



## Department of Energy

Golden Field Office  
15013 Denver West Parkway  
Golden CO 80401

July 12, 2023

John Phelan  
City of Fort Collins  
300 Laporte Ave  
Fort Collins, CO 80521-2719  
jphelan@fcgov.com

**SUBJECT:** Selection of Application for Negotiation Under Funding Opportunity  
Announcement Number DE-FOA-0002813, Bipartisan Infrastructure Law:  
Resilient and Efficient Codes Implementation

Dear John Phelan:

We are pleased to provide this update on your application. The Building Technologies Office within the Department of Energy (DOE) has completed its evaluation of your application submitted in response to the subject Funding Opportunity Announcement (FOA). The application below has been recommended by the Building Technologies Office for negotiation of a financial award (**Note: This notification does not guarantee federal government funding, as funding will only be obligated upon completion of successful negotiations.**):

Application: Zero Carbon Performance Code Implementation, 2813-1595, Award Number:  
DE-EE0010948

Receipt of this letter does not authorize the applicant to commence with performance of the project. DOE makes no commitment to issue an award and assumes no financial obligation with the issuance of this letter. Applicants do not receive an award until award negotiations are complete and the Contracting Officer executes the funding agreement. Only an award document signed by the Contracting Officer obligates DOE to support a project.

The award negotiation process may take up to 60 days. The applicant must be responsive during award negotiations (i.e., provide requested documentation) and meet the stated negotiation deadlines. Failure to submit the requested information and forms by the stated due

date, or any failure to conduct award negotiations in a timely and responsive manner, may cause DOE to cancel award negotiations and rescind this selection. DOE reserves the right to terminate award negotiations at any time for any reason.

Please submit the information and forms listed below to the Grants Management Specialist, Abdulwahab Salih, at [abdulwahab.salih@ee.doe.gov](mailto:abdulwahab.salih@ee.doe.gov) by **July 25, 2023**. Failure to submit the requested information and forms by the stated due date, or any failure to conduct award negotiations in a timely and responsive manner, may cause the Office of Energy Efficiency and Renewable Energy (EERE) to cancel award negotiations and rescind this selection.

Please complete each of the following required forms, which are available on the EERE Financial Opportunities Resources page at <https://energy.gov/eere/funding/eere-funding-application-and-management-forms>. All forms should include the award number in the header.

1. Pre-Award Information Sheet and all required attachments, including but not limited to: Current and Pending Support, Participants and Collaborating Organizations, and any other required disclosures, waivers, attachments or supporting documentation.
2. Copy of your approved Indirect Rate Agreement or a Rate Proposal, following the guidelines in the Sample Indirect Rate Proposal – Pre-Award, if applicable
3. Commitment Letters from Third Parties Contributing to Cost Share (if applicable or changed)
4. Copy of the most recent independent Single Audit (for non-profits, states, local governments, and educational institutions) or independent Compliance Audit (applicable to for-profit entities)

Your organization must have an adequate accounting system in place prior to expenditure of any award funds. Please see Accounting System Requirements on the EERE Financial Opportunities Resources page at the link provided below.

For more information on the negotiation process and relevant regulations, please review the “Recipient’s Guide to Negotiating with EERE,” available on the EERE Financial Opportunities Resources page at <https://energy.gov/eere/funding/eere-funding-application-and-management-forms>.

*Before September 30*, DOE may issue a full conditional award where federal funds are obligated but not released. DOE will not release the funding obligated by this award until successful completion of negotiations are reached to the satisfaction of the Contracting Officer. Performance against this award is, therefore, at the Recipient's own risk, and payments for costs incurred for the Recipient's project will not be made until the parties complete negotiations and the Contracting Officer issues a modification to this award. DOE does not guarantee or assume any obligation to reimburse costs incurred by the Recipient during the negotiation process. Failure by the Recipient to provide an application with supporting documentation acceptable to the Contracting Officer, or failure to complete negotiations, may

be deemed noncompliance. Based on such noncompliance, the Contracting Officer may unilaterally terminate or suspend this award and deobligate the amounts obligated.

Please note, EERE's decision on whether and how to distribute federal funds is subject to the National Environmental Policy Act (NEPA) and EERE must conduct a NEPA review for all proposed project activities prior to authorizing the use of federal funds. EERE has completed a NEPA review of proposed project activities anticipated under the FOA and the associated NEPA Determination applies to all awards selected under the FOA, provided the scope of the selected awards remains consistent with the intent of the FOA, as issued. If selected applicants propose to use project funds for activities outside the scope of this NEPA Determination, additional NEPA review will be required.

You may not incur pre-award costs without prior approval of DOE. All pre-award costs are incurred at your risk (i.e., DOE is under no obligation to reimburse such costs if for any reason you do not receive an award or if the award is less than anticipated and inadequate to cover such costs). All costs must be allowable, allocable, and reasonable in accordance with the applicable cost principles.

EERE does not guarantee or assume any obligation to reimburse costs where the costs were incurred prior to receiving written authorization from the Contracting Officer. If you elect to undertake activities that may have an adverse effect on the environment or limit the choice of reasonable alternatives prior to receiving such written authorization from the Contracting Officer, you are doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share. Nothing contained in the pre-award cost reimbursement regulations or any pre-award costs approval letter from the Contracting Officer override the NEPA requirements to obtain the written authorization from the Contracting Officer prior to taking any action that may have an adverse effect on the environment or limit the choice of reasonable alternatives.

If you are unable to provide the information by the date requested or have any questions concerning the requested information, please contact the Grants Management Specialist listed above.

An informational webinar will be held on July 17, 2023 at 3:00 -4:00 PM Eastern Time (1:00 - 2:00 PM Mountain Time). Please register at <https://events.gcc.teams.microsoft.com/event/31a761f8-8581-4bc5-9156-1da6142d7b0c@6b183ecc-4b55-4ed5-b3f8-7f64be1c4138>.

On behalf of EERE, I would like to congratulate you on your selection for award negotiations. I look forward to working with you to successfully complete award negotiations.

Sincerely,  
**ELIZABETH  
PARRISH**  
Elizabeth Parrish  
Contracting Officer

 Digitally signed by ELIZABETH  
PARRISH  
Date: 2023.07.11 16:24:25 -06'00'

cc: Brad Smith, Recipient Principal Investigator  
cc: Christina Volpi, DOE Technical Project Officer (negotiating)  
cc: Abdulwahab Salih, DOE Grants Management Specialist  
cc: Andrew Kobusch, BGS Project Monitor (negotiating)