (e.g., economic considerations, policy considerations, labor-management partnerships, environmental and energy justice considerations, workforce availability and skills, etc.)?

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- e. How would a consortium of local governments (including Tribes) cities track metrics in ways that might differ from how individual cities would?

Category 4: Reducing Administrative Burden

Grant administration can be complicated and time consuming. SCEP aims to reduce administrative burden while protecting against waste, fraud, and abuse to make programs more accessible and effective.

Questions

- a. What kinds of capacity building support or resources would it be helpful for DOE to provide to enable cities or a consortium of local governments (including Tribes) to prepare an application or to manage an awarded grant?
- b. What measures could DOE take to minimize the burdens and barriers to recipients and their partners to apply for and manage awards, including through streamlining the application process; and are there examples of this being done successfully?
- c. What models exist or could be developed to partner and/or cost-share with other resources and entities to reduce project costs, leverage outside funds, and increase the impact of DOE funding and programs (e.g., pooling of projects, etc.)?

Category 5: Employment and Expanding Union Jobs

In keeping with the administration's goals, and as an agency whose mission is to help strengthen our country's energy prosperity, DOE strongly supports investments that expand union jobs, improve job quality through the adoption of strong labor standards, increase job access, strengthen local economies, and develop a diverse workforce for the work of building and maintaining the country's energy infrastructure and growing domestic manufacturing. DOE intends to use the EECBG Competitive Program to support the creation of good-paying jobs with the free and fair choice to join a union, the incorporation of strong labor standards, and high-road workforce development, especially registered apprenticeship and quality pre-apprenticeship. Respondents to this RFI are encouraged to include information about how this program can best support these goals.

Questions

- a. In what ways, if any, do you anticipate this program could impact the workforce? For example:
 - i. To what extent do you anticipate job creation, loss, or changes in job quality?
 - ii. To what extent do you anticipate the creation of construction jobs? Ongoing operations and maintenance jobs? Other jobs across the supply chain?
- a. How should labor standards be incorporated in project planning stages to support the creation of high-quality, good-paying jobs?

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- b. What existing workforce education and training efforts are preparing workers for this industry? How can those efforts be best supported or expanded to ensure success of this program?
- c. What would be the most effective workforce development activities to both ensure employers have access to qualified workers and ensure that workers are broadly qualified for good-paying jobs across the industry?
- d. What tools should be utilized to ensure good-paying and secure work opportunities for local residents in the construction and long-term operations of projects, especially in disadvantaged communities and in communities that have experienced or will experience job losses due to economic transition?

Category 6: Equity, Environmental and Energy Justice (EEEJ) Priorities

EEEJ principles and priorities will be central to the successful implementation of the BIL. Equity requires the consideration of existing barriers underserved and underrepresented individuals and communities face when accessing Federal resources. Environmental and energy justice principles include procedural justice, distributive justice, recognition justice, and restorative justice. For the purposes of this RFI, DOE has identified the following non-exhaustive list of policy priorities as examples to guide DOE's implementation of Justice40⁸ in disadvantaged communities: (1) decrease energy burden;^{9,10,11} (2) decrease environmental exposure and burdens;¹² (3) increase access to low-cost capital; (4) increase the clean energy job pipeline and job training for individuals;¹³ (5) increase clean energy enterprise creation (e.g., minority-owned or disadvantaged business enterprises); (6) increase energy democracy, including community ownership and other economic benefits associated with the energy transition; (7) increase parity in clean energy technology access and adoption; and (8) increase energy resilience.

Equity

Ensuring that traditionally underserved populations, including Black, Latino, Indigenous and Native American people, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural or remote areas; persons otherwise adversely affected by

⁸ The Justice40 Initiative establishes a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. The Justice40 Interim Guidance defines benefits as direct and indirect investments (and program outcomes) that positively impact disadvantaged communities and provides examples (Page 4):

<https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

⁹ The Initiative for Energy Justice https://iejusa.org/glossary-and-appendix/#glossary_of_terms

¹⁰ DOE's LEAD tool illustrates energy burden in U.S. <https://www.energy.gov/eere/slsc/maps/lead-tool>

¹¹ Drehobl, A., Ross, L., and Ayala, R. 2020. How High are Household Energy Burdens? Washington, DC: ACEEE.

¹² Tessum, C., et al., 2019. Inequity in consumption of goods and services adds to racial-ethnic disparities in air pollution exposure. Proceedings of the National Academy of Sciences.

¹³ DOE's US Energy & Employment Jobs Report (USEER), <https://www.energy.gov/us-energy-employment-jobs-report-useer>; Department of Labor, Civilian Labor Force by Sex, <https://www.dol.gov/agencies/wb/data/facts-over-time/women-in-the-labor-force>

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persistent poverty or inequality; and Historically Black Colleges and Universities, Minority Serving Institutions, and Tribal Colleges and Universities, have access to DOE programs and opportunities.

Questions

- a. What benefits or opportunities could encourage local and Tribal governments to consider applying to the EECGB program?
- b. What organizations, universities, or communities should the Department consider partnering with to develop the EECGB Competitive Program?

Environmental Justice and Energy Justice

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys: (1) the same degree of protection from environmental and health hazards, and (2) equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Energy justiceⁱ refers to the goal of achieving equity in both the social and economic participation in the energy system, while also remediating social, economic, and health burdens on those disproportionately harmed by the energy system.

Procedural Justice

Questions

- c. How can SCEP ensure community-based stakeholders/organizations are engaged and included in the planning, decision-making, and implementation processes for EECGB-funded activities?
- d. What barriers exist, if any, for deeper engagement with communities impacted by this program?

Distributive Justice

Questions

- e. How can Justice40 policy priorities be achieved through this program to support the goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities and maximize implementation co-benefits.
- f. What equity, energy and environmental justice concerns or priorities are most relevant for the EECGB Competitive Program?

Category 7: Market Adoption and Industry Sustainability

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Questions

- a. What mechanisms (e.g., tax/other incentives, offtake structures, prizes, competitions, alternative ownership structures, contracts for difference, etc.) would be valuable to incentivize market-based solutions relevant to this program?
- b. What can DOE provide/do that would be helpful to a project to facilitate its collaborations with potential financing partners?
- c. How should the FOA and projects (once awarded) be structured to ensure investments made through the EECBG Competitive Program are sustained beyond the grant period?

Category 8: Questions related to the new Build America, Buy America requirements

Questions

- a. Does any of the work for which you expect to apply to the EECBG Competitive Program involve the construction, alteration, maintenance, or repair of any of the following:
 - i. Roads, highways, and bridges;
 - ii. Public transportation;
 - iii. Dams, ports, harbors, and other maritime facilities;
 - iv. Intercity passenger and freight railroads;
 - v. Airports;
 - vi. Water systems, including drinking water and wastewater systems;
 - vii. Electrical transmission facilities and systems;
 - viii. Utilities;
 - ix. Broadband infrastructure; and
 - x. Buildings and real property.
- b. If your answer to question 1 is yes, please identify any iron, steel, manufactured goods/products or construction materials which are crucial to this work, and whether you would normally procure those items domestically or from a foreign source.
- c. For any item you indicate that you would normally procure from a foreign source, please specify to the best of your ability whether you would avoid seeking to procure these items domestically due to lack of availability or cost.

Disclaimer and Important Notes

This RFI is not a Funding Opportunity Announcement (FOA); therefore, SCEP is not accepting applications at this time. SCEP may issue a FOA in the future based on or related to the content and responses to this RFI; however, SCEP may also elect not to issue a FOA. There is no guarantee that a FOA will be issued as a result of this RFI. Responding to this RFI does not provide any advantage or

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disadvantage to potential applicants if SCEP chooses to issue a FOA regarding the subject matter. Final details, including the anticipated award size, quantity, and timing of SCEP funded awards, will be subject to Congressional appropriations and direction.

Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development; this RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. SCEP will review and consider all responses in its formulation of program strategies for the identified materials of interest that are the subject of this request. SCEP will not provide reimbursement for costs incurred in responding to this RFI. Respondents are advised that SCEP is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind SCEP to any further actions related to this topic.

Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: one copy of the document marked “confidential” including all the information believed to be confidential, and one copy of the document marked “non-confidential” with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Evaluation and Administration by Federal and Non-Federal Personnel

Federal employees are subject to the non-disclosure requirements of a criminal statute, the Trade Secrets Act, 18 USC 1905. The Government may seek the advice of qualified non-Federal personnel. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The respondents, by submitting their response, consent to SCEP providing their response to non-Federal parties. Non-Federal parties given access to responses must be subject to an appropriate obligation of confidentiality prior to being given the access. Submissions may be reviewed by support contractors and private consultants.

Request for Information Response Guidelines

Responses to this RFI must be submitted electronically to EECBG_RFI_Competitive@hq.doe.gov no later than 5:00pm (ET) on January 13, 2023. Responses must be provided as attachments to an email. It is recommended that attachments with file sizes exceeding 25MB be compressed (i.e., zipped) to ensure message delivery. Responses must be provided as a Microsoft Word (.docx), text document or PDF attachment to the email, and no more than 10 pages in length, 12-point font, 1-inch margins. Only electronic responses will be accepted.

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For ease of replying and to aid categorization of your responses, **please copy and paste the RFI questions, including the question numbering, and use them as a template for your response.**

Respondents may answer as many or as few questions as they wish.

SCEP will not respond to individual submissions. A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed.

Respondents are requested to provide the following information at the start of their response to this RFI:

- Company / institution name
 - Company / institution contact
 - Contact's address, phone number, and e-mail address
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