

§ 473.1

10 CFR Ch. II (1–1–12 Edition)

REVIEW AND CERTIFICATION OF GRANTS, COOPERATIVE AGREEMENTS, CON- TRACTS, AND PROJECTS

§ 473.1 Purpose and scope.

These regulations implement section 304(f) of the Federal Energy Administration Act of 1978—Civilian Applications, and apply to each new contract, grant, cooperative agreement, Department of Energy project, or other agency project funded or to be funded under the authority of that Act. 15 U.S.C. 2703(f) (1970). These regulations do not apply to subcontractors, or to contracts, grants, cooperative agreements, Department of Energy projects, or other agency projects entered into, made, or formally approved and initiated prior to February 25, 1978, or with respect to any renewal or extension thereof. Insofar as grants, cooperative agreements, and contracts are concerned, these regulations provide procedures and requirements that are in addition to those generally applicable under the assistance and procurement regulations of the Federal agency funding research and development under the Act.

§ 473.2 Definitions.

For purpose of these regulations—

Act means the Federal Energy Administration Act of 1978—Civilian Applications. Pub. L. 95–238, 92 Stat. 47.

Advanced automobile propulsion system means an energy conversion system, including engine and drivetrain, which utilizes advanced technology and is suitable for use in an advanced automobile.

Agency project means research and development under the Act by employees of a Federal agency furnishing assistance at the request of the DOE.

Annual funding period means the Federal fiscal year during which a grant, cooperative agreement, or contract is funded by an appropriation under the Act.

Applicant means any private laboratory, university, nonprofit organization, industrial organization, private agency, institution, organization, corporation, partnership, individual, or public agency other than a Federal agency.

DOE project means research and development under the Act by employees of the DOE.

Federal agency means an executive agency as defined by 5 U.S.C. 105 (1970).

Manager means the Federal program official who requests grant agreements, cooperative agreements, or contracts to be negotiated or who authorizes a DOE or agency project to begin.

Notice of availability means a notice published in the Commerce Business Daily advertising the availability of a formal solicitation document to be issued for the purpose of inviting and setting guidelines for submission of proposals for research and development grants, cooperative agreements, or contracts.

Research and development means activities constituting a project to create an advanced automobile propulsion system and does not mean activities involving technology transfer to mass production, evaluative testing, preliminary planning for a DOE or an agency project, or program administration and management.

Solicitation means a formal, written request for proposals to perform research and development under a grant, cooperative agreement, or contract, typically including evaluation criteria and a statement of the work to be done.

§ 473.10 Required information from applicant.

In accordance with applicable procedures of § 473.11 any applicant for a grant, cooperative agreement, or contract under the Act to support research and development activities of an advanced automobile propulsion system shall—

(a) State whether the activities will initiate or continue research and development of an advanced automobile propulsion system;

(b) State, insofar as the applicant has information, whether and to what extent the activities to be supported are technically the same as activities conducted previously or to be conducted during the annual funding period by any person for research and development of a substantially similar advanced automobile propulsion system;

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(c) Justify research and development activities on an advanced automobile propulsion system abandoned by any person because of a lack of mass production potential by presenting information showing a significant intervening technological advance, promising conceptual innovation, or other special consideration;

(d) Provide—

(1) An assurance that the amount of funds to be expended for research and development of advanced automobile propulsion systems during the initial annual funding period will exceed the amount of funds expended, if any, during the previous year for the same purpose by at least the amount of the grant, cooperative agreement, or contract being sought; and

(2) An assurance that the level of research and development effort on advanced automobile propulsion systems in the initial annual funding period will not be decreased in future annual funding periods.

(e) Provide to the extent possible—

(1) An assurance that the time period for completing research and development of the advanced automobile propulsion is likely to be shorter as a result of a grant, cooperative agreement, or contract; and

(2) The estimated delay, if any, which is likely to occur if the application for a grant, cooperative agreement, or contract is denied.

§ 473.11 Submission of applicant's information.

(a) An applicant submitting an unsolicited proposal to conduct research and development to be funded by a grant, cooperative agreement, or contract under the Act shall include the information required under § 473.10 in the unsolicited proposal document filed under the assistance or procurement regulations of the DOE or other Federal agency which funds the proposed research and development under the Act.

(b) In responding to a solicitation for a proposal to conduct research and development funded by a grant, cooperative agreement, or contract under the Act, the applicant shall include the information required under § 473.10 in the proposal.

(c) Information submitted under § 473.10 of these regulations shall be certified in writing as complete and accurate by the applicant, and if the applicant is not an individual, the chief executive officer of the applicant or his authorized designee shall sign the certification.

§ 473.20 Public notice and opportunity to object.

(a) In compliance with paragraph (b) of this section and unless provisions of paragraph (c) of this section apply, the manager shall cause to be published in the Commerce Business Daily a statement describing the unsolicited proposal, solicitation, DOE project, or agency project, as appropriate, inviting any interested person to submit a written objection, with supporting information at an appropriate address on or before 30 days from the date of publication, if the person believes that the research and development to be performed does not comply with standards and criteria of § 473.30.

(b) Except as paragraph (c) of this section applies, the manager shall comply with the requirements of paragraph (a) of this section—

(1) Upon receipt of an unsolicited proposal from an applicant;

(2) In any notice of availability of a solicitation;

(3) Prior to beginning a DOE project; or

(4) Prior to beginning an agency project.

(c) Without publishing a notice under paragraph (a) of this section, the manager may reject an unsolicited proposal that does not comply with these regulations or any other generally applicable requirements.

§ 473.21 Supplemental information and rebuttal.

The manager may request additional information from an applicant or any interested person who files an objection under § 473.20.

§ 473.22 Initial review by manager.

(a) Upon expiration of the time for filing information under these regulations, the manager shall—

(1) Review the proposed research and development to be performed under