

PROGRAM OPPORTUNITY NOTICE

Alternative and Renewable Fuel
and
Vehicle Technology Program

NATURAL GAS FUELING
INFRASTRUCTURE

APPLICATION MANUAL



PON-12-605

<http://www.energy.ca.gov/contracts/index.html>

State of California
California Energy Commission
November 2012

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I. Introduction

PURPOSE OF PROGRAM OPPORTUNITY NOTICE (PON)

This is a competitive grant solicitation. The California Energy Commission (Energy Commission) is seeking to fund projects that establish infrastructure necessary to store, distribute and dispense compressed or liquefied natural gas.

Assembly Bill 118 (Nuñez, Chapter 750, Statutes of 2007), created the Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) authorizing the Energy Commission to develop and deploy alternative and renewable fuels, and advanced transportation technologies for those fuels. Alternative fuel infrastructure is one category of eligible projects to be considered for funding in ARFVTP's annual Investment Plan. The Investment Plan for the 2011/12 and 2012/13 fiscal years identified a need for natural gas fueling infrastructure and allocated funds for that need. The purpose of this solicitation is to support the installation of new natural gas fueling infrastructure and upgrades to existing infrastructure, as directed by the Investment Plan.

KEY ACTIVITIES AND DATES

Key activities including dates and times for this solicitation are presented below. An addendum will be released if the dates change for the asterisked (*) activities.

ACTIVITY	ACTION DATE
Solicitation Release	November 29, 2012
Deadline for Written Questions*	December 18 14, 2012
Pre-Application Workshop*	December 14, 2012
<u>Pre-Application Workshop 2nd WebEx</u>	<u>December 18, 2012</u>
Distribute Questions/Answers and Addenda (if any) to solicitation	<u>January 4, 2013</u> December 28, 2012
Deadline to Submit Applications by 3:00 p.m.*	<u>February 7, 24, 2013</u>
Anticipated Notice of Proposed Award Posting Date	March 2013
Anticipated Commission Business Meeting Date	May 2013
Anticipated Agreement Start Date	June 2013

AVAILABLE FUNDING AND HOW AWARD IS DETERMINED

There is \$2,596,000 available for Agreements resulting from this solicitation. However, the Energy Commission reserves the right to increase this amount up to \$5 million.

Competitive Solicitation: Applicants compete based on selection criteria and are scored and ranked based on those criteria. Highest scoring Applicants receive funding.

The Energy Commission reserves the right to reduce the Agreement amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Energy Commission Agreements. In this event, the Recipient and Commission Agreement Manager (CAM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

II. Eligibility Requirements

ELIGIBLE APPLICANTS

Eligible Applicants are public and private entities, including non-profit organizations and private universities that can meet the requirements of this solicitation and agree to the attached terms and conditions that will be included in the resulting Agreement(s). Every entity that applies under this solicitation must meet the solicitation's requirements and must agree to the terms and conditions without negotiation (see Attachments 7 and 13). The Energy Commission will not award Agreements to non-complying entities.

To be eligible, Applicants must have a business presence in California. All corporations, limited liability companies (LLC), and limited partnerships (LP) are required to register and be in good standing with the California Secretary of State to enter into an Agreement with the Energy Commission. If not currently registered with the California Secretary of State, Applicants are encouraged to contact the Secretary of State's Office as soon as possible to avoid potential delays in beginning the proposed project(s) (should the Application be successful). For more information, contact the Secretary of State's Office via its website at www.sos.ca.gov.

ELIGIBLE PROJECTS

To be eligible for this solicitation, projects must be located in California and include at least one of the following:

- A. Publicly accessible retail compressed natural gas (CNG), liquefied natural gas (LNG), or liquefied and compressed natural gas (L/CNG) fueling stations. ~~that support at least one of the following:~~

- ~~• local and regional goods movement along major transportation corridors;~~
- ~~• fleet operations;~~
- ~~• light-duty vehicle use.~~

~~For projects in this category, Applicants must document existing and proposed natural gas vehicle and fleet operations within a 25-mile radius of the proposed station.~~

- B. New fueling infrastructure or upgrade to existing infrastructure that supports an existing natural gas vehicle fleet used for local and regional goods movement or other fleet operations.
- C. New fueling infrastructure or upgrade to existing infrastructure for California public and private school fleets. The Application must document that there will be school vehicles to use the fueling infrastructure. The following are examples of appropriate documentation: a description of an existing natural gas school fleet; a purchase order for natural gas school vehicles; or funding awarded for natural gas school vehicles through a private or public entity such as the California Air Resources Board, an air district, a city, or a county. The proposed or existing fueling station must be owned by the school or school district.

MAXIMUM AWARD AND MATCH FUNDING REQUIREMENTS

The balance of the project cost beyond the Energy Commission's award is the Applicant's required match share. Applications must include the match share percentage identified in the table below in the column "Match Requirement" for the applicable project type. Otherwise, the

Application will be rejected. All match-funding (cash and/or in-kind) must be committed and in place at the time the Applicant executes a grant Agreement with the Energy Commission.

Project Type	Maximum Award per Station	Match Requirement
Natural Gas for School Fleets	\$300,000	N/A
CNG Stations	50% (60% if renewable) of total project cost, up to \$300,000	Minimum of 50% (40% if renewable) of total project cost.
LNG or L/CNG Stations	40% (50% if renewable) of total project cost, up to \$600,000	Minimum of 60% (50% if renewable) of total project cost.

Applicants may only propose one fueling station per Application submitted in response to this solicitation. Applicants may submit multiple Applications.

Expenditures may be counted as match share only after the Energy Commission notifies the Applicant that its project has been proposed for an award through the release of a Notice of Proposed Award (NOPA). However, match expenditures incurred prior to the full execution of a grant Agreement are made at the Applicant's own risk. The Energy Commission is not liable for Applicants' costs if the grant is not approved, if approval is delayed, or if the match expenditure is not allowable under the terms and conditions of the grant.

PRE-APPLICATION WORKSHOP

There will be one Pre-Application Workshop. Participation in this meeting is optional but encouraged. The Pre-Application Workshop will be held through in-person participation, WebEx, and conference call at the date, time and location listed below. Please call (916) 654-4381 or refer to the Energy Commission's website at www.energy.ca.gov/contracts/index.html to confirm the date and time.

December 14, 2012
9:00 a.m.
California Energy Commission
Hearing Room B
1516 9th Street
Sacramento, CA 95814

Presentations and audio from the meeting will be broadcast via our WebEx web conferencing system. To join the WebEx, the Energy Commission's on-line meeting service, please use the following instructions:

Due to technical difficulties, the WebEx component of the Pre-Application Workshop will be continued on:

Tuesday, December 18, 2012
9:00 a.m.

Computer Logon with a Direct Phone Number:

- Please go to <https://energy.webex.com> and enter the unique meeting number **929 809 877 922 312 251**.
- When prompted, enter your information and the following meeting password: **meeting@10 meeting@9**

- After you login, a prompt will appear on-screen for you to provide your phone number. In the number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.

Computer Logon for Callers with an Extension Phone Number, etc.:

- Please go to <https://energy.webex.com> and enter the unique meeting number **929 809 877 922 342 254**.
- When prompted, enter your information and the following meeting password: **meeting@10 meeting@9**.
- After you login, a prompt will ask for your phone number. CLICK CANCEL.
- Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

Telephone Only (No Computer Access):

- Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from <https://energy.webex.com/energy/globalcallin.php>.
- If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. Please be aware that the meeting's WebEx audio and on screen activity may be recorded.

Conference Call:

To participate in the meeting by phone, please call (866) 469-3239 by 4~~0~~ **9:00 a.m.** Passcode: **929 809 877 922 342 254** Call Leader: (916) 654-5144.

QUESTIONS

During the solicitation process, questions of clarification about this solicitation must be directed to the Grants Officer listed in the following section. You may ask questions at the Pre-Application Workshop, and you may submit written questions via mail, electronic mail, and by FAX. However, all questions must be received by 5:00 pm on ~~Friday~~ **Tuesday**, December **18** 44, 2012.

Question and answer sets will be e-mailed to all parties who attended the Pre-Application Workshop and provided their contact information on the sign-in sheet. The questions and answers will also be posted on the Energy Commission's website at:

<http://www.energy.ca.gov/contracts/index.html>.

Any verbal communication with an Energy Commission employee concerning this solicitation is not binding on the State and shall in no way alter a specification, term, or condition of the solicitation. Therefore, all communication should be directed in writing to the Energy Commission's Grant Officer assigned to the solicitation.

CONTACT INFORMATION

Kevyn Piper, Grants Officer
 California Energy Commission
 1516 Ninth Street, MS-18
 Sacramento, California 95814
 FAX: (916) 654-4423
 E-mail: kevyn.piper@energy.ca.gov

III. Application Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit an Application. The format is prescribed to assist the Applicant in meeting State requirements and to enable the Energy Commission to evaluate each Application uniformly and fairly. Applicants must follow all Application format instructions, answer all questions, and supply all requested data.

REQUIRED FORMAT FOR AN APPLICATION

All Applications submitted under this solicitation must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred and tabs are encouraged. Binders are discouraged. The original Application should be bound only with a binder clip. The project narrative should be limited to no more than 20 double-sided pages in length.

NUMBER OF COPIES

Applicants must submit the original and 3 copies of the Application. Applicants must also submit electronic files of the Application on [CD-ROM or USB memory stick](#) along with the paper submittal. Only one CD-ROM or USB memory stick is needed. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Completed Budget Forms, Attachment 7, must be in Excel format. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of the Application must be labeled "Program Opportunity Notice 12-605," and include the title of the Application.

Include the following label information and deliver your Application, in a sealed package:

Person's Name, Phone # Applicant's Name Street Address City, State, Zip Code FAX #	California Energy Commission Contracts, Grants & Loans Office, MS-18 Attn: PON-12-605 1516 Ninth Street, 1st Floor Sacramento, California 95814
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PREFERRED METHOD FOR DELIVERY

An Applicant may deliver an Application by:

- U.S. Mail
- In Person
- Courier service

Applications must be delivered **no later than 3:00 p.m.**, to the Energy Commission's Contracts, Grants and Loans Office during normal business hours and prior to the date and time specified

in this solicitation. Applications received after the specified date and time are considered late and will not be accepted. There are no exceptions. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR APPLICATION AS FOLLOWS

Application Cover Page	
Table of Contents	
PON Application Form	Attachment 1
Project Narrative	
Scope of Work (Template)	Attachment 2. (See also Attachment 3)
Schedule of Products and Due Dates	Attachment 4
Budget Forms	Attachment 5. (See also paragraph D below.)
Contacts List	Attachment 6
CEQA Worksheet	Attachment 10

A. Application Form

Applicants must include a complete and signed Application Form shown in Attachment 1. The Application must include an original Application Form signed by an authorized representative of the Applicant's organization. This signature certifies that all information in the Application is correct and complete to the best of the Applicant's knowledge AND that the Applicant has read the Terms and Conditions and will accept them without negotiation if awarded.

The Application Form shall also include, at a minimum, a project description, project goals, and quantitative and measurable objectives to be achieved.

B. Project Narrative

The Project Narrative must address each screening and scoring criteria along with the elements described below. Applicants should provide sufficient detail so that Evaluation Committee will be able to evaluate the Application against the technical scoring criteria. The Project Narrative must:

1. Include a detailed description of the proposed project(s), including identification of the entity that will own and operate the proposed project(s).
2. Include operational goals and objectives of the proposed project(s).
3. Specify proposed station location. Describe how the proposed station fills a need due to the lack of existing or adequate natural gas fueling infrastructure in the region.
4. Include an explanation of how the proposed project(s) will serve existing or planned CNG or LNG vehicle populations. Identify existing fleets that will use the proposed station. Quantify the number of vehicles in each fleet
5. If applicable, describe how the publicly accessible project would serve local or regional goods movement along major transportation corridors. Reference or provide a regional goods movement planning study or other documentation of projected fueling throughput from goods movement fleets.
6. For Applications submitted by California school or school district for school fleets, explain how the proposed project would support existing and planned natural gas

vehicle fleets. Provide size of current natural gas school fleet supported by the station and number of anticipated natural gas school vehicle purchases within one year of Application. If applicable, explain vehicle procurement process and expected vehicle delivery date. Provide written assurance that school or school district will own the equipment.

7. Quantify the anticipated fuel throughput of CNG/LNG at the proposed station. Provide calculations and assumptions used to determine the anticipated throughput of the station. Provide any supporting documentation that is available (e.g., fueling contracts, planning studies or other documentation showing the station supports adjacent school districts or public fleets).
8. Discuss whether the project will dispense renewable natural gas. Quantify the amount of renewable natural gas to be dispensed. If so, identify the source of production and feedstock of the fuel. For the purpose of this solicitation renewable natural gas is defined as pipeline quality methane generated over a short period of time from a replaceable non-fossil fuel resource such as wastewater treatment of biosolids, agricultural waste products, animal waste, or municipal solid waste.
9. Describe how the station will be constructed in a cost-effective manner. Explain why state funds are needed for the proposed station to go forward and if the funding request is consistent with the expected level of public and private benefits that will accrue if the proposed station is successful.
10. Describe the amount of non-state Match Funds (cash and/or in-kind) and provide verification and documentation of the source and availability. Provide details (name and business location, type of entity, amount, etc.) for each funding partner.
11. Describe and quantify petroleum displaced by the proposed project. Document any calculations and assumptions used.
12. Describe how the project complements and does not interfere with efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant emissions; and maintain or improve upon emission reductions and air quality benefits in the State Implementation Plan for Ozone, California Phase 2 Reformulated Gasoline standards, and diesel fuel regulations. These requirements are described in the Air Quality Guidelines for the Air Quality Improvement Program and the Alternative and Renewable Fuel and Vehicle Technology Program that can be found at <http://www.arb.ca.gov/regact/2008/aqipfuels08/oalfinreg.pdf>.
13. Describe how the project complies with the prohibition against funding projects that are required to be undertaken by state or federal law, district rules or regulations, memoranda of understanding with a governmental entity, or legally binding agreements or documents. This prohibition is described in section 3103 of the Regulations for the Alternative and Renewable Fuel and Vehicle Technology Program that can be found at: <http://www.energy.ca.gov/2008publications/CEC-600-2008-013/CEC-600-2008-013-F.PDF>.

C. Scope of Work and Schedule of Products

Applicants must include a completed Scope of Work and Schedule of Products for each project. Please use the templates contained in Attachment 2 and Attachment 4, respectively.

The Application must demonstrate that all work, including six months of data collection and reporting, will be completed by **March 30, 2017**. Instructions for completing the Scope of Work as well as a sample are included in Attachment 2. **Electronic files for the Scope of Work must be in MS Word.**

Instructions for the Schedule of Products and Due Dates are included in the document template. **Electronic files for the Schedule of Products and Due Dates must be in MS Excel.**

The description of activities proposed in the Project Narrative must conform to the Tasks described in the Scope of Work.

D. Budget Forms

Task Summary	Attachment 5, Worksheet Att B-1a
Category Summary	Attachment 5, Worksheet Att B-1b
Prime Labor Rates	Attachment 5, Worksheet Att B-2
Labor Rates for each Subcontractor	Attachment 5, Worksheet Att B-2a-o
Prime Non-Labor Rates	Attachment 5, Worksheet Att B-3
Non-Labor Rates for each Subcontractor	Attachment 5, Worksheet Att B-3a-o
Direct Operating Expenses	Attachment 5, Worksheet Att B-4
Match Funding	Attachment 5, Worksheet Att B-5

The Applicant must submit information on **all** of the attached budget forms, B-1 through B-5. All budget forms contained in this solicitation will be used to develop the final agreement if selected for funding. Failure to fully or adequately complete the required budget forms may result in a lower score or disqualification of the application.

Detailed instructions for completing these forms are included at the beginning of Attachment 5.

Rates and personnel identified must reflect the rates and personnel you would charge if selected for funding under this solicitation. The salaries, rates, and other costs entered on these forms become a part of the final Agreement. The entire term of the Agreement and projected rate increases must be considered when preparing the budget. The rates proposed are considered capped and shall not change during the term of the Agreement. The Recipient shall only be reimbursed for their **actual** rates up to these rate caps. The hourly rates provided in all B-2s and B-3s shall be unloaded (before fringe benefits, overheads, and general & administrative (G&A)).

NOTE: The information provided in these forms will **not** be kept confidential.

In addition, proposed budgets **must** conform to the following requirements:

1. All project expenditures for which a Recipient will request reimbursement must be expended within the approved term of the funding Agreement. Expenditures may be counted as match share only after the Energy Commission notifies the Applicant that its project has been proposed for an award through the release of a Notice of Proposed Award (NOPA). However, match expenditures incurred prior to the full execution of a grant Agreement are made at the Applicant's own risk.
2. The Budget should allow for the expenses of a Kick-off Meeting, at least one (1) Critical Project Review meeting, and a Final meeting. It is anticipated that meetings will be conducted at the Energy Commission located in Sacramento, CA.
3. Applicants should budget for all project costs, such as permitting, project design, and insurance, as applicable. The Energy Commission will not reimburse Applicants for costs associated with permitting or environmental review. However, these costs may be counted towards the Applicant's match share contribution if these costs are incurred after release of the NOPA.
4. The Budget should allow for the preparation and submission of monthly/quarterly progress reports (1-2 pages each) during the approved term of the Agreement, and a Final Report. Instructions for preparing the Final Report will be provided to successful Applicants.
5. The purchase of equipment (defined as items with a unit cost greater than \$5,000 and a useful life of greater than one year) with Energy Commission funds will require disposition of purchased equipment at the end of the project. Typically, Grant Recipients may continue to utilize equipment purchased with Energy Commission funds as long as the use is consistent with the intent of the original Grant Agreement. *There are no disposition requirements for equipment purchased with match share funding.*
6. The Budget must reflect estimates for **actual** costs to be incurred during the approved term of the project. The Energy Commission can only approve and reimburse for actual costs that are properly documented in accordance with the Grant Terms and Conditions.
7. The Budget must **NOT** include any profit from the proposed project, either as a reimbursed item or as match share. Please review the Grant Terms and Conditions for additional restrictions and requirements.
8. In addition to cost forms, Applicants must submit letters of commitment identifying the source(s) and availability of match funding.

E. California Environmental Quality Act (CEQA) Worksheet

Applicants must complete the CEQA Worksheet (Attachment 10). The Energy Commission requires this information to assist its own determination on what level of environmental review is required under the California Environmental Quality Act (CEQA) (Pub. Resource Code, Section 21000 et.seq). Failure to complete the worksheet may lead to disqualification of the Application. The Energy Commission must ensure that the appropriate level of environmental review is complete prior to advancing a project to a

Business Meeting for Energy Commission approval. A grant agreement cannot be approved at an Energy Commission Business Meeting until CEQA review is complete.

Applicants must complete the environmental review process under CEQA within 60 days of the Notice of Proposed Award (NOPA). Failure to do so may result in cancellation of the proposed award and an award to the next highest scoring project.

CEQA Lead Agency: With each Application, Applicants must provide documentation of communication with the local agency with jurisdiction over the proposed project for purposes of complying with CEQA. Documentation may include a completed notice of exemption, a letter from the local agency acknowledging their role in the CEQA process, or a CEQA application to the lead agency that is stamped as received. If no CEQA review would be required by the local agency, provide documentation (letter or e-mail) from the local agency explaining why not (for example, the local agency does not consider the proposed project a “project” as defined under CEQA).

As public agencies, the default lead agency for projects carried out by school districts is the school district itself. In this case, Applicants must explain what environmental review the school district has or will carry out and identify the expected date that such review will be completed. School district Applicants must also meet the general 60-day deadline to complete environmental review under this solicitation.

If the Energy Commission is the only agency with discretionary approval over the proposed project (e.g., the local agency does not consider the proposed activities a “project” for purposes of CEQA), then the Energy Commission will act as the lead agency and will work with the Applicant after the release of the Notice of Proposed Award (NOPA) to ensure CEQA compliance.

If the Energy Commission is the lead agency for a proposed project, the Applicant shall be responsible for all costs associated with preparation of environmental review documents (including, but not limited to, the costs to prepare an initial study and environmental impact report (EIR)). Applicant may also be required to retain a consultant to perform an initial study or other environmental studies. The Energy Commission **will not** reimburse any Applicant for these costs. If a project is proposed for an award, environmental review costs incurred after the release of the NOPA may be counted as the Applicant’s match share.

Possible Categorical Exemption by the Local Agency: If a local agency has exempted the proposed project or if a local agency determines that the proposed project is not a “project” for purposes of CEQA, Applicants must submit proof of such a determination to the Energy Commission either (1) with their Application to this solicitation, or (2) within 30 days after the release of the Notice of Proposed Awards (NOPA). If an Applicant fails to timely submit the required documentation by the 30-day deadline, the Energy Commission may cancel the proposed award and make an award to the next-highest scoring project.

If a local agency exempts a proposed project from environmental review, the Applicant must provide information on why the project meets the applicable statutory or categorical exemption. The Applicant shall provide facts that support the lead agency’s conclusion. For example, for a Class One Categorical Exemption (Cal. Code of Regs., Tit.14 § 15301), Applicant should provide documentation showing that the project is located at an existing facility that involves negligible or no expansion of an existing use.

Ministerial or “Common Sense” Exemptions: If a local agency exempts a proposed project under the “ministerial” or “common sense” exemptions (Cal. Code of Regs., Tit. 14, § 15268 and § 15061, subd. (b)(3), respectively), the Applicant shall provide details on whether the project meets some other statutory or categorical exemption. For example, Applicants should not simply state that a renewable natural gas project is exempt under the common sense exemption.

Initial Study or Environmental Impact Report (EIR): If the local agency has not exempted the project, Applicant shall explain in its Application whether the local agency is expected to prepare an initial study or EIR and the expected date of completion. Applicants must submit proof that the local lead agency has completed environmental review of its project and adopted a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report within **60 days** from the release of the NOPA. If an Applicant fails to timely submit the required documentation by the 60-day deadline, the Energy Commission may cancel the proposed award and make an award to the next-highest scoring project.

NOTE REGARDING ENCUMBRANCE DEADLINES AND DISCLAIMER: The funds under this solicitation have strict encumbrance deadlines. The Energy Commission must complete environmental review under CEQA and approve each grant at a business meeting prior to the applicable encumbrance deadline. Thus, if a project cannot complete CEQA review in time to meet the applicable encumbrance deadline, **the Energy Commission reserves the right to cancel the proposed award and recommend funding the next highest scoring award that can meet the encumbrance deadline**, regardless of the Applicant’s diligence in submitting CEQA information and materials. Further, the Energy Commission is not liable for any costs incurred during environmental review or as a result of cancelling the proposed award.

PAYMENT OF PREVAILING WAGES

Most projects under this solicitation might be considered public works pursuant to the California Labor Code. If the project is a public work, prevailing wage is required. The California Department of Industrial Relations (DIR) has jurisdiction to decide whether a particular project is or is not a public work. If the project involves construction, alteration, demolition, installation, repair or maintenance work, it probably would be considered by DIR to be a public work. Examples of the activities that would probably lead DIR to find that the project involves public works include: cement work, site preparation such as grading, surveying, electrical work such as wiring, and carpentry work. Certain workers are entitled to prevailing wage, such as operating engineers, surveyors, carpenters, laborers, etc. However, other workers are not subject to State prevailing wage laws, such as design or pre-construction engineers or project superintendent who do not perform work on the projects.

Applicants must determine if the proposed project(s) involve(s) public works, and ensure that the project budget for labor reflects all prevailing wage requirements. The budget should indicate which job classifications are subject to prevailing wage.

In order to determine if the proposed project(s) involve(s) public works, please contact DIR as advised in Attachment 9. If the Applicant is unsure whether the proposed project(s) involve(s) public works and has not received a determination from DIR that the project is not a public work, the Applicant is advised to prepare a budget assuming that prevailing wage laws apply.

If the proposed project is a public work, or is assumed to be a public work, the Applicant can contact DIR for a list of covered trades and the applicable prevailing wage. Any Agreement resulting from this solicitation will include the requirements for a public works project, such as

paying prevailing wage, keeping payroll records, complying with working hour requirements, and apprenticeship obligations. See the Terms and Conditions (Attachment 13), the Prevailing Wage Special Condition (Attachment 7), and the Prevailing Wage Compliance Certificate (Attachment 8).

For detailed information about prevailing wage and the process to determine if the proposed project(s) is a public work, see the Information on Compliance with Prevailing Wage (Attachment 9).

IV. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the Applications will be evaluated. It describes the evaluation stages, preference points, and scoring of all Applications.

APPLICATION EVALUATION

Each Application will be evaluated and scored based on their response to the information requested in this solicitation. The entire evaluation process from receipt of Applications to posting of the Notice of Proposed Award is confidential.

To evaluate all Applications, the Energy Commission will organize an Evaluation Committee. The Evaluation Committee may consist of Energy Commission staff or staff of other California state entities.

The Applications will be evaluated in two stages:

Stage One: Administrative and Completeness Screening

The Contracts, Grants and Loans Office will screen Applications for compliance with Application requirements and the Grounds for Rejection sections of this solicitation. Applications that fail Stage One shall be disqualified and eliminated from further evaluation.

Stage Two: Technical and Cost Evaluation of Applications

Applications passing Stage One will be submitted to the Evaluation Committee to review and score based on the Evaluation Criteria in this solicitation.

During the evaluation and scoring process, the Evaluation Committee may schedule an interview for the purpose of clarification and verification of information provided in the Application. However, these interviews may not be used to change or add to the contents of the original Application. The interview may be held via telephone or in person at the Energy Commission. Applicants will not be reimbursed for time spent answering clarifying questions. The total score for each Application will be the average of the combined scores of all Evaluation Committee members.

A minimum score of 70 percent is required for the Application to be eligible for funding.

SCORING SCALE

Using this Scoring Scale, the Evaluation Committee will give a score for each criterion described in the Evaluation Criteria Worksheet.

% of Possible Points	Interpretation	Explanation for Percentage Points
0%	Not Responsive	Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
25%	Minimally Responsive	Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
50%	Inadequate	Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution.
70%	Adequate	Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable.
80%	Good	Response fully addresses the requirements being scored with a good degree of confidence in the Applicant's response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable.
90%	Excellent	Response fully addresses the requirements being scored with a high degree of confidence in the Applicant's response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations.
100%	Exceptional	All requirements are addressed with the highest degree of confidence in the Applicant's response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution.

TIE BREAKERS

In the event of tied scores, an objective tie-breaker method will be used for the tiebreaker.

NOTICE OF PROPOSED AWARD

The results of the Energy Commission's decision of proposed funding level, the rank order of proposers, and the amount of each proposed award will be posted in a Notice of Proposed Awards (NOPA). The Energy Commission will post a NOPA at the Energy Commission's headquarters in Sacramento and on the Energy Commission's website, and will mail the NOPA to all parties that submitted an Application.

Public agencies that receive funding under this solicitation must provide an authorizing resolution approved by their governing authority to enter into an Agreement with the Energy Commission and designates an authorized representative to sign.

Once the NOPA is posted, the Energy Commission reserves the right to negotiate with Applicants to modify the project scope, the level of funding, or both. If the Energy Commission is unable to successfully negotiate and execute a funding Agreement with an Applicant, the Energy Commission, at its sole discretion, reserves the right to cancel the pending award and award funds to the next highest ranked passing project.

DEBRIEFINGS

Unsuccessful Applicants may request a debriefing after the release of the NOPA. A request for debriefing must be received no later than 15 days after the NOPA is released.

SCREENING CRITERIA (PASS/FAIL):

Applications that fail any of the screening criteria will be disqualified and will not proceed to the scoring phase of this solicitation.

1. Application is received by the Energy Commission’s Grants and Loans Office by the specified due date and time in Section I of this solicitation.
2. Cover Page (Attachment 1) is signed by the Applicant’s authorized representative.
3. Application does not contain confidential information.
4. Applicant is an eligible Applicant (Section II, Eligible Applicants).
5. Project is an eligible project, (Section II, Eligible Projects; see also, the checklist below for project eligibility elements).
6. If applicable, Applicant provides the minimum match share requirement (Section II, Maximum Awards and Match Share Requirements table).

Check List for Project Eligibility

✓	Description
	Project is located in California.
	Project is at least one of the following: <ul style="list-style-type: none"> a) Publicly accessible retail vehicle fueling CNG, LNG, or L/CNG facility. b) New fueling infrastructure or upgrade to existing fueling infrastructure that supports an existing natural gas vehicle fleet used for local and regional goods movement or other fleet operations. c) New fueling infrastructure or upgrade to existing infrastructure for California public and private school fleets. <ul style="list-style-type: none"> • There must be an existing natural gas school fleet, a purchase order for natural gas school vehicles, or a funding award for natural gas school vehicles through another public agency or private entity. • The fueling station must be owned by the school or school district.

SCORING CRITERIA

- 1. Station Throughput** **Maximum Points: 20**
Applications will be evaluated on the amount of estimated natural gas throughput for the proposed station and the degree to which throughput estimates are documented and supported. Proposed stations documenting a greater amount of throughput will score higher.
- 2. Infrastructure Need** **Maximum Points: 20**
Degree to which the proposed station fills a need due to the lack of existing or adequate natural gas fueling infrastructure in the region. Proposed stations demonstrating a greater need for natural gas fueling infrastructure will score higher.
- 3. Vehicle Population** **Maximum Points: 25**
Degree to which the estimated CNG/LNG vehicle populations support the projected station throughput. For upgrades, the degree to which the existing fueling infrastructure is demonstrated to not be sufficient to meet the anticipated fleet requirements. Applications documenting vehicle populations that more closely match natural gas throughput estimates will score higher.
- 4. Greenhouse Gas and Petroleum Use Reduction** **Maximum Points: 5**
Degree to which the proposed station reduces greenhouse gas emissions and displaces petroleum use. Applications demonstrating greater reductions in greenhouse gas emissions and petroleum use will be scored higher.
- 5. Renewable Feedstock** **Maximum Points: 5**
Applications will be evaluated on the amount of renewable natural gas supplied to and distributed by the proposed station. Higher scores will be given to stations that are supplied with and distribute higher quantities of renewable natural gas.
- 6. Cost-Effectiveness/Match Share** **Maximum Points: 25**

 - Degree to which the Applicant is cost-effective in constructing and operating the proposed station. Stations which are more cost-effective will be scored higher.
 - Degree to which state funds are needed for the proposed station to go forward. Applications stronger in demonstrating and justifying the need for state funding will be scored higher.
 - Degree to which the amount of non-state Match Funds (cash and /or in-kind) exceeds the minimum match share requirements contained in the solicitation. Applications committing greater percentages of match funds will be scored higher. Applications must disclose the source of the match funds.

V. Administration

DEFINITION OF KEY WORDS

Important definitions for this solicitation are presented below:

Word/Term	Definition
Applicant	Respondent to this solicitation
Application	Formal written response to this document from Applicant
CAM	Commission Agreement Manager
Energy Commission	California Energy Commission
Solicitation	Program Opportunity Notice, this entire document
State	State of California

COST OF DEVELOPING APPLICATION

The Applicant is responsible for the cost of developing an Application, and this cost cannot be charged to the State.

CONFIDENTIAL INFORMATION

No confidential information will be accepted either through the Application process or through the implementation of the grant project. Applications containing or proposing to deliver confidential information will be returned without consideration.

The entire evaluation process from receipt of Applications up to the posting of the Notice of Proposed Award is confidential. However, all Applications and submittals will become public records after the Notice of Proposed Awards is posted or the solicitation is cancelled.

SOLICITATION CANCELLATION AND AMENDMENTS

It is the policy of the Energy Commission not to solicit Applications unless there is a bona fide intention to award an Agreement. However, if it is in the State's best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this solicitation.
- Revise the amount of funds available under this solicitation.
- Amend this solicitation as needed.
- Reject any or all Applications received in response to this solicitation.

If the solicitation is amended, the Energy Commission will send an addendum to all parties who requested the solicitation and will also post it on the Energy Commission's website www.energy.ca.gov/contracts.

ERRORS

If an Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation, the Applicant shall immediately notify the Energy Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the solicitation without divulging the source of the request for clarification. The Energy Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF APPLICATION

An Applicant may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Application before the deadline to submit Applications. Applications cannot be changed after that date and time. An Application cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the solicitation: “This Application and the cost estimate are valid for 60 days.”

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in an Applicant’s Application. The Energy Commission’s waiver shall in no way modify the Application or excuse the successful Applicant from full compliance.

DISPOSITION OF APPLICANT’S DOCUMENTS

On the Notice of Proposed Award posting date, all Applications and related material submitted in response to this solicitation become a part of the property of the State and public record. Applicants who want any work examples they submitted with their Applications returned to them shall make this request in writing and provide either sufficient postage or a Courier Charge Code to fund the cost of returning the examples.

APPLICANTS’ ADMONISHMENT

This solicitation contains the instructions governing the requirements for a complete Application package to be submitted, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Applicant responsibilities. Applicants must take the responsibility to carefully read the entire solicitation, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, and make sure that all procedures and requirements of the solicitation are followed and appropriately addressed.

GROUND TO REJECT AN APPLICATION

An Application shall be rejected if:

- It is received after the deadline to submit Applications identified in Section I.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Applicant.
- The Application is intended to erroneously and fallaciously mislead the State in its evaluation of the Application and the attribute, condition, or capability is a requirement of this solicitation.
- It contains confidential information.
- The Applicant does not agree to the terms and conditions as attached to the solicitation either by not signing the PON Application Form (Attachment 1) or by stating anywhere in the Application that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

An Application may be rejected if:

- It is not prepared in the format described.
- It does not literally comply, or contains caveats that conflict, with the solicitation and the variation or deviation is material, or the Application is otherwise non-responsive.
- The budget forms are not filled out completely.
- The CEQA Worksheet (Attachment 10) is incomplete or missing.

AGREEMENT REQUIREMENTS

The content of this solicitation shall be incorporated by reference into the final Agreement. See the sample Agreement terms and conditions included in this solicitation.

The Energy Commission reserves the right to negotiate with Applicants to modify the project scope, the level of funding, or both. If the Energy Commission is unable to successfully negotiate and execute a funding Agreement with an Applicant, the Energy Commission, at its sole discretion, reserves the right to cancel the pending award and fund the next highest ranked eligible project.

The Grant Agreement will be scheduled and heard at an Energy Commission Business Meeting for approval.

Public agencies that receive funding under this solicitation must provide an authorizing resolution approved by their governing authority to enter into an Agreement with the Energy Commission and designating an authorized representative to sign.

The Energy Commission will send the approved Grant Agreement, including the general Terms and Conditions and any additional terms and conditions, to the grant Recipient for review, approval, and signature. Once the grant Recipient signs and the Energy Commission has approved the Agreement at an Energy Commission Business Meeting, the Energy Commission will fully execute the Grant Agreement. Recipients are approved to begin the project only after full execution of the Grant Agreement.

No Agreement Until Signed and Approved

No Agreement between the Energy Commission and the successful Applicant is in effect until the Agreement is signed by the Recipient, approved at an Energy Commission Business Meeting, and signed by the Energy Commission representative.

The Energy Commission reserves the right to modify the award documents prior to executing the Agreement.

Agreement Amendment

The Agreement executed as a result of this solicitation will be able to be amended by mutual consent of the Energy Commission and the Recipient. The Agreement may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.