

2.8 Noncompetitive Financial Assistance

a) It is DOE policy to use competition in the award of grants and cooperative agreements to the maximum extent feasible. In those instances where competition is not appropriate, a determination of noncompetitive financial assistance (DNFA) is required to justify and document the sole source financial assistance award in accordance with 10 CFR 600.6, *Eligibility*. The determination is prepared by the responsible program official or project officer in coordination with the Contracting Officer. The determination should include the following:

- 1) name of the sponsoring program office;
- 2) the statutory authority for the award;
- 3) the name of the awarding office;
- 4) the type of award proposed (e.g. grant or cooperative agreement);
- 5) the name of the proposed recipient and the type of organization;
- 6) a description of the nature of the financial assistance to be provided (e.g. research or conference grant);
- 7) a description of the proposed project;
- 8) the total project cost;
- 9) any cost share/matching required or proposed;
- 10) a discussion of the programmatic evaluation conducted in accordance with the [*Merit Review Guide for Financial Assistance and Unsolicited Proposals*](#) or a program specific rule and the results of that evaluation, including the overall merit and relevance to the DOE mission, the anticipated objectives and probability of success in meeting them, the quality of the proposed recipient's personnel and facilities, and the appropriateness and adequacy of the proposed budget;
- 11) a description of the public purpose of support or stimulation to be served by the proposed award and, in non-technical terms, identification of any particular significance or specialized character of the proposed activity to be funded; and
- 12) the criterion or criteria in 10 CFR 600.6, *Eligibility*, being relied on to justify the award and an explanation of why each criterion identified applies.

b) Except for awards justified under 10 CFR 600.6(c)(8) as in the public interest or for awards under \$1 million, the DNFA should have a signature page with at least the following:

The concurrences of:

- 1) initiator;
- 2) the project or program manager (if different than the initiator); and
- 3) local General Counsel

The approval of:

- 1) the program Assistant Secretary or equivalent, and
- 2) the cognizant contracting officer

Note: The program Assistant Secretary or equivalent may delegate approval authority, however the program approving official must be at least two organizational levels above the initiating project or program manager. This delegation should be consistent with program specific requirements and preferably be in writing. The Contracting Officer's approval shall consist of all local review concurrence requirements including business clearance reviews by the Office of Contract Management (see Acquisition Guide Chapter 71, Attachment D) for DOE actions. The DNFA needs to be submitted to MA-62 for review prior to its approval for actions that exceed the delegated level of authority for the cognizant HCA, or for actions that MA-62 has otherwise selected for review. The Contracting Officer may not approve a DNFA above his/her authority.

c) For awards under \$1 million, the DNFA should have a signature page with at least the following:

The concurrences of:

- 1) initiator;
- 2) the project or program manager (if different than the initiator); and
- 3) local General Counsel

The approval of:

- 1) the cognizant program Head of Contracting Activity (HCA), and
- 2) the cognizant contracting officer

Note: The Contracting Officer's approval shall consist of all local review concurrence requirements including business clearance reviews by the Office of Contract Management (see Acquisition Guide Chapter 71, Attachment D). The DNFA needs to be submitted to MA-62 for review prior to its approval for actions that exceed the delegated level of authority for the cognizant HCA, or for actions that MA-62 has otherwise selected for review. The HCA Contracting Officer may not approve a DNFA above his/her authority.

d) For awards justified under 10 CFR 600.6(c)(8) as in the public interest the DNFA should be approved by the cognizant Program Assistant Secretary or equivalent. This authority may not be delegated. Concurrences are not required, but may be added similarly to paragraphs b and c above.