



Energy Program for Innovation Clusters (EPIC) Prize

Official Rules Document

July 2020

Table of Contents

- Executive Summary 3**
- Introduction and Prize Description 3**
- Eligibility 4**
- Desired Competitor Characteristics 6**
- How to Enter 7**
- What to Submit..... 7**
 - Cover Page Content 7**
 - Video..... 8**
 - Scoring Details 8**
 - Submission Slide Deck 9**
- Letters of Commitment or Support..... 12**
- How We Determine Winners 12**
- Appendix 1 - Additional Terms and Conditions 13**
- Appendix 2 – Request to Waive the “Majority Domestic Ownership and Control”
Eligibility Requirement..... 20**

Energy Program for Innovation Clusters (EPIC) Prize: Official Rules

The U.S. Department of Energy's (DOE's) Energy Program for Innovation Clusters (EPIC) Prize will be governed by this Official Rules Document, which establishes the rules and requirements for the EPIC Prize. The Prize Administrator, the National Renewable Energy Laboratory (NREL), and DOE reserve the right to modify this Official Rules document if necessary and will publicly post any such modifications as well as notify prize Competitors of a revised document.

Executive Summary

The DOE Office of Technology Transitions (OTT) is launching a \$1,000,000 prize competition to award cash prizes to the nation's most innovative incubators for creative plans to build clusters supporting entrepreneurs and innovators launching businesses focused on energy-related technologies. OTT welcomes incubators, organizations that aid in the development of new business ventures, business accelerators, co-working startup communities, or any other organizations that self-identify as advocates for innovation and entrepreneurship. This prize also seeks to strengthen innovation clusters or geographic concentrations of specialized skills, industries, and technologies that have the ability to turn their talents towards energy innovation.

To support the national advancement of energy entrepreneurship and commercialization, the DOE Energy Program for Innovation Clusters (EPIC) Prize seeks to recognize the most novel, comprehensive, and impactful incubator plans that focus on developing strong innovation clusters, connections, and support for energy-related technology and entrepreneurial innovation. Incubators and other entrepreneurially focused organizations are critical to the growth of an innovation ecosystem; these organizations help entrepreneurs accelerate the launch, growth, and scale of their businesses, ultimately resulting in the development of jobs in the United States.

To compete, competitors must submit a ten-slide presentation and a 90-second video. OTT anticipates selecting up to 20 winning competitors for cash prizes of \$50,000 each.

Introduction and Prize Description

The U.S. Department of Energy (DOE) helps power and secure America's future and ensure the country's role as a leader in science and technology. In 2015, the Secretary of Energy authorized the formation of the Office of Technology Transitions (OTT) to be responsible for developing and overseeing delivery of DOE's strategic vision and goals for technology commercialization and engagement with the business and industrial sectors across the United States. OTT's mission is to expand the commercial impact and public benefit of DOE's research and development portfolio to advance the economic, energy, and national security interests of the Nation.

Energy startups and innovative technologies are critical to the growth of the energy economy in the United States and abroad. Startups drive technology development, business model innovation, and job creation. The private sector has had difficulty providing sufficient capital, business development services, and entrepreneurial training to early-stage, high-risk, longer-

term, capital-intensive technologies, like those required for transforming the nation's energy systems.

Strong business incubation services—including, but not limited to, mentoring, entrepreneurial training, access to testing and prototyping assistance—not only provide direct support for early-stage startups, but also have the potential to de-risk the startups for follow-on investors. Incubators have the potential to accelerate regional economic development, strengthen national innovation capacity, and expand domestic energy-related manufacturing. By providing due diligence, screening applicant companies, assisting with prototyping, connecting entrepreneurs with manufacturers, and advising startups to prudently use their capital on vital services, incubators play a critical role in supporting startups as they transition into the market.

The EPIC prize seeks to recognize the most novel, comprehensive, and impactful incubator plans that focus on developing strong innovation clusters, connections, and support for energy-related technology and entrepreneurial innovation. Prize competitors will develop a strategic plan to create or bolster innovation clusters through regional engagement, including engagement of other private actors—both for- and non-profit—as well as state and local entities that can provide additional resources.

The prize seeks to address a capital gap in supporting these critical organizations by providing funds to be applied where competitors need them most. Providing capital to enable creative, forward-thinking organizations is critical to allow organizations to think more expansively about the role of incubators in the broader regional and national innovation and entrepreneurial ecosystem. Further, it is DOE's hope that this funding will enable winners of this prize to enhance their organization's resilience and operational sustainability.

Important Dates

Submission Open: Monday, July 20, 2020

Informational Webinar: Tuesday, 12:00 p.m. ET August 4, 2020

Submission Deadline: Thursday, 5:00 p.m. ET September 10, 2020

Winner Notification: ~Wednesday, September 30, 2020

Eligibility

- Private entities (for-profits and nonprofits), non-federal government entities such as states, counties, tribes, and municipalities, and academic institutions subject to the following requirements:
 - Private entities must be incorporated in and maintain a primary place of business in the United States with majority domestic ownership and control. If an entity seeking to compete does not have domestic ownership and control, the DOE Office of Technology Transitions (OTT) may consider issuing a waiver of that eligibility requirement where the

entity submits a compelling justification; the entity is incorporated in and maintains a primary place of business in the United States; and the entity otherwise meets the eligibility requirements. OTT may require additional information before making a determination on the waiver request. There are no rights to appeal DOE's decision on the waiver request. See Appendix 2 for more information on the waiver process.

- Academic Institutions must be based in the United States.
- DOE employees, employees of sponsoring organizations, members of their immediate families (i.e., spouses, children, siblings, or parents), and persons living in the same household as such persons, whether or not related, are not eligible to participate in the Prize.
- Federal entities and federal employees, acting within the scope of their employment, are also not eligible to participate in any portion of the Prize. DOE national laboratory employees cannot compete in the Prize.
- Entities and individuals publicly banned from doing business with the U.S. government such as entities and individuals debarred, suspended, or otherwise excluded from or ineligible for participating in Federal programs are not eligible to compete.
- Entities identified on a Department of Homeland Security (DHS), Binding Operational Directives (BOD) as an entity publicly banned from doing business with the United States government are not eligible to compete. See <https://cyber.dhs.gov/directives/>;
- Entities and individuals identified as a restricted party on one or more screening lists of Department of Commerce, State and the Treasury are not eligible to compete. See Consolidated Screening List: https://2016.export.gov/ecr/eg_main_023148.asp
- This prize is expected to positively impact U.S. economic competitiveness. Participation in a foreign government talent recruitment program¹ could conflict with this objective by resulting in

¹ In general, foreign government talent recruitment programs include any foreign-state-sponsored attempt to acquire U.S. scientific-funded research or technology through foreign government-run or funded recruitment programs that target scientists, engineers, academics, researchers, and entrepreneurs of all nationalities working or educated in the United States. These recruitment programs are often part of broader whole-of-government strategies to reduce costs associated with basic research while focusing investment on military development or dominance in emerging technology sectors.

Distinguishing features of a foreign government talent recruitment program include:

- a) Compensation provided by the foreign state to the targeted individual in exchange for the individual transferring their knowledge and expertise to the foreign country. The compensation can take several forms, such as cash, research funding, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration.
- b) Recruitment in this context refers to the foreign-state-sponsor's active engagement in attracting the targeted individual to join the foreign-sponsored program and transfer their knowledge and expertise to the foreign state. The targeted individual may be employed and located in the United States or in the foreign state. Recruitment would not necessarily include any invitation for engagement extended by the foreign state, for example, an invitation to attend or present work at an international conference.

unauthorized transfer of scientific and technical information to foreign government entities. Therefore, individuals participating in foreign government talent recruitment programs of foreign countries of risk² are not eligible to compete. Further, teams that include individuals participating in foreign government talent recruitment programs of foreign countries of risk are not eligible to compete.

- No organization may submit as the lead entity more than one entry to the prize. If an entity is the lead organization on multiple submissions, DOE will accept the most recent submission submitted before the deadline and determine other submissions ineligible.

Submissions will be reviewed for eligibility and completeness. Eligibility determinations as well as approval of any waiver requests will be at DOE's sole discretion. The application may be deemed ineligible if a competitor does not meet the eligibility criteria or does not provide the items listed in the "What to submit" section. Eligible submissions will be evaluated by expert reviewers, who may include officials from OTT or other federal agencies, and/or private sector experts.

Desired Competitor Characteristics

Competitors in this prize should include most, if not all, of the following elements (not listed in order of importance):

- A significant portion of the entity's efforts are focused on the formation and growth of startups
- A selective process to choose participating startups
- Regular networking opportunities for startups
- Introductions to customers, partners, suppliers, advisory boards, and other players
- High-growth and tech-driven startup mentorship and commercialization assistance
- Resource sharing and arrangements for startups
- Virtual Tools/Telework capabilities
- Physical spaces to operate
- Opportunities to pitch ideas and startups to investors along with other capital formation avenues for startups
- Angel money, seed capital, or structured loans for member startups.

In keeping with the goal of growing a community of innovators, competitors are encouraged to form multidisciplinary teams while developing their concept. The submission platform provides a space where parties interested in collaboration can post information about themselves and learn about others who are also interested in competing in this contest.

c) Many, but not all, programs aim to incentivize the targeted individual to physically relocate to the foreign state. Of particular concern are those programs that allow for continued employment at U.S. research facilities or receipt of DOE research funds while concurrently receiving compensation from the foreign state.

²Currently, the list of countries of risk includes Russia, Iran, North Korea, and China.

How to Enter

Go to and follow the instructions for registering and submitting all required materials before the deadline in the Key Dates section or as displayed on the HeroX website:

<https://americanmadechallenges.org/epic/>. Competitors also have the ability to form teams or find partners through the HeroX platform.

What to Submit

The items in the table below comprise the submissions package for the EPIC Prize and must be submitted through the HeroX platform. Each element is described in more detail on pages 6-9. Competitors may only provide one submission package for review. If a competitor submits multiple submission packages, DOE will review only the most recently submitted package that was received before the deadline.

Item	Will Be Made Public ³	Scored
Cover Page	No	No
Submission Slides	No	Yes
90-Second Video	Yes	No

Competitors are welcome to submit any Letters of Commitment or Support, but these are optional and will not be made public.

Cover Page Content

The cover page content is used as reference information about the overall team. The cover page will not be scored.

Cover Page – List contact details and basic information about your submission (private, not scored)	
<ul style="list-style-type: none">• Title• Short description• Notice of Restriction on Disclosure and Use of Data	<ul style="list-style-type: none">• Key project members (names, contact information, and links to their professional online profiles)• Your city and state• Other partners (if any)

The cover sheet and submission package must be marked as follows and identify the specific pages containing trade secrets, confidential, proprietary, or privileged information, as described in more detail in Appendix 1, Section 11.

³ Competitors who do not want the Technical Submission or other documents to be made public will need to mark them according to the instructions in Appendix 1.

Video

DOE, the prize administrator, and any other third parties supporting DOE will use the video to feature the prize winners. The video must be made publicly available on either YouTube or Vimeo. The URL link to the video must be included in the application form and must be accessible to anyone with the link.

Video– (public, not scored)
<p>A video of not more than 90 seconds that:</p> <ul style="list-style-type: none">• Describes the Competitor’s organization and how it is uniquely qualified to address the needs of the entrepreneurs and energy technologies it serves.• Describes the organization's proposed regional engagement plan. Examples of items to highlight include the competitor’s leadership, facilities, and overall philosophy.

Scoring Details

The Submission Slide Deck will be reviewed and scored according to three criteria:

1. Mission and Operations
2. Strategic Vision or Plan
3. Team

The scoring of submissions will proceed as follows:

- Each statement within the numbered criteria will receive a score between 1 and 6, where the score is defined as follows:

1	2	3	4	5	6
Strongly Disagree	Disagree	Slightly Disagree	Slightly Agree	Agree	Strongly Agree

The table below explains the manner in which the final scores for each submission will be calculated.

Criteria Questions	Number of Scored Statements	Percentage of Total Score	Total Possible Points
Criteria 1: Mission and Operations	5	42%	30
Criteria 2: Strategic Plan	6	50%	36
Criteria 3: Team	1	8%	6
TOTAL	12	100%	72

Submission Slide Deck

Competitors can submit up to a ten (10) slide presentation. There is no template, so competitors are free to present the information in any format. Any text must be readable in a standard printout and conference room projection and should have a font size of at least 14 pt.

The following table below describes the content that should be provided in the Summary Slide Deck to successfully address each review statement. The right-hand column contains the scored statements that reviewers will be using for each of the three criteria sections. Individual reviewers will assign a 1–6 score after reviewing the Slide Submission. The left-hand column includes suggested content for each criteria question. The suggested content provided is not mandatory and competitors will not be judged against it; these are examples of details to include to help guide your responses, but you are welcome to use other information as you see fit.

Criteria 1: Mission and Operations

Suggested Content You Should Provide

- The mission and objectives of the organization.
- Discuss the energy-related technologies your organization supports.
- The competitor's past performance in helping startups successfully commercialize their technologies.
- How the organization meets the Desired Competitor Characteristics.
- Describe your organization's track-record of successfully assisting entrepreneurs launch or grow business ventures
- Any partnerships/working relationships with regional entities—including state and local government as well as private sector entities (including other incubators), either local or distant, that you would like to highlight.
- Discuss how the competitor leverages other available resources to support the organization's entrepreneurs.
- Discuss how the organization ensures participation of a broad and diverse community of entrepreneurs.
- Discuss any plans for engagement of economically challenged communities (e.g., Qualified Opportunity Zones⁴).
- The unique value proposition and structural advantages of the organization (i.e., how the organization is built to be successful within a respective region).
- Amount of capital raised for entrepreneurs last year (approximate).

Each Statement Scored on a 1-6 Scale

- The overall submission presents a cohesive plan to attract and support new entrepreneurs to the energy space.
- The submission describes an innovative and comprehensive mission and set of objectives that align with DOE's portfolio of energy-related missions.⁵
- The submission describes how it fulfills most if not all of the Desired Competitor Characteristics.
- Competitor has a successful track record of supporting entrepreneurs launch or grown business ventures.
- The submission demonstrates an ability to create a collaborative environment and a plan to enable participation of a diverse community of entrepreneurs, including in historically underserved and economically challenged communities.

⁴ A QOZ is an economically distressed community where new investments, under certain conditions, may be eligible for preferential tax treatment. Localities qualify as QOZs if they have been nominated for that designation by a state, the District of Columbia, or a U.S. territory and that nomination has been certified by the Secretary of the U.S. Treasury via his delegation of authority to the Internal Revenue Service (IRS). For more information, visit <https://www.cdfifund.gov/Pages/Opportunity-Zones.aspx>.

⁵ <https://www.energy.gov/technologytransitions/resources/doe-program-offices>

Criteria 2: Strategic Plan

Suggested Content You Should Provide

- Where the organization plans to be in two years with respect to regional engagement.
- The Specific, Measurable, Actionable, Relevant, Time-bound (SMART)⁶ goals of your strategy to develop regional innovation clusters.
- The primary risk factors the competitor anticipates mitigating or overcoming to successfully implement the regional engagement plan.
- Discuss how the plan will improve the operational sustainability of your organization, including developing new or enhancing existing financial or in-kind support.
- Discussion of partners in implementing the plan: these may include state and local entities, private partners—both for- and non-profit, as well as academic institutions. Mention any partnerships with other incubators.
- Does the plan have the potential to be transferable to other incubators/regions?
- What is the competitor's plan for the prize funds if awarded a prize?
- Estimated number of clients/entrepreneurs the competitor anticipates assisting with the plan.

Each Statement Scored on a 1-6 Scale

- The proposed plan addresses an identified problem or opportunity, which is clearly and thoroughly described.
- There is a clear multi-year partnership strategy to develop regional innovation clusters.
- The submission identifies a strong constellation of partners to successfully implement its plan.
- There is a strong discussion of risks and mitigation measures.
- The impact metrics for the program are well articulated and understood—they include clear SMART goals for the program.
- The plan will yield an improvement to the organization's offerings as a resource to local regional entrepreneurs and innovators and boost the regional innovation ecosystem.

Criteria 3: Team

Suggested Content You Should Provide

- Describe your staff or team.
- Describe your external advisors or advisory board, if applicable.
- What makes the competitor staff uniquely qualified to implement the plan?

Each Statement Scored on a 1-6 Scale

- There is a qualified team with credible and relevant experience.

⁶ SMART Goals are defined as Specific, Measurable, Actionable, Relevant, Time-bound

Letters of Commitment or Support

Letters of Commitment or Support (Optional)

- Combine and upload as a single file one-page letters from relevant entities (e.g., partners, potential customers) to provide context. This could include letters from partners or others you believe are critical to the success of your proposal. Any letters of commitment or support must be on letterhead, uploaded as a single file, and readable by Microsoft Word or Adobe PDF.

How We Determine Winners

The Prize Administrator screens all completed submissions and, in consultation with DOE, assigns subject matter expert reviewers to independently score the content of each submission. The expert reviewers will be Federal and non-Federal employees with expertise in relevant areas. Expert reviewers will review submissions according to the evaluation criteria described in this document. Expert reviewers may not (a) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered competitor in the Prize; or (b) have a familial or financial relationship with an individual who is a registered competitor.

Interviews: If necessary, to help clarify questions the expert Reviewers have, OTT, at its sole discretion, may decide to hold short interviews with a subset of the Competitors. The interviews would be held prior to the announcement of winners. Attending interviews is not required and interviews are not an indication of winning.

Final Determination: The Director of OTT, as the EPIC Prize Selection Official, will make selections based on the Reviewers' determinations and Program Policy Factors listed in Appendix 1.

Announcement: Approximately 30 days after the contest closes, the Prize Administrator notifies winners and requests the necessary information to distribute cash prizes. The Prize Administrator will then publicly announce winners.

Appendix 1 - Additional Terms and Conditions

1. REQUIREMENTS

Your submission for the EPIC Prize is subject to the following terms and conditions:

- You must post the final content of your submission or upload the submission form online at <https://americanmadechallenges.org/epic/> before the prize closes. OTT will not accept late submissions or any other form of submission.
- You must mark all submissions that you wish to protect from public disclosure according to the instructions in Section 11. Unmarked or improperly marked submissions will be deemed to have been provided with unlimited rights and may be used in any manner and for any purpose whatsoever.
- You must include all the required submission elements. The Prize Administrator may disqualify your submission after an initial screening if you fail to provide all required submission elements. Competitors may be given an opportunity to rectify non-substantive submission errors due to technical challenges with the submission platform, including late submissions due to a system glitch.
- Your submission must be in English and in a format readable by Microsoft Word or Adobe PDF. Scanned hand-written submissions will be disqualified.
- DOE or NREL will disqualify submissions if they contain any matter that, in their sole discretion, is indecent, obscene, defamatory, libelous, lacking in professionalism, or demonstrates a lack of respect for people or life on this planet.
- Your clicking "Accept" on the HeroX platform and proceeding to register for the contest described in this document forms a valid and binding agreement between you and the U.S. Department of Energy, and is in addition to the existing HeroX Terms of Use for all purposes relating to its contests. You should print and keep a copy of these rules, which apply only to the contest described here and to no other contest on the HeroX platform or anywhere else.
- You will be required to sign the following statement as part of your submission to this prize program:

I am providing this submission package as part of my participation in this prize. I understand that I am providing this submission to the Federal Government. I certify under penalty of perjury that the named competitor meets the eligibility requirements for this prize competition and complies with all other rules contained in the Official Rules document. I further represent that the information contained in the submission is true and contains no misrepresentations. I understand false statements or misrepresentations to the Federal Government may result in civil and/or criminal penalties under 18 U.S.C. § 1001.

3. VERIFICATION FOR PAYMENTS

The prize administrator will verify the identity and role of all competitors before distributing any prizes. Receiving a prize payment is contingent upon fulfilling all requirements contained herein. The prize administrator will notify winning competitors using email contact information provided by the individual or entity that was responsible for the submission. Each competitor will be

required to sign and return to the prize administrator, within 30 days of the date on the notice, a completed NREL Request for ACH Banking Information form and a completed W-9 Form (<https://www.irs.gov/pub/irs-pdf/fw9.pdf>). In the sole discretion of the prize administrator, a winning competitor will be disqualified from the competition and receive no prize funds if: (i) the person/entity does not respond to notifications; (ii) the person/entity fails to sign and return the required documentation within the required time period; (iii) the notification is returned as undeliverable; (iv) the submission or person/entity is disqualified for any other reason.

In the event of a dispute as to any registration, the authorized account holder of the email address used to register will be deemed to be the competitor. The "authorized account holder" is the natural person or legal entity assigned an email address by an Internet access provider, online service provider, or other organization responsible for assigning email addresses for the domain associated with the submitted address. All competitors may be required to show proof of being the authorized account holder.

4. TEAMS AND SINGLE ENTITY AWARDS

The Prize Administrator will award a single dollar amount to the designated primary Competitor. In this case, the Competitor shall be an incubator, organization, and/or limited liability company (LLC). Prize awards will not be paid to individuals directly. The primary Competitor is solely responsible for allocating any prize funds among its team members and/or allocating the funds for operational use. The primary Competitor entity is also responsible for all associated taxes.

5. SUBMISSION RIGHTS

By making a submission and consenting to the rules of the contest, a competitor is granting to DOE, the prize administrator, and any other third parties supporting DOE in the contest, a license to display publicly and use the parts of the submission that are designated as "public" for government purposes. This license includes posting or linking to the public portions of the submission on the prize administrator or HeroX applications, including the contest website, DOE websites, and partner websites, and the inclusion of the submission in any other media worldwide. Portions of submissions that are marked as protected from public disclosure according to Section 11 will be treated accordingly.

The submission may be viewed by DOE, the prize administrator, and expert reviewers for purposes of the contest, including but not limited to screening and evaluation purposes. The prize administrator, DOE, and any third parties acting on their behalf will also have the right to publicize on the contest website indefinitely competitors' names and, as applicable, the names of competitors' team members and organizations that participated in the submission.

By entering, the competitor represents and warrants that:

1. Competitor's entire submission is an original work by competitor, and competitor has not included third-party content (such as writing, text, graphics, artwork, logos, photographs, likeness of any third party, musical recordings, clips of videos, television programs or motion pictures) in or in connection with the submission, unless (i) otherwise requested by the prize administrator and/or disclosed by competitor in the submission, and (ii) competitor has either obtained the rights to use such third-party

content or the content of the submission is considered in the public domain without any limitations on use;

2. Unless otherwise disclosed in the submission, the use thereof by prize administrator, or the exercise by prize administrator of any of the rights granted by competitor under these rules, does not and will not infringe or violate any rights of any third party or entity, including, without limitation, patent, copyright, trademark, trade secret, defamation, privacy, publicity, false light, misappropriation, intentional or negligent infliction of emotional distress, confidentiality, or any contractual or other rights;

3. All persons who were engaged by the competitor to work on the submission or who appear in the submission in any manner have: a. given the competitor their express written consent to submit the submission for exhibition and other exploitation in any manner and in any and all media, whether now existing or hereafter discovered, throughout the world; b. provided written permission to include their name, image, or pictures in or with the submission (or, if a minor who is not competitor's child, competitor must have the permission of the minor's parent or legal guardian) and the competitor may be asked by the prize administrator to provide permission in writing; and c. not been and are not currently under any union or guild agreement that results in any ongoing obligations resulting from the use, exhibition, or other exploitation of the submission.

6. COPYRIGHT

Each competitor represents and warrants that the competitor is the sole author and copyright owner of the submission; that the submission is an original work of the competitor or that the competitor has acquired sufficient rights to use and to authorize others, including DOE, to use the submission, as specified throughout the rules; that the submission does not infringe upon any copyright or any other third-party rights of which the competitor is aware; and that the submission is free of malware.

7. CONTEST SUBJECT TO APPLICABLE LAW

All contests are subject to all applicable federal laws and regulations. Participation constitutes each competitor's full and unconditional agreement to these Official Contest Rules and administrative decisions, which are final and binding in all matters related to the contest. This notice is not an obligation of funds; the final award is contingent upon the availability of appropriations.

8. RESOLUTION OF DISPUTES

The U.S. Department of Energy is solely responsible for administrative decisions, which are final and binding in all matters related to the contest.

Neither the U.S. Department of Energy nor the prize administrator will arbitrate, intervene, advise on, or resolve any matters between team members or among competitors.

9. PUBLICITY

The winners of these prizes (collectively, "winners") will be featured on the DOE and NREL websites.

Except where prohibited, participation in the contest constitutes each winner's consent to DOE's and its agents' use of each winner's name, likeness, photograph, voice, opinions, and/or hometown and state information for promotional purposes through any form of media worldwide, without further permission, payment, or consideration.

10. LIABILITY

Upon registration, all competitors agree to assume any and all risks of injury or loss in connection with or in any way arising from participation in this contest. Upon registration, except in the case of willful misconduct, all competitors agree to and, thereby, do waive and release any and all claims or causes of action against the federal government and its officers, employees, and agents for any and all injury and damage of any nature whatsoever (whether existing or thereafter arising, whether direct, indirect, or consequential, and whether foreseeable or not), arising from their participation in the contest, whether the claim or cause of action arises under contract or tort.

No liability insurance naming DOE as an insured will be required of competitors to compete in this competition per 15 USC 3719(i)(2). Competitors should assess the risks associated with their proposed activities and adequately insure themselves against possible losses.

11. RECORDS RETENTION AND FREEDOM OF INFORMATION ACT

All materials submitted to DOE as part of a submission become DOE records and are subject to the Freedom of Information Act. The following applies only to portions of the submission not designated as public information in the instructions for submission. If a submission includes trade secrets or information that is commercial or financial, or information that is confidential or privileged, it is furnished to the Government in confidence with the understanding that the information shall be used or disclosed only for evaluation of the application. Such information will be withheld from public disclosure to the extent permitted by law, including the Freedom of Information Act. Without assuming any liability for inadvertent disclosure, DOE will seek to limit disclosure of such information to its employees and to outside reviewers when necessary for review of the application or as otherwise authorized by law. This restriction does not limit the Government's right to use the information if it is obtained from another source.

Submissions containing confidential, proprietary, or privileged information must be marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. In addition, as stated in the "How to Enter" section, unmarked or improperly marked submissions are provided with unlimited rights and may be used in any manner and for any purpose whatsoever. The U.S. Government is not liable for the disclosure or use of unmarked information, and may use or disclose such information for any purpose. The submission must be marked as follows and identify the specific pages containing trade secrets, confidential, proprietary, or privileged information:

Notice of Restriction on Disclosure and Use of Data:

Pages [list applicable pages] of this document may contain trade secrets, confidential, proprietary, or privileged information that is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. [End of Notice]

The header and footer of every slide or page that contains confidential, proprietary, or privileged information must be marked as follows: “Contains Trade Secrets, Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure.” In addition, each line or paragraph containing proprietary, privileged, or trade secret information must be clearly marked with double brackets or highlighting.

Competitors will be notified of any Freedom of Information Act requests for their submissions in accordance with 29 C.F.R. § 70.26. Competitors may then have the opportunity to review materials and work with a FOIA representative prior to the release of materials. DOE does intend to keep all submission materials private except for those materials not designated as “will be made public.”

12. PRIVACY

If you choose to provide HeroX with personal information by registering or completing the submission package through the contest website, you understand that such information will be transmitted to DOE and may be kept in a system of records. Such information will be used only to respond to you in matters regarding your submission and/or the contest unless you choose to receive updates or notifications about other contests or programs from DOE on an opt-in basis. DOE and NREL are not collecting any information for commercial marketing.

13. GENERAL CONDITIONS

DOE reserves the right to cancel, suspend, and/or modify the contest, or any part of it, at any time. If any fraud, technical failures, or any other factor beyond DOE's reasonable control impairs the integrity or proper functioning of the contests, as determined by DOE in its sole discretion, DOE may cancel the contest. Any performance towards contest goals is conducted entirely at the risk of the competitor and DOE shall not compensate any competitors for any activities performed in furtherance of this prize.

Although DOE may indicate that it will select up to several winners for each contest, DOE reserves the right to only select competitors that are likely to achieve the goals of the program. If, in DOE's determination, no competitors are likely to achieve the goals of the program, DOE will select no competitors to be winners and will award no prize money.

14. PROGRAM POLICY FACTORS

While the scores of the expert reviewers will be carefully considered, it is the role of the prize Selection Official to maximize the impact of contest funds. Some factors outside the control of

competitors and beyond the independent expert reviewers' scope of review may need to be considered to accomplish this goal. In addition to the reviewers' scores, the following program policy factors may be considered in determining winners:

- The geographic diversity and potential economic impact of projects.
- Whether the use of additional DOE funds and provided resources are non-duplicative and compatible with the stated goals of this program and DOE's mission generally.
- The degree to which the submission exhibits technological or programmatic diversity when compared to the existing DOE project portfolio and other competitors.
- Whether the submission is likely to lead to increased employment, workforce development, and manufacturing in the United States, including in low to moderate income communities.
- Whether the submission serves entrepreneurs located or operating in economically disadvantaged areas (e.g., in a Qualified Opportunity Zone).
- The level of industry involvement and demonstrated ability to accelerate commercialization and overcome key market barriers.
- The degree to which the submission is likely to lead to increased employment and manufacturing in the United States or provide other economic benefit to U.S. taxpayers.
- The degree to which the submission will accelerate transformational technological, financial, or workforce advances in areas that industry by itself is not likely to undertake because of technical or financial uncertainty.
- The degree to which the submission supports complementary DOE funded efforts or projects, which, when taken together, will best achieve the goals and objectives of DOE.
- The degree to which the submission expands DOE's funding to new competitors and recipients who have not been supported by DOE in the past.
- The degree to which the submission enables new and expanding market segments.
- Whether the project promotes increased coordination with nongovernmental entities for the demonstration of technologies and research applications to facilitate technology transfer.
- Whether submission content sufficiently confirms the competitor's intent to commercialize early-stage technology and establish a viable U.S.-based business in the near future.

15. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

DOE's administration of this prize is subject to NEPA (42 USC 4321, et seq.). NEPA requires federal agencies to integrate environmental values into their decision-making processes by considering the potential environmental impacts of their proposed actions. For additional background on NEPA, please see DOE's NEPA website, at <http://nepa.energy.gov/>.

While NEPA compliance is a federal agency responsibility and the ultimate decisions remain with the federal agency, all competitors in the EPIC Prize will be required to assist in the timely and effective completion of the NEPA process in the manner most pertinent to their participation in the prize competition. Competitors may be asked to provide DOE with information on

fabrication and testing of their device such that DOE can conduct a meaningful evaluation of the potential environmental impacts.

16. RETURN OF FUNDS

As a condition of receiving a prize, competitors agree that if the prize was made based on fraudulent or inaccurate information provided by the competitor to DOE, DOE has the right to demand that any prize funds or the value of other non-cash prizes be returned to the government.

ALL DECISIONS BY DOE ARE FINAL AND BINDING IN ALL MATTERS RELATED TO THE CONTEST.

Appendix 2 – Request to Waive the “Majority Domestic Ownership and Control” Eligibility Requirement

Waiver

If an entity seeking to compete does not have majority domestic ownership and control, OTT may consider issuing a waiver of that eligibility requirement where the entity submits a compelling justification; the entity is incorporated in and maintains a primary place of business in the United States; and the entity otherwise meets the eligibility requirements. OTT will not waive the eligibility requirement that all competing entities must be incorporated in and maintain a primary place of business in the United States. Entities seeking a waiver should include a justification along with their submission. OTT may require additional information before making a determination on the waiver request. There are no rights to appeal DOE’s decision on the waiver request.

The justification must address the following waiver criteria and content requirements:

Waiver Criteria

Entities seeking a waiver must demonstrate to the satisfaction of OTT that its participation: (1) has a high likelihood of furthering the objectives of this prize competition and (2) aligns with the best interest of the U.S. industry and U.S. economic development.

Content for Waiver Request

A waiver request must include the following information:

- a. Entity’s name and place of incorporation;
- b. The location of the entity’s primary place of business;
- c. A statement describing the extent the entity is owned or control by a foreign government, agency, firm, corporation, or person who is not a citizen or permanent resident of the United States, including the applicable percentage of ownership/control;
- d. A compelling justification that addresses the waiver criteria stated above;
- e. A description of the project’s anticipated contributions to the U.S. economy;
- f. A description of how the entity’s has benefitted U.S. research, development and manufacturing, including contributions to employment in the United States and growth in new U.S. markets and jobs; and
- g. A description of how the entity has promoted domestic manufacturing of products and/or services.