

Wyoming Energy Authority

Protocol Handbook for Competitive, Non-Competitive, Cost-Sharing Support Grants

I. Introduction

The Wyoming Energy Authority advocates for, facilitates and advances Wyoming's energy economy through implementing the state's energy strategy; delivering positive economic impact and jobs for Wyoming, fostering an environment for the sustainability and growth of Wyoming's overall economy, and ensuring Wyoming continues to power the nation. This handbook pertains to grants awarded and managed by WEA, specifically Competitive Grants, Non-Competitive Grants, and Cost-Sharing Support Grants.

II. Definitions of Terms

“Competitive Grant” is a grant to eligible organizations which always requires a competitive solicitation process, such as an RFP or RFQ, and a cost match from the recipient.

“Non-Competitive Grant” is a grant to eligible organizations which does not require an RFP or RFQ. The decision to receive such a proposal is at the sole discretion of the WEA Executive Director.

“Cost-Sharing Support Grant” is a grant to provide support in the application process and project implementation for eligible organizations seeking funding through non-state of Wyoming funding opportunities (ex. U.S. Department of Energy Funding Opportunity Announcements) which need to demonstrate matching funds. A competitive solicitation is not required in order to submit a proposal. The decision to receive such a proposal is at the sole discretion of the WEA Executive Director.

“RFP or Request for Proposal” is a competitive solicitation process for proposals to a specific project objective, set of deliverables and other requirements, and includes detailed evaluation criteria, timeframe, dollars available, and grant terms and conditions.

“RFQ or Request for Qualifications” is a competitive solicitation process and is used to solicit qualifications or quotes from service providers, consultants, and other entities to perform a specific service.

“Cost Match” means the contributions to total eligible project costs by the applicant and are expressed as a portion of the total eligible project costs (e.g. 20% or 50%). Total cost match is a combination of cash match and in-kind match. Funds spent prior prior to award are ineligible to be considered as cost match.

“Cash Match” means cash contributed to the total eligible project cost and may be specifically expressed as a portion of the total cost match (e.g. 60%). Funds spent prior prior to award are ineligible to be considered as cost match.

“In-kind Match,” if eligible by statute, are contributions to the total eligible project costs with demonstrable value and must be applicable to the period to which the matching requirement applies and be necessary for the project. In-kind contributions must be verifiable with records showing how the value of the in-kind contributions was derived. Examples of in-kind contributions include labor, materials and real estate. Labor services will be reported using rates consistent with those ordinarily paid by the applicant or other employers for similar work in the same labor market. Donated materials will be valued at market value at the time of donation. The value of donated buildings or land will be established using a market value or appraisal set by an independent appraiser or a market analysis prepared by a licensed realtor. Work performed prior to award is ineligible to be considered as in-kind match. The consideration of in-kind match contributions is negotiable and inclusion is at the sole discretion of the WEA Executive Director.

“Eligible Project Costs” means total project cost, less ineligible project costs.

III. Types of Funding Categories

The WEA administers grants in three primary categories described below:

- **Competitive Grant.** After the closing of a competitive solicitation, the process involves a review and/or scoring by a WEA appointed committee. Typically this committee will then make a recommendation for funding to an approval body.
- **Cost-Sharing Support Grant.** Such grants do not require a WEA internal compliance review or scoring by an appointed committee, however the WEA Executive Director may elect to require this. Applicants who are applying to an external funding opportunity (e.g. a Department of Energy Funding Opportunity Announcement) who need to demonstrate matching funds, may approach the WEA to seek cost-sharing support.
- **Non-Competitive Grant.** The process does not require a competitive solicitation. Applicants may submit proposals to the WEA which align with the WEA’s strategy. Proposals will be evaluated by the WEA on a case-by-case basis.

III. Eligible Applicants

Participation is open to individuals and organizations, both public and private, who can demonstrate the ability to execute the proposed projects.

Service providers that assist the development or drafting of specifications, requirements, statements of work, or requests for proposals will be excluded from competing for such requirements.

IV. Policies for Grants Administered through the Wyoming Energy Authority

All grant funding through the WEA follows specific requirements. Some of the programs have additional provisions which are outlined further in Sections VI, VII and VIII.

A. Availability and Payment of Funds

Funding is conditioned upon the availability of government funds which are appropriated or allocated for the payment of the funding program, and which may be limited for any reason including, but not limited to, congressional, legislative, gubernatorial, or administrative action. A portion (e.g. 10%) of funds may be reserved until the project is complete and all reports and activities have been finalized and delivered to the satisfaction of WEA. In accordance with Wyoming Statute [§ 16-6-602](#), the WEA will make payment on an invoice within forty-five (45) days after submission. Requests for fund disbursements must be supported by adequate proof that such an obligation has been incurred for the project and is due and owing.

B. Public Records and Meetings, Records Request.

The WEA, as an instrumentality of the State of Wyoming, is subject to the requirements of the Wyoming Public Meetings Act (Wyo. Stat. §§ [16-4-401 - 408](#)) and the Wyoming Public Records Act (Wyo. Stat. §§ [16-4-201 - 205](#)) (“Acts”). The Acts may require the WEA to conduct certain business in public and make certain records available for public inspection, on request. Proposals and associated materials, exclusive of trade secrets, privileged information and confidential commercial, financial, geological or geophysical data, which are not subject to public information statutes as described in Wyoming Statute [§ 16-4-203\(d\)\(v\)](#), will be made readily available for public access as the entire proposal is considered a public record.

The recipient and the WEA will work together to respond to any public records request and will fully cooperate and assist one another in responding to any such request, with the final decision on any disclosure being made in the sole discretion of the WEA.

C. Technical Data and Information

The recipient will provide the WEA with project performance and technical data and information that is developed, but will not be required to provide background data, information, knowledge, know-how or intellectual property that is used in the development of Technical Data. The recipient will grant the WEA a non-exclusive, royalty free, fully paid up, perpetual license to use, but the WEA will have no ownership. Details regarding these deliverables, outputs and other work products will be outlined in the funding agreement.

E. Ownership of Intellectual Property

Recipients own all right, title and interest in and to all data, information, and results created or developed during the course of, and arising out of the performance of the activities conducted, including all know-how, inventions and intellectual property. Details regarding these deliverables, outputs and other work products will be outlined in the funding agreement.

V. Application Procedures for Grant Funding Administered by the Wyoming Energy Authority

The following are procedures for all grant funding administered by the WEA. Special procedures for each type of funding category are in Sections VI, VII and VIII.

A. Postings and Equal Access to Information

The WEA website serves as the primary vehicle to disseminate and maintain information and data about all grant funding opportunities. All postings of funding opportunities and related dissemination of additional information, public hearings and awards will appear on the WEA website. This includes all announcements and general communications, corrections or additions to the original solicitation documents, questions and answers (Q&A) and frequently asked questions (FAQ), public hearings and grant award announcements.

B. Proposal Submission

Submit proposals to the WEA according to the instructions in Sections VI, VII, and VIII.

Note about Proprietary and Confidential Information. The entire proposal is considered a public record, however, financial and commercial information provided by the business is exempt from disclosure to the extent permitted by Wyoming Statute 16-4-203(d)(v). Identify proprietary and confidential information through an asterisk at the beginning of each line, and include notation at the top of each page that contains such information.

C. Public Comment Period

After the project is reviewed by staff and/or a committee and is recommended for funding, a ten (10) day public comment period will be opened in which members of the public may submit their written comments regarding the project

D. Public Benefit Statement

All grant proposals are required to provide a Public Benefit Statement. Specifically, it must describe the project benefits which will accrue to the State of Wyoming, its residents and communities. The statement will address the following topics:

- Support for State of Wyoming Strategies and Priorities,
- Project Value Proposition and Expected Benefits
- Community and Stakeholder Engagement Plan
- Quality Jobs Plan
- Uncertainties, Assumptions, and Unique Needs
- Other Investments by Project Applicant

E. Funding Agreement

A Funding Agreement between the WEA and every contributing entity to the project (those receiving program funds and providing cash and/or in-kind match) must be in place prior to disbursement of funds from the program. Costs incurred prior to an executed Funding Agreement will not be reimbursed.

F. Formal Approval

The WEA will forward the recommendation and funding agreement to the Office of the Governor or other authorizing agency as may be required for the final decision.

G. Rights and Disclaimers

The WEA reserves the right, without limitation or qualification and at its sole discretion, to terminate any solicitation process at any time. The WEA reserves the right, without limitation or qualification, to reject any submission at any part of the solicitation process. All decisions made by the WEA are not subject to appeal.

H. Notice to Proceed

The WEA will issue a notice to proceed upon formal approval. Any work undertaken prior to a notice to proceed is at the applicant's risk and will not be reimbursed.

I. Deadlines, Extensions and Project Modifications

A recipient must promptly notify the WEA in writing within 30 days of any event which could substantially delay meeting any of the prescribed time limits or milestones of the project. Failure to meet the milestones or project development time schedule may result in the WEA pursuing action to terminate the grant award.

Any modifications to the project, such as changes to the scope of work, including major tasks, redefinition of milestones, budget reallocations, deliverables, project members, and cost match, must be reviewed by the WEA for approval and may lead to reinitiating the approval process. This decision is at the sole discretion of the WEA.

For projects that have not been started within one year, the WEA will notify recipient of a pending expiration prior to the one-year anniversary of the funding approval. The recipient may submit a written request to continue the project. The WEA may request new or updated information and documentation. The WEA may, at their sole discretion, grant an extension of time in which to start or decide to terminate the grant award.

J. Project Monitoring and Reporting Requirements

At the end of the project, the recipient will provide the WEA with (a) final report(s) of the project. The WEA may, at its expense, conduct an audit of the records of the recipient and inspect operation of the project.

VI. Additional Policies and Procedures for Competitive Grants

A. Posting of a Grant Funding Opportunity and Open Competition

The posting for each Competitive Grant opportunity announcement (RFP or RFQ) includes the program description, background information, the goals of the program, acknowledgement and citation of the statutory authority of the source(s) of grant funding, eligibility requirements, the evaluation criteria, instructions and deadline for response, and contact information. Solicitations will be prepared in a way to be fair and provide open competition. The procurement process will not restrict competition by imposing unreasonable requirements on potential respondents.

B. Compliance Review

Proposals submitted in response to a solicitation will be reviewed by WEA for eligibility, compliance and completeness. The WEA will make the final determination whether the proposal is eligible for further consideration. Incomplete proposals will be tabled, rejected or sent back to the applicant for resubmittal at a different time. WEA reserves the right to summarily reject a proposal due to non-compliance without providing clarification or opportunity to address shortcomings.

C. Review Panel

A review panel will be assembled consisting of qualified independent reviewers and no less than one WEA representative. The scores, recommendations and comments will be compiled by WEA. The WEA reserves the right, without limitation or qualification, to consider any other criteria or factors that the agency deems relevant to support its strategy.

D. Proposal Review Process

Grant funding is authorized by the University of Wyoming Energy Resources Council (Energy Resources Council). The WEA prepares and presents a recommendation for consideration from the Review Panel first to the University of Wyoming Energy Resources Council Exception Committee. The Exception Committee's recommendations are then forwarded to the Energy Resources Council for initial approval of the grant recipients, funding source, and amount of the award. The initial approval is then forwarded to the Wyoming Attorney General's Office for review, and then to the Wyoming Governor for final approval. The WEA and Energy Resources Council are under no obligation to provide formal post-decision justifications or feedback, though they may if the WEA Executive Director or Energy Resources Council Chairperson decide to do so.

VII. Additional Policies and Procedures for Non-Competitive Grants

A competitive solicitation process is not involved for Non-Competitive Grants. Prospective applicants must schedule a consultation with the WEA to discuss the project. Draft applications must be provided to the WEA two weeks prior to submission. The decision to receive an

unsolicited non-competitive grant proposal is at the sole discretion of the WEA Executive Director. In such cases, a heavy emphasis is placed on the development of a Public Benefit Statement and the decision to advance a request is at the sole discretion of the WEA Executive Director. If the WEA Executive Director decides to recommend funding the request, the application will then enter a formal review process as outlined in Sections IV and V. Typically, review by a Review Panel is not required.

VIII. Additional Policies and Procedures for Cost-Sharing Support Grants

A competitive solicitation process is not involved for Cost-Sharing Support Grants. Prospective applicants must schedule a consultation with the WEA to discuss the project. The applicant is required to provide a proposal to the WEA which includes, at minimum, the following:

- project abstract
- scope of work (SOW) or statement of project objectives (SOPO) including deliverables
- project management plan, including key personnel and project partners
- project budget, including of the sources of funding (including the grant request amount)
- public benefit statement

The WEA Executive Director will, at their sole discretion, make a decision regarding the level of the cost-sharing support for the cash match the WEA could provide, and provide documentation to that effect, noting any contingencies associated with the funding source.

Unless otherwise required in the appropriation language, cost-sharing support grants do not require a competitive solicitation, and do not require a WEA internal compliance review or scoring. A Review Panel may be appointed at the discretion of the WEA Executive Director.

The applicant agrees to provide the cost match for eligible project expenses. The applicant also certifies that their cost match for the project costs is committed and unencumbered. If the applicant's in-kind match does not meet the requirements, the applicant agrees to provide cash-match or another source of in-kind match for WEA approval. When providing cash-match related to a US Department of Energy (DOE) funding opportunity, the WEA funding agreement will defer to the contracting terms and conditions as defined by the DOE funding agreement, while respecting any special contingencies defined by the appropriation language of the Wyoming funding source.

Exhibit A.

Grant Protocol Process Grid

Action	Grant Funding Category		
	Competitive	Non-competitive	Cost-Sharing Support
RFP/RFQ issued	Yes		
Cash or In-kind match required	Yes	In most cases	Yes
WEA internal compliance review	Yes		
Evaluation and determination of funding by WEA staff		At the discretion of the Executive Director	At the discretion of the Executive Director
Evaluation by WEA Review Panel	In most cases	Usually no, but is at the discretion of the Exec. Director	Usually no, but is at the discretion of the Exec. Director
Public Benefit Statement	Yes	Yes	Yes
Public Comment Period	Yes	Yes	yes
Review and recommendation by Energy Resources Council: Exception Committee	In most cases	In most cases	In most cases
Review and approval by Energy Resources Council	Yes	Yes	Yes
Review by Wyoming Office of the Attorney General	Yes	Yes	Yes
Formal approval by Wyoming Office of the Governor	Yes	Yes	Yes
Funding agreement	Yes	Yes	Yes
WEA notice to proceed	Yes	Yes	Yes