**GRANT FUNDING OPPORTUNITY**

**Clean Transportation Program**

**Zero-Emission Transportation Manufacturing**



GFO-21-605

[Solicitation Information](https://www.energy.ca.gov/funding-opportunities/solicitations)

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State of California

California Energy Commission

[~~March 2022~~]

**June 2022**

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# I. Introduction

**NOTE ABOUT SIGNATURES**

The California Energy Commission (CEC) may have waived the requirement for a signature on application materials for this solicitation for submissions. If a notice regarding CEC’s waiver of the signature requirement appears here: <https://www.energy.ca.gov/funding-opportunities/solicitations>, the waiver applies to this solicitation. In the event of a conflict between the notice and any language in this solicitation regarding signatures, the notice will govern.

Even if the requirement for signatures has been waived, Applicants are still expected to adhere to the requirements of this solicitation as if they had signed.

The waiver applies to Attachment 1 (Application Form) and Attachment 7 (CEQA Worksheet). All these attachments must be completed, where indicated, and included with your application. If you are an awardee, the CEC will require wet or certified electronic signatures for these attachments within 30 days after posting of the Notice of Proposed Award (NOPA).

## Purpose of Solicitation

This is a competitive grant solicitation. The CEC’s Clean Transportation Program announces the availability of up to $60 million in grant funds for projects that will increase in-state manufacturing of zero-emission vehicles (ZEV), ZEV components and batteries, and ZEV charging or refueling equipment.

## Background

The California Budget Act of 2021 includes $125 million in fiscal year 2021-2022, to be administered by the CEC, to increase in-state manufacturing of ZEVs, ZEV components and batteries, and ZEV charging or refueling equipment.[[1]](#footnote-2) An additional $125 million is anticipated for fiscal year 2022-2023, pending appropriation in that year’s budget. As described in the Budget Act of 2021, the selection criteria for manufacturing grants should include the following:

* Likelihood that manufacturing activities would not have otherwise occurred in-state either in terms of the entity’s presence in California or at the scale that may not otherwise be achieved without the manufacturing grant.
* Number and quality of direct and indirect jobs created.
* Economic impact to the state.
* Ability of the project to contribute to California’s goals of zero-emission transportation.

This solicitation utilizes the processes established under the Clean Transportation Program.

Assembly Bill (AB) 118 (Núñez, Chapter 750, Statutes of 2007), created the Clean Transportation Program. The statute authorizes the 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. 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.

This solicitation supports the goals of Executive Order (EO) B-48-18 and EO N-79-20, pertaining to ZEVs. EO B-48-18 is designed to accelerate the market for ZEVs by establishing a target of 5 million ZEVs in California by 2030 and by significantly expanding ZEV infrastructure. EO-79-20 establishes a target of 100 percent of in-state sales of new passenger cars and trucks be ZEVs by 2035; 100 percent of medium- and heavy-duty vehicles in the State shall be ZEVs by 2045 for all operations where feasible, and by 2035 for drayage trucks; and transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.

## 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:

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

## Key Activities and Dates

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

|  |  |
| --- | --- |
| **ACTIVITY**  | **ACTION DATE** |
| Solicitation Release | March 30, 2022 |
| Pre-Application Workshop at 10:00 a.m.\* | April 21, 2022 |
| Deadline for Written Questions by 5:00 p.m.\* | May 2, 2022 |
| Anticipated Distribution of Questions/Answers | Week of May [~~16~~] **30**, 2022 |
| Deadline to Submit Applications by 11:59 p.m.\* | [~~June 13, 2022~~]**June 27, 2022** |
| Anticipated Notice of Proposed Awards Posting  | [~~July~~] **August** 2022 |
| Anticipated CEC Business Meeting  | [~~October – December 2022~~]**November 2022 – January 2023** |

## How Award Is Determined

Applicants passing administrative and technical screening will compete based on evaluation criteria, 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.

This solicitation includes eligibility for four project categories based on the product(s) to be manufactured. Although Applicants can propose projects that fall within two or more project categories, Applicants will be asked to designate one primary category from the four product categories below to apply under that is most applicable to their project.

Category 1: Complete ZEV, which include:

* + - Battery-electric vehicles (BEV)
		- Fuel-cell electric vehicles (FCEV)

Category 2: ZEV infrastructure, which include, but not limited to:

* + - Electric vehicle supply equipment (EVSE)
		- Hydrogen refueling station equipment (HRSE)
		- EVSE energy storage systems
		- Vehicle Grid Integration (VGI)-related equipment

Category 3: ZEV and ZEV infrastructure components

Category 4: Batteries primarily for use in ZEVs and/or ZEV infrastructure.

The highest scoring application with a passing score within each product category will be recommended for funding, in order of their overall application score. If there are no applications with a passing score in a given category, that category will be omitted from this process.

After one application from each project category has been recommended for funding, the remaining funds will then be allocated to the next overall highest scoring application(s) with a passing score, regardless of the product category, 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

A total of $60 million is available for awards under this solicitation. The CEC, at its sole discretion, reserves the right to increase or decrease the amount of funds available under this solicitation.

## Minimum – Maximum Award Amounts

Projects are eligible for awards up to 50 percent of total project costs or $30 million, whichever is less. A minimum grant award of $3 million has been set under this solicitation. Therefore, a total allowable project cost (i.e., the sum of CEC reimbursable share and Recipient’s match share) of at least $6 million is required to apply.

## Maximum Number of Applications

Applicants are only eligible to submit one application under this solicitation and must specify which product category they are applying under.

Applicants that are subsidiaries of the same parent company may apply jointly as a single Applicant. Similarly, a parent company and its subsidiary may apply jointly as a single Applicant. The application must identify which of the companies is the prime Applicant that, if awarded, would enter into a grant agreement with the CEC. In the event that subsidiaries of the same parent company or a parent company and one or more of its subsidiaries submit separate applications, the CEC reserves the right to recommend partial funding for each application if the total award amount requested in the applications exceeds the maximum award amount.

## Pre-Application Workshop

There will be one Pre-Application Workshop before applications are due to the CEC. Participation in this meeting is optional but encouraged. The Pre-Application Workshop will be held remotely via Zoom at the date, time and location listed below. Please call (916) 654-4381 or refer to the [CEC’s solicitation information website](https://www.energy.ca.gov/funding-opportunities/solicitations) at https://www.energy.ca.gov/funding-opportunities/solicitations to confirm the date and time.

**April 21, 2022**

10:00 AM

**Remote Access Only**

Remote access is available by computer or phone via Zoom.

## Participation Through Zoom

Zoom is the CEC’s online meeting service. When attending remotely, presentations will appear on your computer/laptop/mobile device screen, and audio may be heard via the device or telephone. Please be aware that the Zoom meeting will be recorded.

**Zoom Instructions:**
To join this workshop, go to [Zoom](https://energy.zoom.us/j/95048746304?pwd=UlFOeEVmZzlMaWJWeEN6OWFCdGhZUT09) at https://energy.zoom.us/j/95048746304?pwd=UlFOeEVmZzlMaWJWeEN6OWFCdGhZUT09. You may also access the workshop by going to the Zoom webpage at <https://zoom.us/join> and enter the unique webinar ID and password below:

**Webinar ID:** 950 4874 6304
**Webinar Password:**695616

Or iPhone one-tap:

US: +12133388477,95048746304#

**Telephone Access Only:**

Call (888) 853-5257 or (888) 475-4499 (toll-free). When prompted, enter the unique meeting ID number above. To comment over the telephone, dial \*9 to “raise your hand” and \*6 to mute/unmute your phone line.

**Technical Support:**

For assistance with problems or questions about joining or attending the meeting, please call Zoom technical support at (888) 799-9666 ext. 2, or you may contact the CEC’s Public Advisor’s Office at publicadvisor@energy.ca.gov, or (800) 822-6228.

To determine whether your computer is compatible with Zoom, visit this website: <https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux>.

## Questions

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

Questions received after the deadline may be answered at the CEC's discretion. Non-technical questions (e.g., questions concerning application format requirements or attachment instructions) may be submitted to the CAO at any time prior to 5:00 p.m. of the application deadline date. Question and answer sets will be posted on the [CEC’s solicitation information website](https://www.energy.ca.gov/funding-opportunities/solicitations) 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 CAO assigned to the solicitation.

## Contact Information

Crystal Willis, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California 95814

Telephone: (916) 529-1108

E-mail: crystal.willis@energy.ca.gov

## Reference Documents

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

* [2021-2023 Investment Plan Update for the Clean Transportation Program](https://www.energy.ca.gov/publications/2021/2021-2023-investment-plan-update-clean-transportation-program) (CEC-600-2021-038) https://www.energy.ca.gov/publications/2021/2021-2023-investment-plan-update-clean-transportation-program.
* [Senate Bill 129 Budget Act of 2021](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB129) https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=202120220SB129
* [CalEnviroScreen](https://oehha.ca.gov/calenviroscreen). https://oehha.ca.gov/calenviroscreen
* [California Climate Investments Priority Populations Map](https://webmaps.arb.ca.gov/PriorityPopulations/) https://webmaps.arb.ca.gov/PriorityPopulations/
* [Energy Commission Agreement Management System (ECAMS)](https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources) https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources
* [Grant Recipient and Contractor Past Performance Evaluation](https://www.energy.ca.gov/sites/default/files/2022-01/Contractor_Past_Performance_Evaluation_FTD_ADA.pdf) https://www.energy.ca.gov/sites/default/files/2022-01/Contractor\_Past\_Performance\_Evaluation\_FTD\_ADA.pdf
* [Executive Order N-79-20](https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf) https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf
* [Executive Order B-48-18](https://www.ca.gov/archive/gov39/2018/01/26/governor-brown-takes-action-to-increase-zero-emission-vehicles-fund-new-climate-investments/index.html) https://www.ca.gov/archive/gov39/2018/01/26/governor-brown-takes-action-to-increase-zero-emission-vehicles-fund-new-climate-investments/index.html

# II. Eligibility Requirements

## Applicant Requirements

1. **Eligibility**

This solicitation is open to only private, for-profit businesses. To be eligible, Applicants must have a business presence in California.

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 at <http://www.energy.ca.gov/research/contractors.html>.

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 via its website at [www.sos.ca.gov](http://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

To be an “Eligible Project” under this solicitation, projects must be located in California and fit into one or more of the product categories listed below:

**Category 1** are projects which manufacture, produce, and/or assemble:

* Complete light-, medium-, or heavy-duty zero-emission vehicles (ZEVs). The ZEV can be an on-road or off-road plug-in battery-electric vehicle (BEV) or fuel cell electric vehicle (FCEV).

**Category 2** are projects which manufacture, produce, and/or assemble:

* A complete off-board Electric Vehicle Supply Equipment (EVSE)
* Hydrogen refueling station equipment (HRSE) systems which include but are not limited to; electrolyzers, storage, chillers, compressors, nozzles, refueling apparatus, dispensing equipment, safety equipment, and control systems
* **Hydrogen production equipment that are an integrated part of an HRSE product/system.**
* Energy storage systems that connect to EVSE and/or HRSE systems
* Vehicle Grid Integration (VGI) hardware and equipment

**Category 3** are projects which manufacture, produce, and/or assemble:

* ZEV components where the manufactured or final product is an integral component of a Complete ZEV. Components include, but are not limited to, power trains, fuel cells and fuel cell stacks, control and management systems, and on-board chargers. Components that are common to both ZEVs and internal combustion engine vehicles (e.g. windshields, tires, doors) are not included.
* ZEV infrastructure components where the manufactured or final product is an integral component of an EVSE, HRSE, and/or VGI system.

**Category 4** are projects which manufacture, produce, and/or assemble:

* Battery and battery components primarily for the purpose of integrating into a ZEV, EVSE, and/or as part of an on-site energy storage system for ZEV infrastructure.

Applicants will have the ability to incorporate more than one product category into their funding application, if desired (e.g., a project incorporating both ZEV batteries and Complete ZEVs). However, Applicants will be asked in the application form (Attachment 1) to designate one primary category from the four product categories above to apply under that is most applicable to their project.

## Eligible Project Costs

* 1. Project costs incurred for the following activities are eligible for CEC reimbursement or as the Applicant’s match share:
* Re-equipping, expanding, or establishing a manufacturing facility that manufactures, produces, and/or assembles eligible products.
* Manufacturing, production, and/or assembly line processing methods, design, engineering, testing, and compliance with manufacturing, production, and/or assembly line certification standards.
* Acquisition of manufacturing, production, and/or assembly tools and equipment.
* Acquisition of software for manufacturing equipment. Eligible software acquisitions are capped at 10 percent of the CEC award amount.
* Building and facility modifications that support the manufacturing, production, and/or assembly process.
* **Workforce training and development. Eligible workforce training and development costs are capped at 10 percent of the CEC award amount. Applicant executive officers and board members are *not* eligible for workforce training and development activities.**
* **Raw materials and components used in eligible manufactured products are eligible as Applicant cash match share, but *not* as CEC reimbursable share.**
* **Manufacturing facility lease or purchasing costs are eligible as Applicant cash match share, but *not* as CEC reimbursable share.**
	1. Costs incurred for the following labor activities are also eligible for Energy Commission reimbursement or as the Applicant match share:
* Labor required to manufacture, produce, and/or assemble eligible products.
* Labor required for installing, testing, and certifying manufacturing tools and equipment.
* Labor required in pre-production, including non-recurring engineering.
* ~~[Workforce training and development.~~ ~~Eligible workforce training and development activities are capped at 10 percent of the CEC award amount. Applicant executive officers and board members are~~ ***~~not~~*** ~~eligible for workforce training and development activities.]~~

## Ineligible Project Costs

The following project costs are **not** eligible:

* Labor costs for software, firmware, or hardware prototypes.
* Technology research, technology development, or technology demonstration activities.
* Analytical or feasibility studies (e.g., manufacturing, funding, product engineering, workforce, environmental, economic, strategic planning).
* Surveys, research and development, case studies, or market assessments.
* Workforce training program design.
* Manufacture of pilot, prototype(s), demonstration, sample product(s) or service(s).
* Building permits, zoning, and site approvals.
* Planning and policy studies.
* Secondary data gathering and reporting activities.
* Marketing and promotion activities or public outreach/education.
* Ongoing utility or facility maintenance costs.
* Installation, commissioning, and/or testing of ZEV Infrastructure.
* Hydrogen fuel and fuel used to produce hydrogen.
* **Installation, commissioning, servicing, maintenance, and/or refurbishing of hydrogen production facilities/equipment.**
* **Costs to manufacture micro-mobility devices such as e-bikes, electric scooters, electric skateboards, etc.**

***Note: Costs incurred prior to executing an agreement will not be reimbursed by the CEC.***

## Match Funding Requirements

1. **Total Match Share Requirement**

Applications must include a minimum 50 percent match share of the **total allowable project costs** (i.e., the sum of CEC reimbursable share and Recipient’s match share).

“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 costs. Match share expenditures have the following requirements:

1. At a minimum, total match share must conform to the “Cash Match Share Requirement” contained in this solicitation.
2. All match share expenditures must conform to the terms and conditions of this solicitation and the resulting agreement (see Attachment 9).
3. Applicants must disclose the source and provide verification and documentation for the match share funding committed to the project. (For any match share committed by a third party (i.e., other than match share committed by the Applicant), Applicants must submit a letter from each match share partner identifying the source(s) and availability of match funding.)
4. During the term of the agreement, Recipients will be required to document and verify all match share expenditures through invoices submitted to the CEC.
5. Match share funding may be in the form of cash or in-kind contributions such as donated labor hours, equipment, facilities, and other property.
6. Match share funding may be in the form of loans, grants, and other incentives provided by the California state government, federal government, or local governments. However, these are not considered cash match. Additionally, see “Ineligible Match Share Sources” below regarding certain public funds that are not eligible as match share.
7. Equipment, facilities, and property may count as match funds as long as the value of the contribution is based on documented market values or book values, prorated for its use in the project, and depreciated or amortized over the term of the project using generally accepted accounting principles (GAAP).
8. Match share expenditures (cash and/or in-kind) must be documented, reasonable, allowable, and allocable to the project as determined by the CEC.
9. Match share expenditures 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. Please note that non-match expenditures incurred prior to agreement execution are not reimbursable from CEC funds.
10. **Cash Match Share Requirement**

Applications must include a minimum ***cash*** match share contribution equal to at least 10 percent of CEC funding. For example, Project A, requesting $10 million in CEC funding and contributing $10 million in match funding, must dedicate at least $1 million as cash match. On the other hand, Project B, requesting $10 million in CEC funding and contributing $20 million in match funding, still must dedicate at least $1 million as cash match.

Cash match means the net of any funds actually expended by the Applicant for the project. Net means after any sort of discount or rebate is applied. Expenditures for Applicant’s compensated labor hours, including allowable fringe benefit and overhead rates, travel, materials, supplies, equipment, subcontractor costs, and other miscellaneous expenditures may be claimed as cash match if the expenditures are included in the approved agreement budget, paid in full with funding sources other than grant funds, and supported with appropriate documentation, including proof of payment. For indirect overhead, backup documentation, such as a cost allocation plan based on actual expenditures incurred and paid, is required. Cost allocations must be reasonable and allocable to the proposed project.

1. **In-Kind Match Share**

The balance of the total match share requirement beyond the cash match share requirement (if any) may be met through in-kind match share contributions.

In-kind match share contributions are: 1) non-cash contributions provided by the Applicant; 2) cash or non-cash contributions provided by a subcontractor; and 3) cash or non-cash contributions provided by other third parties. Applicant in-kind match share can be in the form of volunteer labor, real property, existing equipment, existing supplies, services provided by a third-party or subcontract, and other expendable property. The value of in-kind match is based on the fair market value of the goods and services provided at the time it is claimed as match. In-kind match share must be included in the approved agreement budget and supported with appropriate documentation. Cost allocations must be reasonable and allocable to the proposed project.

1. **Match Share Restrictions**
2. ***Other Sources of CEC Funding*** – Other sources of CEC funding**, either directly from the CEC or indirectly from the CEC via a third party,** may not be used as match share.
3. ***Ineligible Match Share Sources*** – Ineligible match share sources include:
	* + - * Funds available from the State of California, regional, or local public entity’s public incentive programs designed to support the construction and installation of EVSE or HRSE infrastructure.
				* Funds available from the State of California, regional, or local public entity’s public incentive programs for workforce training and development programs and sales and use tax exclusion on manufacturing equipment.
4. ***Property Not Owned by the Applicant*** – Donated property may be claimed as match based on the fair market value of renting or leasing the property. Fair market value is based on rental costs of comparable property (if any), market conditions in the area, alternatives available and the type, life expectancy, condition, and value of the property.
5. ***Existing Property Owned by the Recipient*** – Applicants may use the property’s depreciation expense as a method to allocate the value of the property to the project. Valuation will need to be documented to support the initial acquisition costs as well as the method of depreciation.
6. ***Valuation of Land*** –Land cannot be depreciated. If the value of land is claimed as match, the Applicant must provide documentation to support a fair market value for the use of the land (i.e., rent or lease cost) for the time period it is used. Appraised value of land cannot be used since this represents the full value of the land if it is sold which includes value beyond the term of the proposed project.
7. ***Property Owned by a Related Party*** –Related parties are individuals or other entities that are able to control or substantially influence the actions of the Applicant and includes spouses, board members, family members of principals or employees of the Applicant as well as property owned by principals/employees of the Applicant. Because agreements between related parties are “less than arms-length” transactions, Applicants must disclose to the CEC the relationship and be able to support the fair market value of property that is claimed as match.

If CEC funds are used to reimburse lease/rental payments for property owned by a related party, the Applicant can only claim the ***lesser*** of fair market value or actual lease payments, regardless of lease agreement terms.

1. ***Prorated Value of Property*** – The allowable claimed value of property must be prorated based on the percentage the property is used for the proposed project. For example, if only half of a building is being used for the proposed project, then only 50 percent of the monthly fair market value of the entire building can be claimed as match while the building is being used for the project.
2. ***Documentation*** – If selected for an award under this agreement, 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 existing property, methodology to allocate existing property on a prorated basis, lease agreements, 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 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. ***Forgone Profit*** – For example, if a company usually charges 10 percent profit but only charges 4 percent to the CEC. The unclaimed difference is not an allowable item of cost.
2. ***Forgone Rent*** – For example, rents that are not paid is not an allowable item of reimbursable cost.
3. ***Discounted or Refunded Equipment Costs*** – For example, a claim that equipment costs $10,000 but recipient only pays $6,000 due to some “special” 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.
4. ***Forgone Salary, Fringe, Indirect or Other Types of Cost*** – For example, a person normally charges or is paid $100 per hour, but will only charge $50 per hour towards the CEC award. Only actual costs incurred and paid to the employee are allowable. Therefore, if an employee is ***actually*** paid $100 per hour and the CEC only reimburses at $40 per hour, then the unreimbursed $60 per hour is an allowable match share cost because this is an actual payment as opposed to a foregone salary amount. Volunteer labor (i.e., labor from a person who does not receive any compensation for their labor) may be an allowable in-kind match share expense if the value of the labor is reasonable and justified.

## Applicant Performance

An Applicant’s performance, if any, under an existing or prior CEC agreement will be considered as part of an Applicant’s score in the Past Performance criterion.

Furthermore, in addition to all rights afforded the CEC under the terms and conditions of any existing or prior agreements between the CEC and Applicant or any other rights afforded the CEC by law, the CEC reserves the right to cancel an agreement awarded under this solicitation due to poor performance by the Applicant under an existing or prior CEC agreement.

## Data Collection

Applicants that are awarded funds will be required to collect and submit operation and performance data to the CEC for a minimum of six (6) months after the proposed project becomes operational.

## Agreement and Subcontract Execution

An Applicant to this solicitation that receives an award shall commit to executing its grant agreement with the CEC within 60 days after approval of the award at a CEC business meeting. Additionally, projects recommended for funding must execute all subcontracts within 90 days of the executed agreement with the CEC. The CEC reserves the right to cancel proposed awards that do not meet the agreement execution deadline, and without limitation of any other rights may cancel an awarded agreement for failure to meet the subcontract execution deadline.

## CEQA Compliance Timelines

**Time is of the Essence**. Funds available under this solicitation have encumbrance deadlines as early as June 30, 2024. Prior to approval of a proposed award, the CEC must comply with the California Environmental Quality Act (CEQA), and other applicable environmental review requirements. In general, the CEC is required to make its own independent CEQA determination and the level of review required by CEQA depends on the facts of the specific project.

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. Applicants recommended for funding in the NOPA must submit pertinent information within six (6) months after the NOPA is posted or risk having their projects not funded. Unfortunately, even with this information, the CEC may not be able to complete its CEQA review prior to the encumbrance deadline for every project. If, for example, 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 other applicable environmental review requirements, and provide all 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. If another agency has already made a CEQA determination as the lead agency, that may expedite the CEC’s review. For this reason, in the proposal package, it may be helpful for Applicants to include already received permits and associated CEQA determinations from other agencies (e.g., a local agency where the project will take place). Otherwise, to maintain the schedule for a grant agreement to be approved at the business meeting, it is recommended that Applicants submit all CEQA documentation including a CEQA determination already made by a lead agency to the CEC as soon as possible and **no later than 6 months after the NOPA is posted.**

## 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 or other environmental 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 or other environmental review. Examples of situations that may arise related to environmental 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 a 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 or other environmental review requirements within the encumbrance deadline, and are only provided as further clarification for potential Applicants. Please plan project proposals accordingly.

## Electric Vehicle Infrastructure Training Program, AB 841 (Ting, 2020)

<The following is applicable to projects that include Electric Vehicle Charger installations.>

AB 841 (Ting, 2020) added Public Utilities Code (PUC) section 740.20, which requires Electric Vehicle Infrastructure Training Program (EVITP) certification to install electric vehicle charging infrastructure and equipment for work performed on or after January 1, 2022, subject to certain exceptions.

Therefore, applying PUC 740.20 EVITP requirements to this GFO means that all electric vehicle charging infrastructure and equipment located on the customer side of the electrical meter shall be installed by a contractor with the appropriate license classification, as determined by the Contractors’ State License Board, and at least one electrician on each crew, at any given time, who holds an EVITP certification. Projects that include installation of a charging port supplying 25 kilowatts or more to a vehicle must have at least 25 percent of the total electricians working on the crew for the project, at any given time, who hold EVITP certification. One member of each crew may be both the contractor and an EVITP certified electrician. The requirements stated in this paragraph do not apply to any of the following:

* Electric vehicle charging infrastructure installed by employees of an electrical corporation or local publicly owned electric utility.
* Electric vehicle charging infrastructure funded by moneys derived from credits generated from the Low Carbon Fuel Standard Program (Subarticle 7 (commencing with Section 95480) of Article 4 of Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations).
* Single-family home residential electric vehicle chargers that can use an existing 208/240-volt outlet.

# 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 11‑point font, single-spaced and a blank line between paragraphs. Pages must be numbered, and sections titled and printed back-to-back.

## Method For Delivery

The only method of delivery for this solicitation is the [CEC’s Grant Solicitation System](https://gss.energy.ca.gov/Login.aspx) (GSS), 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 deadline to submit grant applications through the CEC’s GSS is 11:59 p.m. The GSS system automatically closes at 11:59 p.m. If the full submittal process has not be completed before 11:59 p.m., your application will not be considered. NO EXCEPTIONS will be entertained.

The CEC strongly encourages Applicants to upload and submit all applications by 5:00 p.m. because CEC staff will not be available after 5:00 p.m. or on weekends to assist with the upload process. And please note that while the CEC endeavors to assist all would-be Applicants, the CEC cannot guarantee staff will be available for in-person consultation on the due date, so please plan accordingly.

Please give yourself ample time to complete all steps of the submission process: do not wait until right before the deadline to begin the process. Due to factors outside the CEC’s control and unrelated to the GSS system, upload times may be much longer than expected. For example, some past Applicants experienced unexpected issues on their end, causing long delays that prevented timely submission. They spent significant time and resources on applications the CEC will not consider. Please plan accordingly. For instructions on how to apply using the GSS system, please see the [How to Apply document](https://www.energy.ca.gov/media/1654) available on the CEC website at: https://www.energy.ca.gov/media/1654.

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 CAO identified in the Questions section of the solicitation for more assistance.

## Hard Copy Submittals

In order to be consistent with orders and recommendations from the state and local officials to encourage physical distancing to slow the spread of COVID-19, hard copy submittals will **not** be accepted.

## Page Limitations

The number of pages for each Application is limited to 30 pages. Application forms, resumes, scope of work, schedule of products and due dates, budget forms, contact list, letters of support/commitment, CEQA worksheet, and Localized Health Impacts Information forms do not count towards this page limitation. Confidentially submitted financial and/or pro forma documents described in Section III.E will also not count towards this page limitation.

## Confidential Information

Business Operations-related financial documents (described in Section III.F.4.E of this manual) may be provided as confidential information if submitted as a separated, clearly-labeled volume of the Application.

Specifically, corporate financial records, technology trade secrets, and price components of materials provided to meet the requirements of this section may be submitted to the CEC as confidential information as part of a clearly-labeled, separated volume of the Full Application.

Corporate financial records include: balance sheets and cash flow statements, and 3-year pro forma statements (if applicable).

A technology trade secret is defined as a formula, practice, process, design, instrument, pattern, commercial method, or compilation of information which is not generally known or reasonably ascertainable by others, and by which a business can obtain an economic advantage over competitors or customers.

Price components, such as the price received for goods sold from materials’ purchase agreements will be kept confidential. Applicants should submit two copies of such agreements: one with price information redacted that is included in the non-confidential portion of the Application, and another with price information shown that is included in the separate section of confidential documents.

***NOTE:*** Award recipients will be required to adhere to all invoice requirements including sufficient and appropriate documentation to substantiate both reimbursable and match share expenditures. All invoice documentation will become public records, including the identity of the subcontractor or supplier and the prices of eligible expenses.

The specified technology, marketing, and financial information requested from Applicants will be kept confidential by the CEC, pursuant to California Government Code sections 6254(k) and 6254.15 unless the CEC is ordered to release it by a court or other entity with jurisdiction over the issue or the information otherwise becomes public.

The specified technology, marketing, and financial information described above will be kept confidential from receipt to seven (7) years following the posting of the NOPA, after which time the records will become public.

Information provided by applicants, other than the specified technology, marketing, and financial information listed above is only confidential until the release of the NOPA. The CEC does not warrant that information, other than the specific information described above, will be kept confidential following the posting of the NOPA. Applicants should not submit materials that are marked or otherwise delineated as confidential, except for the technical, financial and marketing information specified herein. Any such materials will be returned to the Applicant and not considered.

Information clearly marked and meeting the confidentiality provisions of the solicitation will not count towards the 30-page limit of the Full Application.

## Application Organization

The table below describes the order in which the application documents must be submitted. All items listed below are required as part of the application package. Failure to provide any attachments may result in disqualification of the application. Attachment requirements are expanded and explained below in this section. The items that have “N/A” reflected in the “Attachment Number” column are required to be submitted as part of the application package, but do not have an associated attachment provided in the solicitation package.

|  |  |  |
| --- | --- | --- |
| **Item** | **Attachment Number (if applicable)** | **Action Needed by Applicant** |
| Application Form | Attachment 1 | Complete form |
| Table of Contents | N/A | Create referenced document |
| Executive Summary | N/A | Create referenced document |
| Project Narrative | N/A | Create referenced document |
| Scope of Work | Attachment 2 | Create document from supplied template |
| Schedule of Products and Due Dates | Attachment 4 | Create document from supplied template |
| Budget Forms | Attachment 5 | Complete form |
| Resumes | N/A | Create referenced document |
| Contact List | Attachment 6 | Complete form |
| Letters of Support/Commitment  | N/A | Create referenced document |
| CEQA Worksheet | Attachment 7 | Complete form |
| Manufacturing Facility Layout | N/A | Create referenced document |
| Localized Health Impacts Information Form | Attachment 8 | Complete form |
| Confidential Volume (if applicable, see Section III.E) | N/A | Create referenced document |
| Past Performance Reference Form(s) | Attachment 10 | Complete form |

1. **Application Form**

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

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:

* All confidential information submitted (if allowed under the solicitation) has been properly identified.

***NOTE: CEC reserves the right to determine whether confidential information submitted adheres to the confidentiality requirements contained in the solicitation and state law, including CEC regulations. Applicants purposely or erroneously designating information as confidential beyond what is allowable in accordance with the solicitation and state law may lead to rejection and disqualification of the application.***

* All information in the application is correct and complete to the best of the Applicant’s knowledge.
* The Applicant has read and understands the terms and conditions and will accept them without negotiation if awarded.
* The Applicant has received any required licenses (such as copyrights or trademarks) applicable to the submitted application.
* The person electronically submitting the application through the Grant Solicitation System 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.

1. **Table of Contents**

Each application must include a Table of Contents that allows for easy navigation and location of relevant information. This will not count towards the page limitation.

1. **Executive Summary**

Each application must contain an Executive Summary that, at a minimum, includes: a project description, project goals, and quantitative and measurable objectives to be achieved. The maximum length of the Executive Summary is one (1) page. This will not count towards the page limitation.

1. **Project Narrative**

The Project Narrative is limited to a maximum of 30 pages. It must include a table of contents (which will not count towards the page limitations) and a detailed description of the proposed project, its operational goals and objectives, and an explanation of how these will be implemented through the tasks described in the Scope of Work.

Applicants must address each of the scoring criteria described in this solicitation by providing sufficient, unambiguous detail so that the evaluation team will be able to evaluate the application against each scoring criterion.

Project Narratives must respond directly to each criterion with the headings as titled below, and must include the following information:

1. **Team Experience and Qualifications**
2. Describe how the project team’s manufacturing qualifications and experience are suitable to the tasks described in the proposed Scope of Work.
3. Describe how the team can support manufacturing products, increasing sales, securing capital, and establishing a reliable supplier network.
4. Describe how the team can respond to and mitigate proposed project delays, manage cash flow, leverage capital, and address supplier delays.
5. **Manufacturing Operations**
6. Describe the Applicant’s manufacturing line(s), from inventory to shipping. Provide facility layout map(s) and photographs that identify workstations and workflow. The layout should include the workflow process from materials receiving/intake to product shipping, administrative and technical staff areas, and each workstation.
7. Provide photographic evidence of the Applicant’s existing or proposed manufacturing facility and layout.
8. Describe processes in analyzing returned products under warranty, customer service, and other lessons learned that can inform product design and development and reduce costs.
9. Describe and document how the proposed project includes innovations, functionalities, sustainability practices, or enhancing features that will be incorporated into products or manufacturing processes.
10. Describe market barriers and provide details for effective sales strategies, customer service approaches, and other solutions to overcome those barriers.
11. Discuss the ability (via patents, intellectual property developed or owned by the Applicant, or other means) to manufacture the proposed product(s).
12. Discuss the Applicant’s supply chain.
13. Discuss how the Applicant’s supply chain draws from California-based suppliers.
14. **Implementation**
15. Describe how the tasks in the Scope of Work and the dates in the Project Schedule and Due Dates are complete, sequential, and will lead to successful and timely completion of the proposed project.
16. Demonstrate site control for the proposed project.
17. Discuss progress in identifying and obtaining permits for the proposed project.
18. Discuss progress towards achieving compliance under the CEQA.
19. **Budget**
	1. Discuss why the proposed budget is cost-effective and appropriate to the purpose of this solicitation.
	2. Demonstrate that administrative and overhead expenses are minimized.
	3. Demonstrate and justify why state funds are necessary for the proposed project, and how the manufacturing activities would not have otherwise occurred in-state either in terms of the entity’s presence in California or at the scale that may not otherwise be achieved without the manufacturing grant.
	4. Demonstrate and document that the source, type, and amount of Match Share funds that are committed to the proposed project.
20. **Business Operations**

NOTE ON CONFIDENTIALITY: This section on “Business Operations” ***may*** be provided as confidential information. Applicants must upload under the file description, “Confidential Information”, and clearly identify “confidential” on each page (as described in Section III.E, of this manual).

The information requested from Applicants in this section will be kept confidential by the CEC, pursuant to California Government Code sections 6254(k) and 6254.15 unless the CEC is ordered to release it by a court or other entity with jurisdiction over the issue or the information otherwise becomes public. The information will be kept confidential from receipt to seven (7) years following the posting of the NOPA, after which time the records will become public.

With the exception of information submitted in this section, Applicants should not submit materials that are marked or otherwise delineated as confidential. In addition, any such materials will be promptly destroyed or returned to the Applicant.

Financial statements should be audited and certified by a Certified Public Accountant (CPA). With everything else being equal, audited and certified financial statements will be scored higher; and, unaudited and/or non-certified financial statements will be scored lower.

1. Provide three (3) years of financial statements of the Applicant and third-party financial assessments. Financial statements should be of the entity that manufactures the product(s) and not of the parent or holding company.
2. Provide pro forma information and assumptions for 3 years post-project that are reasonably supported by previous company investments, staffing levels, established supply chains, and market share trends for the company’s product(s).

**OR**

Provide a non-confidential Limited Business Plan for 3 years post-project for the products and operations resulting from the proposed project. This should be included in the non-confidential Project Narrative.

1. **ZEV Market and Community Benefits**
2. Describe how proposed project will accelerate the deployment of ZEVs and ZEV-related technologies into the market and contribute to the state’s goals of zero-emission transportation.
3. Describe how the proposed project will manufacture products that promote decreases in greenhouse gas emissions, and criteria pollutant emissions.
4. Discuss how the manufactured technology is expected to compete with incumbent technologies, services, and/or products in the marketplace.
5. Describe how the proposed project will benefit Priority Populations, disadvantaged communities (DACs), low-income communities, and/or Tribal Lands.
	* + - For the purpose of this solicitation, Priority Populations include residents of (1) census tracts identified as disadvantaged by California Protection Agency per SB 535, (2) census tracts identified as low-income per AB 1550, or (3) a low-income household per AB 1550. The [Priority Populations Map](https://webmaps.arb.ca.gov/PriorityPopulations/) can aid in determining geographic eligibility for disadvantaged and low-income communities: https://webmaps.arb.ca.gov/PriorityPopulations/.
			- For the purpose of this solicitation, DACs are the top 25 percent highest scoring census tracts in the California Communities Environmental Health Screening Tool, [CalEnviroScreen Version 4.0](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40), available at https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.
			- For the purpose of this solicitation, Tribal Lands refer to lands located in the State of California that are tribally owned lands, buildings, or facilities.
6. Discuss how the proposed project will result in a positive economic impact at the local and state level.
7. Discuss how the proposed project will expand opportunities for California supply chain partners.
8. **ZEV Workforce Plan**

Provide a ZEV workforce plan which must include, but is not limited to, the following:

1. Describe how the proposed project will result in a net increase in the number of direct and indirect jobs created. Provide calculations and assumptions.
2. Describe how the proposed project promotes job quality. Applicant must provide at a minimum the estimated total number of workers to be trained and/or hired; job classifications or titles; job classifications’ specific role(s) in the project; wage rates and benefits; share of jobs that are short-duration positions (less than 18 months) and long-term positions (18 months or more).
3. Describe how the proposed project promotes training and upward mobility. Employee recruitment and training plans should be designed to benefit workers from disadvantaged and/or low-income communities; and provide estimated cost and number of hours of training provided for each trainee.
4. Describe workforce engagement activities. Activities can include workforce training partnerships with local community-based organizations, workforce development boards, and/or high road training partnerships.
5. Describe job recruitment and job-placement strategies for workers facing employment barriers, including but not limited to residents from disadvantaged and/or low-income communities and individuals whose income is below poverty.
6. Describe community outreach and engagement with local community-based groups/organizations on the employment impacts and opportunities of the proposed project.
7. Describe staffing plans and workforce training and development plans to support manufacturing operations and projected growth.
8. **Scope of Work**

Applicants must include a completed Scope of Work utilizing the template contained in Attachment 2. 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 which 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**

Applicants must include a completed Schedule of Products and Due Dates (Attachment 4). All work must be scheduled for completion by no later than **March 31, 2026**, to allow timely processing of final invoices before the liquidation date (June 30, 2026) 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**
2. The Applicant must submit information on ***all*** tabs of the budget forms. The salaries, rates, and other costs entered must reflect the salaries, rates, and other costs the Applicant would include if selected as a grant recipient. A separate set of complete budget forms is required for the Applicant and for each subaward containing $100,000 or more of CEC funds.
3. Detailed instructions for completing these forms are included at the beginning of Attachment 5.
4. Rates and job descriptions shown must reflect rates and job descriptions charged under an agreement resulting from this solicitation. The salaries, rates, and other costs entered on these forms become a part of the final agreement. The entire term of the agreement and projected rate increases must be considered when preparing the budget. Unless a federally approved indirect rate is used, indirect rates proposed are considered capped and shall not change during the term of the agreement. The grant recipient shall only be reimbursed for their ***actual*** rates up to the indirect rate cap. A description of available indirect rate options is available on the [ECAMS Resources webpage](https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources) under Budget Category Guidance for indirect rates. Unlike indirect rates, the rates for Direct Labor and Fringe Benefits are treated as estimates; a grant recipient can invoice at higher rates as long as it is only invoicing for ***actual*** expenditures it has made. The hourly or monthly rates provided shall be unloaded (before fringe benefits or indirect costs).
5. The information provided in these forms will ***not*** be kept confidential.
6. All reimbursable expenditures must be expended within the approved term of the funding agreement. Expenditures may be counted as match share only after CEC notifies the Applicant that its project has been proposed for an award through the release of a NOPA. However, match expenditures incurred after release of the NOPA but prior to the execution of a grant agreement are made solely at the Applicant’s own risk.
7. Applicants must budget for the expenses of a Kick-off Meeting, at least one (1) Critical Project Review meeting, and a Final meeting. It is anticipated that meetings will be conducted remotely.
8. Applicants must budget for permits, insurance, etc. CEC will not reimburse expenditures for permitting or insurance. However, these expenditures can be included as match share expenditure.
9. Applicants must budget for the preparation and submission of quarterly progress reports (1-2 pages each) during the approved term of the agreement, and a Final Report. Instructions for preparing the Final Report will be provided to Applicants that are proposed for funding.
10. 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, Grant 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.***
11. The Budget must reflect estimates for ***actual*** costs to be incurred during the approved term of the agreement. CEC can only approve and reimburse for actual costs that are properly documented in accordance with the Grant Agreement Terms and Conditions.
12. 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. Subrecipients (all tiers) are allowed to include up to a maximum total of 10 percent profit, fees, or mark-ups on their own actual allowable expenses less any expenses budgeted to sub-subrecipients (i.e., profit, fees and markups are not allowed on lower tier subrecipient expenses). For example, if a subrecipient has $100,000 in actual allowable costs but has budgeted $20,000 to a sub-subrecipient, then the subrecipient can only include up to 10 percent profit on $80,000 ($100,000 minus $20,000). See terms and conditions for additional restrictions and requirements.
13. ***IMPORTANT - Payment of Prevailing Wage:*** Applicants must read and pay particular attention to the Terms and Conditions (Attachment 9) section related to Public Works and Payment of Prevailing Wages. 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.
14. **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. **Letters of Support/Commitment**

Applicants must include appropriate letters of support/commitment. 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. **Key Project Partners (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.
	2. **Third-party Match Share Contributors (if applicable):** Any third-party match share contributors 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. Applicants are encouraged to submit additional documentation, both public and confidential (see Section III.E), to further substantiate the commitment from each match share partner. Examples include past projects funded, with contacts.
	Any match funding pledged in Attachment 1 must be consistent with the amount or dollar value described in the commitment letter(s) (e.g., if $5,000 “cash in hand” funds are pledged in a commitment letter, Attachment 1 must match this amount). Only the total amount pledged in the commitment letter(s) will be considered as eligible match.
	3. **Letters of Support (optional):** Applicants are encouraged to submit letter(s) of support that 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, state or federal agencies, local safety officials, potential users of the proposed project, community-based organizations, non-profit organizations, and any other relevant organizations.
1. **CEQA Worksheet**

Applicants must include a completed CEQA Worksheet (Attachment 7). The CEC requires this information to assist it in making its own determination under the California Environmental Quality Act (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. 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 such as 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.

**Note Regarding Encumbrance Deadlines and Disclaimer:** The funds under this solicitation have a strict encumbrance deadline. The CEC must complete environmental review under CEQA and approve each grant at a business meeting prior to the applicable encumbrance deadline. Funds *must* be encumbered prior to June 30, 2024. To maintain the schedule for a grant agreement to be approved at the business meeting, it is recommended that Applicants submit all CEQA documentation including a CEQA determination already made by a lead agency to the CEC as soon as possible and **no later than six months after the NOPA is posted**.

Thus, if a project cannot complete CEQA review in time to meet the applicable encumbrance deadline, **the CEC reserves the right to cancel the proposed award** and recommend funding the next highest scoring award that can meet the encumbrance deadline, in addition to any other rights afforded the CEC by law, and regardless of the Applicant’s diligence in submitting CEQA information and materials. Further, the CEC is not liable for any costs incurred during environmental review or as a result of cancelling the proposed award.

1. **Localized Health Impacts Information Form**

Applicants must complete and submit a Localized Health Impacts Information Form (Attachment 8). The CEC requires this information to assist in developing and publishing a localized health impact report.

1. **Confidential Volume**

Applicants who may provide financial documentation to demonstrate financial and economic viability as described in the Business Operations criterion in III.F.4.E, may be provided as confidential information if submitted as a separated, clearly-labeled volume of the Application.

1. **Past Performance Reference Form(s)**

Applicants must complete and submit a separate Past Performance Reference Form (Attachment 10) for each CEC agreement (e.g., contract, grant, or loan) received by the Applicant in the last 10 years and the 5 most recent agreements with other public agencies within the past 10 years.

# 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 and on any other information available such as past performance of CEC agreements.[[2]](#footnote-3) The entire evaluation process from receipt of applications to posting of the NOPA is confidential. Please note that after the NOPA is posted, all applications, excluding financial statements and pro forma (if applicable) information submitted in accordance with Section III.E, will be publicly available.

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 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.
 | [ ]  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, except for information submitted in accordance with Section III.E, separated and clearly labeled as confidential.
 | [ ]  Pass [ ]  Fail |

* 1. **Technical Screening Criteria**

| **Technical Screening Criteria** *The Application must pass ALL technical screening criteria.* | **Pass/Fail** |
| --- | --- |
| 1. The Applicant is an eligible Applicant as specified in Section II.A of this solicitation.
 | [ ]  Pass [ ]  Fail |
| 1. The project is an eligible project as specified in Section II.B of this solicitation.
 | [ ]  Pass [ ]  Fail |
| 1. The project meets the minimum match share requirement, if any.
 | [ ]  Pass [ ]  Fail |
| 1. The Applicant passes the past performance screening criterion.
 | [ ]  Pass [ ]  Fail |

* 1. **Applicant’s Past Performance Screening Criterion (Pass/Fail)**

An Applicant may be disqualified under this solicitation due to severe performance issues under one or more prior or active CEC agreement(s) within the last 10 years. An Applicant is defined as at least one of the following: the business, principal investigator, or lead individual acting on behalf of themselves—received funds from the CEC (e.g., contract, grant, or loan) and entered into an agreement(s) with the CEC. Any Applicant that does not have an active or prior agreement equates to no severe performance issues and therefore would pass this screening criteria.

Severe performance issuesare characterized by significant negative outcomes under an agreement and may include:

* + Agreement was terminated with cause.
	+ The CEC filed litigation against the Applicant.
	+ Severe audit findings are not resolved to the CEC’s satisfaction. Severe audit findings may include but not limited to: incomplete or unsatisfactory deliverables; grant funds used inappropriately (i.e., other than as represented); or questioned costs.
	+ Project objectives were not met and were caused by factors that are, or should have been, within the Recipient’s control.
	+ Significant delays in project completion resulting in delayed benefits for California. Project completion delays of one year or more from the originally proposed project schedule and caused by factors within the Recipient’s control may be considered significant.
	+ Deliverables were not submitted to the CEC or were of poor quality. For example, Recipient delivers poorly written reports that required significant rework by staff prior to acceptance or publication.
	+ Demonstrated and documented poor or delayed communication when significant issues or setbacks were experienced that materially and negatively impacted the project. For example, delays in informing the CEC when the Recipient experiences loss of a key project partner or site control may be considered significant.
	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 overall score of 70 percent (70 points) 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 publish the NOPA on the CEC’s website and email 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 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 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 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 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 response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution. |

## Evaluation Criteria

Applications that pass screening will be scored based on the following scoring criteria.

|  |  |
| --- | --- |
| **Criterion** | **Possible Points** |
| **Team Experience and Qualifications**Applications will be evaluated on the degree to which:* The project team’s manufacturing qualifications and experience are suitable to the tasks described in the proposed Scope of Work.
* The team can support manufacturing products, increasing sales, securing capital, and establishing a reliable supplier network.
* The team demonstrates the ability to respond to and mitigate proposed project delays, manage cash flow, leverage capital, and address supplier delays.
 | 10 |
| **Manufacturing Operations**Applications will be evaluated on the degree to which:* The Applicant has documented one or more manufacturing line(s), from inventory to shipping, with facility layout map(s) and photographs that identify workstations and workflow.
* The Applicant has robust processes in analyzing returned products under warranty, customer service, and other lessons learned that can inform product design and development and reduce costs.
* The proposed project includes innovations, functionalities, sustainability practices, or enhancing features that will be incorporated into products or manufacturing processes.
* The Applicant identifies market barriers and details effective sales strategies, customer service approaches, and other solutions to overcome those market barriers.
* The Applicant demonstrates they have the ability (via patents, intellectual property developed or owned by the Applicant, or other means) to manufacturer the proposed products.
* The Applicant demonstrates an established supply chain.
* The supply chain draws from California suppliers.
 | 15 |
| **Implementation** Applications will be evaluated on the degree to which:* The tasks in the Scope of Work and the dates in the Project Schedule and Due Dates are complete, sequential, and will lead to successful and timely completion of the proposed project.
* The Applicant demonstrates site control for the proposed project.
* The Applicant has progressed in obtaining permits for the proposed project.
* The proposed project has progressed towards achieving compliance under CEQA.
 | 10 |
| **Budget**Applications will be evaluated on the degree to which:* The proposed project budget is cost-effective and appropriate to the purpose of this solicitation.
* Administrative and overhead expenses are minimized.
* State funds are necessary for the proposed project, and the manufacturing activities would not have otherwise occurred in-state either in terms of the entity’s presence in California or at the scale that may not otherwise be achieved without the funds.
* The source, type, and amount of Match Share funds are described, documented, and committed to the proposed project.
 | 15 |
| 1. **Business Operations**

Applications will be evaluated on the degree to which:* The Applicant submitted financial statements are audited and certified by a Certified Public Accountant (CPA)
* The Applicant submitted three (3) years of the most recent financial statements of the entity that manufactures the product(s) and are not of the parent or holding company. (See Section III.E of this Manual for confidential document submission information).
* The Applicant provided three (3) years of Pro Forma information and assumptions that are reasonable and are supported by company investments, staffing levels, established supply chains, and market share trends for the company’s products. (See Section III.E of this Manual for confidential document submission information); or a non-confidential Limited Business Plan of three (3) forward years for the products and operations resulting from the proposed project.
* The Applicants’ financial statements and third-party financial assessments demonstrate positive cash flow, revenue, sales trends, a pathway toward profitability, and verification of existing business.
 | 10 |
| 1. **ZEV Market and Community Benefits**

Applications will be evaluated on the degree to which:* The proposed project will accelerate the deployment of ZEVs and ZEV-related technologies into the market and contribute to the state’s goals of zero-emission transportation.
* The proposed project results in manufactured products that will decrease greenhouse gas emissions and criteria pollutant emissions.
* The proposed project will manufacture products that compete with incumbent technologies, services, and/or products in the marketplace.
* The proposed projects will benefit communities and workers from priority populations, DACs, low-income communities, and tribal lands in accordance with CalEnviroScreen 4.0 Tool.
* The proposed project will result in a positive economic impact at the local and state level.
* The proposed project will expand opportunities for California supply chain partners.
 | 20 |
| 1. **ZEV Workforce Plan**

Applications will be evaluated on the degree to which:* The proposed project will increase the number and quality of direct and indirect jobs created in California, and the application describes the related calculations and assumptions.
* The employee recruitment training plans are designed to benefit workers from DACs and/or low-income communities and provide opportunities for upward mobility.
* The proposed project includes plans for workforce engagement activities, such as partnerships with local community-based organizations, workforce development boards, and/or high road training partnerships.
* Recruitment and job placement efforts incorporate strategies for workers facing employment barriers such as residents from, but not limited to, DACs and/or low-income communities as well as individuals whose income is below poverty levels.
* Community outreach demonstrates engagement with local community-based groups and organizations on the employment impacts of the proposed project.
* Staffing plans and workforce training and development plans to meet the labor investments are sufficient and reasonable to support manufacturing operations and projected growth.
 | 20 |
| **Total Possible Points** | 100 |
| **Minimum Passing Score (70%)** | **70** |

## Tie Breakers

If the score for two or more applications are tied, the application with a higher score in the ZEV Market and Community Benefit criterion will be ranked higher. If still tied, the application with a higher score in the Manufacturing Operations criterion will be ranked higher. If still tied, an objective tiebreaker (such as a random drawing) will be utilized.

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# V. Administration

## Definition of Key Words

Important definitions for this solicitation are presented below:

|  |  |
| --- | --- |
| **Word/Term** | **Definition** |
| Applicant | Respondent to this solicitation |
| Application | Formal written response to this document from Applicant |
| Battery Electric Vehicles (BEVs) | A zero-emission vehicle, BEVs utilize energy that is stored in rechargeable battery packs. BEVs sustain their power through the batteries and therefore must be plugged into an external electricity source in order to recharge. |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Officer |
| CEC | California Energy Commission |
| Complete ZEV | For purposes of this solicitation refers to a complete and vertically integrated zero-emission vehicle as the final manufactured product for sale. |
| Disadvantaged Community (DAC) | Disadvantaged communities are the top 25 percent highest scoring census tracts in the California Communities Environmental Health Screening Tool (CalEnviroScreen Version 4.0). For more information, please see <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>  |
| Electric Vehicle Charging Station | A location where one or more EVSEs are installed to charge EVs. |
| Electric Vehicle Supply Equipment (EVSE)/Charger | Infrastructure designed to supply power to EVs. EVSE can charge a wide variety of EVs including BEVs and PHEVs. |
| Executive Order (EO) | A signed, written, and published directive from the governor of California. |
| Fuel Cell Electric Vehicle (FCEV) | A zero-emission vehicle that runs on compressed hydrogen fed into a fuel cell "stack" that produces electricity to power the vehicle. |
| GAAP | Generally Accepted Accounting Principles |
| Grant Solicitation System (GSS) | The CEC’s online tool for Applicants to submit their electronic documents available at: <https://gss.energy.ca.gov/>. |
| Hydrogen Refueling Station Equipment (HRSE) | Refers to the complete commercial hydrogen refueling station system needed to provide hydrogen fuel to power a FCEV. |
| Job Quality | For purposes of this solicitation refers to the degree to which the job pays a family-sustaining wage, offers comprehensive employer-provided benefits, values worker voice, and provides security, fair scheduling, a safe and healthy work environment, and pathways for career advancement. There is no single standard for a quality job across regions and industries. |
| Manufacturing | Refers to manufacture, assembly, or production of a product for commercial sale. |
| NOPA | Notice of Proposed Award |
| Operations and Maintenance | Refers to the performance of routine, preventive, and scheduled/unscheduled action and activities required to maintain and operate manufacturing facility/equipment. |
| Priority Populations | Priority populations include residents of (1) census tracts identified as disadvantaged per Senate Bill 535, (2) census tracts identified as low-income per Assembly Bill 1550, or (3) a low-income household per Assembly Bill 1550. For more information, please see <https://www.arb.ca.gov/cci-communityinvestments>. |
| Recipient | An Applicant awarded a grant under this solicitation |
| Solicitation | Grant Funding Opportunity, which refers to this entire solicitation document and all its attachments and exhibits |
| Subsidiary | For the purposes of this solicitation is a company that belongs to another company, which is usually referred to as a parent company or the holding company. The parent or holding holds a controlling interest in the subsidiary company meaning it has or controls more than half of its stock. |
| Supply Chain | Refers to the network between the Applicant and its suppliers that manufactures a product for commercial sale. |
| State | State of California |
| Vehicle-Grid Integration (VGI) | Methods to align electric vehicle charging with the needs of the electric grid. To do this, electric vehicles must have capabilities to manage charging or support two-way communication between vehicles and the grid. |
| Workforce | Refers to the direct labor, staff, or employees of the Applicant |
| Zero-Emission Vehicles (ZEVs) | Refers to a vehicle that produces zero exhaust emissions of criteria pollutants or greenhouse gases. |
| ZEV Components | Refers to the hardware components, including batteries, of ZEVs.  |
| ZEV Infrastructure | Infrastructure designed to supply power to a BEV or refuel a FCEV. Can also include battery electric energy storage that supplies power to an electric vehicle charging station. |

## 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 except for specified financial information submitted in accordance with Section III.E, separated and clearly labeled as a confidential volume in response to this solicitation.

## Solicitation Cancellation and Amendments

It is CEC’s policy to not 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’s website at [www.energy.ca.gov/contracts](http://www.energy.ca.gov/contracts).

## Errors

If an Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation, the Applicant shall immediately notify the 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 CAO 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 application. CEC’s waiver shall in no way modify the application or excuse the successful Applicant from full compliance.

## Disposition of Applicant Documents

The entire evaluation process from receipt of applications up to the posting of the NOPA is confidential. On the NOPA 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, 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.

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, 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. [Senate Bill 129](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB129) (Skinner, Chapter 69, Statutes of 2021). Available at: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=202120220SB129 [↑](#footnote-ref-2)
2. The Past Performance Evaluation is available on the CEC website at: https://www.energy.ca.gov/media/6595 [↑](#footnote-ref-3)