DEPARTMENT OF ENERGY
Request for Information DE-FOA-0002879
Bipartisan Infrastructure Law (BIL): Request for Information (RFI)
Energy Efficiency Materials Pilot for Nonprofits

ISSUE DATE: November 10, 2022

DUE DATE: December 22, 2022, 5:00PM (ET)

SUBMIT RESPONSES TO: NonprofitRFI@doe.gov

Description

The U.S. Department of Energy (DOE) invites public comment on its request for information (RFI) number DE-FOA-0002879 regarding the Energy Efficiency Materials Pilot, which allocates $50 million for grants to 501(c)(3) nonprofit organizations[1], for the purchase of materials to improve energy efficiency in buildings that they own and operate, as required by Section 40542 of the Infrastructure Investment and Jobs Act also known as the Bipartisan Infrastructure Law (BIL). The Energy Efficiency Materials Pilot will help eligible nonprofit organizations implement building upgrades to decrease utility costs, reduce carbon emissions, and free up resources to serve their missions.

Through this RFI, the U.S. Department of Energy (DOE) Office of State and Community Energy Programs (SCEP) seeks input regarding the implementation of Section 40542 of the BIL, which provides $50 million in grants between fiscal years 2022 – 2026 to provide energy-efficiency materials[2] in buildings owned and operated by eligible nonprofit organizations.[3] DOE intends to apply performance-based criteria including energy savings achieved, cost-effectiveness of the use of the energy-efficiency materials, an effective plan for evaluation, measurement, and

[1] Section 40542(A)(3) Nonprofit,--The term "eligible nonprofit'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

[2] The term "energy-efficiency material'' means a material (including a product, equipment, or system) the installation of which results in a reduction in use by a nonprofit organization of energy or fuel. The term "energy-efficiency material'' includes-- a roof or lighting system or component of the system; a window; a door, including a security door; and a heating, ventilation, or air conditioning system or component of the system (including insulation and wiring and plumbing improvements needed to serve a more efficient system). *See* 42 U.S.C. 18832(a)(2).

[3] Section 40542(A)(3) Nonprofit building.--The term "nonprofit building'' means a building operated and owned by an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

verification of energy savings, and the financial need of the applicant. DOE also aims to minimize Recipients' administrative burden and expand access to the Energy Efficiency Materials Pilot Program for nonprofit organizations with limited capacity and resources.

The information collected from this RFI will be used by DOE for planning purposes to develop a potential FOA. The information collected will not be published.

Background

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 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.
- Building the technologies of tomorrow through clean energy demonstrations.

Section 40542 of the BIL authorized $50 million to be appropriated to the Secretary of Energy to carry out a pilot program for eligible nonprofit organizations to implement energy efficiency upgrades in their buildings. The Energy Efficiency Materials Pilot Program will provide funding for eligible nonprofit organizations, identified by the Internal Revenue Service as "501(c)(3)s," to help them save and redirect resources that were previously allocated to inefficient utilities expenditures. Strategic use of this funding will bolster the financial health of participating nonprofit organizations, increase their organizational sustainability, expand their impact, and foster the creation and maintenance of healthy community spaces while also combating climate change.

There are over 1.4 million eligible nonprofits operating in the United States[4] that employ more than 12.4 million workers[5] and provide a vast array of social benefits. Between "schools, colleges, libraries, worship facilities, community centers, animal shelters, hospitals,"[6] museums, art institutions, youth sports leagues, scientific testing centers, healthcare clinics, and more, eligible nonprofits support Americans across the spectra of age, race, and class. They foster social cohesion,[7] public health, creativity, and innovation, and they provide critical support to communities in need. While generating these priceless public goods, the majority of eligible nonprofits also operate on small budgets.[8]

Many eligible nonprofit organizations have struggled under increasing pressure from the COVID-19 pandemic. A 2021 national survey of 2,237 eligible nonprofit organizations showed that 75% of respondents saw increased demand for their services since the pandemic began, while almost 75% had increased expenses, almost half experienced decreases in individual and corporate donations, and 45% reported a decreased ability to meet the needs of their service populations.[9] Thirty percent reported that - without "reducing services, laying off staff, closing locations, or shutting down entirely" - they would not be able to continue operating on their existing resources for more than 6 months.[10] Clearly, cutting costs is an imperative to many eligible nonprofit organizations. Improving energy efficiency at their facilities is a potential avenue which could have multiplicative benefits. Decreased utility costs would free up funding to keep the doors open and increase their outreach/impact. At the same time, creating cleaner, healthier spaces would advance the social and environmental missions that many eligible nonprofit organizations espouse.[11]

Eligible nonprofit organizations represent a diverse sector of the American economy and have both deep and broad impacts on local communities and the nation at large. By definition,

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[4] The number of 501(c)(3)s was determined by applying filters to the data in the 4 CSV files (Northeast Area, Mid-Atlantic and Great Lakes Area, Gulf Coast and Pacific Coast Areas, and All Other). According to the information sheet provided, Subsection Codes "are the codes shown under Section 501(c) of the Internal Revenue Code of 1986, which define the category under which an organization may be exempt." Using this information, we applied a filter and only counted organizations designated as Subsection 03. Excluding nonprofits that were not clearly located in the US or a territory, there were 1,463,480 nonprofits that were designated as 501(c)(3)s. The data, including each dataset and the cover sheet, can be found here: https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-eo-bmf#regions

[5] https://www.bls.gov/bdm/nonprofits/tables/qcew-nonprofits-2017.xlsx

[6] https://www.eesi.org/articles/view/why-energy-efficiency-is-important-for-nonprofits

[7] https://www.imls.gov/sites/default/files/2021-10/swi-report.pdf

[8] https://www.councilofnonprofits.org/myths-about-nonprofits

[9] https://www.councilofnonprofits.org/thought-leadership/the-data-show-what-we-know-the-nonprofit-helpers-need-help

[10] https://www.councilofnonprofits.org/thought-leadership/the-data-show-what-we-know-the-nonprofit-helpers-need-help

[11] https://www.eesi.org/articles/view/why-energy-efficiency-is-important-for-nonprofits

nonprofits identified under Section 501(c)(3) of the Internal Revenue Code, are organizations "organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational" and other specified purposes.[12] The Internal Revenue Service (IRS) and the National Center for Charitable Statistics (NCCS) categorize 501(c)(3)s under their respective distinct criteria, and the NCCS provides useful statistics on the prevalence of different types of eligible nonprofit organizations.[13] According to the most recent NCCS data, "Human services groups such as food banks, homeless shelters, youth services, sports organizations, and family or legal services" make up the largest subgroup of eligible nonprofits (35.2% of the total).[14] Education organizations including Education, Higher education, and Other education groups make up the next-largest subcategory (34.4%), followed by Health-related charities including Health organizations, Hospitals, and Other health care groups (24.4%).[15] The next largest subgroups are "Other public and social benefit" (12%), "Arts" (10%), "Religion related" (6.6%), "Environment and Animals," (4.7%), and "International," organizations (2.2)%.[16]

Across the United States, over 500,000 facilities are operated by nonprofits, the majority of which are eligible nonprofits. [17][18] Most of these facilities are in commercial building spaces,[19] which consume approximately 18 quadrillion British thermal units of primary energy annually.[20] Research suggests that up to 30% of the energy consumed in commercial spaces is wasted due to inadequate sensing, monitoring, and control operations.[21] Off-the-shelf energy improvements, including heating, ventilation, and air-conditioning (HVAC) replacement[22] and recommissioning. These improvements can pay dividends for years to come; every dollar saved on utility bills is a dollar that can be redirected to promote fiscal sustainability within an eligible nonprofit, and to advance its core mission.

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[12] https://www.irs.gov/charities-non-profits/exempt-organization-types

[13] The following information sheet explains IRS datasets which capture information about registered nonprofits, known as 501(c)s. The BIL specifies that funding is available to a subset of this group, 501(c)(3)s, which are identifiable in the datasets according to their Subsection number (03) https://www.irs.gov/pub/irs-soi/eo_info.pdf

[14] https://nccs.urban.org/publication/nonprofit-sector-brief-2019#fn:1

[15] Id.

[16] Id.

[17] There are more than 1.8 million nonprofits operating in the United States, and over 1.4 million of those are eligible nonprofits (see footnote 4)

[18] https://www.eesi.org/articles/view/why-energy-efficiency-is-important-for-nonprofits

[19] Id.

[20] https://buildingretuning.pnnl.gov/publications/PNNL-25985.pdf

[21] Id.

[22] https://betterbuildingssolutioncenter.energy.gov/sites/default/files/PNNL-23790.pdf

Since "energy costs are the second-highest operational expense for many nonprofits,"[23] [24] investing in energy efficiency upgrades could be a critical opportunity to optimize eligible nonprofit organizations' limited funding. Most of these institutions have small operating budgets. According to data from to the NCSS, 92% of all eligible nonprofits earned less than $1M per year in 2019[25]; 55% of those either filed 990-Ns (indicating gross receipts of $50,000 or less annually[26]) or had no expense reports; 20% showed annual revenues of up to $100,000; and 8% earned between $100,000 - $200,000. In this context, even small energy savings could have a relatively large impact, with small-budget eligible nonprofits experiencing the greatest proportional benefits from every dollar saved.

Energy efficiency initiatives also advance the core missions of many eligible nonprofits by fostering community health and wellness. A significant number of these institutions serve populations that are vulnerable to the impacts of climate change: children, the elderly, pregnant women, people with existing conditions, people with disabilities, communities of color and indigenous populations (who are already disproportionately exposed to environmental pollutants).[27] Many of these same groups are susceptible to asthma, respiratory problems, cardiovascular disease, and other illnesses that can be caused or exacerbated by poor air quality.[28] Replacing old, onsite, fossil-fuel-burning systems such as furnaces and boilers can reduce particulate matter[29] and carbon monoxide in the air,[30] while also reducing energy consumption and an organization's contributions to climate change.[31] Improving air filtration systems can improve indoor air quality while helping prevent the transmission of airborne diseases.[32] Installing efficient and high-quality lighting systems, and providing increased access to natural light can also improve occupants' wellbeing.[33] [34]

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[23] https://www.eesi.org/articles/view/why-energy-efficiency-is-important-for-nonprofits

[24] There are more than 1.8 million nonprofits operating in the United States, and over 1.4 million of those are eligible nonprofits (see footnote 4)

[25] Myths About Nonprofits | National Council of Nonprofits

[26] https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard

[27] https://www.niehs.nih.gov/research/programs/climatechange/health_impacts/vulnerable_people/index.cfm

[28] https://www.niehs.nih.gov/research/programs/climatechange/health_impacts/asthma/index.cfm

[29] NIH Research Improves Health for People with Asthma

[30] School Renovations Improve Indoor Air Quality and Support Children's Health (nih.gov)

[31] https://www.eesi.org/articles/view/why-energy-efficiency-is-important-for-nonprofits

[32] Julia C. Luongo et al. (2016). "Role of mechanical ventilation in the airborne transmission of infectious agents in buildings." Indoor Air. 26(5) 666-678.

[33] https://www.buildinggreen.com/feature/lighting-design-health-and-sustainability-guide-architects

[34] https://www.healthdesign.org/chd/research/impact-light-outcomes-healthcare-settings

Purpose

The purpose of this RFI is to solicit feedback from eligible nonprofit organizations, states, local governments, energy service companies, clean energy finance providers, labor unions, service providers, utilities, researchers, community partners, manufacturers, and other stakeholders on issues related to program development and execution of BIL Section 40542. SCEP is specifically interested in information on 1) outreach, 2) technical assistance, 3) criteria and metrics, 4) funding, 5) partnerships and community benefits. This is solely a request for information and not a Funding Opportunity Announcement (FOA). SCEP is not accepting applications through the release of this RFI.

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 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, respondents submitting information that they believe 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 Categories and Questions

Category 1: Outreach

As mentioned previously, BIL Section 40542 establishes a grant program with an audience that has not traditionally been the specific target of DOE past grant programs. Sections 40542 (a)(1) and 40542(a)(3) limit eligibility for the grant program to nonprofit organizations described in Section 501c(3) of the Internal Revenue Code, which own and operate their own buildings. DOE aims to raise awareness of this funding opportunity among all eligible entities and to encourage participation from a diverse and inclusive group. Given the deepened engagement with this new audience and the large variability between qualifying organizations, DOE seeks information on how to broaden the applicant pool and raise awareness and accessibility of the grant opportunity to nonprofit organizations across the resource spectrum.

Category 1 Questions – Outreach

1. What are effective pathways to inform eligible nonprofits about this grant, including but not limited to social media platforms/strategies, sector-specific media and other news channels, engagement with existing resource hubs, and collaboration with professional organizations?
2. How can DOE increase outreach and accessibility for smaller, less well-resourced organizations?
3. What measures could DOE take to front-load information about eligibility and to support organizations in determining their eligibility under different building ownership/operational management structures?

Category 2: Technical Assistance

DOE is exploring ways to provide technical assistance to potential applicants to apply for and manage awards as well as more generally to develop projects, operate, and maintain eligible nonprofit facilities. Grant applications and administration can be complicated and time-consuming, often involving significant outlays of resources to develop a grant proposal. Similar capacity constraints may hamper an eligible nonprofit's ability to identify, develop, manage, and maintain energy improvement projects.

Category 2 Questions – Technical Assistance

4. What measures could DOE take to minimize the burdens and barriers that eligible nonprofits may face in applying for and managing awards? Are there examples of this being done successfully?
5. For which aspects of energy efficiency improvement projects are eligible nonprofits most in need of additional capacity?
6. What forms of technical assistance would be most effective in helping eligible nonprofits identify and complete high-impact efficiency improvements for their facilities?
7. Are there examples of organizations that currently provide effective technical assistance to eligible nonprofits in the context of energy efficiency improvements?

Category 3: Criteria and Metrics

DOE is directed to apply performance-based criteria to give priority to applicants based on the energy savings achieved; the cost effectiveness of the use of energy-efficiency materials; an effective plan for evaluation, measurement, and verification of energy savings; and the financial need of the applicant. See Section 40542(c)(3).[35] In addition, DOE will administer this grant program under the guidelines of Executive Order (E.O.) 14008, *Tackling the Climate Crisis at Home and Abroad*.[36] Section 223 of E.O. 14008 established the Justice40 Initiative, which establishes the goal that 40% of the overall benefits of certain Federal investments – including investments in clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of clean water infrastructure – flow to disadvantaged

[35] Codified at 42 U.S.C. 18832(c)(3)
[36] https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad

communities. 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 Justice40: (1) decrease energy burden; (2) decrease environmental exposure and burdens; (3) increase access to low-cost capital; (4) increase the clean energy job pipeline and job training for individuals; (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. Effective administration of the Section 40542 prioritization criteria will require consideration of data availability and collection methodologies.

Category 3 Questions – Criteria and Metrics

8. What metrics, data, methods, screening tools, etc. are available for measuring and articulating the financial need of applicants?
9. What metrics, criteria, required performance levels, standardized reporting formats and/or tools should be used to demonstrate and report project and program metrics, including costs, energy savings, emissions, impacts for occupants, and community benefits?
10. What metrics, criteria, standardized reporting formats, and/or tools should be used to predict, demonstrate, and report the impact of projects on disadvantaged communities?
11. In addition to the aforementioned elements, are there other criteria that should be included to demonstrate program efficacy and generate data for improving program design and implementation?

Category 4: Funding

DOE encourages leveraging of grant funding with other state, local, utility, philanthropic, and other private sources where possible, yet recognizes that eligible nonprofits may find it challenging to navigate, stack, and leverage this wide array of resources to fund energy improvements. Section 40542 sets the maximum individual grant amount at $200,000. Additionally, Section 988(c)(1) of the Energy Policy Act of 2005 requires award recipients to provide not less than 50 percent of the cost for commercial application activities, unless otherwise waived. The tasks and costs associated with the anticipated applications for grants through Section 40542 will include commercial application activities.

Category 4 Questions – Funding

12. What types of high-impact energy-efficiency materials can be purchased with the grant maximum amount of $200,000?

13. What funding options and/or other sources of funds may be available to pay for the labor and other non-material costs of installation?
14. Is a 50 percent cost-share reasonable to require from eligible entities? For example, if an eligible entity receives the full $200,000 grant amount, the cost share requirement will be $200,000 for a total project cost of $400,000.
15. Are there types of eligible nonprofits, geographic areas, or other factors that may be less likely to secure leveraging or other funding opportunities? What types of barriers might these nonprofits face?
16. What other resources, funds, program structures, and partnerships exist regionally for supporting energy improvements in eligible nonprofit buildings (e.g., utility program support, state energy office or other technical assistance programs, public benefit funds, energy service companies offering performance contracting and other clean energy finance entities etc.)?
17. What are examples of successful attempts to leverage funds for eligible nonprofits building improvements and novel ways to capture value. What is needed to scale these solutions?
18. Are energy-efficiency materials produced in the United States in sufficient and reasonably available quantities, or will energy-efficiency materials that are produced in the United States (as opposed to foreign-produced) increase the cost of overall projects by more than 25 percent?
19. How should DOE structure this program to enable capacity, ready retrofit projects, and funding options that will continue after the pilot program concludes?

Category 5: Partnerships & Community Benefits

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, improve job access, foster safe, healthy, and inclusive workplaces and communities, and develop a diverse and inclusive workforce pipeline. In addition, Equity, Environmental and Energy Justice (EEEJ) principles and priorities will be central to the successful implementation of the BIL. BIL-funded projects are expected to contribute to the President's goal that 40% of the overall benefits from certain federal investments flow to disadvantaged communities.

Category 5 Questions – Partnerships & Community Benefits

20. How can potential awardees and DOE translate the impact of awards on the mission of the eligible nonprofit and the communities they serve?

21. What innovative partnership structures have been used to develop durable capacity for eligible nonprofits to effectively execute facility improvements and maintain performance?
22. How can DOE best facilitate the formation and sustainability of these partnerships?
23. What workforce models (e.g., training, partnership, career maps, etc.) exist to ensure that members of rural and disadvantaged communities have access to the work associated with energy improvements in the non-profit sector?
24. How can DOE help support the creation and retention of high-quality jobs in the development of this grant program?

Request for Information Response Guidelines

Responses to this RFI must be submitted electronically to NonProfitRFI@doe.gov no later than 5:00pm (ET) on December 22, 2022. 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) attachment to the email, and **no more than 10 pages in length**, 12-point font, 1-inch margins. Only electronic responses will be accepted.

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 or publish publicly a compendium of responses. 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 / organization name;
- Company / organization contact;
- Contact's address, phone number, and e-mail address.