



## Department of Energy

Golden Field Office  
15013 Denver West Parkway  
Golden CO 80401

August 21, 2024

Barry Hooper  
1155 Market Street  
San Francisco, CA 94103  
barry.e.hooper@sfgov.org

**SUBJECT:** Selection of Application for Negotiation Under Funding Opportunity  
Announcement Number DE-FOA-0003056, Inflation Reduction Act of 2022 (IRA)  
Assistance for the Adoption of the Latest and Zero Building Energy Codes

Dear Mr. Hooper:

We are pleased to provide this update on your application. The State and Community Energy Programs Office (SCEP) 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 SCEP 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: Building Performance Standard: Adoption, Enforcement and Equitable Support, and Preparation for Regional Adoption, 3056-1551, Award Number: DE-SE0001532

**Confidentiality:** Due to the heightened interest in this activity, DOE requests all information regarding this selection be kept confidential until DOE has made a public announcement of the selection decision. Therefore, please limit the number of personnel made aware of this notification to the minimum possible, and do not disclose this information to anyone else until authorized in writing by DOE. It is expected that the selection decision will be available for public release on August 27, 2024.

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.

### **Negotiation Process**

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.

### **Required Forms**

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 August 26, 2024. 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 SCEP Office 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. 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)

The Technical Project Officer assigned to your award will follow up with more information on next steps and additional requirements ahead of the negotiation process. 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>.

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.

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.

SCEP 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 National Environmental Policy Act (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.

**On behalf of SCEP, 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: 2024.08.21 15:54:52 -06'00'

cc: Ashley Armstrong, DOE Technology Manager  
cc: Kalpita Basu, DOE Technical Project Officer  
cc: Abdulwahab Salih, Grants Management Specialist



## Special Terms and Conditions Conditional Availability of Funds

The Recipient, which is identified in Block 5 of the Assistance Agreement, and the Office of Energy Efficiency and Renewable Energy (“EERE”), an office within the United States Department of Energy (“DOE”), enter into this Award, referenced in Block 1 of the Assistance Agreement.

This Award consists of the Assistance Agreement and the Special Terms and Conditions. When the parties have completed negotiations for this Award, the Grants Officer will issue an award modification, and the following documents will be added to the Award:

	Assistance Agreement
	Special Terms and Conditions
Attachment 1	Statement of Project Objectives
Attachment 2	Federal Assistance Reporting Checklist and Instructions
Attachment 3	Budget Information SF-424A
Attachment 4	Intellectual Property Provisions
Attachment 5	Other Attachments as Negotiated

The following are incorporated into this award by reference:

- DOE Assistance Regulations, 2 CFR Part 200 as adopted and supplemented by 2 CFR Part 910 (subject to any deviations issued pursuant to [2 CFR 910.133](https://www.ecfr.gov/current/title-2)) at <https://www.ecfr.gov/current/title-2>.
- Research Terms & Conditions (November 12, 2020) and the DOE Agency Specific Requirements (November 2020) at <https://www.nsf.gov/awards/managing/rtc.jsp> (as applicable).
- National Policy Requirements (November 12, 2020) at <https://www.nsf.gov/awards/managing/rtc.jsp>.
- Public Law 117-58, also known as the Bipartisan Infrastructure Law (BIL) as applicable.
- Public Law 117-169, also known as the Inflation Reduction Act (IRA) as applicable.
- The recipient’s application/proposal as approved by DOE.
- Applicable program regulations at <http://www.eCFR.gov>.



---

## Conditional Availability of Funds

### a. Conditionality

Notwithstanding the obligation of funds shown on the Assistance Agreement, the parties hereby agree that the availability of funds to the Recipient for payment of costs incurred by the Recipient is conditioned upon the Grants Officer's review and approval of the Recipient's application and the completion of negotiations. The Recipient is prohibited from spending federal funds at this time. No funds shall be made available to the Recipient for payment and DOE does not guarantee or assume any obligation to reimburse costs incurred by the Recipient during the negotiation process.



When the parties have completed negotiations for this award, the Grants Officer will issue a modification to this award making available the obligated amount for payment in accordance with the payment terms contained in the Special Terms and Conditions of this award. The Recipient may then receive payment for allowable incurred costs or recognize incurred costs toward cost share requirements, as applicable, in accordance with the negotiated payment terms.

Failure by the Recipient to provide an application with supporting documentation acceptable to the Grants Officer, or failure to complete negotiations, may be deemed noncompliance pursuant to 2 CFR 200.339 and subject to the remedies for noncompliance contained therein—up to and including termination of the award, as provided in 2 CFR 200.340.

Recipients will have 10 business days from the time they are notified by the Grants Officer regarding such noncompliance to cure; the Grants Officer may immediately initiate noncompliance remedies—including termination—if the recipient fails to do so.

### b. Termination

Termination of this award for failure to submit an acceptable application or failure to complete negotiations—though it may lead to termination of the award—shall not be considered a “material failure to comply” and therefore will not trigger the reporting requirements of 2 CFR 200.340(c).

<b>ASSISTANCE AGREEMENT</b>			
1. Award No. DE-SE0001532	2. Modification No.	3. Effective Date 01/01/2025	4. CFDA No. 81.117
5. Awarded To CITY AND COUNTY OF SAN FRANCISCO Attn: Sok Chan 1455 Market St. Suite 13B SAN FRANCISCO CA 941031363		6. Sponsoring Office State and Community Energy Programs U.S. Department of Energy 1000 Independence Ave, SW Washington DC 20585	
7. Period of Performance 01/01/2025 through 12/31/2025			
8. Type of Agreement <input type="checkbox"/> Grant <input checked="" type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other	9. Authority IRA PL 117-169, 2022 PL 109-58 EPACT, 2005		10. Purchase Request or Funding Document No. 25SE000176
11. Remittance Address CITY AND COUNTY OF SAN FRANCISCO Attn: Sok Chan 1 DR CARLTON B. GOODLETT PLACE SAN FRANCISCO CA 941024694		12. Total Amount Govt. Share: \$19,994,217.00  Cost Share : \$0.00  Total : \$19,994,217.00	13. Funds Obligated This action: \$19,994,217.00  Total : \$19,994,217.00
14. Principal Investigator	15. Program Manager Kalpita Basu Phone: 240-306-4831		16. Administrator Golden Field Office U.S. Department of Energy Golden Field Office 15013 Denver West Parkway Golden CO 80401
17. Submit Payment Requests To Payment - Direct Payment from U.S. Dept of Treasury		18. Paying Office VIPERS <a href="https://vipers.doe.gov">https://vipers.doe.gov</a> Any questions, please contact by call/email 888-251-3557 or Payments@hq.doe.gov	
19. Submit Reports To See Attachment 2			
20. Accounting and Appropriation Data 05477-2022-31-200835-41999-1800011-0000000-0000000-0000000			
21. Research Title and/or Description of Project Adoption, Enforcement and Equitable Support, and Preparation for Regional Adoption			
For the Recipient		For the United States of America	
22. Signature of Person Authorized to Sign 		25. Signature of Grants/Agreements Officer 	
23. Name and Title Tyrone Jue, Director	24. Date Signed 12/31/2024	26. Name of Officer Elizabeth A. Parrish	27. Date Signed 12/30/2024

<b>CONTINUATION SHEET</b>	REFERENCE NO. OF DOCUMENT BEING CONTINUED	PAGE	OF
	DE-SE0001532	2	3

NAME OF OFFEROR OR CONTRACTOR  
 CITY AND COUNTY OF SAN FRANCISCO

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>UEI: MYM4VNNBN6T9</p> <p>This is a conditional award, comprised of this Assistance Agreement and the Special Terms and Conditions. Upon successful completion of negotiations, this award will be modified to lift its conditional status, to revise the Special Terms and Conditions, and to add additional attachments, such as Attachment 1, Statement of Project Objectives and Milestone Summary Table; Attachment 2, Federal Assistance Reporting Checklist and Instructions; Attachment 3, Budget Information SF-424A; Attachment 4, Intellectual Property Provisions; Attachment 5 Community Benefits Objectives and Outcomes; and Attachment 6, NEPA Determination.</p> <p>1. The award was prepared using the proposed budget information in the Recipient's application. Term 1 of the Special Terms and Conditions states that the Recipient is prohibited from spending Federal funds at this time. DOE will not release the funding obligated by this award until successful completion of negotiations are reached to the satisfaction of the Grants Officer.</p> <p>2. Performance against this award is, therefore, at the Recipient's own risk, and payments for costs incurred for Recipient's project will not be made until the parties complete negotiations and the Grants Officer issues a modification to this award.</p> <p>3. A representative of the DOE office will contact the Recipient to request additional and/or revised information needed to supplement and clarify the Recipient's application, to complete the negotiations of an amended award.</p> <p>In Block 7 of the Assistance Agreement, the Period of Performance reflects the beginning of the Project Period through the end of the current Budget Period.</p> <p>Additional future DOE funding and additional budget periods are not contemplated under this award. Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.</p> <p>Continued ...</p>				

NSO

<b>CONTINUATION SHEET</b>	REFERENCE NO. OF DOCUMENT BEING CONTINUED	PAGE	OF
	DE-SE0001532	3	3

NAME OF OFFEROR OR CONTRACTOR  
 CITY AND COUNTY OF SAN FRANCISCO

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>DOE Award Administrator: Abdulwahab Salih                      E-mail: Abdulwahab.salih@ee.doe.gov                      Phone: 720-360-5552</p> <p>DOE Project Officer: Kalpita Basu                      E-mail: kalpita.basu@hq.doe.gov                      Phone: 240-306-4831</p> <p>Recipient Business Officer: Joseph Salem                      E-mail: cyndy.comerford@sfgov.org                      Phone: 415-355-3721</p> <p>Recipient Principal Investigator: Barry Hooper                      E-mail: barry.e.hooper@sfgov.org                      Phone: 415-355-3753</p> <p>"Electronic signature or signatures as used in this document means a method of signing an electronic message that--                      (A) Identifies and authenticates a particular person as the source of the electronic message;                      (B) Indicates such person's approval of the information contained in the electronic message;                      and,                      (C) Submission via FedConnect constitutes electronically signed documents."                      ASAP: YES Extent Competed: COMPETED Davis-Bacon Act: YES PI: Hooper, Barry                      Fund: 05477 Appr Year: 2022 Allottee: 31 Report Entity: 200835 Object Class: 41999 Program: 1800011 Project: 0000000 WFO: 0000000 Local Use: 0000000</p>				



NSO

JULY 2004

NSO