

ATTACHMENT A – APPLICATION PARTS I AND II

The Application is divided into a Part I submission and a Part II submission. Part I of the Application provides DOE with a description of the Project, technical information, expected environmental effects, background information on management, financing strategy, and progress to date of critical path schedules. This information will be used as a basis for determining the overall eligibility of the Project and the Project's readiness to proceed. DOE will evaluate each Part I submission based upon the factors summarized herein, however, DOE may require that Applicants provide additional certifications or supporting documentation as part of the Project evaluation process. If an Applicant is invited to submit a Part II submission, to the extent that there are any material deviations from the information provided to DOE in the Part I submission, the Applicant must update the information.

The information requested in Part I Section A is to be entered directly into the text fields provided in the Application Portal. The information requested in Part I Sections B through H is to be provided on PDF or Excel documents uploaded through the Application Portal. Uploaded documents must indicate clearly the section and subsection of the Part I requirement to which the information on the documents pertains.

Note that all references to “Applicant” mean the “Applicant” or “Lender-Applicant” as defined in the Solicitation.

I. Part I Submission

A. Application Information

1. **Project Information:** Enter the Project name, enter the applicable technology category or categories (_____), and enter the Project/generation capacity (in Megawatts, Gallons per Year, Tons per Year, or Other).
2. **Project Location:** Enter the following information regarding one or more Project locations: address, city, state, zip code.
3. **Project Sponsor(s):** Enter the following information for each Project Sponsor with equity of five percent (5.0%) or more: indicate whether lead sponsor (must have one lead sponsor), entity name, website address, mailing address, city state, postal code, contact first name, contact last name, contact title/position, contact phone, and contact email.
4. **Applicant Information:** Enter the following information for the Applicant: Entity name, website address, mailing address, city, state, postal code, DUNS number, NAICS code, primary contact information including first name, last name, title/position, phone, and email
5. **Preliminary Questions:** Answer the following questions. If the answer to any of these questions is “No” include a detailed explanation of the circumstances that cause the answer to be “No” in the space provided.
 - a) Do you confirm you have read and understand the Solicitation (Loan Guarantee Solicitation Announcement from the U.S. Department of Energy Loan Programs Office regarding Federal Loan Guarantees for Tribal Energy Development Projects)?

- b) Is the Applicant legally authorized to enter into loan guarantee transactions and in good standing with the U.S. Department of Energy and/or any other federal agency loan guarantee program?
- c) Is the Applicant current on payment of all amounts owed to the federal government?
- d) Will the Project be built and operated entirely within the United States or its territories?
- e) Do you confirm that to the best of the Applicant's knowledge, after making diligent inquiry, that no Project participant has been charged with or convicted of a misdemeanor or felony (other than routine traffic violations) or been involved in any securities litigation?

6. Summary of Loan Guarantee Request: Enter the following information regarding the Applicant's loan guarantee request: requested period of guarantee (years), total Project Costs, proposed guarantee amount, debt, and equity. The sum of the amount entered for debt and the amount entered for equity should equal the amount entered for total Project Costs. The amount entered for the proposed guarantee amount should not be more than 90% of the amount entered for debt. On the basis of the above entered amounts, calculations will be made to determine the following amounts: debt to equity ratio, proposed guarantee amount to debt percentage, and proposed guarantee amount to total Project Costs percentage.

B. Option to Restrict Disclosure and Use of Certain Data

Section VII.D of the Solicitation sets forth the steps an Applicant must take in order to restrict the use and disclosure of certain data submitted in the Application. In order to restrict the use and disclosure of certain data submitted in Part I of the Application (to the extent permitted by applicable law) the Applicant must upload a separate page containing the legend set forth in Section VII.D.1 of the Solicitation. If the Applicant does not want to restrict the use and disclosure of any data submitted in the Application the Applicant must upload a separate page containing the following statement: "Applicant does not identify any data the use and disclosure of which is to be restricted."

C. Organization (Corporate and Personnel)

- 1. **Organizational Chart:** Provide a current corporate organizational chart showing the Applicant's relationship to any subsidiaries, affiliates, parent organizations, or joint ventures associated with the Project. Show the Applicant's relationship to each Principal. For the purpose of this Solicitation, a "Principal" is any legal or natural person who owns or will own five or more percent of the Project.
- 2. **Key Staff:** List the full names (including middle name or initial) of key staff to be involved with the Project.
- 3. **Evidence of Authority:** Submit evidence that the signatory of the Application has authority to bind the Applicant to the commitments and representations made in the Application and attests as to the accuracy of the information provided in the Application process.

D. Project Description

1. **Executive Summary:** Provide a description of the nature and scope of the Project, including the technology, site, environmental resources affected, purpose, size, capacity, design features, key metrics, and key milestones. Describe the commercial feasibility of the technology(ies) and how the Project Sponsor intends to employ such technology(ies) in the Project. Include target dates for:
 - financial close of the Loan Guarantee Agreement;
 - commencement of site preparation and construction;
 - commercial operation; and
 - marketing the output.
2. **Project Eligibility:** Provide a detailed explanation of how and to what extent the Project will qualify as an Eligible Project. DOE will base its determination that the Project is an Eligible Project on the information the Applicant furnishes in its Part I submission. Applicants are encouraged to be thorough in their explanations of a Project's qualification as an Eligible Project, including a discussion of the threshold determinations set forth in Section 609.5(a) of Attachment C, all of the eligibility requirements of the Act and, and all of the eligibility requirements listed in Section II of the Solicitation, "Eligibility Information".
3. **Project Sponsors' and Principals' Capabilities:** Describe Applicant's, Borrower's, each Project Sponsor's and each Principal's capabilities, financial strengths, investment in the venture to date and as anticipated during the construction and operation phases of the venture (i.e., continuing financial support) and proposed equity investment in the Project, as well as the Project's strategic significance to each Project Sponsor and Principal.
4. **Prior Experience:** Summarize the prior experience of each project participant (described in paragraph D.3 above) as it relates to carrying out undertakings similar to the one being proposed. DOE will determine, in its sole and final judgment, whether the experience described shows sufficient expertise.
5. **Project Costs:** Provide the estimated total Project Costs, as defined in Attachment C, and a summary detailing key assumptions and the methodology used to calculate the Project Costs. Include all eligible costs that have been paid and are expected to be paid and that are directly related to the Project. Also include costs for escalation and contingencies in this calculation. Distinguish between eligible and ineligible Project Costs as set forth in Section 609.10 of Attachment C.
6. **Letters of Interest:** Provide a letter of interest for all parties named in Section I.

E. Technical Information

Provide a top-level technical Project description, including the design, engineering, construction, and operations and maintenance phases of the Project, including:

1. **Description of Project Design:** A description of the basic processes involved in the Project design.

2. **Description of Technology:** A detailed description of the technology to be used in the Project.
3. **Sketches:** Conceptual level sketches and details outlining general plant layout, process and materials flows, and operating parameters and throughputs for key processes.
4. **Critical Path Agreements Status:** The status of critical path contracts and agreements, such as a Front-end engineering agreement, technology license and teaming agreements, Engineering, Procurement and Construction (“EPC”) contract, long-lead contracts, feedstock agreements, and plant off-take or sales agreements.
5. **Planning Documents:** Key planning documents for the Project such as the construction plan, operation and maintenance plan, waste disposal plan, and preliminary risk management plan.
6. **Acquisition Strategies:** Raw material, equipment, and component supply chain acquisition strategies.
7. [Intentionally Omitted]

F. Legal and Regulatory Information

1. **Timelines for Regulatory Approval:** Provide timelines for receipt of all required regulatory approvals.
2. **Status of Required Permits, etc.:** Provide the status of any required federal, state, or local environmental permits, approvals, or reviews.
3. **Pending Investigations:** Provide a summary of any pending or threatened (in writing) action, suit, proceeding, or investigation by a governmental authority, of any kind, including any action or proceeding by or before any governmental authority, that relates to the Project or to the Applicant, any Project Sponsor, any Principal, or the anticipated Borrower, and the status of any appeals.

G. Business and Financial Plans

1. **Business Plan:** Provide a description of the following elements of the business plan for the Project:
 - a) Market analysis;
 - b) Feedstock (if applicable);
 - c) Off-take or sales agreements; and
 - d) Estimate of the number of construction jobs and permanent jobs expected to be created or retained in the United States if the Project were to proceed as proposed in the Application.
2. **Financial Plan:** Provide a description of the following elements of the proposed financial plan for the Project:

- a) The term sheet for the Guaranteed Obligation;
- b) The amount of expected equity investments (identify participants and level of participation, if applicable);
- c) The preliminary funding plan for the project debt of which the Guaranteed Obligation is a part, including the total amount for (i) working capital financing, (ii) medium-term financing for machinery and equipment and (iii) longer-term financing for the site and facility;
- d) The timing of expected equity contributions and debt funding;
- e) The timing of repayment of expected debt funding;
- f) Whether the Project will benefit directly or indirectly from certain other forms of federal support, such as grants or other loan guarantees from federal agencies or entities, including DOE, federal agencies or entities as a customer or off-taker of the Project's products or services, or other federal contracts, including acquisitions, leases and other arrangements, that support the Project; and
- g) Other non-federal governmental (including state) incentives or other assistance on which the Project relies, including grants, tax credits and other loan guarantees to support the financing, construction and operation of the Project. Indicate whether any such incentives or assistance are subject to clawback and the circumstances under which a clawback could occur.

H. Application Certifications

1. **Lobbying, Debarment, and Related Certifications and Assurances:** In submitting an Application for a loan guarantee under the Act, Applicants must provide certain certifications and assurances contained in the form entitled "Certifications for Use with Applications for Department of Energy Loan Guarantees for Tribal Energy Development Projects" which form may be downloaded from the Program Website.
2. **Applicant Validation Statement:** Provide a written statement that, based on the Project information provided by the Applicant, the Applicant attests that there is a reasonable prospect that the guaranteed portion of the Guaranteed Obligation and any other Project debt will be repaid on time and in full (including interest) from Project cash flow according to the terms proposed in the Application.
3. **Letter of Commitment:** For an Application to be considered under this Solicitation, Part I must include a letter of commitment signed by an authorized representative of the Applicant in the form set forth on the final page of Attachment A – Part I Submission.
4. **Penalty of Perjury Statement:** The following certification must be included with each Application:

"The undersigned certifies that the data and information submitted and the representations made in this Application and any attachments to this Application are true and correct, to the best of the Applicant's knowledge and belief after due diligence, and the Applicant has not

omitted any material facts. The undersigned further certifies that [s]he has full authority to bind the Applicant.

Applicant (Organization Name)

Name of Applicant's Authorized Officer
(will fulfill on-line certification)

Signature of Authorized Officer
(for paper copy only)

Title of Authorized Officer

Date

[SAMPLE LETTER OF COMMITMENT]

[DATE]

Executive Director
U.S. Department of Energy, Loan Programs Office
Attn: Renewable Energy Projects and Efficient Energy Projects Applications 1000 Independence Avenue,
SW
Washington, DC 20585

Dear Director:

This letter confirms our intent to seek a loan guarantee pursuant to Solicitation No. DE-SOL-000____, dated July __, 2018 (the “Solicitation”). We have met all mandatory requirements as specified in the Solicitation including all attachments. Our Part I submission Application Fee was wired as per your instructions set forth in the Solicitation.

We intend to submit our complete Part II submission on or before the due date for the [specify round by number and/or Part II submission due date] round of Part II reviews as set forth in Section IV.A of the Solicitation. Based on the Application process described in the Solicitation, we are prepared to close the financing on or about xx/xx/2018.

If we decide to withdraw from consideration for a loan guarantee at any time, we will notify DOE in writing of that decision as soon as possible.

Sincerely,

Signature of Authorized Officer

[Name]

ATTACHMENT A – PART II SUBMISSION

Subject to the due dates set forth in Section V.A of the Solicitation, the Part II submission may be filed at any time after DOE invites an Applicant to submit its Part II submission. The Part II submission consists of the items summarized herein and in Attachment B as well as other information that may be requested to facilitate DOE’s continued due diligence review. Projects eliminated by any of the requirements set forth in Part II of this Attachment A will not receive any further consideration.

At any time after delivery of a Part II submission, to the extent that there are any material deviations from the information provided to DOE in such Part II submission, the Applicant must notify DOE no later than three (3) business days after becoming aware of any such change by requesting approval from DOE to update their Part II submission via the Application Portal. Applicant must provide DOE with updated information via the Application Portal no later than ten (10) business days after receiving notice from DOE to Applicant of approval to re-open Applicant’s Application.

Responses are to be provided on PDF or Excel documents uploaded through the Application Portal. Uploaded documents must indicate clearly the section and subsection of the Part II requirement to which the information on the documents pertains.

I. Part II Submission

A. Option to Restrict Disclosure and Use of Certain Data

Section VII.D of the Solicitation sets forth the steps an Applicant must take in order to restrict the use and disclosure of certain data submitted in the Application. In order to restrict the use and disclosure of certain data submitted in Part II of the Application (to the extent permitted by applicable law) the Applicant must upload a separate page containing the legend set forth in Section VII.D.1 of the Solicitation. If the Applicant does not want to restrict the use and disclosure of any data submitted in the Application the Applicant must upload a separate page containing the following statement: “Applicant does not identify any data the use and disclosure of which is to be restricted.”

B. Updates, Changes, and Additions to Part I Submission

Update the information in the Part I submission to the extent and information in the Part I submission has changed from the information previously submitted. Provide a detailed description of all material amendments, modifications, and additions to the information provided in Part I of the Application, including any changes in the Project’s financing structure or other terms, the rationale for such changes and the expected impact on the Project. Provide any and all updated audited financial statements since the submission of Part I of the Borrower and Project Sponsors (including new parties joining the Project since the Part I submission).

C. Submission Index

Provide an index of all of the requirements contained in this Solicitation and in Section 609.4 of Attachment C and where in your Application submissions, including Parts I and II, these requirements are addressed.

D. Project Description

1. **Detailed Total Cost:** Provide a detailed estimate of Project Costs in accordance with generally accepted accounting principles and practices. Include a breakdown by cost category, year of expenditure and basis for amounts, and include a description of the methodology and key assumptions used to make each estimate. Also include costs for escalation and contingencies, and indicate whether each cost is firm or subject to change. Distinguish between eligible and ineligible Project Costs as set forth in Section 609.10 of Attachment C.
2. **State and Local Support:** Describe the status of potential and actual forms, amounts, and conditions of state and local support for the Project. Provide timelines for such assistance.
3. **Project Location:** Identify the proposed location in the United States and the rationale for the site location. An Applicant proposing more than one location for a Project must set forth in its Application its justification for siting the Project in more than one domestic location.
4. [Intentionally Omitted]

E. Technical Information

1. **Key Contracts and Agreements:** Provide a top-level description, schedule, current status, and drafts or executed copies of all critical path contracts and agreements relevant to the investment, design, engineering, financing, construction, startup, commissioning, shakedown, operation, and maintenance of the Project, including:
 - a) EPC contract(s);
 - b) Long-term contracts for materials, components and equipment to be used in the Project;
 - c) Any leases, operating, or maintenance contracts; and
 - d) Any additional relevant agreements or commitments.
 - e) If drafts or executed copies of any of the foregoing contracts and agreements are unavailable, provide a detailed description of such contracts and agreements, including all key terms and counterparties, and indicate when copies of such contracts and agreements will be available.
2. **Engineering and Construction Plans:** A detailed description of the engineering and design contractor(s), EPC contractor(s), equipment supplier(s), and construction schedules for the Project.
 - a) For each engineering and design contractor, EPC contractor and equipment supplier to be involved in the Project, describe their major activities as linked to specified cost milestones and performance guarantees, as well as performance guarantees, performance bonds, liquidated damages provisions, and equipment warranties to be provided.

- b) Describe the following:
 - (i) The extent to which all required contractors are engaged; and
 - (ii) The extent to which pre-construction design has been completed.
 - c) Describe each contractor or supplier's experience and qualifications as related to the Project.
3. **Key Site Components:** Describe the key site components of the Project and risks associated with their availability (e.g., water, electricity, gas, or other utilities). Describe site access (roads, highway, and rail) including rights-of-way, easements, and logistical considerations.
4. **Operation Costs:** Provide an estimate of operation costs on an annual basis.
5. **Project Plan:** Provide a comprehensive Project plan that will guide design, engineering, and construction of the Project, including a description of:
- a) Prior successful implementation of similar project plans for projects of this scale by the Borrower or any Project Sponsor (Applicants that are not able to include examples of successful implementation of similar project plans for projects of this scale should provide a detailed description of the facts that they believe are sufficient to demonstrate to DOE that the Project participants have the expertise that would be evidenced in examples of successful implementation of similar project plans for projects of this scale. DOE will determine, in its sole and final judgment, whether the experience described shows sufficient expertise);
 - b) Each step of the proposed process;
 - c) Fully sourced or cited material and energy balance, including system simulation for processes, using industry standard software;
 - d) The process for selecting an EPC firm, if applicable, or the internal resources used to serve this function;
 - e) Equipment requirements;
 - f) Rights or licenses to use processes proposed;
 - g) An integrated schedule or Project work plan that encompasses time periods for design, procurement (including long-lead procurements), construction (including mobilization, testing and start-up), and commissioning. The Project work plan shall identify any Project dependencies such as the timing of land-use agreements, environmental permits, or licenses, or physical improvements such as utility tie-ins.
 - h) Minimum design specifications in which process flow diagrams are coupled to preliminary cost estimates.
 - i) Project management tools, including Gantt charts, resource-based scheduling or other methods to assess and track progress;

- j) Staffing plans, including identification of costs and resources to design, engineer, construct, and operate the Project;
 - k) Project risks and mitigation strategies, including risk related to scale-up, construction, performance, etc. and the potential Project impact and mitigation of such risks; and
 - l) Contingency plans to address cost overruns and schedule slippage.
6. Operating and Maintenance Plans: Provide the following:
- a) The plant operating plan, proposed providers, expected staffing requirements, anticipated parts inventory, major maintenance schedules, estimated annual downtime and any performance guarantees and related liquidated damages provisions;
 - b) A description of the plans for commissioning and initial operations, taking into account the construction schedule, the establishment of material supply chains, the hiring, and training of management and operating personnel, logistics, potential bottlenecks, and delays, financing for contingencies and working capital;
 - c) A description of any plans for expanding capacity over initial operations and the Borrower's or Project Sponsors' experience with comparable ramp-ups; and
 - d) A description of the operations and maintenance plans for the Project, including acquisition of critical spares, inventory sources, operations and maintenance procedures, and associated risks.
7. **Engineer's Report:** Provide an independent engineer's report that includes a review, evaluation, analysis, and recommendations in the following areas:
- a) base technology,
 - b) Project feasibility;
 - c) engineering and design approach;
 - d) integrated Project schedule, including the schedule for completion;
 - e) cost estimates and technical input to the financial model;
 - f) contractual requirements and arrangements;
 - g) proposed supply chain;
 - h) Project risks, including mitigation activities and milestones;
 - i) direct labor requirements during construction and operation;
 - j) siting and permitting;
 - k) testing and commissioning;

- l) operation and maintenance; and
- m) decommissioning plan and costs.

8. Decommissioning Plan: Provide a detailed description of the Project decommissioning, deconstruction, and disposal plans (including any hazardous waste disposal plans), including anticipated costs and arrangements that have been made to ensure that funding will be available as necessary.

F. Legal and Regulatory Information

- 1. Legal Opinions/Material Reports:** Provide a copy of all applicable legal opinions, and other material reports, analyses and reviews concerning the Project.
- 2. Permits and Approvals:** Provide a complete list of federal, state, and local permits, licenses, and approvals required to site, construct, implement, and operate the Project, including environmental authorizations or reviews necessary to commence construction. For permits and approvals already received, provide the filing and approval dates and parties involved. For all remaining required permits and approvals, provide documentation validating the filing date and the expected date(s) for obtaining them and describe all additional actions required to obtain such permits and approvals. Explain whether governmental entities (other than DOE) are required to approve the activities of the Applicant contemplated by this Solicitation or described in the Application.
- 3. Background and Legal Structure:**
 - a) Describe the organizational history, ownership chain, and legal structure (e.g., corporation, partnership, or LLC) of the Borrower and each Project Sponsor.
 - b) Include copies of the statutory authorities under which the Borrower and each Project Sponsor were created and copies of the good standing certificates for each such entity.
 - c) Provide a current organizational chart showing the Borrower's relationship to each Project Sponsor, the venture and to any subsidiaries or affiliates. Advise if there are any proposed changes to the current organizational structure of the Applicant.
 - d) Describe whether the Project will be owned by a subsidiary of the Borrower or directly by the Borrower.
- 4. Legal Authority:** Describe the legal authority of the Borrower to carry out the Project activities. Provide supporting documentation.
- 5. Litigation and/or Conflicts:** Disclose any current, threatened (in writing), or pending litigation involving the Borrower, a Principal, or, to the Applicant's knowledge, any other relevant party, related to permitting, public involvement, environmental issues, construction defects, fraud, securities fraud, conflict of interest, failure to perform under a local, state or federal contract, or other charges which may reflect on the Applicant's, Principal's, or any Project Sponsor's reputation, financial position or ability to complete the Project.

6. **Potential Environmental Impacts:** Submit a report containing the status of all state and local environmental reviews and an analysis of the potential environmental impacts and risks of the Project in sufficient detail to enable DOE to assess the significance of the environmental impacts and risks and to determine the level of environmental review that will be required. See Attachment B for guidance regarding required environmental information for the NEPA review process.

G. Business Plan

Provide a business plan that demonstrates the Applicant's expertise, financial strength, and management capability to undertake and operate the Project as proposed.

1. **Output:** Provide a detailed description of the Project's output.
2. **Applicant's Capability:** Describe in detail the capabilities and experience of the Applicant and each Project Sponsor, Principal, contractor, and every other counterparty that the Applicant believes will enable the Project to be successful.
3. **Market Analysis:**
 - a) Include an analysis of the current and projected market for the Project's output. Discuss the prevailing economic and demographic trends in the target market, both on a macroeconomic basis and for the Project's output. Identify the market's dependency on tax benefits or other government policy. Provide a justification for revenue projections (price and volume) and costs. Describe the Project's projected customer base and suppliers.
 - b) Describe the Applicant's current and potential competitors for the Project's output.
 - c) Provide a detailed description of any competitive advantages.
4. **Operating and Market-Related Risks and Mitigation Strategies:** Provide a detailed analysis of the operating and market-related risks associated with the Project (e.g., market factors, price volatility, etc.) and mitigation strategies to be employed (e.g., sales contracts and reserves).
5. **Management Plan:**
 - a) Provide a staffing chart indicating the individuals (including position and qualifications) proposed to operate the Project. Provide a description of the management plan of operations to be employed in carrying out the Project, and information concerning the management experience of each officer or key person associated with the Project; and
 - b) Describe the role of management in the operation of the Applicant's other businesses, if any.
6. **Supply and Sales Arrangements:**
 - a) Provide a detailed analysis of the market for the Project's feedstock and output;

- b) Provide a detailed description of the Project's plans for ensuring an adequate supply of materials, equipment, and components as needed for successful operation. Provide drafts or executed copies of all material supply contracts for the Project;
 - c) Provide the Project's forecast for sales capacity and feedstock (availability and costs);
 - d) Provide drafts or executed copies of all feedstock agreements and sales contracts or other revenue-generating agreements that will provide revenue for the Project. Provide an analysis of the creditworthiness of counterparties who are party to such agreements; and
 - e) Provide copies and detailed summaries of all other material sales and revenue contracts.
7. **Insurance Coverage:** Provide a detailed description of the proposed insurance coverage for the Project, together with a report from an insurance consultant that addresses the appropriateness and adequacy of such coverage.
8. **Growth Plan:** Describe any proposals for expanding the business enterprise beyond the Project.
9. **Jobs Created/Retained:** Provide a brief description of the number and types of jobs expected to be created or retained in the United States if the Project were to proceed as proposed in the Application. The types of jobs may be expressed using job titles, broad labor categories, or the Applicant's existing practice for describing jobs provided that the descriptions so provided are commercially identifiable. The number of jobs shall be expressed as full-time equivalent, calculated cumulatively as all hours worked divided by the total number of hours in a full-time schedule, as defined by the Applicant. Applicants should include in their narrative the information used to calculate the full-time equivalent figure.

H. Financial Plan

1. **Financial Statements:** Provide unaudited financial statements for the Borrower for the past three years (or since inception of the Borrower has not been in existence for at least three years), prepared in accordance with generally accepted accounting principles in the United States ("*U.S. GAAP*"). Include all associated notes and describe business and financial interests of controlling or commonly controlled organization or persons, including parent companies, subsidiaries, and other affiliated entities or partners of the Borrower or Project Sponsors.
2. **Project Financial Model and Analysis:**
- a) Include a working financial model (with formulas) with pro-forma financial statements for the Project. List the major assumptions in a separate worksheet within the model.
 - (i) Include assumptions and calculations for the proposed tenor of the Guaranteed Obligation, plus two (2) years.

- (ii) Include detailed income statements, balance sheets, cash flow statements, and waterfall statements.
 - (iii) Include financial ratios (e.g., interest coverage ratios, fixed charge coverage ratios, debt- to-capital ratios, asset coverage ratios, and working capital ratios (including high and low points)) and other relevant terms in the proposed term sheet. Highlight those periods during construction and operation in which non-compliance with the proposed financial ratios is most likely.
 - (iv) Include sensitivity analyses that demonstrate the Project's performance under appropriate stress scenarios, including low sales prices, reduced Project performance, loss of major customers, high input material prices, and the impact of future competing technologies.
 - (v) Include cost assumptions based on compliance with the Davis-Bacon Act.
 - (vi) Include a complete description of the operational and financial assumptions and methodologies incorporated in the financial model.
- b) The financial analysis should demonstrate that there is reasonable prospect that the Borrower will be able to repay the principal and interest on the Guaranteed Obligation and any other Project debt incurred. Discuss the principal factors that could impair the Borrower's ability to meet its debt service obligations, including the Guaranteed Obligation.
- 3. Detailed Financial Plan:** Provide a detailed financial plan for the Project, prepared in accordance with U.S. GAAP.
- a) List all proposed sources of expected equity and debt funding by provider, type, and aggregate amount, and provide a copy of the financial closing checklists for each financing, if available.
 - b) Describe uses, timing, and amount of expected equity and debt funding.
 - c) For each party associated with the Project, provide a detailed description of their projected liabilities over the term of the Loan Guarantee Agreement.
 - d) Include a summary of any funding intended to be procured through the use of special purpose entities. Summarize each tranche of funding (e.g., amount, maturity, amortization schedule, the proposed loan guarantee percentage, and whether it is a fixed- or floating-rate tranche).
 - e) Include a summary of any funding that will be tax-advantaged debt to which Section 149(b) of the Internal Revenue Code may be applicable. Summarize measures that will be taken to avoid (i) effective subordination of federally guaranteed debt to tax-advantaged debt, (ii) the use of any federal guarantee as collateral to secure tax-advantaged debt, and (iii) any linkage of federally guaranteed debt with tax-advantaged debt.

- f) Include a schedule indicating all anticipated short term financing or credit facilities required for on-going operations of the Project, including all working capital facilities, performance bonds and similar forms of financing available to or anticipated to be available to the Project. Describe the nature of the security or collateral that is intended to be made available to secure these working capital and other short term facilities.
4. **Proposed Term Sheet:** Include a proposed term sheet for the Guaranteed Obligation.
5. **Credit History:** Provide the credit history of the Borrower and any business entity owning or controlling a five percent (5%) or greater interest in the Project or the Borrower, the oftaker(s), the feedstock supplier, if applicable, and the EPC contractor. Provide the full name of the entity, address, and date of organization.
6. **Collateral:** Provide a listing, describe, and value all assets associated, or to be associated, with the Project and any other assets that will serve as collateral for the Guaranteed Obligations, including any intellectual property necessary for the operation of the Project. Valuations must be supported by independent, third-party appraisals for existing assets and commercial cost substantiation for assets to be constructed for the purpose of the Project, and in all cases acceptable to DOE. An appraisal of real property must be performed by a licensed or certified appraiser consistent with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation. The appraisal should include information on the useful life of all physical assets expected to serve as collateral, including a depreciation schedule (prepared in accordance with U.S. GAAP).
7. **Consideration of *Pari Passu* Status:** Provide information and financing documents regarding any existing senior secured debt of any party providing a guarantee or other credit support.
8. **Preliminary Credit Assessment:** Provide the Applicant's preliminary credit assessment for the Project.
- a) If the Project will be financed using a corporate financing structure or will benefit from any third-party guarantees, provide a detailed public or private credit assessment of the Borrower and Project Sponsor or such third-party guarantor. Such assessment should take into account the impact of the proposed transaction on the Borrower and Project Sponsor or such third-party guarantor's credit rating and evaluate the Project Sponsor or third-party guarantor's financial viability in the absence of a DOE loan guarantee or any other credit support.
- b) If the Project will be financed using a project financing structure, provide a detailed public or private credit assessment of the Project. Such assessment should evaluate the Project in the absence of a DOE loan guarantee or any other credit support.
9. **Other Financial Information:** Include any other information about the Borrower and any Project Sponsor that provides a comprehensive summary of the Borrower or Project Sponsor's business and financial situation, including specific information relevant to analyzing historical cash flow on a secular, normalized basis.

I. Certifications

1. Lobbying, Debarment, and Related Certifications and Assurances. Applicants must provide certain certifications and assurances contained in the form entitled “Certifications for Use with Applications for Department of Energy Loan Guarantees for Tribal Energy Development Projects” which form may be downloaded from the Program Website
2. **Applicant Validation Statement:** Provide a written statement and supporting analysis attesting that, based on the information provided to DOE, there is a reasonable prospect that all debt of the Project (including the Guaranteed Obligation) will be repaid on time and in full (including interest) from cash flow generated by the Project and in accordance with the terms proposed in the Application.

As part of the Project evaluation process, DOE may require that Applicants provide additional certifications or supporting documentation. DOE is not authorized to issue a loan guarantee for the benefit of any party that is delinquent on federal debt, including federal tax debt.

3. **Penalty of Perjury Statement:** The following certification must be included with each Application:

“The undersigned certifies that the data and information submitted and the representations made in this Application and any attachments to this Application are true and correct, to the best of the Applicant’s knowledge and belief after due diligence, and the Applicant has not omitted any material facts. The undersigned further certifies that [s]he has full authority to bind the Applicant.¹”

Applicant (Organization Name)

Name of Applicant’s Authorized Officer
(will fulfill on-line certification)

Signature of Authorized Officer
(for paper copy only)

Title of Authorized Officer

Date²⁷

Loan Guarantee Solicitation Announcement
Tribal Energy Development Projects