**GRANT FUNDING OPPORTUNITY**

**Clean Transportation Program**

**Hydrogen Refueling Infrastructure**



**Addendum 4**

[GFO-19-602](https://www.energy.ca.gov/funding-opportunities/solicitations)

https://www.energy.ca.gov/funding-opportunities/solicitations

State of California

California Energy Commission

~~April 2020~~ **May 2020**

##### Table of Contents

[I. Introduction 5](#_Toc33610289)

[A. Purpose of Solicitation 5](#_Toc33610290)

[B. Background 5](#_Toc33610291)

[C. Commitment to Diversity 6](#_Toc33610292)

[D. Key Activities and Dates 6](#_Toc33610293)

[E. How Award is Determined 6](#_Toc33610294)

[F. Availability of Funds 7](#_Toc33610295)

[G. Terminology 7](#_Toc33610296)

[H. Grant Award Amount 7](#_Toc33610297)

[I. Single Applicant Cap 9](#_Toc33610298)

[J. Tranches and Batches of Stations 9](#_Toc33610299)

[K. Staged Reimbursement of CEC Funds 12](#_Toc33610300)

[L. No Operation and Maintenance Funding 12](#_Toc33610301)

[M. Agreement Execution Deadline 13](#_Toc33610302)

[N. Critical Milestones 13](#_Toc33610303)

[O. CEQA Compliance Timelines 15](#_Toc33610304)

[P. Pre-Application Workshops and Safety Workshop 16](#_Toc33610305)

[Q. Participation Through WebEx 17](#_Toc33610306)

[R. Questions 18](#_Toc33610307)

[S. Contact Information 18](#_Toc33610308)

[T. Reference Documents 18](#_Toc33610309)

[U. Relevant Laws, Regulations, Reports and Other Documents 19](#_Toc33610310)

[II. Eligibility Requirements 23](#_Toc33610311)

[A. Applicant Requirements 23](#_Toc33610312)

[B. Project Requirements 24](#_Toc33610313)

[C. Coordination with Existing Open Retail and Planned Hydrogen Refueling Stations 27](#_Toc33610314)

[D. Public Agency Contact Information for Additional Support 30](#_Toc33610315)

[E. Description of the Need for Funding Under This Solicitation 34](#_Toc33610316)

[F. Eligible Costs 34](#_Toc33610317)

[G. Match Funding Requirements 34](#_Toc33610318)

[H. Unallowable Costs (Reimbursable or Match Share) 36](#_Toc33610319)

[I. Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations 36](#_Toc33610320)

[J. Open Retail Station Checklist 41](#_Toc33610321)

[K. Data Collection and Reporting Requirements 41](#_Toc33610322)

[L. Invoices and Photographic Evidence 41](#_Toc33610323)

[M. Hydrogen Safety Plan and Station Design Review 41](#_Toc33610324)

[N. Reporting Safety Incidents 43](#_Toc33610325)

[O. Operation and Maintenance Plan 43](#_Toc33610326)

[P. Renewable Hydrogen Requirements 44](#_Toc33610327)

[Q. Participation in Public Research and Development Projects 44](#_Toc33610328)

[R. Retention 44](#_Toc33610329)

[III. Application Format, Required Documents, and Delivery 45](#_Toc33610330)

[A. Required Format for an Application 45](#_Toc33610331)

[B. Methods For Delivery 45](#_Toc33610332)

[C. Page Limitations 46](#_Toc33610333)

[D. Application Organization 47](#_Toc33610334)

[IV. Evaluation Process and Criteria 58](#_Toc33610335)

[A. Application Evaluation 58](#_Toc33610336)

[B. Notice of Proposed Awards 59](#_Toc33610337)

[C. Debriefings 59](#_Toc33610338)

[D. Scoring Scale 60](#_Toc33610339)

[E. Evaluation Criteria 61](#_Toc33610340)

[F. Tie Breakers 64](#_Toc33610341)

[V. Administration 65](#_Toc33610342)

[A. Definition of Key Words and Acronyms 65](#_Toc33610343)

[B. Cost of Developing Application 66](#_Toc33610344)

[C. Confidential Information 67](#_Toc33610345)

[D. Solicitation Cancellation and Amendments 67](#_Toc33610346)

[E. Errors 67](#_Toc33610347)

[F. Modifying or Withdrawal of Application 67](#_Toc33610348)

[G. Immaterial Defect 67](#_Toc33610349)

[H. Disposition of Applicant’s Documents 67](#_Toc33610350)

[I. Applicants’ Admonishment 68](#_Toc33610351)

[J. Agreement Requirements 68](#_Toc33610352)

[K. No Agreement Until Signed and Approved 68](#_Toc33610353)

|  |
| --- |
| Attachments |
| 1A | Application Form |
| 1B | Station Information |
| 2 | Scope of Work Template |
| 3 | Scope of Work Instructions |
| 4 | Schedule of Products and Due Dates |
| 5 | Budget Forms |
| 6 | Contact List |
| 7 | California Environmental Quality Act (CEQA) Worksheet |
| 8 | Localized Health Impacts Information |
| 9 | Clean Transportation Program Terms and Conditions |
| 10**A** | Special Terms and Conditions |
| **10B** | **Supplemental Special Terms and Conditions** |
| 11 | NREL Data Collection Tool |
| 12 | Open Retail Station Checklist |

# I. Introduction

## Purpose of Solicitation

This is a competitive grant solicitation. The California Energy Commission’s Clean Transportation Program (formerly known as the Alternative and Renewable Fuel and Vehicle Technology Program) announces the availability of **up to $115.7 million** in grant funds, **which includes up to $5 million in Volkswagen Mitigation Trust funds,** subject to future appropriations and Clean Transportation Program Investment Plan funding allocations, **and subject to availability and approval of the Bay Area Air Quality Management District for the Volkswagen Mitigation Trust funds,** for hydrogen refueling infrastructure projects that will expand California’s early commercial light duty hydrogen refueling and fuel cell electric vehicle (FCEV) markets and to accommodate the projected FCEV roll-out in 2021-2024. Of the up-to amount, **$45.7 million is currently available**.

This solicitation encourages projects with fueling agreements with fleets of commercial vehicles and transit buses to increase station throughput and to aid in the transition of California’s commercial vehicle and bus fleets to a zero-emission alternative. The network of hydrogen refueling stations, hydrogen fuel supply, and the use of FCEVs will support California’s air quality improvement and climate change goals. Hydrogen is one of the alternative fuels that contributes to reducing the carbon intensity (CI) of transportation fuels.

## Background

Assembly Bill (AB) 118 (Nùñez, Chapter 750, Statutes of 2007), created the Clean Transportation Program. The statute authorizes the California Energy Commission (CEC) to develop and deploy alternative and renewable fuels and advanced transportation technologies to help attain the state’s climate change policies. AB 8 (Perea, Chapter 401, Statutes of 2013) re-authorized the Clean Transportation Program through January 1, 2024, and specified that the CEC allocate up to $20 million per year (or up to 20 percent of each fiscal year’s funds) in funding for hydrogen station development until California has at least 100 publicly available stations.

The Clean Transportation 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.

## Commitment to Diversity

The CEC is committed to ensuring that participation in its Clean Transportation Program reflects the rich and diverse characteristics of California and its people. To meet this commitment, CEC staff conducts outreach efforts and activities to:

1. Ensure potential new Applicants throughout the state are aware of the CEC's Clean Transportation Program and the funding opportunities the program provides.
2. Encourage greater participation by underrepresented groups including disabled veteran-, women-, minority-, and LGBT-owned businesses.
3. Assist Applicants in understanding how to apply for funding from the CEC's Clean Transportation Program.

## Key Activities and Dates

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

| **ACTIVITY** | **ACTION DATE** |
| --- | --- |
| Solicitation Release | December 26, 2019 |
| Pre-Application Workshop in Sacramento\* | January 15, 2020 |
| Hydrogen Safety Panel Workshop | January 15, 2020 |
| Pre-Application Workshop in Fresno\* | January 21, 2020 |
| Pre-Application Workshop in Los Angeles\* | January 24, 2020 |
| Deadline for Written Questions\* | January 29, 2020 |
| Anticipated Distribution of Questions/Answers | Week of March 9, 2020 |
| **Deadline to Submit Applications by 5:00 p.m.\*** | **May 22, 2020** |
| Anticipated Notice of Proposed Awards Posting  | July 2020 |
| Anticipated CEC Business Meeting  | September 2020 |

## How Award is Determined

Applications passing administrative and technical screening (Section IV.A.) will compete based on evaluation criteria (Section IV.E.), and will be scored and ranked based on those criteria. Unless the CEC exercises any of its other rights regarding this solicitation (e.g., to cancel the solicitation or reduce funding), applications obtaining at least the minimum passing score will be recommended for funding in ranked order until all funds available under this solicitation are exhausted.

If the funds available under this solicitation are insufficient to fully fund a grant proposal, the CEC reserves the right to recommend partially funding that proposal. In this event, the proposed Applicant/Awardee and Commission Agreement Manager (CAM) shall meet and attempt to reach agreement on a reduced scope of work commensurate with the level of available funding.

## Availability of Funds

Up to $115.7 million, subject to future appropriations and Clean Transportation Program Investment Plan funding allocations, may be available for the agreements resulting from this solicitation. **This amount includes up to $5 million in Volkswagen Mitigation Trust funds.** Of this amount, $45.7 million is currently available. Without limitation to any other rights, the CEC, at its sole discretion, reserves the right to increase or decrease the amount of funds available under this solicitation.

## Terminology

This solicitation applies several key terms. Section V.A. provides definitions for the complete list of key words and acronyms used in this solicitation.

* *Batch* refers to a subset of stations, within a tranche, for which a Recipient will receive funding and work to complete.
* *CEC dollar-per-kilogram* refers to the total amount of grant funding the Applicant is requesting for the tranche divided by the total kilograms of hydrogen per day (i.e., the 24-hour capacity determined using the Hydrogen Station Capacity Evaluation model, HySCapE) that the tranche of stations will provide.
* *CEC dollar-per-station* refers to the total amount of grant funding the Applicant is requesting for the tranche divided by the number of stations in the tranche.
* *Fueling position* refers to a unique physical location in which an FCEV can fuel from a hose simultaneously with other vehicles fueling from other hoses or dispensers. A fueling position shall not be shared with another dispenser of any fuel type, such that an FCEV would have to wait to fuel if the other dispenser’s fueling position were occupied.
* *Initial batch of stations* refers to the first set of stations that an Applicant proposes to deliver.
* *Tranche* refers to an entire collection of hydrogen refueling stations proposed by an Applicant.

## Grant Award Amount

Agreements resulting from this solicitation are expected to be authorized for up to the entire tranche of stations proposed. However, funding will only be provided for individual batches. The CEC expects to award grant agreements for a single batch of stations, although grant agreements have the potential to be amended to add funds and work to complete additional batches of stations within a tranche.

Subject to future funding appropriations, the Clean Transportation Program Investment Plan funding allocations, and successfully completing work under the grant agreement, among other things, the CEC may at its sole discretion approve an amendment to a grant agreement for additional funding for additional batches of stations. The funding for each batch of stations will equal the total fueling capacity of the batch, in kilograms of hydrogen per day, multiplied by the CEC dollar-per-kilogram of the tranche.

Any expenses for which funds have not yet been allocated are incurred at the Recipient’s risk, as described in Section 4 of Attachment 10**A**, Special Terms and Conditions.

1. **Changes to Batches**

Should a Recipient request a grant amendment, and should the CEC approve such an amendment, to change the number of stations or the total fueling capacity of the batch (with no change to the overall tranche), the CEC will use the CEC dollar-per-kilogram to determine the adjusted batch award amount.

1. **Requested Changes to Tranches**

Table 1 shows examples of a Recipient requesting to amend its grant agreement to reduce the number of stations or change the tranche capacity if it cannot complete all promised stations or is changing its station design, and how the CEC anticipates the award amounts would change if the CEC chose to approve such an amendment. Either the CEC dollar-per-kilogram or the CEC dollar-per-station of the tranche, whichever results in a lower award amount, shall remain constant.

If the CEC approved a Recipient’s request to amend an agreement to adjust the number of stations or capacity in a tranche, Table 1 shows three examples of how funding would change for a tranche with the following:

* + - * 10 stations
			* 12,000 kg/day capacity
			* $10 million awarded
			* $1 million CEC dollar-per-station (CEC $/Station)
			* $833.33 CEC dollar-per-kilogram (CEC $/kg)

**Table 1. Three Examples of Award Amounts for an Adjusted Tranche**

| **Adjusted Number of Stations and Capacity (kg/day) in the Tranche** | **Controlling Factor for Award Amount (CEC $/Station or CEC $/kg)** | **Award Amount for the Tranche** |
| --- | --- | --- |
| 7 stations with 15,000 kg total | CEC $/Station ($1,000,000) | $7,000,000 |
| 8 stations with 12,000 kg total | CEC $/Station ($1,000,000) | $8,000,000 |
| 10 stations with 10,000 kg total | CEC $/kg ($833.33) | $8,333,300 |

## Single Applicant Cap

A single Applicant is eligible for no more than 45 percent of the total funds awarded under this solicitation. This amount is the “Single Applicant Cap.” The Single Applicant Cap shall not exceed 45 percent of all available funding ***at any given time***. For example, since this solicitation initially has $45.7 million of the $115.7 million anticipated, a single Applicant would be eligible for no more than $20.57 million, which is 45 percent of the amount of funds currently available. The second and subsequent batches, cumulatively, are also subject to the established Single Applicant Cap. The CEC reserves the right, at its sole discretion, to modify the Single Applicant Cap.

The initial notice of proposed awards (NOPA) will have an “up to” total tranche award amount for each proposed award also noted. As additional funds become available over time, the maximum total funds awarded for a single Applicant may potentially, at the CEC’s discretion, be increased via agreement amendments, commensurate with the increase in total available funding, and the CEC may release revised NOPAs.

## Tranches and Batches of Stations

Section I.G. defines the terms tranche and batch. This section describes the process by which the CEC will accept station information, approve funding, and manage potential approval of station location replacement and station location conflicts within tranches and batches of stations.

1. **Station Address Submittal.** Applicants shall submit the addresses for each station in the initial batch of stations at the time of application.

Applicants may submit addresses of stations in subsequent batches either: 1) with the application; or 2) as the Applicant seeks approval for subsequent batches of stations. Applicants shall use Attachment 1B to submit addresses.

When submitting addresses for subsequent batch(es), the Recipient must also submit proof of having met Critical Milestones 1 and 2 (Section I.N.), and submit completed California Environmental Quality Act (CEQA) Worksheets (Attachment 7) and Localized Health Impacts information (Attachment 8) for the stations.

1. **Backup Station Addresses:** Applicants are highly encouraged to submit a list of backup station addresses in their application in case one or more of the proposed stations in the initial batch is not recommended for funding due to the proximity of a higher ranked Applicant’s station as described in Section I.J.6. For each station on the backlist list, Applicants must submit proof of having met Critical Milestones 1 and 2 (Section I.N.), and submit completed CEQA Worksheets (Attachment 7) and Localized Health Impacts information (Attachment 8) in their application.
2. **Approval Process.** If selected for an award, an agreement for the Applicant’s entire proposed tranche of stations may be approved at a CEC Business Meeting with an “up to” total tranche award amount. However, only the initial batch of stations will be included in the agreement (including scope of work and budget, i.e., only the amount of funding needed for the initial batch of stations will be made available under the agreement). Subsequent batches of stations may be approved, at the CEC’s discretion, and funding made available for them, through amendments to the agreement.

The CEC may approve subsequent batches of stations (one batch at a time) for Recipients on a first-come, first-served basis, if:

* 1. All of the Recipient’s stations under previously-approved batches have approval to build from their respective authority having jurisdiction (AHJ).
	2. Funding is available for hydrogen refueling stations under the Clean Transportation Program.
	3. The Recipient has met Critical Milestones 1 and 2 (Section I.N.) for every station in the batch under consideration for approval.
	4. All station locations in the batch under consideration for approval are in the eligible areas in the Map of Area Classifications (Figure 1).
	5. The Recipient certifies (via the Application Form, Attachment 1A) that it followed the same approach to station selection and station design and performance as it described for the initial batch of stations.
1. **CEC Expectations for Station Completion Schedule.** The CEC will use the following schedule as a benchmark to evaluate the Recipient’s performance, which may, along with other factors and at the CEC’s discretion, affect the CEC’s approval of subsequent batches:
2. Stations should have approval to build from the respective AHJ within 18 months of the CEC approving the station under the agreement.
3. Stations should be open retail within 30 months of the CEC approving the station under the agreement.
4. **Station Delays and Nonviable Stations.** A delayed station is a station that has fallen behind schedule, but can still be completed. A nonviable station is a station that in the CEC’s determination, at its sole and absolute discretion, has no clear path to completion due to issues with site control, permitting, public opposition, or other reason preventing station completion. For a delayed station, Recipients may propose a replacement station (that meets the eligibility criteria of this solicitation) that can be completed within the schedule of the current batch, and move the delayed station to a later batch, for the CEC’s consideration to approve via an amendment to the agreement.

For a nonviable station, Recipients may propose a replacement station (that meets the eligibility criteria of this solicitation), that can be completed within the schedule of the current batch or in a subsequent batch, for the CEC’s consideration, at its sole and absolute discretion, to approve via an amendment to the agreement.

Recipients also may propose to forgo a delayed or nonviable station and reduce the number of stations in its tranche. If a Recipient makes a request to the CEC to consider such a reduction in stations, the CEC may, at its sole and absolute discretion, approve the request, and the Recipient’s award amount for the tranche may be adjusted using the CEC dollar-per-kilogram or the CEC dollar-per-station, in accordance with the requirements described in Section I.H., or other action may be taken by the CEC.

1. **Station Proximity Requirements**. Any station funded under this solicitation cannot be within 1 linear mile of another station that is open retail, operational, under construction, funded, or recommended for funding. Station upgrades are excluded from this requirement. If two or more Applicants recommended for funding have stations that are within 1 linear mile of one another in their initial batch of stations, the higher-ranked Applicant will be recommended for award of the station.

For an Applicant that has one or more of their proposed stations not recommended for funding due to proximity to a higher ranked Applicant’s station, a clarifying interview will be held with the Applicant to determine which backup station(s) will be used as replacement. If the Applicant did not submit any backup station addresses, or if the list of backup station addresses is exhausted due to proximity conflicts, the CEC may award the Applicant fewer stations than the Applicant proposed in its initial batch of stations. In such a case, the CEC may allow the Applicant to add stations to later batches to keep the tranche size the same. All amendments, including amendments to add subsequent batches, are subject to CEC review and approval.

If an Applicant proposes only one batch of stations and has the number of stations in that batch reduced due to proximity conflicts, the CEC may allow the Applicant to add a subsequent batch to keep the tranche size the same. The amendment to add a subsequent batch is subject to CEC review and approval.

All subsequent batches of stations (that is, batches after the initial batch) will be evaluated on a first-come, first-served basis. If a station is within 1 linear mile of another station: 1) previously awarded; 2) recommended for award; or 3) received previously from another Recipient and is ultimately recommended for award, the station will be disqualified. If a station is disqualified in any subsequent batches, the Recipient will be allowed to substitute another station within 15 business days of being notified by CEC. If a substituted station is provided, the request for the subsequent batch will retain its original place in the first-come, first-served queue.

If the CEC receives subsequent batch requests from two or more Recipients on the same day, then the Recipient with a higher score on the NOPA will be prioritized.

## Staged Reimbursement of CEC Funds

CEC funds will only be available to reimburse a Recipient for actual, allowable, and allocable equipment costs under an agreement resulting from this solicitation. Eligible expenses are reimbursed only for the stations that are specified in the executed grant agreement. The Terms and Conditions define “equipment” (Attachment 9). The CEC will reimburse actual, allowable, and allocable equipment costs pursuant to the Terms and Conditions (Attachment 9) and the Special Terms and Conditions (Attachment 10**A**) of the grant agreement in stages for each station, as follows:

**Stage 1:** Recipient has completed all Critical Milestones, completed the preliminary station design plans, and ordered the necessary equipment. Up to 25 percent of the CEC funding allocated to the station or the actual, allowable, and allocable equipment costs incurred (whichever is less) will be reimbursed.

**Stage 2:** Recipient has submitted documentation to the CEC showing they have submitted an entitlement application or initial permit application for the station, and submitted the preliminary Hydrogen Safety Plan to the Pacific Northwest National Laboratory (PNNL) Hydrogen Safety Panel (HSP). Up to 50 percent of the CEC funding allocated to the station or the actual, allowable, and allocable equipment costs incurred (whichever is less) will be reimbursed.

**Stage 3:** Recipient has provided documentation to the CEC that equipment is assembled and ready for shipping, received a permit to build from the AHJ, and submitted the final Hydrogen Safety Plan to the PNNL HSP. Up to 75 percent of the CEC funding allocated to the station or the actual, allowable, and allocable equipment costs incurred (whichever is less) will be reimbursed.

**Stage 4:** Recipient has submitted an Open Retail Station Checklist (Attachment 12) to the CEC and the station achieved open retail status. Up to 90 percent of the CEC funding allocated to the station or the actual, allowable, and allocable equipment costs incurred (whichever is less) will be reimbursed. The remaining 10 percent of the CEC funding allocated to the station will be held as retention.

**Stage 5:** Recipient has completed the required data collection using the National Renewable Energy Laboratory (NREL) Data Collection Tool (Attachment 11), submitted a Final Report that the CEC’s CAM approves, and timely submitted an invoice to the CEC for the retention. Timely submitted in this context means with enough time before the funds liquidate for the CEC to have the State Controller’s Office issue the check without having to pay any charges for expedited processing. The 10 percent retention will be released.

## No Operation and Maintenance Funding

This solicitation will provide no operation and maintenance funding. There is potential availability of hydrogen refueling infrastructure credit support from the [California Air Resources Board (CARB)’s Low Carbon Fuel Standard (LCFS) program](https://ww2.arb.ca.gov/rulemaking/2018/low-carbon-fuel-standard-and-alternative-diesel-fuels-regulation-2018): https://ww2.arb.ca.gov/rulemaking/2018/low-carbon-fuel-standard-and-alternative-diesel-fuels-regulation-2018.

## Agreement Execution Deadline

Funding agreements shall be executed by the funding Recipient within 90 days following approval at a CEC Business Meeting. If this deadline is missed, the CEC reserves the right to cancel a proposed award and recommend awarding funds to the next eligible Applicant.

## Critical Milestones

Time is of the essence in project completion. Therefore, to incentivize and ensure timely project completion, in addition to meeting other agreement requirements, the Recipient must complete certain activities by certain dates to receive payment by the CEC under any agreement resulting from this solicitation (as described in Attachment 10**A**, Special Terms and Conditions).

All station addresses that an Applicant submits in its application must be accompanied by proof of having completed Critical Milestones 1 and 2, described within this solicitation, for those stations, with the following exception related to Critical Milestone 1. If a meeting with the AHJ or Fire Marshal’s office has been delayed, postponed, or canceled due to public COVID-19 measures, Applicants shall so state in their application.

For the station meetings affected by public COVID-19 measures, Applicants must submit proof of having completed the AHJ and Fire Marshal’s office meetings for Critical Milestone 1 within 60 days of the station being recommended for an award in a published NOPA. If Critical Milestone 1 is not complete within this timeframe, the CEC may, at its sole discretion, disqualify the station.

Should an Applicant receive an award, they must submit proof of having completed Critical Milestones 1 and 2 for the subsequent batches of stations when they submit the specific station addresses to the CEC.

Recipients will be required to submit monthly progress reports containing updates on Critical Milestones. Without limitation to any other of the CEC’s rights or remedies, failure to submit accurate or timely monthly progress reports may be grounds for agreement termination.

For stations funded under any Agreement resulting from this solicitation, funding will be disbursed on a station-by-station basis as the Recipient proves to the CEC that all four Critical Milestones have been met for each station by the dates specified in the Agreement’s “Schedule of Products and Due Dates” (Attachment 4). In other words, **the CEC will not pay the Recipient any money for a station funded under this Agreement unless the Recipient meets all four Critical Milestones, and proves so to CEC staff’s satisfaction, by the dates specified in the Schedule of Product and Due Dates**. Following completion of the Critical Milestones, payment will be made pursuant to the Staged Reimbursement described in Section I.K.

For example, if the Recipient has been awarded funds under an Agreement to build 5 stations; has submitted to the Commission Agreement Manager (CAM), by the deadlines listed in the Schedule of Products and Due Dates, proof definitively showing that they have met all Critical Milestones for 4 of the 5 stations; but has not submitted this documentation for 1 of the 5 stations, then funds may be disbursed under that Agreement for 4 of the stations but not for the 5th station for which no documentation of the Critical Milestones having been met has been submitted by the deadlines listed in the Schedule of Products and Due Dates.

The Critical Milestones are as follows:

**Critical Milestone 1:** The Applicant (for station address submitted with the application) and Recipient (for any later batches) must hold the following meetings:

* An in-person, telephone, or web-based pre-application meeting for permits to build and operate each proposed hydrogen refueling station with the AHJ over the project and entitlement process. The meeting should include but not be limited to discussion of the purpose and design of the hydrogen refueling station(s), the entitlement and permit application process, zoning requirements, aesthetics, the AHJ’s CEQA process, and project timeline. The meeting may be, for example, a scheduled presentation given by the Applicant or Recipient to an AHJ, or an unscheduled discussion with AHJ staff.
* An in-person, telephone, or web-based pre-application meeting, at the same time or separately from the meeting with the AHJ regarding permits, with a representative of the Office of the Fire Marshal, or other similar fire control office, in the AHJ. The meeting should include but not be limited to discussion about how to obtain compliance with local fire code requirements and National Fire Protection Association (NFPA) 2 requirements.
* A telephone or web-based meeting with a representative of the PNNL HSP to establish a common understanding of the Hydrogen Safety Plan and station design review process (Section II.M.) that will be required of Recipients.

The Applicant or Recipient must provide to the CEC proof of having met this Critical Milestone by submitting notes from each meeting, including date, time, location, names and titles of meeting participants, a summary of the topics discussed, and any open issues and next steps. CEC staff will determine whether the documentation submitted by the Applicant or Recipient is sufficient to show that this Critical Milestone has been met.

**Critical Milestone 2:** The Applicant (for station address submitted with the application) and Recipient (for any later batches) must have control and possession of the site at which the hydrogen refueling station is to be constructed.

The Applicant or Recipient must provide to the CEC proof of having met this Critical Milestone by submitting adequate documentation of site control and possession. Documentation of site control and possession may include, but is not limited to, an executed lease for the land on which the station will be constructed. CEC staff will determine whether the documentation submitted by the Applicant is sufficient to show that this Critical Milestone has been met.

**Critical Milestone 3:** For stations that will be serviced by a utility, the Recipient must meet with representatives of the utility company that will serve each proposed station to arrange the utility connection. The Recipient must provide to the CEC proof of having met this Critical Milestone by submitting meeting notes, including date, time, location, names and titles of meeting participants, a summary of the topics discussed, and any open issues and next steps. CEC staff will determine whether the documentation submitted by the Recipient is sufficient to show that this Critical Milestone has been met.

**Critical Milestone 4:** The Recipient must meet with representatives of the hydrogen fuel supplier that will serve each proposed station to arrange the supply chain and hydrogen delivery. The Recipient must provide to the CEC proof of having met this Critical Milestone by submitting meeting notes, including date, time, location, names and titles of meeting participants, a summary of the topics discussed, and any open issues and next steps. CEC staff will determine whether the documentation submitted by the Recipient is sufficient to show that this Critical Milestone has been met.

## CEQA Compliance

* + - 1. *Time is of the Essence*. Funds available under this solicitation have encumbrance deadlines as early as June 30, 2021. Prior to approval of a proposed award, the CEC must comply with CEQA. To comply with CEQA, the CEC must have CEQA-related information from Applicants and sometimes other entities, such as local governments, in a timely manner. Unfortunately, even with this information, the CEC may not be able to complete its CEQA review prior to the encumbrance deadline for every project. For example, if a project requires an Environmental Impact Report, the process to complete it can take many months. For these reasons, it is critical that Applicants organize project proposals in a manner that minimizes the time required for the CEC to comply with CEQA and provide all CEQA-related information to the CEC in a timely manner such that the CEC is able to complete its review in time for it to meet its encumbrance deadline.
			2. *Reservation of Right to Cancel Proposed Award*. In addition to any other right reserved to it under this solicitation or that it otherwise has, if the CEC determines, in its sole and absolute discretion, that the CEQA review associated with a proposed project would not likely be completed prior to the encumbrance deadline referenced above, and that the CEC’s ability to meet its encumbrance deadline may thereby be jeopardized, the CEC may cancel a proposed award and award funds to the next highest scoring Applicant, regardless of the originally proposed Applicant’s diligence in submitting information and materials for CEQA review. Examples of situations that may arise related to CEQA review include but are not limited to:
			* Example 1: If another state agency or local jurisdiction, such as a city or county, has taken the role of lead agency under CEQA, the CEC’s review may be delayed while waiting for a determination from the lead agency.
			* Example 2: If the proposed work is part of a larger project for which a detailed environmental analysis has been or will be prepared by another state agency or local jurisdiction, the CEC’s review may be delayed as a result of waiting for a supplemental or initial analysis, respectively, from the other agency.
			* Example 3: If the nature of the proposed work is such that a project is not categorically or otherwise exempt from the requirements of CEQA, and an initial study or other detailed environmental analysis appears to be necessary, the CEC’s review, or the lead agency’s review, may take longer than the time available to encumber the funds. If an initial study or environmental impact report has already been completed by another state agency or a local jurisdiction, serving as the lead agency, the Applicant must ensure that such an analysis covers the work in the proposed project, or must obtain a revised analysis and determination from the lead agency reviewing the proposed project.
			* Example 4: If the proposed project clearly falls under a statutory or categorical exemption, or is project for which another state agency or local jurisdiction has already adopted a CEQA finding that the project will cause no significant effect on the environment, the project will likely have greater success in attaining rapid completion of CEQA requirements.

The above examples are not exhaustive of instances in which the CEC may or may not be able to comply with CEQA within the encumbrance deadline, and are only provided as further clarification for potential Applicants. Please plan project proposals accordingly.

## Pre-Application Workshops and Safety Workshop

Participation in any of the three Pre-Application Workshops and in the Safety Workshop is encouraged. The workshops will be held through in-person participation, WebEx, and conference call at the dates, times, and locations listed here. Please call (916) 654-4381 or refer to the [CEC solicitation website](https://www.energy.ca.gov/funding-opportunities/solicitations) at https://www.energy.ca.gov/funding-opportunities/solicitations with any questions.

**Pre-Application Workshop #1:**

January 15, 2020, 10:00 AM

California Energy Commission

Art Rosenfeld Hearing Room (formerly Hearing Room A)

1516 9th Street

Sacramento, CA 95814

**WebEx Meeting Number:** **920 965 887**

**Pacific Northwest National Laboratory Hydrogen Safety Panel Workshop:**

January 15, 2020, 1:00 PM

California Energy Commission

Art Rosenfeld Hearing Room (formerly Hearing Room A)

1516 9th Street

Sacramento, CA 95814

**WebEx Meeting Number:** **927 607 192**

**Pre-Application Workshop #2:**

January 21, 2020, 10:00 AM

San Joaquin Valley Air Pollution Control District

Governing Board Room

1990 E. Gettysburg Avenue

Fresno, CA 93726

**WebEx Meeting Number:** **927 358 256**

**Pre-Application Workshop #3:**

January 24, 2020, 1:00 PM

South Coast Air Quality Management District

Room CC2

21865 Copley Drive

Diamond Bar, CA 91765

**WebEx Meeting Number: 929 133 052**

## Participation Through WebEx

**WebEx Instructions:**

1. To join a WebEx meeting, go to the [CEC WebEx website](https://energy.webex.com), https://energy.webex.com, and enter the WebEx meeting number.
2. To Logon with a Direct Phone Number: After logging into WebEx, a prompt will appear on-screen for a phone number. In the “Number” box, enter your area code and phone number and click “OK” to receive a call for the audio of the meeting. International callers may use the "Country/Region" button to help make their connection.
3. To Logon with an Extension Phone Number: After you login, a prompt will ask for your phone number. Select “CANCEL.” Call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number and the unique Attendee ID number listed in the top left area of the screen after login. International callers may dial in using the “Show all global call-in numbers” link (also in the top left area).

**Telephone Access Only:**

Call **1-866-469-3239** (toll-free in the U.S. and Canada). When prompted, enter the meeting number. International callers may select their number from the [CEC WebEx Global Call-in website](https://energy.webex.com/energy/globalcallin.php), https://energy.webex.com/energy/globalcallin.php.

**Technical Support:**

* For assistance with problems or questions about joining or attending the meeting, please call WebEx Technical Support at **1-866-229-3239.**
* System Requirements: To determine whether your computer is compatible, visit [WebEx Help](https://help.webex.com/?language=en-us) at: https://help.webex.com/?language=en-us.
* Meeting Preparation: The playback of UCF (Universal Communications Format) rich media files requires appropriate players. Please determine whether the players are installed on your computer by visiting the [CEC WebEx Verify Rich Media Players](https://energy.webex.com/energy/systemdiagnosis.php) website at: https://energy.webex.com/energy/systemdiagnosis.php.

## Questions

During the solicitation process, questions of clarification about this solicitation must be directed to the Commission Agreement Officer listed within this solicitation. You may ask questions at any of the Pre-Application Workshops, and you may submit written questions via mail, electronic mail, and by FAX. However, all questions must be received by 5:00 pm on the date listed in the Key Activities and Dates table earlier in this solicitation.

Question and answer sets will be posted on the [CEC Solicitations](https://www.energy.ca.gov/funding-opportunities/solicitations) website at: https://www.energy.ca.gov/funding-opportunities/solicitations.

Any verbal communication with a CEC employee concerning this solicitation is not binding on the State and shall in no way alter a specification, term, or condition of the solicitation. All communication must be directed in writing to the Commission Agreement Officer assigned to the solicitation.

## Contact Information

Phil Dyer, Commission Agreement Officer

California Energy Commission

1516 Ninth Street, MS-18

Sacramento, California 95814

Telephone: (916) 654-4651

E-mail: phil.dyer@energy.ca.gov

## Reference Documents

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

1. [*2019-2020 Investment Plan Update for the Clean Transportation Program*](https://ww2.energy.ca.gov/altfuels/2018-ALT-01/documents/) (CEC-600-2018-005-SD-LCF-REV2). https://ww2.energy.ca.gov/altfuels/2018-ALT-01/documents/.

Investment Plans for the Clean Transportation Program are on display and available for review in the CEC Library, in addition to being available at the website. Library hours are Monday – Friday from 8:30 a.m. to 4:30 p.m., closed for lunch 12:00 p.m. – 1:00 p.m. The Library is located at 1516 Ninth Street, First Floor, Sacramento, CA 95814, (916) 654-4292.

1. California Energy Commission and California Air Resources Board. [*Joint Agency Staff Report on Assembly Bill 8: 2018 Annual Assessment of Time and Cost Needed to Attain 100 Hydrogen Refueling Stations in California*](https://ww2.energy.ca.gov/2018publications/CEC-600-2018-008/CEC-600-2018-008.pdf) (CEC-600-2018-008). https://ww2.energy.ca.gov/2018publications/CEC-600-2018-008/CEC-600-2018-008.pdf.
2. California Air Resources Board. [*2019 Annual Evaluation of Fuel Cell Electric Vehicle Deployment and Hydrogen Fuel Station Network Development*](https://ww2.arb.ca.gov/resources/documents/annual-hydrogen-evaluation). https://ww2.arb.ca.gov/resources/documents/annual-hydrogen-evaluation.

## Relevant Laws, Regulations, Reports and Other Documents

The stations proposed for funding shall conform to the ***most recent version*** of the following:

* California Code of Regulations (CCR) Title 4: Business Regulations, Division 9 Measurement Standards, Chapter 1 Tolerances and Specifications for Commercial Weighing and Measuring Devices, Article 1 National Uniformity, Exceptions and Additions, Sections 4001 and 4002. Additional Requirement, Subsection 4002.9, Hydrogen Gas-Measuring Devices (3.39).
* CCR Title 4: Business Regulations, Division 9 Measurement Standards, Chapter 6 Automotive Products Specifications, Article 8 Specifications for Hydrogen Used in Internal Combustion Engines and Fuel Cells, Sections 4180 and 4181.
* CCR Title 24: California Building Code, Part 2, Volume I, Chapter 11B, Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing.
* California Health and Safety Code Section 25510(a).

The stations proposed for funding shall conform to the ***most recent version*** of the following:

* CSA (formerly the Canadian Standards Association) Hydrogen Gas Vehicle (HGV) 4.3, Test Methods for Hydrogen Fueling Parameter Evaluation.
* CSA Hydrogen Gas Vehicle (HGV) 4.9, Hydrogen Fueling Stations.
* Compressed Gas Association (CGA) [G-5.3, Commodity Specification for Hydrogen](https://portal.cganet.com/Publication/Details.aspx?id=G-5.3). https://portal.cganet.com/Publication/Details.aspx?id=G-5.3.
* National Fire Protection Association (NFPA) 2, Hydrogen Technologies Code.
* SAE International J2600 Compressed Hydrogen Surface Vehicle Fueling Connection Devices.
* SAE International J2601 Fueling Protocols for Light Duty Gaseous Hydrogen Surface Vehicles.
* SAE International J2719 Hydrogen Fuel Quality for Fuel Cell Vehicles.
* SAE International J2799 Hydrogen Surface Vehicle to Station Communications Hardware and Software.
* U.S. Department of Commerce/National Institute of Standards and Technology (NIST), Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices, NIST Handbook 44.

Applicants are encouraged to use the following tools, programs, codes, and handbooks when applying for funding under this solicitation:

* + - California Air Resources Board. [CHIT Results Map Viewer](http://californiaarb.maps.arcgis.com/apps/webappviewer/index.html?id=99be905d3127405e81851fd60b19cda2). http://californiaarb.maps.arcgis.com/apps/webappviewer/index.html?id=99be905d3127405e81851fd60b19cda2.
* California Air Resources Board. [Hydrogen Station Capacity Evaluation (HySCapE) Model](https://ww3.arb.ca.gov/fuels/lcfs/2018-0813_hyscape_download_instructions.pdf). https://ww3.arb.ca.gov/fuels/lcfs/2018-0813\_hyscape\_download\_instructions.pdf.
* California Air Resources Board. [HySCapE Model documentation from the National Renewable Energy Laboratory](https://ww3.arb.ca.gov/fuels/lcfs/ca-greet/2018-0813_hyscape_documentation.pdf). https://ww3.arb.ca.gov/fuels/lcfs/ca-greet/2018-0813\_hyscape\_documentation.pdf.
* California Air Resources Board. [Low Carbon Fuel Standard Hydrogen Refueling Infrastructure (HRI) User Guide](https://ww3.arb.ca.gov/fuels/lcfs/guidance/hri_userguide.pdf). https://ww3.arb.ca.gov/fuels/lcfs/guidance/hri\_userguide.pdf.
* California Department of Food and Agriculture, Division of Measurement Standards. [California Type Evaluation Program (CTEP)](https://www.cdfa.ca.gov/dms/programs/ctep/CTEPInfoGuide.pdf). https://www.cdfa.ca.gov/dms/programs/ctep/CTEPInfoGuide.pdf.
* California Department of Food and Agriculture, Division of Measurement Standards. [California Type Evaluation Program (CTEP) Certificates of Approval Database Search](https://www.cdfa.ca.gov/dms/ctep.html). https://www.cdfa.ca.gov/dms/ctep.html.
	+ - California Environmental Protection Agency. [California Climate Investments to Benefit Disadvantaged Communities](https://calepa.ca.gov/EnvJustice/GHGInvest/). SB 535 Disadvantaged Communities Map (June 2018 Update). https://calepa.ca.gov/EnvJustice/GHGInvest/.
		- California Environmental Protection Agency, Office of Environmental Health Hazard Assessment. [California Communities Environmental Health Screening Tool (CalEnviroScreen) 3.0](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30). https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30.
* [**California Volkswagen Mitigation Trust**](https://www.californiavwtrust.org/)
* Division of the State Architect (DSA). [Access Compliance Advisory Manual](https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Access-Compliance-Reference-Materials). <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Access-Compliance-Reference-Materials>.
* International Standards Organization/International Electrotechnical Commission (ISO/IEC) 14443 Identification cards, Contactless integrated circuit cards, Proximity Cards, Part 1: Physical characteristics, Part 2: Radio frequency power and signal interface, Part 3: Initialization and anticollision, and Part 4: Transmission protocol.
* ISO/IEC 15961-1, Information Technology – Data Protocol for Radio Frequency Identification (RFID) for Item Management, Part 1: Application Interface.
* ISO/IEC 15961-2, Information Technology – Data Protocol for Radio Frequency Identification (RFID) for Item Management, Part 2: Registration of RFID Data Constructs.
* ISO/IEC 15961-3, Information Technology – Data Protocol for Radio Frequency Identification (RFID) for Item Management, Part 3: RFID Data Constructs.
* ISO/IEC 15961-4, Information Technology – Data Protocol for Radio Frequency Identification (RFID) for Item Management, Part 4: Application Interface Commands for Battery Assist and Sensor Functionality.
* ISO/IEC 15963-1, Information Technology, Radio Frequency Identification for Item Management, Part 1: Unique Identification for RF Tags Numbering Systems.
* ISO/IEC 15963-2, Information Technology, Radio Frequency Identification for Item Management, Part 2: Unique Identification for RF Tags Registration Procedures.
* ISO/IEC 18000, Information Technology, Radio Frequency Identification for Item Management (multiple parts).
* ISO/IEC 18046, Information Technology, Automatic Identification and Data Capture Techniques, Radio Frequency Identification Performance Test Methods (multiple parts).
* U.S. Department of Commerce/National Institute of Standards and Technology (NIST), Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality, NIST Handbook 130.

Applicants are encouraged to familiarize themselves with the following documents, which are available online, and available for review in the CEC Library located at 1516 Ninth Street, First Floor, Sacramento, CA 95814, (916) 654-4292. Library hours are Monday - Friday from 8:30 a.m. to 4:30 p.m., closed for lunch 12:00 p.m. to 1:00 p.m.

* Code of Federal Regulations (CFR) 225, Cost Principles for State, Local, and Indian Tribal Governments ([OMB Circular A-87](https://www.whitehouse.gov/omb/information-for-agencies/circulars/)). https://www.whitehouse.gov/omb/information-for-agencies/circulars/.
* California Air Resources Board. [Low Carbon Fuel Standard Program](https://ww3.arb.ca.gov/fuels/lcfs/lcfs.htm). https://ww3.arb.ca.gov/fuels/lcfs/lcfs.htm.
	+ [California Department of Tax and Fee Administration](https://www.cdtfa.ca.gov/). https://www.cdtfa.ca.gov.
	+ California Department of Tax and Fee Administration. [Sales & Use Tax in California](https://www.cdtfa.ca.gov/taxes-and-fees/sutprograms.htm). https://www.cdtfa.ca.gov/taxes-and-fees/sutprograms.htm.
	+ California Department of Transportation. [California Manual on Uniform Traffic Control Devices](https://dot.ca.gov/programs/traffic-operations/camutcd). https://dot.ca.gov/programs/traffic-operations/camutcd.
	+ California Energy Commission. [Clean Transportation Program Investment Plans](https://ww2.energy.ca.gov/transportation/arfvtp/investmentplans.html). https://ww2.energy.ca.gov/transportation/arfvtp/investmentplans.html.
	+ Governor’s Office of Business and Economic Development. [Hydrogen Station Permitting Guidebook, Best Practices for Planning, Permitting and Opening a Hydrogen Fueling Station](http://www.businessportal.ca.gov/wp-content/Documents/ZEV/Hydrogen-Permitting-Guidebook.pdf). 2015. http://www.businessportal.ca.gov/wp-content/Documents/ZEV/Hydrogen-Permitting-Guidebook.pdf.
	+ Pacific Northwest National Laboratory (PNNL). [Safety Planning for Hydrogen and Fuel Cell Projects](https://h2tools.org/sites/default/files/Safety_Planning_for_Hydrogen_and_Fuel_Cell_Projects.pdf). https://h2tools.org/sites/default/files/Safety\_Planning\_for\_Hydrogen\_and\_Fuel\_Cell\_Projects.pdf.

# II. Eligibility Requirements

## Applicant Requirements

1. **Eligibility**

This solicitation is open to all public and private entities.

To be eligible, Applicants (or key project partners, if any) shall:

1. Employ key personnel for the proposed project with a minimum of three (3) years of experience designing, planning, constructing, testing, operating, or maintaining hydrogen refueling stations or other pressurized gaseous fueling stations.
2. Declare that they are:
	* 1. Neither delinquent on taxes nor suspended by the California Franchise Tax Board.
		2. Registered to do business in California with the California Secretary of State.
		3. In compliance with the terms of all settlement agreements, if any, entered into with the CEC or another public agency or entity.
		4. In compliance with all judgments, if any, issued against the Applicant in any matter to which the CEC or another public agency or entity is a party.
		5. Not in active litigation with the CEC regarding the Applicant’s actions under a current or past contract, grant, or loan with the CEC.

The declaration found in the Application Form (Attachment 1A) must be signed under penalty of perjury by an authorized representative of the Applicant’s organization.

1. **Terms and Conditions**

Each grant agreement resulting from this solicitation will include terms and conditions that set forth the recipient’s rights and responsibilities. By providing the required authorizations and certifications, each Applicant agrees to enter into an agreement, if awarded, with the CEC to conduct the proposed project according to the terms and conditions that correspond to its organization, without negotiation: (1) University of California terms and conditions; (2) U.S. Department of Energy terms and conditions; or (3) standard terms and conditions. The standard terms and conditions are located in Attachment 9. Special terms and conditions are located in Attachment 10**A and supplemental special terms and conditions are located in Attachment 10B**.

Failure to agree to the terms and conditions by taking actions such as failing to provide the required authorizations and certifications, or indicating that acceptance is based on modification of the terms, will result in rejection of the application. Applicants must read the terms and conditions carefully. The CEC reserves the right to modify the terms and conditions prior to executing grant agreements.

1. **California Secretary of State Registration**

All corporations, limited liability companies (LLCs), limited partnerships (LPs) and limited liability partnerships (LLPs) that conduct intrastate business in California are required to be registered and in good standing with the California Secretary of State prior to its project being recommended for approval at a CEC Business Meeting. 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](https://www.sos.ca.gov/) via its website at www.sos.ca.gov. Sole proprietors using a fictitious business name must be registered with the appropriate county and provide evidence of registration to the CEC prior to their project being recommended for approval at a CEC Business Meeting.

## Project Requirements

The following requirements apply to all stations in each project proposed by an Applicant. To be eligible under this solicitation, each project shall meet each of the following criteria:

1. The project shall be for the construction of open retail hydrogen refueling station(s), which can include new stations and upgrades to existing hydrogen refueling station(s). Upgrades shall include additional station equipment such that the station could dispense a greater capacity of hydrogen or have increased performance. The project ***shall not*** include upgrades to any station with an active CEC agreement to make the station open retail. The project ***shall not*** include mobile hydrogen refueling stations, meaning stations that move and provide a temporary hydrogen refueling source and refueling capability, on demand, and that do not operate at a permanent physical address.

Each proposed station shall be located in an eligible Area Classification in California (printed in green, purple, blue, and orange) depicted in Figure 1 and available online at the [CHIT Results Map Viewer](http://californiaarb.maps.arcgis.com/apps/webappviewer/index.html?id=99be905d3127405e81851fd60b19cda2) at http://californiaarb.maps.arcgis.com/apps/webappviewer/index.html?id=99be905d3127405e81851fd60b19cda2. The ineligible areas are printed in grey.

**Figure 1. Map of Area Classifications**Available Online at the [CHIT Results Map Viewer](http://californiaarb.maps.arcgis.com/apps/webappviewer/index.html?id=99be905d3127405e81851fd60b19cda2)



Source: CARB

The Applicant shall obtain verification of the Area Classification(s) from CARB for all the proposed station location addresses submitted to the CEC in their application. The Applicant shall repeat this process when they submit station location(s) for subsequent batches to the CEC for approval. The CEC will verify the Area Classification(s) with CARB and resolve any discrepancies in consultation with CARB.

CARB will update the Area Classification map after station locations receive approval from the CEC. Applicants are encouraged to obtain further information on the Map of Area Classifications from:

Andrew Martinez, Ph.D.

(916) 322-8449

Sustainable Transportation and Communities Division

Advanced Clean Cars Branch, ZEV Infrastructure

California Air Resources Board (CARB)

1001 I Street, Sacramento, CA 95814

Andrew.Martinez@arb.ca.gov

1. Each station proposed for funding shall have the following number of SAE International J2601 H70-T40 fueling positions:
	1. Within a Connector or Destination area, as shown in Figure 1, no more than two fueling positions.
	2. Within the Market Initiation, Coverage Growth, or Capacity Growth area, as shown in Figure 1, a minimum of two fueling positions.
2. Each fueling position shall meet the minimum 24-hour fueling capacity of 225 kilograms based on the Hydrogen Station Capacity Evaluation (HySCapE) model, counting only H70-T40 fills that achieve 95% state of charge (SOC).

This solicitation incorporates the [HySCapE model](https://ww3.arb.ca.gov/fuels/lcfs/2018-0813_hyscape_download_instructions.pdf), available at: https://ww3.arb.ca.gov/fuels/lcfs/2018-0813\_hyscape\_download\_instructions.pdf.

The CARB LCFS Hydrogen Refueling Infrastructure (HRI) program also uses the same HySCapE model to confirm station capacity. For further information about the [CARB LCFS](https://www.arb.ca.gov/fuels/lcfs/rulemakingdocs.htm), please visit https://www.arb.ca.gov/fuels/lcfs/rulemakingdocs.htm or contact:

Arpit Soni (Manager)

(916) 323-2661

Transportation Fuels Branch, Alternative Fuels Section

California Air Resources Board (CARB)

1001 I Street, Sacramento, CA 95814

Arpit.Soni@arb.ca.gov

Applicants are encouraged to consult the [Hydrogen Refueling Infrastructure (HRI) User Guide](https://ww3.arb.ca.gov/fuels/lcfs/guidance/hri_userguide.pdf), available at https://ww3.arb.ca.gov/fuels/lcfs/guidance/hri\_userguide.pdf, and the [HySCapE documentation](https://ww3.arb.ca.gov/fuels/lcfs/ca-greet/2018-0813_hyscape_documentation.pdf) available at https://ww3.arb.ca.gov/fuels/lcfs/ca-greet/2018-0813\_hyscape\_documentation.pdf.

Applicants shall run the HySCapE model, as used for applications to the CARB LCFS HRI Program, for each proposed station design to demonstrate that each fueling position of each proposed station design meets the minimum 24-hour fueling capacity of 225 kilograms.

Consistent with the HRI User Guide, Applicants shall use the following HySCapE default settings:

* Vehicle Demand Profile: Chevron Friday
* Time Between Fills: 255 seconds
* Vehicle Storage Volume: 126 liters
* Storage Level to Trigger Delivery: 30 percent
* Hourly Distribution: Even

If proposing a station upgrade, the Applicant shall also run the HySCapE model for the existing, pre-upgraded station to calculate the additional capacity of the upgrade.

Applicants shall download the HySCapE results (graphs and output file). To meet the 24-hour fueling capacity requirement, the “number of kg Mass Dispensed at SOC limit” must be equal to or greater than 225 kilograms per fueling position.

1. The Applicant must certify (via the Application Form, Attachment 1A) that each proposed station will meet the Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations in Section II.I., and will remain Open Retail for a minimum of five years.
2. Optional: A fueling position may provide H35 fueling in addition to H70-T40.

## Coordination with Existing Open Retail and Planned Hydrogen Refueling Stations

The Applicant shall explain how their proposed project will work within the network of existing and planned hydrogen refueling stations shown in Table 2.

**Table 2: Existing Open Retail and Planned Hydrogen Refueling Stations**

| Station Name | Address |
| --- | --- |
| Anaheim | 3731 E. La Palma Ave., Anaheim, CA, 92806 |
| Berkeley | 1250 University Ave., Berkeley, CA, 94702 |
| Burbank | 145 W. Verdugo Ave., Burbank, CA, 91502 |
| Campbell - E. Hamilton | 337 E. Hamilton Ave., Campbell, CA, 95008 |
| Campbell - Winchester | 2855 Winchester Blvd., Campbell, CA, 95008 |
| Chino | 12610 East End Ave., Chino, CA, 91710 |
| Citrus Heights | 6141 Greenback Ln., Citrus Heights, CA, 95621 |
| Concord | 605 Contra Costa Blvd., Concord, CA, 94523 |
| Costa Mesa | 2050 Harbor Blvd., Costa Mesa, CA, 92627 |
| CSULA | 5151 State University Dr., Los Angeles, CA, 90032 |
| Culver City | 11284 Venice Blvd., Culver City, CA, 90230 |
| Del Mar | 3060 Carmel Valley Rd., San Diego, CA, 92130 |
| Diamond Bar | 21865 E. Copley Drive, Diamond Bar, CA, 91765 |
| Emeryville | 1172 45th St., Emeryville, CA, 94608 |
| Fairfax | 7751 Beverly Blvd., Los Angeles, CA, 90036 |
| Fountain Valley | 18480 Brookhurst St., Fountain Valley, CA, 92708 |
| Fremont | 41700 Grimmer Blvd., Fremont, CA, 94538 |
| Harris Ranch | 24505 W. Dorris Ave., Coalinga, CA, 93210 |
| Hayward | 391 W. A St., Hayward, CA, 94541 |
| Hollywood | 5700 Hollywood Blvd., Los Angeles, CA, 90028 |
| La Cañada Flintridge | 550 Foothill Blvd., La Cañada Flintridge, CA, 91011 |
| Laguna Beach[[1]](#footnote-2) | 104 North Coast Highway, Laguna Beach, CA, 92651 |
| Lake Forest | 20731 Lake Forest Dr., Lake Forest, CA, 92630 |
| Lawndale | 15606 Inglewood Ave., Lawndale, CA, 90260 |
| LAX | 10400 Aviation Blvd., Los Angeles, CA, 90045 |
| Long Beach | 3401 Long Beach Blvd., Long Beach, CA, 90807 |
| Mill Valley | 570 Redwood Hwy, Mill Valley, CA, 94941 |
| Mission Hills | 15544 San Fernando Mission Blvd.,Mission Hills, CA, 91345 |
| Mountain View | 830 Leong Dr., Mountain View, CA, 94043 |
| Newport Beach | 1600 Jamboree Rd., Newport Beach, CA, 92660 |
| Oakland | 350 Grand Ave., Oakland, CA, 94610 |
| Ontario | 1850 E. Holt Blvd., Ontario, CA, 91761 |
| Palo Alto | 3601 El Camino Real, Palo Alto, CA, 94306 |
| Playa Del Rey | 8126 Lincoln Blvd., Los Angeles, CA, 90045 |
| Rancho Palos Verdes | 28103 Hawthorne Blvd.,Rancho Palos Verdes, CA, 90275 |
| Redwood City | 503 Whipple Ave., Redwood City, CA, 94063 |
| Riverside | 8095 Lincoln Ave., Riverside, CA, 92504 |
| Sacramento | 3510 Fair Oaks Blvd., Sacramento, CA, 95864 |
| San Diego | 5494 Mission Center Rd., San Diego, CA, 92108 |
| San Francisco - Harrison | 1201 Harrison St., San Francisco, CA, 94103 |
| San Francisco - Mission | 3550 Mission St., San Francisco, CA, 94110 |
| San Francisco - Third | 551 Third St., San Francisco, CA, 94107 |
| San Jose - Bernal | 101 Bernal Road, San Jose, CA, 95119 |
| San Jose - N. 1st | 2101 N. 1st St., San Jose, CA, 95131 |
| San Juan Capistrano | 26572 Junipero Serra Rd.,San Juan Capistrano, CA, 92675 |
| San Ramon | 4475 Norris Canyon Rd., San Ramon, CA, 94583 |
| Santa Barbara | 150 S. La Cumbre Rd., Santa Barbara, CA, 93105 |
| Santa Clarita | 24551 Lyons Ave., Santa Clarita, CA, 91321 |
| Santa Monica | 1819 Cloverfield Blvd., Santa Monica, CA, 90404 |
| Saratoga | 12600 Saratoga Ave., Saratoga, CA, 95070 |
| Sherman Oaks | 14478 Ventura Blvd., Sherman Oaks, CA, 91423 |
| South Pasadena | 1200 Fair Oaks Ave., South Pasadena, CA, 91030 |
| South San Francisco | 248 S. Airport Blvd., South San Francisco, CA, 94080 |
| Studio City | 3780 Cahuenga Blvd., Studio City, CA, 91604 |
| Sunnyvale | 1296 Sunnyvale Saratoga Rd., Sunnyvale, CA, 94087 |
| Thousand Oaks | 3102 Thousand Oaks Blvd.,Thousand Oaks, CA, 91362 |
| Torrance | 2051 W. 190th St., Torrance, CA, 90501 |
| Truckee | 12105 Donner Pass Rd., Truckee, CA, 96161 |
| UC Irvine | 19172 Jamboree Rd., Irvine, CA, 92612 |
| West Sacramento | 1515 S. River Road, West Sacramento, CA, 95691 |
| Woodland Hills | 5314 Topanga Canyon Rd., Woodland Hills, CA, 91364 |
| Woodside | 17287 Skyline Blvd., Woodside, CA, 94062 |

## Public Agency Contact Information for Additional Support

The following local public agencies offer various types of support for hydrogen refueling station projects as of the release of this solicitation. Please contact these agencies directly for more information.

| **Region:**  | City of Artesia |
| --- | --- |
| **Contact Information:**  | Jeremy Bates, Management AnalystCity of Artesia18747 Clarkdale Ave., Artesia, CA 90701Phone: 562-865-6262Email: jbates@cityofartesia.us  |
| **Stated Support:** | The City of Artesia, as part of its sustainability leadership, supports the proliferation of hydrogen fueling stations in California. The City of Artesia is proud to offer support for developers and installers of hydrogen fueling stations interested in locating in the City of Artesia. Support includes site selection assistance, promotion/advertising to the public, and potential access to public lots and permitting-based assistance on a case-by-case basis. The City of Artesia is proud to support zero-emission fuel solutions and is glad to offer assistance to hydrogen fueling stations with a business-friendly approach. |

| **Region:**  | City of Glendora |
| --- | --- |
| **Contact Information:**  | Steven Mateer, Transportation Superintendent[City of Glendora](http://www.ci.glendora.ca.us) Community Development410 E Dalton Ave, Glendora, CA 91741Phone: 626-852-4846Email: smateer@ci.glendora.ca.us www.ci.glendora.ca.us  |
| **Stated Support:** | City of Glendora is interested in supporting the move to zero-emission fuels. City of Glendora is actively working to implement a zero-emission transit fleet consistent with the Innovative Clean Transit Rule. Furthermore, the City is actively installing electric chargers. We would be very interested in helping fund and site hydrogen fuel stations and exploring hydrogen-fuel vehicles for the transit and City fleet. |

| **Region:**  | North State |
| --- | --- |
| **Contact Information:**  | Dana Boudreau, Director of Operations[Redwood Coast Energy Authority](https://redwoodenergy.org/)633 3rd Street, Eureka CA 95501Phone: 707-269-1700Email: Dboudreau@redwoodenergy.org www.redwoodenergy.org |
| **Stated Support:** | The Redwood Coast Energy Authority, as the lead agency on numerous multi-county low carbon transportation planning efforts in the North State, the community choice aggregator for Humboldt County jurisdictions, and as a joint powers agency representing Humboldt County local government entities, is eager to support hydrogen station developers. Example actions include:* Facilitate engagement with relevant local government entities in the North Coast and Upstate regions
* Assist with permitting processes on a case-by-case basis
* Assist with securing fleet commitments
* Consider rate schedule negotiations for electrolytic hydrogen within Humboldt County
* Assist with site selection on a case-by-case basis

The Redwood Coast Energy Authority enthusiastically supports low carbon fuel options, and is eager to explore opportunities for hydrogen fueling infrastructure within our region. |

| **Region:**  | City and County of San Francisco |
| --- | --- |
| **Contact Information:**  | Suzanne Loosen, Zero Emission Vehicle Coordinator[San Francisco Department of the Environment](http://sfenvironment.org)1455 Market Street, 12th Floor, San Francisco, CA 94103Phone: 415-355-3765Email: suzanne.loosen@sfgov.org http://sfenvironment.org |
| **Stated Support:** | San Francisco Department of the Environment can provide assistance to station developers in setting up initial pre-application meetings with Planning, Building Inspection, and Public Safety Departments. |

| **Region:**  | San Francisco Bay Area |
| --- | --- |
| **Contact Information:**  | Linda Hui, Senior Staff Specialist[Bay Area Air Quality Management District](http://www.baaqmd.gov)375 Beale Street, San Francisco, CA 94105Phone: 415-749-4796Email: lhui@baaqmd.gov www.baaqmd.gov |
| **Stated Support:** | Up to $500,000 has been reserved to serve as match funding to support the installation of new publicly available hydrogen dispensing facilities in the Bay Area Air Quality Management District’s jurisdiction. Funding is limited to 25% of eligible costs and may not exceed a maximum award of $250,000 per station. This funding is available to only projects that have been selected for award of state or federal funding through a competitive solicitation and is provided through the Air District’s Transportation Fund for Clean Air program. |

| **Region:**  | San Luis Obispo County |
| --- | --- |
| **Contact Information:**  | Andy Mutziger, Supervising Air Quality SpecialistPlanning, Outreach & Grants Division[SLO County Air Pollution Control District](https://www.slocleanair.org/)Phone: 805-781-5956 Email: amutziger@co.slo.ca.us https://www.slocleanair.org/ |
| **Stated Support:** | The San Luis Obispo County Air Pollution Control District offers a $250,000 [Request for Proposals (RFP)](https://www.slocleanair.org/community/grants/hydrogen.php) to incentivize station developers to install a hydrogen station in San Luis Obispo County. https://www.slocleanair.org/community/grants/hydrogen.php. Support offered besides the RFP is mentioned in the [docketed response to the RFI](https://efiling.energy.ca.gov/GetDocument.aspx?tn=229629&DocumentContentId=61048). https://efiling.energy.ca.gov/GetDocument.aspx?tn=229629&DocumentContentId=61048. |

| **Region:**  | South Coast |
| --- | --- |
| **Contact Information:**  | Cynthia Ravenstein, MSRC Contracts Administrator[Mobile Source Air Pollution Reduction Review Committee (MSRC)](http://www.CleanTransportationFunding.org)21865 Copley Drive, Diamond Bar, CA 91765Phone: 909-396-3269Email: Cynthia@CleanTransportationFunding.org www.CleanTransportationFunding.org |
| **Stated Support:** | The MSRC is offering co-funding for new or expanded hydrogen fueling stations within the South Coast AQMD region. Project concept description submissions are being accepted through April 10, 2020, unless extended by the MSRC. For full details, please see the [Program Opportunity](http://www.cleantransportationfunding.org/sites/default/files/rfp-2018-04/PON2018-02%20H2%20Infrastructure.pdf) notice here: http://www.cleantransportationfunding.org/sites/default/files/rfp-2018-04/PON2018-02%20H2%20Infrastructure.pdf.  |

| **Region:**  | South Coast |
| --- | --- |
| **Contact Information:**  | Lisa Mirisola, Program Supervisor[South Coast Air Quality Management District](http://www.aqmd.gov)21865 Copley Drive, Diamond Bar, CA 91765Phone: 909-396-2638Email: LMirisola@aqmd.gov www.aqmd.gov |
| **Stated Support:** | The South Coast Air Quality Management District, through [Clean Fuels Program](http://www.aqmd.gov/home/technology/reports) co-funding, is pleased to support hydrogen station developers in our region, especially with new low carbon hydrogen production. http://www.aqmd.gov/home/technology/reports  |

| **Region:**  | City of Walnut Creek |
| --- | --- |
| **Contact Information:**  | Cara Bautista-RaoSustainability Coordinator & Housing Analyst[Community & Economic Development Department](http://www.walnut-creek.org/goinggreen)1666 N. Main Street, Walnut Creek, CA 94596Phone: 925-943-5899 x 2216 Email: Bautista-Rao@walnut-creek.org www.walnut-creek.org/goinggreen |
| **Stated Support:** | The City of Walnut Creek, as part of its Climate Action Plan, supports the transition to zero emission vehicles, including all necessary infrastructure like hydrogen fueling stations. The City can offer support such as an initial early meeting with interested hydrogen fuel station developers to discuss the permitting process, assistance with public education, and permitting-based assistance on a case-by-case basis. The City’s Climate Action Plan also calls for transitioning its vehicle fleet to zero emission vehicles and is open to exploring hydrogen fueled vehicles and stations for its fleet. The City of Walnut Creek takes a business-friendly approach to encouraging zero-emission vehicles and stations. |

## Description of the Need for Funding Under This Solicitation

In their application, the Applicant shall describe and explain their plan to use LCFS credit revenue, if any, and the need for the Clean Transportation Program funding requested by the Applicant under this solicitation. The Clean Transportation Program funding supports the AB 8 goal of achieving at least 100 publicly accessible hydrogen refueling stations. This solicitation also reflects the vision of Executive Order B-48-18, namely, the goal of establishing 200 hydrogen refueling stations by 2025. Applicants are encouraged to justify the need for LCFS HRI credit revenue and the need for funding under this solicitation with Executive Order B-48-18 in mind.

## Eligible Costs

Eligible costs are limited to actual, ***allowable equipment expenditures only*** for light duty hydrogen refueling stations and purpose-built refueling infrastructure to accommodate any commercial fuel cell vehicle fleet or fuel cell transit bus fleet. Eligible costs also include any shipping, installation, commissioning, or any other standard service costs included by the equipment supplier in the purchase of the equipment. Other project expenses (labor, fringe, travel, subcontracted labor, materials/supplies, and overhead) are NOT eligible under agreements resulting from this solicitation.

## Match Funding Requirements

1. **Total Match Share Requirement**

Applications must include a minimum 50 percent total match share of the eligible costs (Section II.F.) for equipment. Other project expenses (labor, fringe, travel, subcontracted labor, materials/supplies, and overhead) are not eligible as match funding.

“Match funding” or “match share” means cash or in-kind (non-cash) contributions provided by the Applicant/Recipient, subcontractors, or other parties that will be used in performance of the proposed project.Match share percentage is calculated by dividing the total match share contributions by the total allowable project cost. *“*Total allowable project cost” is the sum of the CEC’s reimbursable share and Recipient’s match share of the project equipment costs. Match share expenditures have the following requirements:

1. All match share expenditures must conform to the terms and conditions of this solicitation and the resulting agreement (see Attachment 9).
2. Applicants must disclose the source and provide verification and documentation for the match share funding committed to the project.
3. During the term of the agreement, Recipients will be required to document and verify all match share expenditures through invoices submitted to the CEC.
4. Match share funding may be in the form of cash or in-kind contributions such as donated equipment.
5. Equipment 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 use in the project, and depreciated or amortized over the term of the project using generally accepted accounting principles (GAAP).
6. Match share expenditures (cash and/or in-kind) must be documented, reasonable, allowable, and allocable to the project as determined by the CEC.
7. The Recipient shall incur match share expenditures at least at the same rate as CEC funds.
8. Match share expenditures **allocable to Clean Transportation Program funds** are allowable under an agreement only if they are incurred after the CEC notifies the Applicant that its project has been proposed for an award through the release of a NOPA. Match expenditures incurred prior to the approval and execution of an agreement are made at the Applicant’s own risk. The CEC is not liable for Applicant’s 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 this solicitation. **Match share expenditures allocable to Volkswagen Mitigation Trust funds are allowable under an agreement only if they are incurred after the agreement is executed by both parties. The CEC will allocate match expenses proportionately to the amount of Clean Transportation Program funds and Volkswagen Mitigation Trust funds in the agreement. The funding sources and match amount allocated to each funding source will be specified in the NOPA.** Please note that non-match expenditures incurred prior to agreement execution are not reimbursable from CEC **or Volkswagen Mitigation Trust** funds.
9. Funding from other non-state government agencies may be used as match share.
10. **Match Share Restrictions**

***Other Sources of CEC Funding*** – Other sources of CEC funding may not be used as match share.

***Documentation*** – If selected for an award under this solicitation, all claimed match share expenditures must be adequately documented to the CEC during the agreement invoicing process, which may include, but is not limited to: the fair market value of equipment and other appropriate documentation.

## Unallowable Costs (Reimbursable or Match Share)

For an item of cost to be allowable, it must be included in the approved agreement budget and allowable per the terms and conditions (Attachment 9) of the resulting agreement. The following are examples of unallowable costs under an agreement resulting from this solicitation. This list is not comprehensive and additional items of cost may be unallowable in accordance with the terms and conditions.

1. ***Labor, Fringe, Travel, Subcontracted Labor, Materials/Supplies, and Overhead*** – Any costs not listed as eligible costs under Section II.F. are not allowable items of costs.
2. ***Discounted or Refunded Equipment Costs*** – For example, a Recipient claims that equipment costs $10,000 but the Recipient only pays $6,000 due to some discount. The difference of $4,000 is not an allowable match share expense. Another example is if the Recipient actually pays $10,000 but the vendor refunds $4,000 – only the net $6,000 is an allowable item of cost.

## Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations

To be considered open retail, hydrogen refueling stations funded under this solicitation shall, at a minimum, meet and adhere to, during station operation, each of the following Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations.

Projects exceeding these Minimum Technical Requirements may score higher in accordance with the Evaluation Criteria (Section IV.E.).

The CEC reserves the right to modify the Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations and the corresponding Open Retail Station Checklist (Section II.J. and Attachment 12), of future stations to reflect the current state-of-the-art within the hydrogen refueling industry.

All of the following Minimum Technical Requirement for Open Retail Hydrogen Refueling Stations shall be met at the exact station address approved by the CEC.

1. The open retail hydrogen refueling station shall dispense hydrogen that meets CCR Title 4 Business Regulations, Division 9, Chapter 6 Automotive Products Specifications, Article 8, Hydrogen Fuel Sections 4180 and 4181, which adopts Society of Automotive Engineers (SAE) International J2719 Hydrogen Fuel Quality for Fuel Cell Vehicles.

Hydrogen quality tests shall be taken at each dispenser at the hydrogen refueling station, at a minimum, every six months.

The hydrogen quality shall be tested at each dispenser at the station each time the hydrogen lines are either exposed or potentially exposed to contamination due to maintenance or other activities.

The station developer shall report the date of each hydrogen quality test at each dispenser at the station and any special condition(s), and submit the results to the CAM.

1. All hydrogen dispensers used at open retail hydrogen refueling stations shall meet CCR, Title 4, Division 9, Chapter 1, Article 1, Section 4002.9 Hydrogen Gas-Measuring Devices (3.39). The hydrogen dispensers used at open retail hydrogen refueling stations shall comply with the most current version of the Uniform Regulation for the Method of Sale of Commodities Section 2.32 as published in U.S. Department of Commerce, National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality.

Prior to dispensing hydrogen for retail sale, all dispensers installed in open retail hydrogen refueling stations shall have either a Temporary Use Permit or Certificate of Approval issued through the California Type Evaluation Program (CTEP) administered by the California Department of Food and Agriculture (CDFA) Division of Measurement Standards (DMS). Alternatively, installed retail hydrogen dispensing systems may have a Certificate of Conformance issued by the National Type Evaluation Program (NTEP) administered through the National Conference on Weights and Measures (NCWM).

* 1. The Recipient shall install only type-approved dispensers (i.e., which have gone through CTEP or NTEP approval). CDFA adopts, by reference, the most current version of the NIST Handbook 44 Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices except as otherwise modified, amended or rejected by the Secretary of the U.S. Department of Commerce. CCR Title 4, Division 9, Chapter 1, Article 1, Sections 4001 and 4002, Additional Requirements, adopts California-specific amendment and modifications to NIST Handbook 44.
	2. When installing a type-approved hydrogen dispenser at any hydrogen refueling station funded under this solicitation, the Recipient shall notify the local county department of weights and measures of the installed device within 24 hours after the device has been placed in service.
	3. The newly installed dispenser shall successfully pass initial verification of accuracy class tests to receive the county weights and measures seal approving the device for retail use. Installed and approved dispensers will thereafter be subject to annual inspection and testing to ensure the device operates within its designated maintenance tolerance as indicated on the type approval certificate.
	4. The Applicant shall include a plan, in their application, for CDFA DMS, or a Registered Service Agency (RSA) (a person, firm, corporation or association that, for hire or payment of any kind, repairs commercial weighing and measuring devices) to conduct initial verification of accuracy class tests with the local county official(s) present to witness the testing of the dispenser(s) they plan to place in commercial service.

If the Applicant plans to use an RSA, that RSA shall be registered by the CDFA DMS and their employees (Agents) shall be licensed by DMS before performing any installation, repair, or maintenance on any weighing or measuring device.

1. Each fueling position of the open retail hydrogen refueling station shall conform to the most recent published version of SAE International J2601 (fueling protocols) at H70-T40 for all light duty vehicle tank mass categories ***up to 10 kilograms*.**

Should the station developer opt to include H35, each H35 fueling position of the open retail hydrogen refueling station shall conform to the most recent published version of SAE International J2601 (fueling protocols) at H35.

If a proposed station will provide purpose-built infrastructure for commercial fuel cell vehicle fleets or fuel cell transit buses with compressed hydrogen storage systems (CHSS) that ***exceed 10 kilograms*** the station developer shall conform to the most recent version of SAE International J2601 that covers the relevant CHSS. If SAE International J2601 does not cover the CHSS, the station developer must self-certify conformance to a defined fueling protocol that they describe to the CEC. Fueling of commercial fuel cell vehicle fleets or fuel cell transit buses shall not diminish the light duty customer experience.

The compliance of the open retail hydrogen refueling station with SAE International J2601 shall be verified using the most recent version of ANSI/CSA Group HGV 4.3 (test methods for hydrogen fueling parameter evaluation) by working with State of California employees who use the U.S. Department of Energy Hydrogen Station Equipment Performance (HyStEP) device or a functionally equivalent hydrogen station test apparatus, or a third party tester that uses a functionally equivalent hydrogen station test apparatus.

CARB has started investigating if a regulatory required station evaluation/verification process, that could include a fee payment, is needed. The ability for a third party to perform this evaluation is one of the topics being researched. Therefore, Recipients must plan to pay a fee to the State of California or a third party for station testing.

Should HyStEP, or a functionally equivalent test apparatus, be unavailable, the station developer shall evaluate a hydrogen refueling station for compliance with SAE International J2601 using best practices with the automobile original equipment manufacturers (OEMs).

State of California employees and the automobile OEMs shall have access to the data generated and collected when evaluating a station with HyStEP, a functionally equivalent test apparatus, or using best practices with OEMs.

1. The open retail hydrogen refueling station design and operation shall conform to the most recent version of ANSI/CSA HGV 4.9 (hydrogen refueling stations).
2. The open retail hydrogen refueling station shall conform to the most recent version of SAE International J2799 (station communications), verified through the most recent version of CSA HGV 4.3.
3. The open retail hydrogen refueling station shall conform to the fueling connectors, nozzles, and receptacle requirements in the most recent version of either SAE International J2600 or ISO 17268.
4. Each fueling position of the open retail hydrogen refueling station shall have the capability to provide a minimum of seven 4-kilogram H70-T40 fills in one hour, back-to-back, counting only fills that achieve 95 percent SOC.
5. The open retail hydrogen refueling station dispenser(s) shall sell hydrogen fuel to the public through a point of sale (POS) system. The station dispensers may use a centralized POS system.

The POS system shall accept, read, and process the magnetic stripe on commercially available credit cards, debit cards, fueling cards, and gift cards. Each POS system shall also read EMV™ chips embedded in the cards and perform financial payment transactions.

Each POS system may also wirelessly transmit, receive, and process near-field communications (NFC) to process the signals from contactless cards or mobile devices, i.e., “smart phones,” or accept payment through a mobile application.

1. The open retail hydrogen refueling station components shall be installed and the station shall have a hydrogen fuel supply and a hydrogen supply and delivery agreement from a hydrogen production plant (on or off-site), with available capacity, and a second supply arrangement as backup. Both agreements must provide renewable hydrogen to satisfy the Renewable Hydrogen Requirements (Section II.P.) of this solicitation.
2. The open retail station shall have an energized utility connection and source of system power.
3. The open retail hydrogen station shall have lighting for the dispenser(s) and the station area to provide a well-lit area that is safe, convenient, and accessible for station users.
4. The open retail hydrogen refueling station shall display a sign or logo to acknowledge the public agency(ies) that provided funding for the hydrogen refueling station. The open retail station shall also have onsite signage that explains the method of sale requirements per the [California Hydrogen Fuel Advertising and Labeling Requirements](https://www.cdfa.ca.gov/dms/hydrogenfuel/pdfs/HYDROGENGuidanceforRetailers.pdf) at https://www.cdfa.ca.gov/dms/hydrogenfuel/pdfs/HYDROGENGuidanceforRetailers.pdf.

The open retail hydrogen refueling station shall be identified by trailblazer signage on local roads leading to the refueling station (directional sign, usually with an arrow panel, off the freeway system to advise motorists where to turn to the station), as considered and accepted by the city and county.

The open retail hydrogen refueling station shall be identified by state highway system signage according to the [California Manual on Uniform Traffic Control Devices](https://dot.ca.gov/programs/traffic-operations/camutcd), Part 2: Signs, available at: https://dot.ca.gov/programs/traffic-operations/camutcd, as considered and accepted by Caltrans.

1. The open retail hydrogen refueling station shall connect with the California Fuel Cell Partnership [Station Operational Status System (SOSS)](https://m.cafcp.org/): available at m.cafcp.org. At a minimum, the following information shall be included in the data files transmitted to SOSS: H35 status (if part of the station design), H70-T40 status, the currently available H35 capacity (if included in the station design), the currently available H70-T40 capacity, the station name, and the station address.
2. The Recipient shall have received all required state, local, county, and city permits to build the station and to operate the open retail hydrogen refueling station.
3. The open retail hydrogen refueling station shall have a guard or cover installed over the emergency shutdown system switch(es) to prevent unintentional station shutdown.
4. The open retail hydrogen refueling station shall be accessible to the public.
	* + No obstructions or obstacles exist to preclude vehicle operators from entering the station premises.
		+ The user of the station is not required to obtain or to use access cards or personal identification (PIN) codes for the station to dispense fuel.
		+ No formal or registered station training is required for individuals to use the hydrogen refueling station.

## Open Retail Station Checklist

The Recipient shall submit to the CEC a completed, signed, and dated Open Retail Station Checklist (Attachment 12) for each station as it becomes open retail. Should the open retail hydrogen refueling station come out of compliance with the Checklist, or should the design change, the Recipient shall submit to the CEC a new completed, signed, and dated Open Retail Station Checklist.

The CEC reserves the right to modify the Open Retail Station Checklist to maintain consistency with the Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations (Section II.I.), which the CEC reserves the right to modify to reflect the current state-of-the-art within the hydrogen refueling industry.

## Data Collection and Reporting Requirements

Each Recipient shall collect and submit data to the CEC using the National Renewable Energy Laboratory (NREL) Data Collection Tool (Attachment 11) for each station once the station becomes open retail, and continue to do so every quarter until one year after the final station in the Recipient’s tranche becomes open retail.

The reporting period begins when the first station in the Recipient’s tranche becomes open retail, and it ends one year after the final station in the Recipient’s tranche becomes open retail. Reporting must include all of the tranche’s open retail stations in each respective quarter.

## Invoices and Photographic Evidence

Recipients will be required to provide photographs of system components and equipment under assembly or as a completed system at each stage of equipment reimbursement, with the exception of the first stage (see Section I.K.) as evidence to support the payment of invoices. Recipients will also be required to provide the serial numbers of system components or equipment with the photographs.

## Hydrogen Safety Plan and Station Design Review

The Applicant shall commit to develop a Hydrogen Safety Plan for each proposed hydrogen refueling station design (see Application Form, Attachment 1A, Statements of Commitment). If the design varies, station to station, the Applicant shall also provide the station address(es) where each planned hydrogen refueling station design is proposed to be implemented.

After an award, each Recipient’s agreement will require a Hydrogen Safety Plan. The Recipient must prepare (a) preliminary Hydrogen Safety Plan(s) for the PNNL HSP to review. It is up to the Recipient to work directly with the PNNL HSP to submit the Recipient’s preliminary Hydrogen Safety Plan to the PNNL HSP. If the Recipient wishes the plan to be kept confidential by the HSP, it is up to the Recipient to work with the HSP to achieve that. The PNNL HSP is expected to assess the preliminary Hydrogen Safety Plan(s) for adherence to the most recent version of public guidelines titled [Safety Planning for Hydrogen and Fuel Cell Projects](https://h2tools.org/sites/default/files/Safety_Planning_for_Hydrogen_and_Fuel_Cell_Projects.pdf), available at:

https://h2tools.org/sites/default/files/Safety\_Planning\_for\_Hydrogen\_and\_Fuel\_Cell\_Projects.pdf.

The Recipient shall include the following in the Hydrogen Safety Plan:

* 1. A detailed description about how the Recipient will adhere to the most recent public guidelines throughout the life of all of the stations in the entire tranche. Should the Recipient’s adherence with the public guidelines or its Hydrogen Safety Plan(s) lapse, without limitation to any other rights, the CEC reserves the right to cancel the Recipient’s agreement funded by this solicitation.
	2. A detailed description about how the Recipient will conform to the NFPA 2, Hydrogen Technologies Code 2020 edition. Should a locale accept NFPA 2, Hydrogen Technologies Code 2016 instead, the Recipient shall so state and shall conform to the 2016 edition until which time the AHJ requires compliance with the 2020 edition. Should the Recipient’s compliance lapse, the CEC reserves the right to cancel the Recipient’s agreement funded by this solicitation.
	3. A detailed description about how the Recipient will provide ongoing safety training for the station(s) initial operation and safety retraining for all station operators over the life of each station in the entire tranche. Should the training lapse, without limitation to any other rights, the CEC reserves the right to cancel the Recipient’s agreement funded by this solicitation.

The PNNL HSP will forward their non-confidential assessment of the preliminary Hydrogen Safety Plan to the CEC and the Recipient. The Recipient shall prepare a *final* Hydrogen Safety Plan following the PNNL HSP assessment. As with the preliminary Hydrogen Safety Plan, it is up to the Recipient to work directly with the PNNL HSP to submit the Recipient’s final Hydrogen Safety Plan to the PNNL HSP. If the Recipient wishes the plan to be kept confidential by the HSP, it is up to the Recipient to work with the HSP to achieve that.

Should the Recipient opt to not accept all of the comments from the PNNL HSP assessment, the Recipient shall provide an explanation of their rationale to the CEC. These activities shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 4).

The Applicant shall commit to participate with the PNNL HSP in early hydrogen station design reviews for each station awarded, before submitting the station building plans to the AHJ for the station “plan check.” See Application Form, Attachment 1A, Statements of Commitment.

Participating in station design reviews will be a subtask under each batch’s technical task and shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 4).

The Applicant shall also commit to participate in annual safety evaluations with the PNNL HSP for three years after each station becomes open retail. See Application Form, Attachment 1A, Statements of Commitment.

Should the Applicant cease participating in PNNL HSP design and annual reviews, without limitation to any other rights, the CEC will reserve the right to cancel any agreement funded by this solicitation.

## Reporting Safety Incidents

The stations proposed by the Applicant shall conform to the California Health and Safety Code Section 25510(a). Recipients of funding under this solicitation shall submit report(s) of any unintended hydrogen releases to the [Certified Unified Program Agency (CUPA)](http://cersapps.calepa.ca.gov/Public/Directory), http://cersapps.calepa.ca.gov/Public/Directory.

Recipients of funding under this solicitation shall notify the CEC, in writing, of any safety incidents, by sending the same reports as were sent to the CUPA to the CEC. The Recipient shall also report safety incidents using the NREL Data Collection Tool (Attachment 11).

Recipients of funding under this solicitation shall include the PNNL HSP in any fact-finding or investigation of any safety incident.

Should the Recipient not follow the requirements for reporting safety incidents, the CEC, without limitation of any other rights, reserves the right to cancel any agreement funded by this solicitation.

## Operation and Maintenance Plan

Operation and maintenance funding is not available under this solicitation. Applicants shall submit an Operation and Maintenance Plan, which they will fund, for their tranche of stations. The plan shall describe, at a minimum:

1. The station owner, station operator, or a third party commitment and strategy to:
	1. Pay for operation and maintenance costs, including any plans to use LCFS credit revenue, and contingency plans.
	2. Optimize station up time to serve customers.
	3. Complete planned and scheduled maintenance, in addition to repairs.
	4. Coordinate repairs and maintenance with nearby stations.
	5. Communicate with customers about station availability and technical questions the customer may have.
2. The response process and time needed to address a station outage, including equipment malfunction or the lack of adequate hydrogen supply (assuming both primary and secondary supply sources are affected).
3. Operation and Maintenance Plan updates over the agreement term, including budgetary contingencies.

## Renewable Hydrogen Requirements

The hydrogen refueling station(s) funded under this solicitation shall dispense renewable hydrogen to comply with the requirements specified in the CARB LCFS regulation, of CCR Title 17, Division 3, Chapter 1, Subchapter 10, Article 4, Subarticle 7, Sections:

* §95481(a)(124) “Definitions - Renewable Hydrogen;” and
* §95486.2(a)(4)(F) “Hydrogen Refueling Infrastructure (HRI) Pathways – Requirements to Generate HRI Credits.”

## Participation in Public Research and Development Projects

The Applicant shall, in the Application Form (Attachment 1A), agree to a statement of commitment to consider participation in U.S. Department of Energy, and state and local government research and development projects (e.g., implementation of pressure consolidation strategy to reduce capital costs of station compression), as practicable. At a minimum, the station developer should not purposefully preclude participation in such projects.

## Retention

Each grant will be subject to a 10 percent retention amount per station until the data collection and reporting requirements (Section II.K.) are met. The retention will be withheld from the final 10 percent of invoiced costs at the end of the agreement, not from each invoice. Please see section I.K., Staged Reimbursement of CEC Funds.

# III. Application Format, Required Documents, and Delivery

## Required Format for an Application

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 CEC to evaluate each application uniformly and fairly. Applicants must follow all application format instructions, answer all questions, and supply all requested data.

All applications submitted under this solicitation must be typed or printed using a standard 12‑point font, single-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back.

## Methods For Delivery

1. **Electronic Submission through the Grant Solicitation System**

The preferred method of delivery for this solicitation is the CEC’s [Grant Solicitation System](https://gss.energy.ca.gov/), available at: https://gss.energy.ca.gov/. This online tool allows Applicants to submit their electronic documents to the CEC prior to the date and time specified in this solicitation. Electronic files must be in Microsoft Word (.doc format) and Excel Office Suite formats unless originally provided in the solicitation in another format. Completed Budget Forms, Attachment 5, must be in Excel format. The system will not allow applications to be submitted after the due date and time.

First time users must register as a new user to access the system. Applicants will receive a confirmation email after all required documents have been successfully uploaded. A tutorial of the system will be provided at the pre-application workshops and you may contact the Commission Agreement Officer identified in the Questions section of the solicitation for more assistance.

1. **Hard Copy Submittals**
2. ***Delivery:*** Although not preferred, an Applicant may deliver a hard copy of an application by:
* U.S. Mail
* In Person
* Courier service

Applications submitted in hard copy must be delivered to the CEC Contracts, Grants and Loans Office during normal business hours and prior to the date and time specified in this solicitation. Applications received after the specified date and time are considered late and will not be accepted. There are no exceptions. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

***There is no need to submit a hard copy of an application that is submitted through the Grant Solicitation System.***

1. ***Number of Copies for Hard Copy Submittals:*** Applicants may submit only one original application. No additional hard copies of the application are needed*.*
2. ***Electronic Copies:*** Applicants must also submit electronic files of the application on ***CD-ROM or USB memory stick*** along with the hard copy submittal. Only one CD-ROM or USB memory stick is needed. Electronic files must be in Microsoft Word (.doc format) and Excel Office Suite formats. Completed Budget Forms, Attachment 5, must be in Excel format.
3. ***Packaging and Labeling for Hard Copy Submittals:*** The original application must be labeled "Grant Funding Opportunity GFO-19-602" and include the title of the application. The application should be bound only with a binder clip.

Deliver your application in a sealed package and label as follows:

|  |  |
| --- | --- |
| Person’s Name, Phone #Applicant’s NameStreet AddressCity, State, Zip CodeFAX # |  |
|  | California Energy CommissionContracts, Grants & Loans OfficeAttn: GFO-19-6021516 Ninth Street, MS-18Sacramento, California 95814 |

## Page Limitations

The number of pages for each application’s Project Narrative is limited to 60 pages. Application forms (Attachments 1A and 1B), scope of work, schedule of products and due dates, budget forms, resumes, contact list, Critical Milestone meeting notes and site control documentation, letters of support/commitment, HySCapE files, CEQA worksheets, Localized Health Impacts information, the Operation and Maintenance Plan, and photographs and drawings of proposed station sites do not count towards this page limitation.

## Application Organization

| **Item** | **Attachment Number (if applicable)** |
| --- | --- |
| Application Form | Attachment 1A |
| Station Information | Attachment 1B |
| Project Narrative | N/A |
| Scope of Work | Attachment 2 |
| Schedule of Products and Due Dates | Attachment 4 |
| Budget Forms | Attachment 5 |
| Resumes | N/A |
| Contact List | Attachment 6 |
| Critical Milestone 1 Meeting Notes | N/A |
| Critical Milestone 2 Proof of Site Control | N/A |
| Letters of Support/Commitment  | N/A |
| HySCapE Input File and Results (Graphs and Output File) | N/A |
| CEQA Worksheet | Attachment 7 |
| Localized Health Impacts Information Form | Attachment 8 |
| Operation and Maintenance Plan | N/A |
| Photographs and Drawings of Station Sites | N/A |

1. **Application Form**

Applicants must include a completed Application Form shown in Attachment 1A.

The Application Form includes fields for Applicants to describe their tranche and batch(es), includingthe total number of station batches and number of stations within each batch, and the cumulative 24-hour station capacity (kg/day) of the tranche and each batch. There is no limit to the number of batches in a tranche or the number of stations in a batch. The initial batch of stations should include the stations that the Applicant can complete within 30 months of agreement execution. The requested funding amount for the initial batch of stations shall not exceed the Single Applicant Cap established within this solicitation (see Section I.I.).

The Application Form provides space for Applicants to describe project eligibility and Applicant eligibility, and provides the declaration, statements of commitment, and certifications to which an authorized representative of the Applicant must agree.

All Applicants must authorize the CEC to make any inquiries necessary to verify the information presented in the application. Further, all Applicants must authorize the CEC to obtain a credit report on the Applicant’s organization.

All Applicants must certify under penalty of perjury under the laws of the State of California that:

1. All information in the application is correct and complete to the best of the Applicant’s knowledge.
2. The Applicant has read and understands the terms and conditions and will accept them without negotiation if awarded.
3. The Applicant has received any required licenses (such as copyrights or trademarks) applicable to the submitted application.
4. The person electronically submitting the application through the [Grant Solicitation System](https://gss.energy.ca.gov/) is an authorized representative of the Applicant. For Applicants providing a hard copy submittal, the person signing the application is an authorized representative of the Applicant.

***For Applicants using the electronic submission through the Grant Solicitation System***, checking the “I Agree” box and clicking the “I Agree & Submit” button provides the required authorizations and certifications.

***For Applicants submitting hard copy applications***, Attachment 1A **must** be submitted *and signed* by an authorized representative of the Applicant.

1. **Station Information**

Applicants must submit a completed Station Information spreadsheet shown in Attachment 1B. The attachment is provided for Applicants to list all of the station addresses in their initial batch of stations, and any other station addresses in subsequent batches they opt to submit at the time of application. Applicants are highly encouraged to submit a list of backup station addresses, per Section I.J.2, using the designated worksheet in Attachment 1B. All station addresses must be in eligible locations per the Area Classification map (Figure 1). All parts of all addresses (street address, city, state, and 5-digit zip code) must be complete and correct in order to be evaluated. Addresses with missing information, such as ZIP code, will not be considered as part of the Applicant’s submitted station locations for a tranche.

1. **Project Narrative**

The Project Narrative must include a table of contents (which will not count towards the page limitation) and a detailed description of the proposed project, its operational goals and objectives, and an explanation of how these goals and objectives will be implemented through the tasks described in the Scope of Work. Applicants should summarize the proposed tranche of stations, the initial batch of stations, and any subsequent batch(es) of stations listed in the Application Form and Station Information spreadsheet, including information on station design and technical capabilities, and a development schedule for the tranche of stations and each batch.

***Applicants must address each of the bullets under each evaluation criteria (Section IV.E.) described in this solicitation by providing sufficient, unambiguous detail so that the evaluation team will be able to evaluate the application against each evaluation criterion. Applicants are highly encouraged to use the exact titles from the evaluation criteria as the heading for each response, as follows.***

1. **Tranche Budget**
	* + 1. Describe how the project is cost effective in terms of the CEC dollar-per-kilogram and the CEC dollar-per-station, and how achievement of those costs will be ensured.
			2. Calculate the predicted greenhouse gas emissions (CO2e) savings of the tranche per CEC dollar (benefit-cost score) assuming five years of operation for each station. Use fuel pathways, carbon intensities (CIs), the Energy Economy Ratio (EER) values, energy densities, and the formulas from the LCFS regulation to estimate “well to wheels” emissions from the FCEVs that will be served by the tranche of stations compared to the vehicles they replace (gasoline vehicles or, if applicable, diesel vehicles). If the project is expected to dispense hydrogen that will have a fuel pathway not yet approved by CARB, explain assumptions used in the calculations. For further information, see the [LCFS regulation](https://ww3.arb.ca.gov/fuels/lcfs/fro_oal_approved_clean_unofficial_010919.pdf) at: https://ww3.arb.ca.gov/fuels/lcfs/fro\_oal\_approved\_clean\_unofficial\_010919.pdf.
			3. Describe how the project will help achieve economies of scale and enable cost reductions that will move hydrogen refueling station development and operation towards self-sufficiency.
			4. Describe the equipment that will be used in the project and, if any equipment will be imported from another country, describe how all related costs, including use tax, will be covered.
			5. Explain the need for Clean Transportation Program funding. If multiple sources of public funds are expected to support the project (such as LCFS), explain which elements of the project each public source of funding will support, and why Clean Transportation Program funding is needed in addition to other funding sources.
2. **Hydrogen Refueling Station Design and Performance**
3. Explain and justify the proposed number of fueling positions capable of simultaneous H70-T40 fills and the capacity of each proposed station in the initial batch of stations. Explain how appropriate sizing of stations in subsequent batches will be ensured.

Applicants are encouraged to review and consider the number of fueling positions recommended in Table 4, Recommended Station Design Capacity Requirements by Area Classification, and surrounding text in CARB’s [*2019 Annual Evaluation of Fuel Cell Electric Vehicle Deployment and Hydrogen Fuel Station Network Development*](https://ww2.arb.ca.gov/resources/documents/annual-hydrogen-evaluation). For applications that include station(s) with a number of fueling positions other than CARB’s recommendations, provide evidence of the appropriateness of the proposed number of fueling positions.

1. Describe how the station design(s) will maximize the light duty customer refueling experience.
2. Provide photographs, drawings, and narrative to show the proposed station location sites will have sufficient space for all vehicles using the station including fuel delivery vehicles, pedestrians, and equipment. The photographs and drawings may be submitted as a separate attachment, per the application organization table in Section III.D. Any narrative describing the proposed station location sites, photographs, and drawings must be in the project narrative, not in the separate attachment.
3. Describe how the design capacity of the station(s) exceeds the minimum 24-hour fueling capacity requirements described in Section II.B. Explain and justify the assumptions used in calculating capacity, including the inputs used in HySCapE, to reflect the capabilities of the station equipment and design as accurately as possible.
4. Describe the nozzles that the project will use to dispense hydrogen. Explain how the nozzles selected are designed to minimize the frequency of freeze-lock.
5. Describe plans and methods to protect proposed stations from cybersecurity threats.
6. Describe the approach taken to maintain the state-of-the-art in hydrogen station operation, hydrogen refueling protocols and standards, and requirements for compliance with codes and standards for hydrogen safety to avoid technological obsolescence and to maintain optimal hydrogen refueling station performance.

NOTE: The CEC reserves the right to amend this solicitation as new standards and operating procedures are released. The CEC also reserves the right to amend this solicitation if major technological transitions in hydrogen refueling occur that impact the station supply chain, the stations themselves, or the FCEV requirements for refueling.

1. Describe how the station equipment and design will optimally serve the expected customer throughput of the station(s) in the tranche, including the general public fueling their personal FCEVs and any other types of fuel cell vehicle customers, such as commercial fleets or transit buses that the Applicant expects to serve.

If a station(s) is expected to support fuel cell vehicles with CHSS over 10 kg, describe the fueling protocol and the method by which conformance to the protocol will be established until a future version of SAE International J2601 covers the CHSS. Also describe how, if filling other types of vehicles, the light duty customer experience will not be diminished.

1. **Project Readiness**
	* + - 1. Describe and justify the schedule for completing all of the proposed stations in the tranche.
				2. Describe the progress towards station approval by the respective AHJs, such as obtaining CEQA determination, entitlements, or building permits, for the station locations for which addresses are provided.
				3. Describe plans to work with the local utilities for obtaining utility connections for the entire tranche of stations.
				4. Describe the anticipated primary and secondary (backup) supply of hydrogen for all of the proposed stations in the tranche.
				5. Describe community outreach conducted and community support obtained for stations in the initial batch of stations.
2. **Social and Environmental Benefits**
	1. Describe air quality and employment benefits that the proposed project will provide to California’s disadvantaged communities.
	2. Describe jobs that will be created by the proposed project and estimate the number of jobs created including full-time, part-time, and temporary. Describe how the proposed project will support California-based businesses.
	3. Describe the proposed project’s energy or emissions savings features, such as use of renewable electricity for system power, or low- or zero-emission technology for hydrogen delivery to the stations.
	4. Describe how the proposed project integrates energy storage for the electricity grid or uses curtailed or dedicated renewable energy as a source for renewable hydrogen.
3. **Approach to Station Selection**
	1. Describe how the Applicant’s approach to station selection aligns with the most current version of the [OEM Priority Hydrogen Station Location Recommendations](https://cafcp.org/sites/default/files/CaFCP-OEM-2019-Priority-Station-Location-Announcement_Final.pdf). https://cafcp.org/sites/default/files/CaFCP-OEM-2019-Priority-Station-Location-Announcement\_Final.pdf.
	2. Describe how the proposed project will complement the existing network of light duty hydrogen refueling stations in California listed in Table 2 (Section II.C.) and enables scaling up of the FCEV market to support California’s zero-emission vehicle (ZEV) goals.
	3. Describe how the proposed project helps FCEV customers conveniently drive and fuel in and between the various Area Classifications in Figure 1 (Section II.B.).
	4. Explain how the Applicant’s approach to station selection considers fuel cell commercial vehicle fleets, fuel cell transit buses, or any other specific FCEV customer base that will provide a stable baseline of station utilization without diminishing the light duty customer experience. Provide supporting documentation such as fleet agreement(s), if available.
	5. Describe the approach and criteria that the Applicant used to select stations in the initial batch of stations and how the Applicant will apply the same approach and criteria to future batches of stations, if any. This description should explain how subsequent batches of stations would be equivalent to the initial batch of stations per the Evaluation Criteria of this solicitation (Section IV.E.).
4. **Qualifications of the Applicant/Project Team**
	1. Provide any additional information showing the project team’s experience exceeding the Applicant requirements in Section II.A.
	2. Describe how and where the project team has successfully and expeditiously opened public hydrogen refueling stations for transportation purposes in the past.
	3. Describe the project team’s experience in developing and implementing organizational policies, procedures, self-audits, training and management of change procedures related to safety, including conducting hydrogen hazard analyses, safety reviews, safety vulnerability studies, and developing risk reduction plans for hydrogen handling and transport.
	4. Describe the project team’s experience in and understanding of how to provide exemplary customer service, including communicating status information to customers and responding to customer questions and complaints.
	5. Describe the project team’s experience in planning for and managing service down time and maintenance.
	6. Describe the project team’s experience in working with first responders with hydrogen, or other pressurized gases, in a wide range of emergency situations and safety events.
	7. Describe the project team’s experience with cost accounting, financial controls, and commercial real estate transactions.
5. **Scope of Work for the Initial Batch of Stations**

Applicants must include a completed Scope of Work for the initial batch of stations applied for under this solicitation utilizing the template contained in Attachment 2. Applicants are to fill out only the Tasks 1 through 3 initially, and if and when the CEC approves subsequent batches, the Scope of Work will be updated to include additional tasks. Instructions for completing the Scope of Work as well as a sample are included in Attachment 3. The description of activities proposed in the Project Narrative must conform to the Tasks described in the Scope of Work. Electronic files for the Scope of Work must be in MS Word.

Applicants must present a comprehensive and credible Scope of Work that includes (presented in a logical manner) comprehensive and sequential tasks, products resulting from the individual tasks, and how the tasks are related to or are dependent on each other.

1. **Schedule of Products and Due Dates for the Initial Batch of Stations**

Applicants must include a completed Schedule of Products and Due Dates for the initial batch of stations (Attachment 4). Applicants are to fill out only the Tasks 1 through 3 initially, and if and when the CEC approves subsequent batches, the Schedule of Products and Due Dates will be updated to include additional tasks. The final report and final meeting dates must reflect the end of the entire tranche. If awarded, the Recipient shall update the Schedule of Products and Due Dates on a regular basis to reflect the status of the entire tranche. All work must be scheduled for completion by no later than **June 30, 2027**, to allow timely processing of final invoices before the liquidation date of the funds. 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.

1. **Budget Forms for the Initial Batch of Stations**
2. The Applicant must submit information on ***all*** budget forms contained in Attachment 5 for the initial batch of stations. If and when the CEC approves subsequent batches, the budget forms will be updated to include the additional funding made available for those stations. All budget forms are required because they will be used for developing agreement(s) with the winning Applicant(s).
3. Detailed instructions for completing these forms are included at the beginning of Attachment 5.
4. The information provided in these forms will ***not*** be kept confidential.
5. All reimbursable expenditures must be expended within the approved term of the funding agreement. Expenditures **allocable to Clean Transportation Program funds** may be counted as match share only after the CEC notifies the Applicant that its project has been proposed for an award through the release of a NOPA. However, match expenditures incurred prior to the full execution of a funding agreement are made at the Applicant’s own risk. **Expenditures allocable to Volkswagen Mitigation Trust funds may be counted as match share only if they are incurred after the full execution of a funding agreement. The CEC will allocate match expenses proportionately to the amount of Clean Transportation Program funds and Volkswagen Mitigation Trust funds in the agreement. The funding sources and match amount allocated to each funding source will be specified in the NOPA.** These reimbursable and match expenditures include expenditures for the entire tranche.
6. 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 CEC funds will require disposition of purchased equipment at the end of the project. Typically, Recipients may continue to utilize equipment purchased with CEC funds as long as the use is consistent with the intent of the original agreement. ***There are no disposition requirements for equipment purchased with match share funding.***
7. The budget must reflect estimates for ***actual*** costs to be incurred during the approved term of the project. The CEC can only approve and reimburse for actual costs that are properly documented in accordance with the Terms and Conditions (Attachment 9).
8. Applicants shall ***NOT*** budget for, and ***CANNOT*** be reimbursed for, more than their actual allowable expenses (i.e., the budget cannot include profit, fees, or markups) under the agreement.
9. ***IMPORTANT - Payment of Prevailing Wage:*** Applicants must read and pay particular attention to the Terms and Conditions (Attachment 9) and the section related to Public Works and Payment of Prevailing Wages**, and the Supplemental Special Terms and Conditions (Attachment 10B) section related to Prevailing Wage and Labor Compliance**. Prevailing wage rates can be significantly higher than non-prevailing wage rates. Failure to pay legally-required prevailing wage rates can result in substantial damages and financial penalties, termination of the agreement, disruption of projects, and other complications.
10. **Resumes**

Applicants must include resumes for key personnel identified in the proposal. Resumes are limited to a maximum of 2 pages each.

1. **Contact List**

Applicants must include a completed Contact List (Attachment 6) by including the appropriate points of contact for the Applicant. The CEC will complete the CEC points of contact during agreement development.

1. **Critical Milestone 1 Meeting Notes**

Applicants must include appropriate meeting notes as described in Section I.N. to demonstrate that the Critical Milestone 1 has been met. Meeting notes must be limited to 5 pages per station address. If a meeting with the AHJ or Fire Marshal’s office has been delayed, postponed, or canceled due to public COVID-19 measures, Applicants shall so state and must complete the meetings within 60 days of the station being recommended for an award in a published NOPA.

1. **Critical Milestone 2 Proof of Site Control**

Applicants must include appropriate proof of site control as described in Section I.N. to demonstrate that the Critical Milestone 2 has been met.

1. **Letters of Support/Commitment**

Applicants must include appropriate letters of support/commitment and referrals. Letters must include sufficient contact information so the CEC is able to efficiently contact the letter writer, as necessary. Letters must be limited to 2 pages each.

1. **Site Owner/Operator (MANDATORY):** Applications shall include a current letter of support from the owner/operator of the site where the hydrogen fueling station or upgrade project is proposed for every station for which the Applicant is providing the address. The letter shall be signed and dated by the site owner or representative who is duly authorized to commit the site to building a hydrogen fueling station (or to implement an upgrade) at their site in collaboration with the project developer. The letter shall also contain a telephone number to allow the CEC to contact the site owner or representative to confirm the commitment and authority to commit to the proposed project.
2. **Match Share Commitment (MANDATORY, either third party or Applicant):** Any match share contributor(s) must identify the intended amount of match, the funding source(s), and state that the match share contributor will provide the identified match funding. Letters of commitment from third party match share contributors must contain a telephone number to allow the CEC to contact the match share partner or representative to confirm their authority to commit matching funds to the proposed project.
3. **Key Project Partners (MANDATORY, if applicable):** Key project partners identified in the application must provide letters demonstrating their commitment to the proposed project and their ability to fulfill their identified roles.
4. **Referrals (MANDATORY):** Applicants shall provide two or three referrals from equipment vendors or subcontractors from past or active projects.
5. **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 project. Third-party letters of support can be provided by, but are not limited to: air districts; local, state or federal agencies; automobile OEMs; renewable hydrogen fuel providers; local safety officials; elected officials; community-based organizations; and fleet operators.
6. **HySCapE Input File(s) and Results (Graphs and Output File)**

The Applicant shall provide the 24-hour (Chevron Friday) HySCapE input and output files, including output graphs, for each station design proposed for funding to the CEC. The HySCapE files must demonstrate that each proposed station design satisfies the requirements of Section II.B.

1. **CEQA Worksheet**

Applicants must include a completed CEQA Worksheet (Attachment 7) for each station for which it is providing an address. The CEC requires this information to assist it in making its own determination under the CEQA (Public Resources Code Section §§ 21000 et seq).

Applicants must complete the detailed CEQA Worksheet and submit it with their application. This worksheet will help Applicants and the CEC to determine CEQA compliance obligations by identifying which projects may require more extensive CEQA review. Applicants shall provide an estimate of the potential or actual impacts the project has on the surrounding environment. For CEQA compliance purposes, the CEC encourages proposed stations to be sited at an existing fueling station. Failure to complete the worksheet may lead to disqualification of the proposal.

Applicants are encouraged to provide documentation of communication with the local lead agency, if one exists (e.g., a county or city). Documentation can include a completed notice of exemption, a letter from the local agency acknowledging their role in the CEQA process, or a permit application to the lead agency that is stamped as received. If no CEQA review would be required by the local lead agency, provide documentation (letter or e-mail) from the local agency explaining why not.

Prior to approval of a proposed award, the CEC must comply with CEQA. In most cases, the CEC will act as a responsible agency. Please refer to Section I.O. for additional information about CEQA compliance.

The Governor’s Office of Business and Economic Development is available to provide CEQA assistance. For further information, please contact:

Gia Vacin

(916) 730-6107

ZEV Infrastructure Project Manager

Governor’s Office of Business and Economic Development (GO-Biz)

1325 J Street, Suite 1800

Sacramento, CA 95814

gia.vacin@gobiz.ca.gov

1. **Localized Health Impacts Information Form**

Applicants must complete and submit a Localized Health Impacts Information Form (Attachment 8) that includes every station for which it is providing an address. The CEC requires this information to assist in developing and publishing a localized health impacts report.

1. **Operation and Maintenance Plan**

Applicants must prepare an Operation and Maintenance Plan for their tranche of stations to cover the information specified in Section II.O.

# IV. Evaluation Process and Criteria

## Application Evaluation

This section explains how the applications will be evaluated.

Applications will be evaluated and scored based on the responses to the information requested in this solicitation. The entire evaluation process from receipt of applications to posting of the NOPA is confidential.

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

* 1. **Screening Criteria**

The Contracts, Grants and Loans Office will screen applications for compliance with the Administrative Screening Criteria. The Evaluation Committee will screen applications for compliance with the Technical Screening Criteria. Applications that fail any of the Administrative or Technical Screening Criteria shall be disqualified and eliminated from further evaluation.

* 1. **Administrative Screening Criteria**

| **ADMINISTRATIVE Screening Criteria** *The Application must pass ALL administrative screening criteria.* | **Pass/Fail** |
| --- | --- |
| 1. The Application is received by the CEC’s Contracts, Grants, and Loans Office by the due date and time specified in the “Key Activities Schedule” in Section I of this solicitation.
 | [ ]  Pass [ ]  Fail |
| 1. The Applicant provides the required authorizations and certifications by signing the Application Form or electronically providing the authorizations and certifications through the [Grant Solicitation System](https://gss.energy.ca.gov/).
 | [ ]  Pass [ ]  Fail |
| 1. The Applicant has not included a statement that is contrary to the required authorizations and certifications.
 | [ ]  Pass [ ]  Fail |
| 1. The Application does not contain confidential information or any portion marked confidential.
 | [ ]  Pass [ ]  Fail |

* 1. **Technical Screening Criteria**
1. Proposed project is eligible in accordance with the solicitation (Section II.B.).
2. Applicant is eligible to apply under the solicitation (Section II.A.).
3. The application includes all the required forms and documents specified in Section III.D. in this solicitation.
	1. **Grounds to Reject an Application**

In addition to the Screening Criteria identified within this solicitation, the CEC reserves the right to reject an application and/or cancel an award if at any time during the application or agreement process the following circumstances are discovered:

1. The application contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Applicant.
2. 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.
3. The application does not literally comply or contains caveats that conflict with the solicitation and the variation or deviation is material or it is otherwise non-responsive.
	1. **Technical Evaluation**

Applications passing all screening criteria will be submitted to the Evaluation Committee to review and score based on the Evaluation Criteria in this solicitation.

The Evaluation Committee reserves the right to schedule a clarification interview with an Applicant that will either be held by telephone or in person at the CEC 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.

The total score for each application will be the average of the combined scores of all Evaluation Committee members. A minimum score of 70 percent is required for the application to be eligible for funding.

The CEC will recommend awards to the highest ranked projects (according to final overall application score) until available funding under this solicitation has been exhausted.

## Notice of Proposed Awards

The results of the evaluation will be posted in a NOPA and will include the recommended funding level and the rank order of Applicants. The CEC will post the NOPA at the CEC’s headquarters in Sacramento, publish the NOPA on the CEC’s website, and mail the NOPA to all parties that submitted an application.

## Debriefings

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

## Scoring Scale

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

| **% of Possible Points** | **Interpretation** | **Explanation for Percentage Points**  |
| --- | --- | --- |
| 0% | Not Responsive | Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 10-30% | Minimally Responsive | Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 40-60% | Inadequate | Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution. |
| 70% | Adequate | Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable. |
| 75% | Between Adequate and Good | Response better than adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable. |
| 80% | Good | Response fully addresses the requirements being scored with a good degree of confidence in the Applicant’s response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable. |
| 85% | Between Good and Excellent | Response fully addresses the requirements being scored with a better than good degree of confidence in the Applicant’s response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable. |
| 90% | Excellent | Response fully addresses the requirements being scored with a high degree of confidence in the Applicant’s response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations. |
| 95% | Between Excellent and Exceptional | Response fully addresses the requirements being scored with a better than excellent degree of confidence in the Applicant’s response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations. |
| 100% | Exceptional | All requirements are addressed with the highest degree of confidence in the Applicant’s response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution. |

## Evaluation Criteria

| **Criterion** | **Possible Points** |
| --- | --- |
| 1. **Tranche Budget**

The budget for the tranche of stations will be evaluated on the degree to which:* The CEC dollar-per-kilogram is low and achievable.
* The CEC dollar-per-station is low and achievable.
* The benefit-cost score, defined as the expected greenhouse gas emissions reduction per CEC dollar, is high and achievable.
* The Applicant’s plan to achieve economies of scale and reduce the need for public funding in the future is reasonable and achievable.
* The budget accounts for payment of the California Use Tax for imported equipment.
* The Applicant has demonstrated and justified the need for the Clean Transportation Program funding.
* The Operation and Maintenance Plan (Section II.O.) presents effective and credible plans and methods to fund operation and maintenance of the stations.

***NOTE***: Applicants that propose hydrogen refueling station upgrades shall address the bullet points in this criterion based on the difference between the capacity or performance of the existing and the upgraded station equipment. | 50 |
| **Hydrogen Refueling Station Design and Performance**Applications will be evaluated on the degree to which:* The Applicant justifies the appropriateness of the fueling capacity and number of fueling positions at each location in the initial batch of stations, and credibly explains how the same appropriateness of station size will be ensured for subsequent batches of stations.
* The proposed station design(s) maximizes the light duty customer refueling experience.
* The Applicant demonstrates that the proposed station location sites will have sufficient space for all vehicles using the station including fuel delivery vehicles, pedestrians, and equipment.
* The design capacity of the station(s) exceeds the minimum 24-hour fueling capacity requirements described in Section II.B., and the assumptions used are justified and reasonable.
* The nozzles selected for the proposed stations are designed to minimize the frequency of freeze-lock.
* The Applicant‘s plans and methods to protect proposed stations from cybersecurity threats are reasonable and credible.
* The Operation and Maintenance Plan (Section II.O.) presents credible plans and methods to optimize station “up-time.”
* The Applicant provides a credible plan for staying current with industry standards and maintaining optimal hydrogen refueling station performance over the life of each station.
* The Applicant’s project includes station(s) that will have purpose-built equipment to optimally serve commercial fuel cell vehicle fleets or fuel cell transit buses, while not diminishing the light duty customer experience.
 | 20 |
| **Project Readiness**Applications will be evaluated on the degree to which they:* Propose an aggressive but achievable schedule for completing all of the proposed stations in the entire tranche.
* Demonstrate progress towards approval by the respective AHJs (i.e., CEQA, entitlements, building permits) for the station locations for which addresses are provided.
* Provide realistic and sufficient plans to work with the local utilities for obtaining utility connections for all of the proposed stations in the tranche.
* Include realistic and substantiated information about the anticipated primary and secondary (backup) supply of hydrogen for all of the proposed stations in the tranche.
* Demonstrate community support for stations in the initial batch of stations.
 | 10 |
| **Social and Environmental Benefits**Applications will be evaluated on the degree to which the proposed project:* Provides air quality and employment benefits to California’s disadvantaged communities.
* Creates jobs (full-time, part-time, and temporary) and supports California-based businesses.
* Uses renewable electricity for system power, low- or zero-emission technology for hydrogen delivery to the stations, or includes other energy or emissions savings features.
* Integrates energy storage for the electricity grid and/or uses curtailed or dedicated renewable energy as a source for renewable hydrogen.
 | 10 |
| **Approach to Station Selection**Applications will be evaluated on the degree to which the Applicant’s approach to the station selection:* Aligns with the most current version of the [OEM Priority Hydrogen Station Location Recommendations](https://cafcp.org/sites/default/files/CaFCP-OEM-2019-Priority-Station-Location-Announcement_Final.pdf). The current version is available at https://cafcp.org/sites/default/files/CaFCP-OEM-2019-Priority-Station-Location-Announcement\_Final.pdf.
* Complements the existing network of light duty hydrogen refueling stations in California in Table 2 (Section II.C.) and enables scaling up of the FCEV market to support California’s ZEV goals.
* Provides fuel to FCEV customers so they can conveniently drive and fuel in and between the various Area Classifications in Figure 1 (Section II.B.).
* Provides purpose-built hydrogen refueling for fuel cell commercial vehicle fleets, fuel cell transit buses, or any other specific FCEV customer base that will provide a stable baseline of station utilization without diminishing the light duty customer experience.
* Reflects justified and realistic expected station utilization.
* Provides reasonable and credible assurance that the approach and criteria that the Applicant used to select stations in the initial batch of stations will be applied in the same manner to future batches of stations, if any.
 | 10 |
| **Qualifications of the Applicant/Project Team**Applications will be evaluated on the degree to which the team has:* Experience that exceeds the Applicant eligibility requirements of three years of experience designing, planning, constructing, testing, operating, or maintaining hydrogen refueling stations or other pressurized gaseous fueling stations.
* Successfully and expeditiously opened public hydrogen refueling stations that dispense hydrogen for transportation purposes in use in California or in other states or countries.
* Experience developing and implementing organizational policies, procedures, self-audits, training and management of change procedures related to safety, including conducting hydrogen hazard analyses, safety reviews, safety vulnerability studies, and developing risk reduction plans for hydrogen handling and transport.
* Experience in and understanding of how to provide exemplary customer service, including communicating status information to customers and responding to customer questions and complaints.
* Experience in planning for and managing service down time and maintenance.
* Experience working with first responders with hydrogen, or other pressurized gases, in a wide range of emergency situations and safety events.
* Experience with cost accounting, financial controls, and commercial real estate transactions.
* Positive referrals from equipment vendors or subcontractors from past or current projects.
 | 10 |
| **Total Possible Points** | **110** |
| **Minimum Passing Score (70%)** | **77** |

## Tie Breakers

If the score for two or more applications are tied, the application with a higher score in the following criterion in the given order will be ranked higher.

1. Proposal with highest “Tranche Budget” score.
2. Proposal with highest “Hydrogen Refueling Station Design and Performance” score.
3. Proposal with highest “Project Readiness” score.
4. If still tied, an objective tie-breaker (such as a random drawing) will be utilized.

#

# V. Administration

## Definition of Key Words and Acronyms

Definitions of key words and acronyms for this solicitation follow:

| **Word/Term** | **Definition** |
| --- | --- |
| AHJ | Authority having jurisdiction |
| Applicant | Respondent to this solicitation |
| Application | Formal written response to this document from Applicant |
| Awardee | An Applicant awarded a grant under this solicitation |
| Batch | A subset of stations within a tranche |
| CaFCP | California Fuel Cell Partnership |
| CAM | Commission Agreement Manager |
| CARB | California Air Resources Board |
| CDFA | California Department of Food and Agriculture |
| CEC | California Energy Commission |
| CEC dollar-per-kilogram | The total amount of grant funding the Applicant is requesting for the tranche divided by the total kilograms of hydrogen per day (i.e., the 24-hour capacity determined using HySCapE) that the tranche of stations will provide. |
| CEC dollar-per-station | The total amount of grant funding the Applicant is requesting for the tranche divided by the number of stations in the tranche. |
| CEQA | California Environmental Quality Act |
| CHSS | Compressed hydrogen storage system |
| CI | Carbon intensity: Amount of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO2e/MJ). |
| Clean Transportation Program | Formerly known as the Alternative and Renewable Fuel and Vehicle Technology Program |
| Disadvantaged communities | Areas disproportionately affected by specific types of pollution. Disadvantaged communities are designated as the top 25 percent highest scoring census tracts in CalEnviroScreen 3.0,[[2]](#footnote-3) along with other areas with high amounts of pollution and low populations. |
| DMS | The CDFA Division of Measurement Standards |
| EER | Energy Economy Ratio |
| FCEV | Fuel cell electric vehicle |
| Fueling position | A unique physical location in which a FCEV can fuel from a hose simultaneously with other vehicles fueling from other hoses or dispensers. A fueling position shall not be shared with another dispenser of any fuel type, such that an FCEV would have to wait to fuel if the other dispenser’s fueling position were occupied. |
| GAAP | Generally accepted accounting principles |
| GFO | Grant funding opportunity |
| GHG | Greenhouse gas |
| GO-Biz | Governor’s Office of Business and Economic Development |
| H35 | Hydrogen at a pressure of 35 megapascals (MPa), also called 350 bar |
| H70 | Hydrogen at a pressure of 70 megapascals (MPa), also called 700 bar |
| HySCapE | The Hydrogen Station Capacity Evaluation tool, used to verify a station’s daily hydrogen refueling capacity |
| HyStEP | The Hydrogen Station Equipment Performance device, used to verify station protocol standards compliance |
| HSP | Hydrogen Safety Panel |
| Initial batch of stations | The first set of stations that an Applicant proposes to deliver within the tranche. |
| LCFS | Low Carbon Fuel Standard |
| NOPA | Notice of proposed award |
| NREL | National Renewable Energy Laboratory |
| OEM | Original equipment manufacturer |
| Open retail station | An open retail station for the purposes of this solicitation means that the station meets the Minimum Technical Requirements (Section II.I) and the Recipient has completed the Open Retail Station Checklist (Self-Certification) (Attachment 12). |
| PNNL | Pacific Northwest National Laboratory |
| Recipient | An Applicant awarded a grant under this solicitation |
| SOC | State of charge |
| Solicitation | The document that requests applications from interested parties and includes all attachments, exhibits, any addendums and written notices, and questions and answers. Solicitation may be used interchangeably with grant funding opportunity. |
| State | State of California |
| Tranche | The entire collection of stations proposed by an Applicant |
| U.S. DOE | United States Department of Energy |
| ZEV | Zero-emission vehicle |

## Cost of Developing Application

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

## Confidential Information

The CEC will not accept or retain any applications that have any portion marked confidential.

## Solicitation Cancellation and Amendments

It is the policy of the CEC 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 CEC reserves the right to do any of the following:

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

If the solicitation is amended, the CEC will send an addendum to all parties who requested the solicitation and will also post it on the [CEC solicitation website](https://www.energy.ca.gov/funding-opportunities/solicitations) at https://www.energy.ca.gov/funding-opportunities/solicitations.

## Errors

If an Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation, the Applicant shall immediately notify the CEC 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 CEC shall not be responsible for failure to correct errors.

## Modifying or Withdrawal of Application

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

## Immaterial Defect

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

## Disposition of Applicant’s Documents

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

## Applicants’ Admonishment

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

## Agreement Requirements

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

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

The CEC must formally approve all proposed grant awards. ~~Clean Transportation Program agreements for over $75,000 must be scheduled and considered at a CEC Business Meeting for approval by the CEC.~~

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 CEC and designating an authorized representative to sign.

The CEC will send the approved 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, the CEC will fully execute the agreement. Recipients are approved to begin the project only after full execution of the agreement.

## No Agreement Until Signed and Approved

No agreement between the CEC and the successful Applicant is in effect until the agreement is signed by the Recipient, approved at a CEC Business Meeting, and signed by the CEC representative.

The CEC reserves the right to modify the award documents prior to executing the agreement.

1. Pending agreement execution. [↑](#footnote-ref-2)
2. California Environmental Protection Agency. [California Climate Investments to Benefit Disadvantaged Communities](https://calepa.ca.gov/EnvJustice/GHGInvest/). SB 535 Disadvantaged Communities Map (June 2018 Update). https://calepa.ca.gov/EnvJustice/GHGInvest/. [↑](#footnote-ref-3)