

GRANT SOLICITATION
PON-12-606

**Alternative and Renewable Fuel
and
Vehicle Technology Program**

Subject Area - Hydrogen Fuel Infrastructure



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

State of California
California Energy Commission
November 19, 2012

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I. Introduction

A. Purpose of this Solicitation

This is a competitive grant solicitation. The California Energy Commission (Energy Commission) is seeking to develop infrastructure necessary to dispense hydrogen transportation fuel. The Alternative and Renewable Fuel and Vehicle Technology (ARFVT) Program of the Energy Commission developed this solicitation.

The goal of this solicitation is to provide grant funds to projects which expand the network of publicly accessible hydrogen fueling stations to serve the current population of fuel cell vehicles (FCVs) and to accommodate the planned large-scale roll-out of FCVs commencing in 2015. This network will support alternative transportation fuel and vehicle technology goals of the State of California, such as the Zero Emissions Vehicle (ZEV) Program, which requires 14% of certain auto manufacturers' model year-2015 fleets to be zero-emission vehicles, and the Low Carbon Fuel Standard, which is designed to reduce the carbon intensity of transportation fuels by 10 percent by 2020.

Hydrogen fueling stations must support the future deployment of FCVs and hydrogen internal combustion engine vehicles (HICEVs). The Energy Commission aims to prioritize its investment by funding hydrogen fueling stations in the Station Location Areas identified in Section IV and Attachment 14. The Energy Commission hopes this solicitation will create an initial foundation of a statewide infrastructure network that will encourage greater FCV adoption among consumers and facilitate other hydrogen fuel providers to enter this emerging market.

B. Background

Assembly Bill 118 (Núñez, Chapter 750, Statutes of 2007), created the ARFVT Program. The statute, subsequently amended by AB 109 (Núñez, Chapter 313, Statutes of 2008), authorizes the Energy Commission to develop and deploy alternative and renewable fuels and advanced transportation technologies to help attain the state's climate change policies.

The ARFVT Program has an annual budget of approximately \$100 million and provides financial support for projects that:

- Reduce California's use and dependence on petroleum transportation fuels and increase the use of alternative and renewable fuels and advanced vehicle technologies.
- Produce sustainable alternative and renewable low-carbon fuels in California.
- Expand alternative fueling infrastructure and fueling stations.
- Improve the efficiency, performance and market viability of alternative light-, medium-, and heavy-duty vehicle technologies.

- Retrofit medium- and heavy-duty on-road and non-road vehicle fleets to alternative technologies or fuel use.
- Expand the alternative fueling infrastructure available to existing fleets, public transit, and transportation corridors.
- Establish workforce training programs and conduct public outreach on the benefits of alternative transportation fuels and vehicle technologies.

C. Planning for this Solicitation

The ARFVT Program Investment Plans from Fiscal Years 2011/2012 and 2012/2013 dedicated \$18.7 million and \$11 million, respectively, for hydrogen fueling infrastructure. The 2011/2012 Investment Plan recognized that "...state support is needed to build regional fueling networks, ensure a reliable supply of [hydrogen] fuel, and establish fueling stations in regions with more modest FCV [deployment] commitments through 2014."¹ The Investment Plan directs the ARFVT Program to "match supply to demand" by funding infrastructure projects which meet the fuel demands of FCVs drivers in California.²

The Energy Commission held three public workshops throughout California to discuss: 1) techniques for optimizing hydrogen station locations; 2) technical hydrogen fueling station performance; and 3) the future hydrogen fueling solicitation. The workshop presentations are available online at: <http://www.energy.ca.gov/contracts/transportation.html#infrastructure>. Upon consideration of the comments received, this solicitation seeks to provide statewide fueling station coverage that matches near-term customer demand, enabling FCV drivers to fuel where they live and work. While the Energy Commission encourages renewable hydrogen and other non-fossil fuel based fuels, this solicitation is primarily designed to build an efficient hydrogen fueling network. This solicitation still promotes renewable hydrogen through the 33% renewable hydrogen content requirement, a set-aside for 100% renewable hydrogen projects, scoring preferences, and a renewable hydrogen content tie-breaker.

To meet FCV customer demand, this solicitation utilizes the infrastructure deployment strategy outlined in A California Road Map: The Commercialization of Hydrogen Fuel Cell Vehicles³ (the "Road Map"). The Road Map deployment strategy prioritizes investments in key early-adopter markets or "clusters", and then links these "clusters" into regional networks which further expand into new vehicle markets and targeted destinations. The Road Map analysis, based on FCV sales projections by automakers and modeling by University of California, Irvine (UC Irvine) Advanced Power and Energy Program (APEP), identified that 68 strategically placed stations are needed by 2015 to successfully launch the

¹ California Energy Commission. *2011-2012 Investment Plan for the Alternative and Renewable Fuel and Vehicle Technology Program*, Publication No. CEC-600-2011-006-CMF, September 2011, pp. 59.

² *Id.* at pp. 57-59.

³ California Fuel Cell Partnership, *A California Roadmap: The Commercialization of Hydrogen Fuel Cell Vehicles (Technical Version)*, June 2012. Available online at: <http://cafcp.org/roadmap>.

early FCV market. This approach was selected because it was the only statewide, network-based approach presented that seeks to create a functional infrastructure network for FCV owners.

The Energy Commission issued a draft solicitation for public comment on September 7, 2012. The comments received by the Docket [12-HYD-1] are posted online at:

http://www.energy.ca.gov/altfuels/notices/draft_hydrogen_pon/comments/.

Given the limited state funds allocated to hydrogen fueling infrastructure, the Commission sought to optimize its investment in the early network of hydrogen fueling stations. UC Irvine's Spatially and Temporally Resolved Energy and Environment Tool (STREET) was selected because it can optimize a network of stations based on vehicle fueling demand and drive time, thus ensuring that stations in the network complement one another. Using population density, vehicles per household, median household income, and gasoline station density to measure fueling demand, UC Irvine provided a rank list of the top 50 station locations.

From this list, Energy Commission staff selected the 25 Station Location Areas used in this solicitation because they provide initial statewide geographic coverage, which will build the foundation of a functioning network for FCV consumers. The 25 Station Location Areas expand the coverage provided by the existing and previously funded "cluster" stations to create regional networks without duplicating early investments. To better ensure a match between supply and demand, Commission staff compared UC Irvine rankings to the station priorities identified by the California Fuel Cell Partnership OEM Working Group. Although the two lists are not identical, the selected Station Location Areas balance the interests in expanding the existing station network and locating the stations near FCV drivers.

As a result of public feedback on the September 7, 2012 draft solicitation, this solicitation utilizes new Station Location Area maps that increase the number of eligible station locations and simplify the location scoring criterion. The UC Irvine STREET model generated the final maps using drive time to major intersections to define boundaries of the "polygons". The model produced scoring parameters within each polygon that approximate hydrogen fueling demand by accounting for proximity to highways/freeways, gasoline stations, and existing or planned hydrogen fueling stations, as well as publicly available data on population density, vehicles per household, median income, and gasoline station density. For more information on the Station Location Areas, please refer to Section IV of this solicitation and Attachment 14.

D. Application Due Date and Time

The Application due date is January 17, 2013. The deadline to submit Applications is 3:00 p.m. the date the Application is due. Other key activities and

dates follow. An addendum will be released if the dates change for the asterisked (*) activities. Other dates are anticipated only and may change without notice.

Table 1. Activities and Action Dates

ACTIVITY	ACTION DATE
Solicitation Release	11/19/2012
Pre-Application Workshop*	12/7/2012
Deadline for Written Questions by 5:00 p.m.*	12/10/2012
Distribute Questions/Answers and Addenda (if any) to Solicitation	12/14/2012
Deadline to Submit Applications by 3:00 p.m.*	4/17/2013 1/24/2013
Anticipated Notice of Proposed Award Posting Date	3/1/2013
Anticipated Commission Business Meeting Date	5/8/2013
Anticipated Agreement Start Date	6/30/2013

II. Funding Information

A. Available Funding

Up to \$28.59 million is available under this solicitation.

B. Maximum Award Amount and Funding Cap

Projects are eligible for up to 65% of the total project cost or \$1.50 million, whichever is less. The project or projects funded through the Renewable Hydrogen Set-Aside (Section II.C) are eligible for up to 65% of the total project cost or \$3.0 million whichever is less.

To promote market diversity, a single Applicant is eligible for no more than 40% of the total funds awarded under this solicitation (“Single Applicant Cap”). See Section XI.B.9 for more information. Funds awarded under the Non-Road Set-Aside (Section II.D) will not count toward the Single Applicant Cap.

C. Renewable Hydrogen Set-Aside

Of the funding available, up to \$3.0 million is designated for stations dispensing 100% renewable hydrogen fuel where hydrogen is generated from renewable sources, either on-site or off-site. Section III.C.8 defines renewable hydrogen for purposes of this solicitation. If insufficient eligible and passing 100% renewable hydrogen station Applications are received, the Energy Commission reserves the right to award the remaining Renewable Hydrogen Set-Aside funds to other eligible projects under this solicitation.

Applicants applying for this set-aside must certify that their proposed project is eligible by checking the appropriate box and signing the Application Form (Attachment 1). Applicants who fail to check the appropriate box will not be eligible for the Renewable Hydrogen Set-Aside funds.

Projects under this set-aside are eligible for up to 65% of the total project cost or \$3.0 million, whichever is less. Once funding under this set-aside has been awarded, the remaining renewable hydrogen station Applications are eligible to compete for funding from non-set-aside funds. However, renewable hydrogen Applications selected for funding from non-set-aside funds will be limited to 65% of total project costs or \$1.50 million, whichever is less.

- Projects funded under this set-aside count towards the 40% Single Applicant Cap.
- Projects funded under this set-aside must be eligible as articulated in Section III, Eligibility.

D. Non-Road Set-Aside

Of the funding available, up to \$1.50 million is designated for road hydrogen projects which co-locate with an existing non-road hydrogen station. In the instance where insufficient eligible and passing non-road co-located station Applications are received, the Energy Commission reserves the right to award the Non-Road Set-Aside funds to other eligible projects under this solicitation.

Applicants applying for this set-aside must certify that their proposed project is eligible by checking the appropriate box and signing the Application Form (Attachment 1). Applicants who fail to check the appropriate box will not be eligible for the Non-Road Set-Aside funds.

- Projects funded under this set-aside do not count towards the 40% Single Applicant Cap.
- Projects funded under this set-aside must be eligible as articulated in Section III, Eligibility.

E. Coordination with the U.S. Department of Energy

Applicants are encouraged to coordinate the scope of their project with both activities underway and those planned by the United States Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE).

For further information, please visit:

<http://www1.eere.energy.gov/hydrogenandfuelcells/financial.html>, or contact: Jason Marcinkoski, available by phone at (202) 586-7466 or via e-mail at Jason.Marcinkoski@ee.doe.gov.

III. Eligibility

A. Eligible Applicants

This solicitation is open to public agencies, vehicle and technology entities, businesses, public-private partnerships, fleet owners, and academic institutions that can meet the requirements of this solicitation.

Applicants must have a business presence in California. Corporations, limited liability companies (LLCs) and limited partnerships (LPs) must be registered and in good standing with the California Secretary of State in order 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.

The Applicant's key personnel, as identified in the Scope of Work (Attachment 3), must each have a minimum of three (3) years of experience designing, planning, constructing, testing, operating, or maintaining gaseous fueling stations.

Applicants must agree to be bound by the ARFVT Program Grant Terms and Conditions (Attachments 12 and 13) for any agreement(s) resulting from this solicitation. The Energy Commission reserves the right to add or modify any special terms and conditions necessary to successfully administer a grant agreement resulting from this solicitation. No exceptions to these Terms and Conditions will be considered. Therefore, the Energy Commission recommends that both the Applicant and its subcontractors, including legal counsel, carefully review the ARFVT Program Grant Terms and Conditions before deciding to submit an Application. If an Applicant and/or subcontractor do not agree to the terms and conditions, the Energy Commission reserves the right to revoke funding to that Applicant and fund the next eligible Application under this solicitation.

B. Eligible Projects

The requirements for eligibility apply to all Applications. To be eligible under this solicitation, projects must:

- Be located at an existing retail fueling station or co-located with an existing non-road hydrogen fueling station.
- Be located in California.
- Be publicly accessible (meaning the project must sell fuel without the use of access, liability, or user contracts for either corporate customers/partners or individual consumer access).
- Meet the Minimum Technical Requirements (Section III.C).
- Be located inside the polygon boundaries of a Station Location Area listed in Table 2. EXCEPTION: Applications competing for Non-Road Set-Aside funds must be located outside of an identified Station Location Area polygon.
- Include one or more of the following:
 - Installation of new hydrogen dispensing equipment.
 - Upgrade/refurbishment of existing hydrogen dispensing equipment.

- Installation of equipment for the on-site production and dispensing of hydrogen fuel.

C. Minimum Technical Requirements

To be eligible under this solicitation, proposed hydrogen fueling stations must at a minimum meet each of the following technical requirements:

1. **Hydrogen Quality:** The station(s)/dispenser(s) shall meet Society of Automotive Engineers International (SAE) J2719:2011, Information Report on the Development of a Hydrogen Quality Guideline for Fuel Cell Vehicles (www.sae.org).
2. **Fueling Protocols:** The station(s)/dispenser(s) shall meet SAE Technical Information Report (TIR) J2601:2010, Fueling Protocols for Light Duty Gaseous Hydrogen Surface Vehicles (www.sae.org). This includes the general requirements for operating conditions and hydrogen fueling protocols of light duty FCVs in SAE TIR J2601. The station(s)/dispenser(s) shall use Canadian Standards Association (CSA) Hydrogen Gas Vehicle (HGV) 4.3 (CSA HGV 4.3:2012), Test Methods for Hydrogen Fueling Parameter Evaluation as a test method and equipment specification to confirm that the performance of a station/fuel dispenser is consistent with SAE TIR J2601 (www.csa.ca).
3. **Minimum Station Daily Fueling Capacity:** Each station shall have a minimum average daily fueling capacity of no less than 100 kg. The average daily station capacity (kg/day) shall be the total kg of hydrogen that can be delivered to 7 kg-capacity vehicles according to the SAE TIR J2601 Fueling Protocol, over a 12 hour period.
4. **Minimum Peak Fueling Capacity:** Five 7-kg Type A for 70 MPa and/or Type B for 35 MPa (as defined in SAE J2601) fills per hour Peak Fueling Capacity. The peak fueling capacity of the station(s)/dispenser(s) shall measure the succession rate at which 7 kg-capacity vehicles can be filled per one hour period at a station, back-to-back, without the station having to recharge. The peak fueling capacity shall be expressed in the number of 7kg Type A for 70 MPa and/or Type B for 35 MPa fills per hour.
5. **Dual Dispenser Pressure:** Each hydrogen fueling station shall dispense fuel at both 700 bar and 350 bar and provide Type A for 70 MPa and Type B for 35 MPa fueling according to SAE TIR J2601 Fueling Protocol.
6. **Operational Date:** The Application must demonstrate that the hydrogen fueling station will be constructed, operational, and open to the public by October 30, 2014.

7. **Data Collection Capability:** Successful Applicants will be required to collect and submit station operation and performance data for a minimum of 12 months following station construction completion. The specific requirements will be contained in the agreement's Scope of Work (See Attachment 3).
8. **Minimum 33% Renewable Hydrogen Content:** Each station must dispense, at minimum, 33% renewable hydrogen on a per kilogram basis through direct physical pathways and document in the Project Narrative how this is accomplished. See Section X.C for documentation requirements. This documentation requirement also applies to Applications competing for Renewable Hydrogen Set-Aside funds.

Alternatively, Applicants may elect to dispense 33% renewable hydrogen from the network of their proposed stations awarded under this solicitation. A direct physical pathway means either on-site or off-site production of hydrogen fuel. Credits may not be used except for process electricity as specified below.

For purposes of this solicitation, the term "renewable hydrogen" is defined as hydrogen produced from:

- 1) *Eligible renewable feedstocks including:*
 - Biomethane or biogas such as: biomass, digester gas, landfill gas, sewer gas, or municipal solid waste gas.
 - Other feedstocks may be eligible if the Application demonstrates that the proposed feedstock is sustainably produced, reduces greenhouse gas emissions compared to the petroleum baseline, and achieves the ARFVTP sustainability goals contained in 20 CCR 3101.5.
- 2) *Eligible renewable electricity sources, including facilities that use the following:*
 - Fuel cells using renewable fuels
 - Geothermal
 - Small hydroelectric (30 megawatts or less)
 - Ocean wave
 - Ocean thermal
 - Tidal current
 - Photovoltaic (PV)
 - Solar Thermal
 - Wind
 - Biomass digester gas
 - Municipal solid waste conversion (non-combustion thermal process)

- Landfill gas
- Renewable Energy Certificates (REC)

SB 1505 Disclaimer: This 33% Renewable Hydrogen Content requirement is a condition to participate in the California Energy Commission's Hydrogen Fueling Infrastructure solicitation (PON-12-606). This is separate and distinct from the California Air Resources Board's (ARB) sole authority to regulate the renewable hydrogen content requirements for hydrogen fueling stations under Health and Safety Code, Section 43869 (commonly referred to as Senate Bill 1505). Although the California Energy Commission coordinated with the Air Resources Board, the Energy Commission makes no guaranty and no warranty, express or implied, that the 33% Renewable Hydrogen Content requirement in this solicitation will meet any standards or regulations that ARB may adopt in the future for hydrogen fueling stations pursuant to the authority in Health and Safety Code, Section 43869. The applicant will be solely responsible for complying with such standards and regulations as applicable, including funding its compliance with them.

D. Multiple Applications

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

E. Eligible Costs

The Energy Commission will provide funding for equipment, construction, labor, and limited operation and maintenance costs (see Section III.F, below) associated with developing a hydrogen fueling station.

The Energy Commission will provide funding for ancillary equipment needed to supply hydrogen fuel to funded fueling stations, including fill equipment and transport trailers, provided that all such costs are incorporated into the budget for each proposed station. Ancillary equipment costs must be included in the total proposed station cost. See Section X.H.4 for details on how to budget for ancillary equipment costs.

The Energy Commission will **not** reimburse for costs incurred before final execution of the grant agreement.

F. Operation and Maintenance Costs

The Energy Commission will provide funding for Operation and Maintenance (O&M) costs meeting the following requirements and restrictions:

1. Requests for O&M cost reimbursement shall not exceed \$200,000 total. O&M costs are included in the total project cost and subject to the applicable funding caps described in Section II of this solicitation.

2. The Energy Commission will only reimburse award recipients for actual O&M costs incurred and properly documented in accordance with this solicitation, the Agreement Terms and Conditions, and any Special Terms and Conditions as the Energy Commission may deem appropriate.
3. O&M costs must be incurred within the first three (3) years of station operation or by March 31, 2017, whichever occurs first.
4. O&M costs must be included in the Application budget.

The following types of O&M costs will be allowable under a resulting agreement, subject to item 5. below. For purposes of this provision, “property,” “real property,” “personal property,” and “construction” are as defined in the California Revenue and Tax Code and implementing regulations.

http://www.leginfo.ca.gov/html/rtc_table_of_contents.html

1. Maintenance of equipment purchased under the agreement that is reasonably necessary to keep the equipment in efficient operating condition, from the date of delivery until the end of the agreement, only if the maintenance does not add permanent value or appreciably prolong the equipment’s intended life.
2. Insurance on equipment purchased under the agreement, from the date of delivery until the end of the agreement, only if:
 - insurance does not protect the Recipient against the cost of its own defects in materials or workmanship;
 - coverage for loss, damage, destruction, or theft of the equipment does not limit or eliminate the Recipient’s liability for such loss under the grant agreement;
 - coverage does not include loss, damage, destruction, or theft which results from the willful misconduct or lack of good faith on the part of any of the Recipient’s ownership or managerial personnel;
 - coverage does not include lost profit;
 - coverage does not exceed the cost of acquisition, unless the Recipient has a formal written policy that assures that the property, if converted, will be valued at the book value of the replaced asset plus or minus the difference between the insurance proceeds and the actual replacement costs;
 - costs are consistent with competitive insurance prices;
 - insurance does not protect the Recipient from the Commission; and,
 - insurance is equivalent to the insurance that the Recipient maintains for similar equipment not purchased under the Agreement.

3. Overhead and administrative costs on the above items.
4. Operations and Maintenance costs not expressly included in Section III.F, such as, but not limited to, personal property taxes or permitting fees, are not allowable under any resulting agreement.
5. Costs under a resulting agreement are allowable if they are reasonable, allocable, and appropriate to the project as determined under applicable federal cost principles. Costs must be measurable and non-duplicative of other reimbursed or match share costs. For purposes of this provision, sections 31.201-2, 31.201-3, and 31.201-4 of Title 48 of the Code of Federal Regulations (CFR) are expressly incorporated by reference.

G. Match Funding Requirements

The balance of the project cost beyond the Energy Commission grant is the Applicant's required match share. Applicants must provide a minimum match share of 35% of total project costs. For example, if a proposed project has a total project cost of \$2,000,000, the minimum match share funding requirement is \$700,000 ($\$2,000,000 \times 35\%$). Applications with a greater percentage of the total project costs in match share funding will be scored higher than those with lower match share funding. See Section XII for details on scoring. The following applies to match share funding:

1. All match share expenditures must conform to the requirements in the terms and conditions of the grant agreement. Grant recipients will be required to document and verify all match share expenditures, and provide a synopsis of project progress in the monthly progress reports and invoices to the Energy Commission after grant execution.
2. Applicants must disclose the source and provide verification and documentation for the match share funding.
3. Match share funding may be in the form of cash and/or in-kind contributions such as donated labor hours, equipment, facilities, and property. Equipment, facilities (e.g., laboratory space), and most property may count as match funds as long as the value of the contribution is based on documented market values or book values, prorated for its value to the project, and depreciated or amortized over the term of the project using standard accounting principles.
4. Funding from other non-state government agencies may be used as match share.
5. Funding recipients are allowed to incur match share expenditures only after the Energy Commission notifies the Applicant that its project has been proposed for an award through the release of a NOPA. Match

expenditures incurred prior to the full execution of a funding agreement are at the Applicant's own risk. The Energy Commission is not liable for Applicant's incurred match share costs if the grant is not approved, if approval is delayed, or if the match share expenditure is not allowable under the terms and conditions of the grant or applicable federal cost principles incorporated by reference into the agreement.

H. References: Relevant Laws, Regulations, Reports and Other Documents

Applicants must comply with all applicable federal, state, and municipal laws, rules, codes, and regulations, including but not limited to:

1. Specifications for Hydrogen Used in Internal Combustion Engines and Fuel Cells: California Code of Regulations, Title 4, Division 9, Chapter 6, Article 8, Sections 4180 and 4181.

Further, Applicants may want to familiarize themselves with the following documents when responding to this solicitation:

2. 2012-13 Investment Plan Update for the Alternative and Renewable Fuel and Vehicle Technology Program
www.energy.ca.gov/2012publications/CEC-600-2012-001-CMF/CEC-600-2012-001-CMF.pdf.
3. 2011-12 Investment Plans for the Alternative and Renewable Fuel and Vehicle Technology Program www.energy.ca.gov/2011publications/CEC-600-2011-006/CEC-600-2011-006-CTF.pdf.

The above-referenced ARFVTP Investment Plans are on display and available for review in the Energy Commission's Library. Library hours are Monday - Friday from 8:30 a.m. to 4:30 p.m., closed for lunch: 12:00-1:00 p.m. The Library is located at: California Energy Commission, 1516 Ninth Street, First Floor, Sacramento, CA 95814, (916) 654-4292.

IV. Station Location Areas

A. Priority Station Location Areas

Applicants are encouraged to review Table 2 which identifies the Station Location Areas. The Energy Commission does not anticipate that all 25 Station Location Areas will be funded under this solicitation.

Table 2 lists the Station Location Areas alphabetically and does not indicate a relative priority.

**Table 2. Station Location Areas
(in Alphabetical Order)**

AREA
Anaheim
Beverly Hills, Westwood
Calabasas, Woodland Hills, Agoura Hills
Cupertino
Hayward
Laguna Beach
Los Altos, Los Altos Hills, Palo Alto
Los Gatos
Manhattan Beach, El Segundo
Milpitas
Mission Viejo, Laguna Hills
Mountain View
Oakland, Berkeley
Pasadena
Pleasanton, Dublin
Redondo Beach, Torrance
San Clemente
San Diego #1
San Diego #2
San Francisco
San Mateo
Tustin
West Hollywood, Hollywood, Melrose
Westminster, Huntington Beach
Woodside, Menlo Park, Atherton, Redwood City

B. Quantity of Stations per Station Location Area

Only one hydrogen fueling station will be funded per Station Location Area polygon (Attachment 14). Applicants are required to select the appropriate Station Location Area for each Application by checking the appropriate box on Attachment 1.

C. Station Location Area Polygons

The station location area polygons were generated by a process designed and applied at the Advanced Power and Energy Program at the University of California at Irvine (UCI). The Introduction of this solicitation describes the details (Section I).

1. All Applications must be located at an existing retail fueling station that resides within the boundaries of the Station Location Area polygons.

EXCEPTION: Applications competing for Non-Road Set-Aside funds must be located outside the identified polygons.

2. The polygons will be used to score all Applications (except for Applications competing for the Non-Road Set-Aside funds).

The polygon colors depict the optimization of station locations within the polygon. See Introduction (Section I-C) for more detailed information. The colors and associated scores within the Station Location Areas are listed in the Scoring Criteria.

3. To determine location score, the Energy Commission will submit the address of each proposed station to UCI. UCI will determine the GIS coordinates and then input the GIS coordinates into the STREET model. The STREET model will verify whether the proposed station is located within the boundary of a Station Location Area polygon and determine the applicable map color and score.

Applicants may contact the UCI STREET team at tmb@apep.uci.edu or (949) 824-7302, ext 11348 when developing their Applications to confirm the GIS coordinates of a proposed station location. The UCI STREET team will provide the Applicant with the map color based on the GIS coordinates of a proposed station location within the polygon.

The UCI STREET team will answer all requests on a first come, first served basis. Further, the UCI STREET team will hold the information provided by the potential Applicant confidential and return results within approximately one week.

If the Applicant has contacted the UCI STREET team to obtain GIS coordinates for their proposed station location, documentation of this communication from the UCI STREET team should be included in the Application. Any discrepancies between information submitted by the Applicant and the Energy Commission's analysis related to location scoring will be resolved by the Energy Commission and scored based solely on Energy Commission analysis and results in consultation with UCI.

D. Consideration of Existing Hydrogen Fueling Stations

Applications should demonstrate that the Applicant has considered the current network of existing and planned hydrogen fueling stations. Table 3 provides a list of existing and recently funded hydrogen fueling stations. Applicants should consider these existing and future stations when: 1) selecting their proposed station location area, 2) preparing their Application, and 3) responding to the market viability scoring criteria (Section XII.C.2).

Table 3. Existing and Recently Funded Hydrogen Fueling Stations

Existing Stations
11576 Santa Monica Blvd, West Los Angeles, CA 90025
2051 W. 190th Street, Torrance, CA 90501
32505 Harry Oliver Trail, Thousand Palms, CA 92276
145 W. Verdugo Avenue, Burbank, CA 91510
1172 45th St., Emeryville, CA 94608
10844 Ellis Ave, Fountain Valley, CA 92708
19172 Jamboree Blvd, Irvine, CA 92612 (also listed as an upgrade, below)
1600 Jamboree Blvd., Newport Beach, CA 92660
Recently Funded Stations
1402 Santa Monica Blvd, Santa Monica, CA 90404
Veteran & Kinross, SW corner of campus, Westwood, CA 90095
11261 Santa Monica Blvd, Los Angeles, CA 90025
1004 S. La Cienega Blvd, Los Angeles, CA 90035 (Beverly Hills)
5230 Rosecrans Ave, Hawthorne, CA 90250
1131 Pacific Coast Highway, Hermosa Beach, CA 90254
25826 S Western Ave, Harbor City, CA 90710
19172 Jamboree Blvd, Irvine, CA 92612 (upgrade in development)
4162 Trabuco Rd, Irvine, CA 92620
Chevron Station, 30072 Crown Valley Parkway, Laguna Niguel, CA 92677
21865 E. Copley Dr, Diamond Bar, CA 91765 (upgrade in development)
5151 State University Dr. Los Angeles, CA 90032
2816 West Capitol Ave, West Sacramento, CA 95691

V. Prevailing Wage Law and Payment of Prevailing Wages

Some 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 sample terms and conditions, the Special Condition regarding Prevailing Wage Compliance (Attachment 7), and Prevailing Wage Compliance Certification Form (Attachment 8).

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

VI. General Statement on Method of Awarding

This solicitation is competitive. The following explains the process, generally, and Section XI describes the process in greater detail.

- A. Applicants will compete based on scoring criteria and are scored and ranked based on those criteria.

- B. To be eligible for funding, Applications must receive a score equal to or exceeding the minimum passing score (70%) specified in this solicitation.
- C. The Energy Commission reserves the right to determine the final amount of funds awarded under this solicitation.
- D. In the instance where funds available under this solicitation are insufficient to fully fund the next eligible grant Application request, the Energy Commission reserves the right to provide partial funding. 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.

VII. Solicitation Workshop

There will be one Pre-Application Workshop. Participation in this meeting is optional, but highly 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.

DATE: December 7, 2012
TIME: 10:00 a.m to 4:00 p.m.
California Energy Commission
Hearing Room A
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:

Computer Logon with a Direct Phone Number:

Please go to <https://energy.webex.com> and enter the unique meeting number 921 561 033.

When prompted, enter your information and the following meeting password (case sensitive): 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 921 561 033.

When prompted, enter your information and the following meeting password (case sensitive): 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 10:00 a.m. Passcode: 921 561 033. Call Leader: Jonah Margolis

VIII. Questions During the Solicitation Process

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/or submit written questions via mail and electronic mail. However, all questions must be received by 5:00 pm on the date listed in Table 1, Activities and Action Dates, in Section I.

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

Crystal Presley-Willis - Grants Officer

California Energy Commission

1516 Ninth Street, MS-18

Sacramento, California 95814

FAX: (916) 654-4076- **654-4423**

E-mail: Crystal.Presley-Willis@energy.ca.gov

IX. Application Format, Required Documents, Delivery, and Application Organization

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.

1. **Format:** All Applications submitted under this solicitation must be typed or printed using a standard minimum 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Copies should be bound by binder clips only. Tabs are encouraged. Binders, spiral bounding, and comb binding are discouraged.
2. **Number of Copies:** Applicants must submit an original plus 6 copies of the Application.
3. **Total Number of Pages:** The number of pages for each Application is limited to 75. Resumes, optional or mandatory letters of support, and budget forms do not count towards this page limitation.
4. **Electronic Copy:** Applicants must 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/or Excel Office Suite formats. Completed Budget Forms, Attachment 5, must be in Excel format. Electronic files submitted via e-mail will not be accepted.
5. **Packaging and Labeling:** The original and copies of the Application must be labeled "Program Opportunity Notice #PON-12-606," 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 and Loans Office Attn: PON-12-606 1516 Ninth St. MS-18 Sacramento, CA 95814-5512
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6. **Method for Delivery:** An Applicant may deliver an Application by:

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

7. **Submission Deadline and Restrictions:** 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 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.

X. Application Requirements

Applications shall contain the elements listed in Table 4 and be organized in the following order:

Table 4. Application Requirements

<i>Element</i>	<i>Attachment Reference (if applicable)</i>
Application Form	Attachment 1
Table of Contents	
Project Narrative	
Scope of Work	Attachment 3. See Attachment 2 for Instructions.
Schedule of Products and Due Dates	Attachment 4
Project Team/Resumes	
Letter(s) of Support/Commitment	
Budget	Attachment 5
CEQA Compliance Form	Attachment 10
Photographic Evidence	

Below are the specific instructions for each element:

A. Application Form

Each Application must include an original, complete Application Form (Attachment 1) that is 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.

Applications competing for set-aside funds must check the appropriate box on the Application Form (Attachment 1). Failure to check the appropriate set-aside box may result in the Application not being eligible to compete for set-aside funds. For each Application, only one set-aside box may be selected.

With the exception of Non-Road Set-Aside Applications, Applicants must check the appropriate Station Location Area box for each Application submitted. For each Application, only one Station Location Area may be selected.

B. Table of Contents

Each Application must include a table of contents that specifies Application elements and corresponding page numbers to assist in the review and evaluation of the Application.

C. Project Narrative

The Project Narrative must include a detailed description of the proposed project, operational goals and objectives of the proposed project, in addition to the proposed location which is also specified on the Application Form (Attachment 1). In addition the Project Narrative must include the following:

1. **Plan for Dispensing at Least 33% Renewable Hydrogen through Physical Pathways:** Each Application shall specify the percentage of renewable hydrogen to be dispensed at each location and describe in adequate detail how each station or portfolio of awarded stations expect to dispense at least 33% of renewable hydrogen on a per kilogram basis through direct physical pathways (see Section III.C for definition).

All Applicants (including those competing for the Non-Road or Renewable Hydrogen Set-Aside funds) must explain their plan to meet this minimum 33% requirement as specified below.

- Each Application must describe how the station or stations ultimately awarded will dispense at least 33% renewable hydrogen on a per kilogram basis. Each Application must describe the physical pathway of the hydrogen fuel it will ultimately dispense from "well to wheel".

- Specifically, Applications must include information about the source of the feedstock(s) and/or process electricity; how the feedstocks will be processed into fuel; and how the fuel will be transported, stored, and ultimately dispensed at the proposed station(s). If the primary process energy for hydrogen production is electricity (e.g., for electrolysis), Applicants must describe a direct source of eligible renewable electricity or source of renewable energy certificates (RECs) that are registered and verifiable through Western Renewable Energy Generation Information System (WREGIS) or an equivalent tracking and verification system. Further information about WREGIS can be found at: www.wecc.biz/WREGIS.
 - The Energy Commission will verify whether the renewable hydrogen requirement is met. For each station, Applicants must submit the following information: Year, name of pathway, amount of hydrogen dispensed annually per station (in kilograms), biogas/renewable feedstock (in standard cubic feet), and renewable electricity (in kilowatt hours).
 - Applicants must account for the possibility that not every Application it submits will be recommended for funding. Therefore, Applicants must describe whether and how their renewable hydrogen plan would change depending on the number and location of stations ultimately awarded. Please also include information about whether and how costs might change depending on the portfolio of stations ultimately awarded grant funding. For example, please specify whether different technologies or more expensive equipment would be used depending on the combination of stations awarded.
2. **Scoring Criteria Discussion:** Applications should address each of the scoring criteria described in Section XII, “Screening and Scoring Criteria” thereby providing sufficient, unambiguous detail so that the Scoring Team will be able to evaluate the Application against each of the scoring criteria. Applicants should provide sufficient detail for the Scoring Team to properly evaluate the Application. Applicants are further advised to respond directly to each criterion, using the criterion title as the heading for each response.
3. **Average Cost per kg:** Applications should include the average cost per kg of hydrogen. To calculate, the requested amount of Energy Commission funds for a proposed station will be divided by the daily capacity (kg) for the proposed station.

4. **Potential Upgrades:** Applications should provide information about the potential for hydrogen fueling station upgrades (including sourcing the fuel), station capacity increase, and improvements in access to the station.
5. **Site-Control Specifics:** Applications should provide a plan to assure site-control with specifics about the physical areas in the gas station to be used to accommodate hydrogen storage tanks, trailers, and hydrogen dispensing equipment.
6. **Greenhouse Gas Emission Reductions:** Applications should include greenhouse gas emissions profile and reduction potential of the proposed project on a lifecycle basis.

Greenhouse gas emission reductions shall be quantified in grams of CO₂-equivalent per megajoule, total metric tons per annum, and total metric tons over the design life of the project. In quantifying the greenhouse gas emissions reductions, Applicants shall: 1) use a method for assessing carbon intensity values that conforms to the California Air Resources Board's (ARB) Low Carbon Fuel Standard (LCFS) or an alternative methodology approved by the Energy Commission; 2) include all assumptions and calculations; and 3) compare the greenhouse gas emissions reductions of the appropriate petroleum baseline listed on the LCFS website: www.arb.ca.gov/fuels/lcfs/lcfs.htm.

7. **Water Efficiency:** Applications should describe and quantify the water efficiency and water use reduction measures used in the proposed project including innovative techniques such as water purifying and the use of water recycling/reclaiming techniques.
8. **Natural Resources and Overall Environmental Impact:** Applications should describe how the proposed project will preserve and enhance the environmental quality of the State's natural resources and promote the superior environmental performance of alternative and renewable fuels, infrastructure and vehicle technologies.
9. **Relevant Past Projects:** Applications should provide a list of relevant past projects, including project implementation dates and facility location. The Application shall include detailed relevant technical and business experience that ensures the success of the proposed project.
10. **Project Plan:** Applications should provide a project plan which shows cash-flow projection over the duration of the Energy Commission-funded project, describing when the station is projected to break even. The plan shall include all assumptions.

The Applicant shall provide a summary plan for demonstrating continuous ownership and operation of the station for a minimum of three (3) years after installation completion.

The plan shall also include information about the maintenance procedures for the hydrogen fueling station, how personnel will be trained, retrained, over time as needed for all operators of the station(s) and how the station will be monitored.

D. Scope of Work

Applicants must include a completed Scope of Work for the proposed project. Applicants must use the template contained in Attachment 3. Instructions for completing the Scope of Work are included in Attachment 2. Electronic files for the Scope of Work must be in MSWord™. The description of activities proposed in the Project Narrative must conform to the Tasks described in the Scope of Work.

E. Schedule of Products and Due Dates

Applications must include a completed Schedule of Products and Due Dates (Attachment 4). The Application must demonstrate that the station will be constructed and open to the public by October 30, 2014. Instructions for the Schedule of Products and Due Dates are included in Attachment 4. Electronic files for the Schedule of Products and Due Dates must be in MS Excel™.

F. Project Team/Resumes

Applications should include information about key personnel of the Applicant's staff and subcontractors who will participate in the proposed project. Identify, by name, all key personnel assigned to the project, including the project manager, and clearly describe their individual areas of responsibility. The project manager is the one individual responsible for interacting with the Commission Agreement Manager on all issues relating to the overall project and coordinating all aspects of work under the project.

For each individual, include company, position title, job description, a current individual resume (maximum of two pages each) including job classification and description, relevant experience, education, academic degrees, professional licenses, and contact information.

Applications should provide information as to who, among the Applicant staff and subcontractors, will be committed to each task described in the Scope of Work. Further, Applications should describe the staff roles in the proposed project. Finally, Applications should identify the percentage of time each team member will devote to the proposed project.

G. Letter(s) of Support/Commitment

Letter(s) of support or commitment are limited to 2 pages maximum each. These letter(s) are not counted against the page limitations specified in this solicitation.

- 1. Station Owner/Operator (MANDATORY):** Applications must include a letter of support from the owner/operator of the site (gas station or non-road station) where the hydrogen fueling station or upgrade project is proposed. The letter shall originate from the station owner / representative and shall declare their commitment to building a hydrogen fueling station (or implementing an upgrade) at their site in collaboration with the project developer.
- 2. Third-Party Match Share Commitment (MANDATORY, if applicable):** For match share committed by a third-party (i.e., other than the match share committed by the Applicant), Applicant must submit a letter of commitment from each match share partner identifying the source(s) and availability of match funding.
- 3. Key Project Partners (MANDATORY, if applicable):** The Application shall include a letter of commitment from every key project partner. The letter of commitment shall include complete contact information so the Energy Commission is able to efficiently contact the letter writer, as necessary.
- 4. Third-Party Letters of Support (OPTIONAL):** Applicants are encouraged to submit additional letter(s) of support that further substantiate the estimated demand and/or the potential benefits of the proposed station. Third-party letters of support can be provided by, but are not limited to: air districts, state or federal agencies, original equipment manufacturers (OEMs), renewable hydrogen fuel providers, local safety officials, fleet operators, and any other organizations.

H. Budget Forms

Applications must include information on all of the attached budget forms, B-1 through B-6.

Table 5. Budget Forms

Budget Form	Attachment Number
Task Summary	Attachment 5.B-1
Category Summary	Attachment 5.B-2
Prime Labor Rates	Attachment 5.B-3
Labor Rates for Each Subcontractor	Attachment 5.B-3a-o
Prime Non-Labor Rates	Attachment 5.B-4
Non-Labor Rates for Each Subcontractor	Attachment 5.B-4a-o
Direct Operating Expenses	Attachment 5.B-5
Match Funding	Attachment 5.B-6

Detailed instructions for completing these forms are included at the beginning of Attachment 5. Budget forms do not count against page limitations specified in this solicitation.

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 will result in either a lower score or disqualification from this solicitation.

NOTE: The information provided in these forms will **not** be kept confidential after the posting of the Notice of Proposed Awards.

Proposed budgets must conform to the following requirements:

1. Rates and personnel shown must reflect rates and personnel that will be utilized in the funding agreement if selected for an award. The salaries, rates, and other costs entered on these forms become a part of the final agreement. Applicants must consider the entire term of the agreement and include projected rate increases (if applicable) when preparing the budget. The rates included in the Application are the **maximum** rates allowed to be reimbursed under the resulting agreement. These rates will **not** be increased during the term of the agreement. Funding recipient shall only be reimbursed for their **actual** rates up to these rate caps. The hourly rates provided in all B-3 budget forms shall be unloaded rates and shall not include fringe benefits, any overhead/indirect costs, or profit.
2. All reimbursable project expenditures must be expended within the approved term of the funding agreement.
3. The Energy Commission highly recommends that all match share expenditures be incurred during the approved term of the funding agreement. However, funding recipients may choose to incur match share expenditures at their own risk once officially notified of a proposed award through the publication of a Notice of Proposed Awards (NOPA) for this solicitation.
4. If an Application requires ancillary hydrogen equipment such as central fill and trailers, the Application shall include the costs of the ancillary hydrogen equipment for two scenarios: 1) full ancillary hydrogen equipment costs if an individual station Application is awarded, and 2) prorated ancillary hydrogen equipment costs if more than one station is proposed.
5. 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.

6. Applicants must budget expenditures related to permits, etc. as match share expenditures. The Energy Commission will not reimburse Applicants for costs related to permitting.
7. The Budget should allow for the preparation and submission of monthly progress reports (2-3 pages each) during the approved term of the agreement, and a Final Report. Instructions for preparing the Final Report are included in the Scope of Work and agreement Terms and Conditions.
8. 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.*
9. 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.
10. 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.

I. California Environmental Quality Act (CEQA) Compliance Information

Applicants must complete Attachment 10. The Energy Commission requires this information to assist its own determination of what level of environmental review is required under the California Environmental Quality Act (Public Resource Code Section 21000 et.seq). The Energy Commission must ensure that the appropriate level of environmental review under CEQA is complete prior to advancing a project to a Business Meeting for Commission approval. Thus, no award can be approved, nor can any grant be executed, until CEQA is satisfied.

Applicant must provide the following information as it pertains to the proposed project:

1. **Proposed Station Location:** Applicants must provide the specific address or equivalent location information for the proposed station, equipment, fill system(s), and/or dispensing unit(s).
2. **Permits:** Applicant must identify the permits necessary for the project.

3. **Project Impacts:** Applicants must describe the potential or actual impacts the project may have on the surrounding environment.
4. **CEQA Lead Agency:** Applicants must identify the CEQA lead agency and include documentation demonstrating that contact has been made with the local agency with jurisdiction over the project for purposes of complying with CEQA. The documentation may be in the form of a letter from the local agency or a CEQA application to the local agency that is stamped as received by the local agency.

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 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.

5. **CEQA Schedule:** Applicants must provide the actual or estimated schedule for permitting and CEQA compliance.
6. **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 hydrogen project in the case of the Renewable Hydrogen Set-Aside is exempt under the common sense exemption.

7. **Initial Study or Environmental Impact Report (EIR):** If the local agency has not exempted the project, Applicant shall explain 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.
8. **Other Relevant CEQA Information:** Applicant shall include any other relevant CEQA documentation or information that will assist the Energy Commission in confirming CEQA compliance.

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.

- J. **Photographic Evidence of the Station Layout**
Application must provide photographic images with both date and time stamps of the intended location. The images must show the station ingress and egress.

K. Localized Health Impacts Information

Applicants must complete Attachment 15. The Energy Commission requires this information to assist its own determination on the localized health impacts of the proposed project.

XI. Application Evaluation

A. Stage One: Administrative and Technical Screening

Energy Commission staff will screen Applications for compliance with Application requirements and the grounds for rejection specified in Sections XII and XIII. Applications that fail administrative or technical screening shall be disqualified and eliminated from further evaluation.

B. Stage Two: Technical Evaluation of Applications

The Energy Commission will organize a Scoring Team. Applications passing Stage One will be submitted to the Scoring Team to review and score the Applications based on the Scoring Criteria in Section XII utilizing the following process:

1. **Initial Evaluation:** Each Application will be evaluated and scored based on responses to the scoring criteria in this solicitation. The entire evaluation process from receipt of Applications to posting of the Notice of Proposed Awards (NOPA) is confidential.
2. **Clarification Interviews:** During the evaluation and selection process, the Scoring Team may hold a clarification interview with an Applicant to be held either by telephone or in person at the Energy Commission 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. Applicants will not be reimbursed for time spent answering clarifying questions.
3. **Site Visits:** During the evaluation and selection process, the Scoring Team may visit station locations to verify accessibility and location. There will be no contact with the Applicant or related parties at the site visit.
4. **Scoring Process and Minimum Passing Score:** The total score for each Application will be the average of the combined scores of all Scoring Team members. A minimum of 70 percent is required for an Application to be eligible for funding. See Section XII.B for scoring methodology.
5. **Non-Road Set-Aside Competition:** Applications submitted and eligible for the Non-Road Set-Aside funds will be scored and ranked according to score. Projects will be recommended for funding until either all eligible and passing Non-Road Set-Aside Applications are funded or all Non-Road

Set-Aside funds are awarded. Remaining Applications competing for this set-aside will not be eligible for funding under this solicitation.

If insufficient eligible and passing Applications are received for the Non-Road Set-Aside funds, the Energy Commission reserves the right to award unused Non-Road Set-Aside funds to other eligible projects under this solicitation.

6. **Renewable Hydrogen Set-Aside Competition:** The Renewable Hydrogen Set-Aside Competition will occur after the Non-Road Set-Aside Competition has been completed and before the Prime Competition.

Applications submitted and eligible for the Renewable Hydrogen Set-Aside funds will be scored and ranked according to score. Projects achieving a passing score will be recommended for funding in ranked order as long as: 1) the proposed station is not within a Station Location Area previously awarded to another station; 2) Applicant has not reached the Single Applicant Cap; and 3) Renewable Hydrogen Set-Aside funds have not been exhausted. Renewable hydrogen Applications not funded through this set-aside will be allowed to compete for funding under either the Prime Competition.

If insufficient eligible and passing Applications are received for the Renewable Hydrogen Set-Aside funds, the Energy Commission reserves the right to award unused Renewable Hydrogen Set-Aside funds to other eligible projects under this solicitation.

7. **Prime Competition:** The Prime Competition will occur after both the Non-Road and Renewable Hydrogen Set-Aside Competitions have been completed.

Applications for stations located within identified Station Location Areas (including unfunded renewable hydrogen station Applications) will be scored and ranked according to score. Projects achieving a passing score will be recommended for funding in ranked order as long as: 1) the proposed station is not within a Station Location Area previously awarded to another station; 2) Applicant has not reached the Single Applicant Cap; and 3) funds in this solicitation have not been exhausted.

8. **40% Single Applicant Cap:** Individual Applicants will be subject to a funding cap of 40% of the available funds under this solicitation. EXCEPTION: Projects funded from Non-Road Set-Aside funds do not count towards the 40% Single Applicant Cap. Once an Applicant has reached the 40% Single Applicant Cap, remaining Applications from the Applicant will be disqualified and not eligible for funding under this

solicitation. The Energy Commission reserves the right, at its own discretion, to modify or eliminate the Single Applicant Cap if necessary.

9. **Tiebreakers:** If two or more Applications achieve the same score and are eligible to be funded, the Energy Commission will recommend awarding the project that contains the greater percentage of renewable hydrogen. If the percentage of renewable hydrogen is the same, the Scoring Team will conduct an objective tie-breaker to determine the winning Application.
10. **Notice of Proposed Awards:** Award recommendations will be disseminated through the issuance of a Notice of Proposed Awards (NOPA). The NOPA will identify the Applications recommended for funding, the recommended award amount, and the score and ranking of each Application received under the solicitation. The Energy Commission will: 1) post the NOPA at the Energy Commission's headquarters in Sacramento; 2) post the NOPA on the Energy Commission's Website; and 3) will mail the NOPA to all parties that submitted an Application under this solicitation.
11. **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.

XII. Screening and Scoring Criteria

A. Screening Criteria

Applications will first be screened in accordance with the Administrative and Technical Screening criteria listed in Table 6 below. Applications failing one or more of the screening criteria will be disqualified and will not be eligible for funding under this solicitation. See Section XIII.J for additional grounds for disqualification.

Table 6. Administrative/Technical Screening

Administrative Screening	Solicitation Section	Pass/Fail
Application is received by the Energy Commission's Contracts, Grants and Loans Office by the due date and time specified in the solicitation.	Section I.D	
Attachment 1 (Application Form) is completed and signed by the Applicant's authorized representative.	Section X.A, Attachment 1	
Application does not contain confidential information.	Section XIII.C	
Applicant proposes, discloses the source, and documents match share funds of at least 35% of total project costs.	Section III.G	
Application proposes one fueling station only.	Section III.D	
Application includes a letter(s) of support from the gas station owner/operator.	Section X.G	

Technical Screening	Solicitation Section	Pass/Fail
The Applicant is an eligible Applicant.	Section III.A	
Project is an eligible project.	Section III.B	
Project meets or exceeds the minimum technical requirements.	Section III.C	

B. Scoring Methodology

Applications passing the screening criteria will proceed to be evaluated and scored by the Scoring Team.

The Energy Commission will evaluate and score each Application based on all of the criteria below. Applicants are strongly encouraged to respond to each bullet point in each of the criteria. Each criterion will be scored by the individuals on the Scoring Team on a basis of 0 to 10 points as shown in Table 7 or as indicated in the criterion. The Scoring Team's scores will be averaged for each criterion and then multiplied by the corresponding weighting factor.

Table 7. Possible Points, Interpretation, and Scoring Explanation

Possible Points	Interpretation	Scoring Explanation
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.
1-3	Minimally Responsive	Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. EXCEPTION: Criterion #7, Location According to STREET Maps. A score of 3 represents a minimally acceptable station location.
4-6	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. EXCEPTION: Criterion #7, Location According to STREET Maps. A score of 4, 5 or 6 represents a marginally acceptable station location.
7	Adequate	Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable.
8	Good	Response fully addresses the requirements being scored with a good degree of confidence in the Applicant's response. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable.
9	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.
10	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.

For example, a criterion has a weight of 4. If the three members of the Scoring Team scored an Application 7, 8, and 8 (in accordance with Table 7 above), the average score would be $(7+8+8)/3=7.66$. This average score would be multiplied

by the weighting factor, and the total points for that scoring criterion would be $7.66 \times 4 = 30.64$.

The resulting scores for the applicable criteria will be summed and divided by the maximum possible points to obtain a percentage. A minimum of 70 percent is required for an Application to be eligible for funding.

C. Scoring Criteria

Applications advancing to the scoring round will be evaluated based on the scoring criteria specified in Table 8.

Table 8. Scoring Criteria

Scoring	Solicitation Section	Maximum Number of Points
1. Qualifications of Applicant/Project Team	Section XII.C.1	30
2. Market Viability	Section XII.C.2	20
3. Project Readiness	Section XII.C.3	40
4. Project Implementation	Section XII.C.4	40
5. Project Budget	Section XII.C.5	50
6. Economic Benefits	Section XII.C.6	20
7. Location According to STREET Polygons	Section XII.C.7	100
8. Hydrogen Fueling Station Performance	Section XII.C.8	70
9. Innovation	Section XII.C.9	20
10. Sustainability	Section XII.C.10	30

The specific elements evaluated in each scoring criterion follow:

1. Qualifications of the Applicant/Project Team

Weight: 3
Maximum Points: 30

- The degree of the project team’s qualifications including relevant expertise, experience, and skill sets as they apply to performing the tasks described in the proposed Scope of Work. Project teams with better qualifications will score higher.
 - Demonstrated ability to work, as a team player, in a technical team that strives to meet technical objectives.
 - Demonstrated ability to work with the current hydrogen fueling technology or other gaseous fuels.
 - Demonstrated ability to meet deadlines and milestones of large scale fueling projects.
 - Demonstrated ability in logistics management that is relevant to a hydrogen fueling station.

- Demonstrated ability to transition research and development techniques and apply them with a hydrogen fueling station for commercialization.
- The amount and success of the team's recent work or projects as it relates to the Scope of Work of the Application.
- Knowledge and understanding, demonstrated by specific examples of past projects, of the State of California's overall hydrogen fueling infrastructure and how the proposed hydrogen fueling station works within the infrastructure.

2. Market Viability

Weight: 2
Maximum Points: 20

- Degree to which the proposed station's capacity and cost (including fuel pathway) is suitable for the proposed station location over time. Stations with capacities and costs more suitable to their proposed station location will score higher.
- Degree to which the hydrogen fueling stations will work with the network of existing and planned fueling stations in Table 3. Stations with a greater impact in terms of ability to serve the consumer, ability to reliably meet the fill needs for the demand of vehicles, and exhibit a plan for viable, continuous improvement to service the consumer and meet the fill needs will score higher.
- Degree to which the project plan describes the business opportunities and business climate. Further, the extent to which the project plan includes the anticipated cost to the customer per kilogram of each station's operation for three to five years after station installation. Applicants with a more complete and stronger project plan will score higher.

3. Project Readiness

Weight: 4
Maximum Points: 40

- Degree to which the Application demonstrates that the project is consistent with existing zoning. Applications that demonstrate they are located in areas that already allow the proposed use will score higher.
- Degree to which permitting that may be required for the project has been completed and the permitting schedule ensures successful project completion within the timeframes specified in this solicitation. Projects with existing permits and/or submitted permit applications will score higher.

- Degree to which the project has progressed in obtaining compliance under the California Environmental Quality Act (CEQA). Projects in the process of CEQA review, or those that have completed CEQA review will score higher.
- Degree to which the proposed project schedule is reasonable and installation can be complete on or before October 30, 2014. Projects that can be installed more quickly will score higher.
- Extent of planned outreach to the community, including fire marshals, to educate the public about the potential hydrogen fueling facility. Applicants with a more thorough plan will score higher.
- The date and type of communication and discussions with fire marshals and first responders about the dispensing, storage, transport, and use of hydrogen fuel and the degree to which operational data is accessible by emergency response call centers. Applicants that provide more thorough evidence of communications will score higher.
- Degree to which correspondence demonstrates that the gas station site's representative has committed to operating the hydrogen fueling station.
- Degree to which Application demonstrates and documents site control (including but not limited to lease or access rights) needed to design the station; to install equipment and storage tanks; and for the entrance, exit and parking of vehicles to the proposed station property. Applications documenting lease or access rights and demonstrates cooperation and commitment by the station owner will score higher.

4. Project Implementation

Weight: 4
Maximum Points: 40

- Degree to which the station provider will implement a maintenance plan. Agreements that cover station maintenance for at least 3 years, include response to station maintenance/service issues within 12 hours and a 24-hour, toll-free service telephone will score higher.
- Degree to which the Applicant provides a plan to assure proper training and retraining over time, as practicable, for all station operators.
- Degree to which the station provider will implement procedures to maximize "up-time" to meet fill requests. Applications that describe procedures to support station "up-time" will score higher.

- Degree to which the station provider will implement procedures to monitor the station. Applications that describe procedures to monitor the station will score higher.
- Degree to which the Application demonstrates that the proposed project will be completed in an effective and efficient manner.
- Degree to which the schedule, sequence of tasks, and appropriate objectives of the proposed project are clear, complete, and logical.
- Degree to which the scope of work is complete and includes plans to implement the data collection requirements as described in the Scope of Work Template (Attachment 3). More completely planned projects that demonstrate a higher degree of potential success for project implementation will score higher.

5. Project Budget

Weight: 5
Maximum Points: 50

- Stations with a lower average cost per kg of hydrogen will score higher.
- The degree to which the proposed station's project budget and cost are reasonable and suitable for the station's capacity.
- The degree to which the proposed match share exceeds the minimum match share requirements specified in the solicitation. Applications with higher match share percentages and commitments will score higher.
- The degree to which state funds are necessary for the installation of the proposed project. Stations that articulate a greater need for state funds will score higher.

6. Economic Benefits

Weight: 2
Maximum Points: 20

- The degree to which the proposed project will expand business opportunities for California-based businesses. Applications that provide greater California economic benefits will score higher.
- The quantity, skill level(s), and locations of temporary and/or permanent jobs created as a result from the proposed hydrogen fueling station.
- Tax impacts from the station and the jobs created (direct and indirect).

7. Location According to STREET Polygons

Weight: 10
Maximum Points: 100

For information on the process, polygons, and recommendations to Applicants, please see Section IV, Station Location Areas. Applicants are encouraged to contact the STREET Team prior to submitting their Application. Applicants are strongly encouraged to review Section IV prior to submitting their Application.

Applications competing for the Non-Road Set-Aside funds will not be scored with this scoring criterion.

- The Application will be scored on the location in the STREET polygons, as follows.

10 points = dark red
9 points = light red
8 points = gold
7 points = yellow
6 points = lime green
5 points = green
4 points = sky blue
3 points = light blue

8. Hydrogen Fueling Station Performance

Weight: 7
Maximum Points: 70

- The degree to which the proposed station exceeds the minimum station capacity of 100 kg/day. Projects exceeding minimum station capacity will score higher.
- Projects that demonstrate the ability to increase the amount of hydrogen they dispense to 140 kg/day or more within 18 months from the beginning of station operation will be scored higher.
- The degree to which the proposed station exceeds the minimum peak fueling rate: five, 7 kg Type A70 MPa and/or Type B35 MPa (SAE J2601). Stations with a higher peak capacity will score higher.
- The degree to which the proposed station has the ability to serve the expected daily traffic count (DTC) or the amount of vehicles passing the station per day, per week, or for the time period during which the planned station will remain open and has higher average number of fills over both a one hour and 12-hour period. Projects demonstrating the ability to service expected DTC will be scored higher.

- The degree to which proposed station provides retail-like characteristics, including but not limited to:
 - Lighting.
 - Unobstructed ingress/egress to the fueling facility.
 - Directional signage to the nearest thoroughfare.
 - Maximizes the hours of operation.
 - Staffed by a fueling station attendant.
 - Inclusive of a self-serve, menu-driven dispenser that does not require Personal Protection Equipment (PPE).
 - Provides customer experience for fueling comparable to the existing gas station where the hydrogen fueling station is proposed to be located.

Stations with more, effective retail-like characteristics such as those described above will score higher.

- The number of vehicles that can be filled with hydrogen simultaneously. Stations that can fill greater numbers of vehicles simultaneously will score higher.

9. Innovation

Weight: 2
Maximum Points: 20

- The degree to which the proposed project includes innovations or advanced features, including but not limited to:
 - Unique or advanced features of the project or hydrogen fueling station technology.
 - How the project supports the development of a hydrogen fueling infrastructure system in California that is more cost-efficient, more capable of meeting users' needs, and/or more capable of utilizing renewable hydrogen. Applications exceeding 33% renewable hydrogen through direct physical pathways, support development of a hydrogen fueling infrastructure system in California that is more cost efficient, or are more capable of meeting users' needs will score higher.
 - The design and capability of the hydrogen station to scale up ("scalability") or otherwise adapt as demand for hydrogen fuel increases.
 - Station expands the use to multiple vehicle and application types including co-located retail and non-retail, and non-road applications

(e.g., forklifts in warehousing and distribution centers and airport ground support equipment).

- Station uses independent hoses that work with one dispenser.

10. Sustainability

Weight: 3
Maximum Points: 30

- The degree to which the proposed project helps to achieve substantial reductions of greenhouse gas (GHG) emissions associated with California’s transportation system to help meet the California Air Resources Board’s (ARB) identification of the statewide greenhouse gas emissions limit to be achieved by 2020 (which can be found at <http://www.arb.ca.gov/cc/implementation/implementation.htm>). Applications with greater GHG emission reductions will score higher.
- The degree to which the proposed project maximizes the efficient use of water through water recycling/reclaiming techniques.
- The degree to which the proposed project preserves and enhances the use of natural resources in the State and promotes superior environmental performance of alternative and renewable fuels.

XIII. Administrative/Miscellaneous Issues

A. Definition of Key Words

Important definitions for this solicitation are presented below:

Word/Term	Definition
APEP	Advanced Power Energy Program
Applicant	Respondent to this solicitation
Application	Formal written response to this document from Applicant
ARFVT	Alternative and Renewable Fuel and Vehicle Technology
CAM	Commission Agreement Manager
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CSA	Canadian Standards Association
DTC	Daily Traffic Count
EERE	Energy Efficiency and Renewable Energy
EIR	Environmental Impact Report
Energy Commission	California Energy Commission
FCV	Fuel Cell Vehicle
GIS	Geographic Information Systems
GO	Grants Officer

HFT	Hydrogen Fueling Technology
HGV	Hydrogen Gas Vehicle
HICEV	Hydrogen Internal Combustion Engine Vehicle
LCFS	Low Carbon Fuel Standard
NOPA	Notice of Proposed Awards
OEM	Original Equipment Manufacturer
SAE International	Society of Automotive Engineering International
State	State of California
STREET	Spatial and Temporally Resolved Energy and Environment Tool
TIR	Technical Information Report
U.S. DOE	U.S. Department of Energy
UCI	University of California Irvine

B. Cost of Developing Application

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

C. Confidential Information

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

The entire evaluation process from receipt of Applications until the posting of the Notice of Proposed Award is confidential. However, Applications and all submittals will become public records after the Energy Commission completes the evaluation and/or scoring process and the Notice of Proposed Awards is posted, or this solicitation is cancelled.

D. 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 this 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 at www.energy.ca.gov/contracts.

E. 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.

F. 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.”

G. 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.

H. 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 become a public record.

I. Applicants’ Admonishment

This solicitation contains the instructions governing the format in which the 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 before submitting an Application.

J. Grounds to Reject an Application

An Application shall be rejected if:

- It is received after the due date and time specified in this solicitation.
- 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.
- The Application does not contain a letter of support from the fueling station owner/operator.
- The Application contains confidential information.
- The Application does not document match share funds of at least 35% of the total project costs.
- The Application does not disclose the source of match share funds.
- Attachment 1 (Application Form) is not signed by the Applicant's authorized representative.
- The Applicant is not eligible to apply under this solicitation.
- The project is not an eligible project.
- The Application is for more than one station.

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 correctly or completely.
- The Application is not complete because it does not contain all of the information identified in the Application requirements.

K. Agreement Requirements

The content of this solicitation shall be incorporated by reference into the final agreement. See the sample agreement Terms and Conditions which are included in this solicitation (Attachments 12 and 13).

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.

Recommended grant agreements must 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 grant is approved at an Energy Commission Business Meeting, the Energy Commission will fully execute the grant agreement. Recipients are approved to begin the Energy Commission reimbursable portion of the project only after full execution of the grant agreement.

L. 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.

M. 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.