



STATE OF CALIFORNIA

**CONTRACT REQUEST FORM (CRF)**

CEC-94 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

**A) New Agreement # RMB600-19-010 (to be completed by CGL office)**

<b>B) Division</b>	<b>Agreement Manager:</b>	<b>MS-</b>	<b>Phone</b>
600 Fuels and Transportation Division	Phil Cazel	6	916-653-1590

<b>C) Contractor's Legal Name</b>	<b>Federal ID #</b>
Bay Area Air Quality Management District	-

<b>D) Title of Project</b>
VW Mitigation Funding for Clean Transportation Program Hydrogen Stations

**E) Term and Amount**

<b>Start Date</b>	<b>End Date</b>	<b>Amount</b>
2 / 20 / 2020	5 / 24 / 2028	\$ 5,000,000

**F) Business Meeting Information**

☐ Operational agreement (see CAM Manual for list) to be approved by Executive Director

☐ ARFVTP agreements \$75K and under delegated to Executive Director

Proposed Business Meeting Date 02 / 20 / 2020 ☐ Consent ☒ Discussion

Business Meeting Presenter Phil Cazel Time Needed: 5 minutes

Please select one list serve. Select

**Agenda Item Subject and Description:**

BAY AREA AIR QUALITY MANAGEMENT DISTRICT. Proposed resolution approving Agreement RMB600-19-010 with the Bay Area Air Quality Management District (BAAQMD) for the CEC to receive \$5,000,000 from the Volkswagen Environmental Mitigation Trust to fund hydrogen refueling stations throughout the state. Cooperation between BAAQMD and the CEC will ensure that hydrogen refueling infrastructure funding decisions are optimized to meet the complimentary objectives of BAAQMD and the CEC. Contact: Phil Cazel. (Staff presentation: 5 minutes).

**G) California Environmental Quality Act (CEQA) Compliance**

1. Is Agreement considered a "Project" under CEQA?

☐ Yes (skip to question 2) ☒ No (complete the following (PRC 21065 and 14 CCR 15378)):

Explain why Agreement is not considered a "Project":

Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because it simply provides funds from the VW Mitigation Trust Fund Program to the Energy Commission to award hydrogen refueling station construction agreements. CEQA compliance will be addressed separately for all agreements awarded under the next light duty hydrogen infrastructure solicitation.

2. If Agreement is considered a "Project" under CEQA:

a) ☐ Agreement **IS** exempt.

☐ Statutory Exemption. List PRC and/or CCR section number:

☐ Categorical Exemption. List CCR section number:

☐ Common Sense Exemption. 14 CCR 15061 (b) (3) Explain reason why Agreement is exempt under the above section:



STATE OF CALIFORNIA

**CONTRACT REQUEST FORM (CRF)**

CEC-94 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

- b) ☐ Agreement **IS NOT** exempt. (consult with the legal office to determine next steps)

Check all that apply

- ☐ Initial Study
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Statement of Overriding Considerations

**H) List all subcontractors (major and minor) and equipment vendors:** (attach additional sheets as necessary)

Legal Company Name:	Budget
	\$ 0.00
	\$ 0.00
	\$ 0.00

**I) List all key partners:** (attach additional sheets as necessary)

Legal Company Name:

**J) Budget Information**

Funding Source	Funding Year of Appropriation	Budget List Number	Amount
Funding Source			\$
Funding Source			\$
Funding Source			\$
Funding Source			\$
Funding Source			\$

R&D Program Area: Select Program Area      TOTAL: \$

Explanation for "Other" selection

Reimbursement Contract #:

Federal Agreement #:

**K) Contractor's Contact Information****1. Contractor's****Administrator/Officer**

Name: Karen Schkolnick

Address: 375 Beale St., Suite 600

City, State, Zip: San Francisco, CA 94105

Phone: 405-749-5070

E-Mail: kschkolnick@baaqmd.gov

**2. Contractor's Project Manager**

Name: Linda Hui

Address: 375 Beale St., Suite 600

City, State, Zip: San Francisco, CA 94105

Phone: 405-749-4796

E-Mail: lhui@baaqmd.gov

**L) Selection Process Used**



STATE OF CALIFORNIA

## CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

☐ Solicitation Select Type Solicitation #: - - # of Bids: Low Bid ☐ No ☐ Yes

☐ Non Competitive Bid (Attach DGS-GSPD-09-007 <https://www.dgs.ca.gov/PD/Forms> )

☒ Exempt Interagency

### M) Contractor Entity Type

☐ Private Company (including non-profits)

☐ CA State Agency (including UC and CSU)

☒ Government Entity (i.e. city, county, federal government, air/water/school district, joint power authorities, university from another state)

### N) Is Contractor a certified Small Business (SB), Micro Business (MB) or DVBE?

If yes, check appropriate box(es): ☐ SB ☐ MB ☐ DVBE

### O) Civil Service Considerations

☒ Not Applicable (Agreement is with a CA State Entity or a membership/co-sponsorship)

☐ Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER)

☐ The Services Contracted:

☐ are not available within civil service

☐ cannot be performed satisfactorily by civil service employees

☐ are of such a highly specialized or technical nature that the expert knowledge, expertise, and ability are not available through the civil service system.

☐ The Services are of such an:

☐ urgent

☐ temporary, or

☐ occasional nature

that the delay to implement under civil service would frustrate their very purpose.

### Justification:

The Bay Area Air Quality Management District (BAAQMD) administers VW Mitigation Trust funding that will be provided to the Energy Commission for the construction of hydrogen refueling stations awarded under the next light duty hydrogen infrastructure solicitation.

### P) Payment Method

1. ☐ Reimbursement in arrears based on:

☐ Itemized Monthly ☐ Itemized Quarterly ☐ Flat Rate ☐ One-time

2. ☐ Advanced Payment

3. ☒ Other, explain: Funds will be dispersed to the Energy Commission from BAAQMD

### Q) Retention

Is Agreement subject to retention? ☒ No ☐ Yes

If Yes, Will retention be released prior to Agreement termination? ☐ No ☐ Yes

### R) Justification of Rates

No rates are included under this agreement.

### S) Disabled Veteran Business Enterprise Program (DVBE)

**CONTRACT REQUEST FORM (CRF)**

1. ☒ Exempt (Interagency/Other Government Entity)
2. ☐ Meets DVBE Requirements DVBE Amount:\$ 0 DVBE %:
  - a. ☐ Contractor is Certified DVBE
  - b. ☐ Contractor is Subcontracting with a DVBE: Name of DVBE Company
3. ☐ Contractor selected through CMAS or MSA with no DVBE participation
4. ☐ Requesting DVBE Exemption (attach CEC 95)

**T) Miscellaneous Agreement Information**

1. Will there be Work Authorizations? ☐ No ☐ Yes
2. Is the Contractor providing confidential information? ☐ No ☐ Yes
3. Is the contractor going to purchase equipment? ☐ No ☐ Yes
4. Check frequency of progress reports  
☐ Monthly ☐ Quarterly ☒ NA
5. Will a final report be required? ☐ No ☐ Yes
6. Is the Agreement, with amendments, longer than three years? If yes, why? ☐ No ☒ Yes. Bay Area Air Quality Management requires data through FY27/28

**U) The following items should be attached to this CRF (as applicable)**

- |   |   |  |
|---|---|--|
| 1. Exhibit A, Scope of Work                         | <input type="checkbox"/> N/A            | <input checked="" type="checkbox"/> Attached |
| 2. Exhibit B, Budget Detail                         | <input type="checkbox"/> N/A            | <input checked="" type="checkbox"/> Attached |
| 3. DGS-GSPD-09-007, NCB Request                     | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached            |
| 4. CEC 95, DVBE Exemption Request                   | <input type="checkbox"/> N/A            | <input type="checkbox"/> Attached            |
| 5. CEQA Documentation                               | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached            |
| 6. Resumes  | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Attached            |
| 7. CEC 105, Questionnaire for Identifying Conflicts | <input checked="" type="checkbox"/> N/A | <input checked="" type="checkbox"/> Attached |

---

**Agreement Manager**

---

**Date**

---

**Office Manager**

---

**Date**

---

**Deputy Director**

---

**Date**

## **ATTACHMENT A**

### **SCOPE OF WORK**

#### **Description of Work:**

DISTRICT shall provide Mitigation Trust funds to CONTRACTOR to augment their Clean Transportation Program funding for one or more subcontract(s) awarded to hydrogen refueling station developers under CONTRACTOR's light-duty hydrogen refueling station solicitation GFO-19-602 ("Grant Agreement").

Through this Contract, CONTRACTOR shall:

- Receive and administer Mitigation Trust funds for paying approved invoices for executed Grant Agreements for purchase and installation of hydrogen refueling stations.
- Use existing CEC grant funding practices and procedures to fund selected light-duty hydrogen refueling station equipment with partial funding from the Mitigation Trust funds.
- Oversee and manage Grant Agreement(s), using existing CEC grant funding practices and procedures, for the selected light-duty hydrogen fuel cell vehicle supply equipment receiving partial Mitigation Trust funding.

#### **Tasks, Milestones, and Deliverables:**

##### **TASK 1- KICK-OFF MEETING**

CONTRACTOR shall establish the lines of communication and procedures for implementing this Contract.

CONTRACTOR shall:

1. Arrange a "kick-off" meeting with the DISTRICT, including scheduling the date and time. The CONTRACTOR shall include a contract administrator and others designated by the CONTRACTOR in this meeting. The administrative and technical aspects of this Contract will be discussed at the meeting.
2. Provide an agenda to all potential meeting participants prior to the kick-off meeting.

*CONTRACTOR Deliverables:*

1. Kick-off meeting agenda

##### **TASK 2 – LOCATION AND FUNDING SELECTION**

CONTRACTOR will select and fund light-duty hydrogen refueling station projects using existing CEC competitive solicitation practices and procedures. CONTRACTOR will work with DISTRICT to determine which projects to partially fund using Mitigation Trust funds to satisfy Mitigation Trust Requirements, which were developed based on the Consent Decree, State Trust Agreement, Agreement G18-VWM-03, the Beneficiary Mitigation Plan, and input received from stakeholder meetings.

CONTRACTOR shall:

1. Provide a draft Notice of Proposed Awards (NOPA) from the CONTRACTOR's GFO-19-602 solicitation to DISTRICT so DISTRICT can determine which light-duty hydrogen refueling station projects will satisfy Mitigation Trust Requirements. Under this Contract, the CONTRACTOR is not required to fund grant applications it determines do not follow CONTRACTOR funding practices and procedures.
2. Assist DISTRICT in determining which light-duty hydrogen refueling station projects will satisfy Mitigation Trust Requirements by including data, such as fueling capacity for each station.

DISTRICT shall:

1. Provide the CONTRACTOR a list of all Mitigation Trust Requirements.
2. Identify any projects on the CONTRACTOR's draft NOPA described above that would be appropriate for Mitigation Trust funding under this Contract.
3. Seek and obtain appropriate approval to partially fund selected hydrogen refueling station projects using Mitigation Trust funds.
4. Provide written approval to the CONTRACTOR on which light-duty hydrogen refueling station projects are appropriate for Mitigation Trust funding.

*CONTRACTOR Deliverables:*

1. Draft NOPA, including the following information: dispensing pressure, whether station is publicly available, fueling capacity, and proximity to disadvantaged communities according to CalEnviroscreen.
2. After the NOPA is posted, copies of all passing applications including all supplemental documents submitted.

*DISTRICT Deliverables:*

1. List of all Mitigation Trust Requirements.
2. Draft list of stations proposed for award from the NOPA that would be appropriate for partial Mitigation Trust funding under this Contract.
3. Documentation of DISTRICT concurrence with the final list of stations to receive partial Mitigation Trust funding.

### **TASK 3 – GRANT AGREEMENT PROGRESS REPORTING**

CONTRACTOR staff will hold a monthly briefing with the DISTRICT on the status of each grant agreement funded under GFO-19-602 that includes partial Mitigation Trust funding.

CONTRACTOR shall:

1. Arrange briefing meetings with the DISTRICT, including scheduling the date and time. The CONTRACTOR shall include a contract administrator and others designated by the CONTRACTOR in this meeting. The status of each grant agreement funded under GFO-19-602 that includes partial Mitigation Trust funding will be discussed at the meeting.
2. Develop Grant Agreement(s) in accordance with CONTRACTOR and Mitigation Trust Requirements. All Grant Agreements shall include the requirements under Paragraph 11. Additional Provisions, such as Prevailing Wages, Equipment Ownership, and Audits.

3. Notify DISTRICT in writing, within 10 days, if any circumstances arise (technical, economic, or otherwise), which might place installation and a minimum of three-years of operation of the project in jeopardy.

DISTRICT shall:

1. Participate in monthly briefings with CONTRACTOR.

*CONTRACTOR Deliverables:*

1. Briefing meeting agendas.
2. Notification in writing, within 10 days, if any circumstances arise (technical, economic, or otherwise), which might place installation and a minimum of three-years of operation of the project in jeopardy.

*DISTRICT Deliverables:*

1. Participation in monthly briefings with CONTRACTOR.

#### **TASK 4 – INVOICING**

CONTRACTOR will invoice and receive Mitigation Trust funds from DISTRICT for incurred Allowable Expenses in accordance with the CONTRACTOR's Grant Agreement(s).

CONTRACTOR shall:

1. Review invoices received from subcontractors for Grant Agreement(s) executed in Task 3.
2. Invoice DISTRICT for Mitigation Trust funds, as needed, but no more frequently than once per month, for Allowable Expenditures (defined in Attachment B) incurred by subcontractors under the Grant Agreement(s) executed in Task 3.
3. Reimburse subcontractors in accordance with the Prompt Payment Act (Government Code, Section 927, et seq.) for subcontractors incurred Allowable Expenditures.
4. Keep separate accounting of the Mitigation Trust funds received and expended.

DISTRICT shall:

1. Upon receipt of an invoice from the CONTRACTOR for incurred Allowable Expenditures incurred by subcontractors, remit funds to the CONTRACTOR in an amount equal to maximum percentage of Allowable Expenditures incurred by subcontractors under the Grant Agreement(s) executed in Task 3 (see Attachment B). Funds shall be remitted in a timely manner to support project completion and success and to ensure the CONTRACTOR complies with its duties under the Grant Agreement(s).
2. Send remittances to:  
California Energy Commission  
Accounting Office  
1516 Ninth Street, MS-2  
Sacramento, CA 95814
3. Provide the CONTRACTOR with information needed to correct problems with invoices DISTRICT does not approve.

*CONTRACTOR Deliverables:*

1. Invoice(s) from CONTRACTOR to DISTRICT.
2. Photographs of installed equipment and back up materials to justify invoice(s) such as evidence of equipment components, equipment under assembly, serial numbers of system components.

*DISTRICT Deliverables:*

1. Remittance(s).
2. Information documenting any corrections needed for invoices.

**TASK 5 – PROGRESS REPORTING**

CONTRACTOR staff shall provide copies of monthly progress reports submitted by CEC recipients funded with Mitigation Trust funds.

CONTRACTOR shall:

1. Provide copies of monthly progress reports submitted by CEC recipients funded with Mitigation Trust funds

*CONTRACTOR Deliverables:*

1. Copies of monthly progress reports submitted by CEC recipients.

**TASK 6 – RECORD RETENTION**

CONTRACTOR shall retain records related to the Grant Agreement(s) that is identified in Task 2, including those funded with Mitigation Trust funds.

CONTRACTOR shall:

1. Store all records in accordance with accepted State of California procedures to maintain safety, security, and confidentiality.
2. Retain files for the term of this Contract plus three years.

*CONTRACTOR Deliverables:*

1. Upon request, submit copies of all project records to DISTRICT. Hardcopy or electronic records are suitable. DISTRICT shall identify acceptable forms of electronic media.



## ATTACHMENT B

### COST SCHEDULE

#### Costs:

DISTRICT shall reimburse CONTRACTOR for Allowable Expenditures incurred under the Grant Agreement(s) executed in Task 3 in an amount equal to maximum percentage of Allowable Expenditures incurred by subcontractors under the Grant Agreement(s) executed in Task 3, as listed below.

Allowable Expenditures	Maximum Mitigation Trust funds payable under this Contract
Subcontractor's actual, allowable, and allocable equipment and installation costs under a Grant Agreement with the CONTRACTOR awarded under a light-duty hydrogen refueling station solicitation.	\$5,000,000

#### Other:

Mitigation Trust funding is limited to

- Light-duty hydrogen fuel cell vehicle supply equipment that dispenses at a pressure of 70 megapascals (MPa) and that is installed in a public place.
- 33 percent of Allowable Expenditures for equipment capable of dispensing at least 250 kg/day.
- 25 percent of Allowable Expenditures for equipment capable of dispensing at least 100 kg/day.
- At least 20% of total awarded Mitigation Trust funding must be awarded to projects in or benefiting disadvantaged or low-income communities.

No administrative support funding is available from CARB, DISTRICT, or the Mitigation Trust for expenditures incurred by the CONTRACTOR for work related to Mitigation Trust funds.

Up to \$1 million Mitigation Trust funding under this Contract may be reallocated to another contractor at DISTRICT's discretion, so long as those Mitigation Trust funds have not already been spent or encumbered.



STATE OF CALIFORNIA

**CONTRACT REQUEST FORM (CRF)**

CEC-94 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

**A) New Agreement # RMB600-19-010 (to be completed by CGL office)**

<b>B) Division</b>	<b>Agreement Manager:</b>	<b>MS-</b>	<b>Phone</b>
600 Fuels and Transportation Division	Phil Cazel	6	916-653-1590

<b>C) Contractor's Legal Name</b>	<b>Federal ID #</b>
Bay Area Air Quality Management District	-

<b>D) Title of Project</b>
VW Mitigation Funding for Clean Transportation Program Hydrogen Stations

**E) Term and Amount**

<b>Start Date</b>	<b>End Date</b>	<b>Amount</b>
2 / 20 / 2020	5 / 24 / 2028	\$ 5,000,000

**F) Business Meeting Information**

☐ Operational agreement (see CAM Manual for list) to be approved by Executive Director

☐ ARFVTP agreements \$75K and under delegated to Executive Director

Proposed Business Meeting Date 02 / 20 / 2020 ☐ Consent ☒ Discussion

Business Meeting Presenter Phil Cazel Time Needed: 5 minutes

Please select one list serve. Select

**Agenda Item Subject and Description:**

BAY AREA AIR QUALITY MANAGEMENT DISTRICT. Proposed resolution approving Contract #RMB600-19-010 with the Bay Area Air Quality Management District (BAAQMD) for the Energy Commission to receive \$5,000,000 from the VW Mitigation Trust to fund hydrogen refueling stations throughout the state. Cooperation between BAAQMD and the Energy Commission will ensure that hydrogen refueling infrastructure funding decisions are optimized to meet the complimentary objectives of BAAQMD and the Energy Commission. Contact: Phil Cazel. (Staff presentation: 5 minutes).

**G) California Environmental Quality Act (CEQA) Compliance**

1. Is Agreement considered a "Project" under CEQA?

☐ Yes (skip to question 2) ☒ No (complete the following (PRC 21065 and 14 CCR 15378)):

Explain why Agreement is not considered a "Project":

Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because it simply provides funds from the VW Mitigation Trust Fund Program to the Energy Commission to award hydrogen refueling station construction agreements. CEQA compliance will be addressed separately for all agreements awarded under the next light duty hydrogen infrastructure solicitation.

2. If Agreement is considered a "Project" under CEQA:

a) ☐ Agreement IS exempt.

☐ Statutory Exemption. List PRC and/or CCR section number:

☐ Categorical Exemption. List CCR section number:

☐ Common Sense Exemption. 14 CCR 15061 (b) (3) Explain reason why Agreement is exempt under the above section:



STATE OF CALIFORNIA

## CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 12/2019)

CALIFORNIA ENERGY COMMISSION

☐ Solicitation Select Type Solicitation #: - - # of Bids: Low Bid ☐ No ☐ Yes

☐ Non Competitive Bid (Attach DGS-GSPD-09-007 <https://www.dgs.ca.gov/PD/Forms>)

☒ Exempt Interagency

### M) Contractor Entity Type

☐ Private Company (including non-profits)

☐ CA State Agency (including UC and CSU)

☒ Government Entity (i.e. city, county, federal government, air/water/school district, joint power authorities, university from another state)

### N) Is Contractor a certified Small Business (SB), Micro Business (MB) or DVBE?

If yes, check appropriate box(es): ☐ SB ☐ MB ☐ DVBE

### O) Civil Service Considerations

☒ Not Applicable (Agreement is with a CA State Entity or a membership/co-sponsorship)

☐ Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER)

☐ The Services Contracted:

☐ are not available within civil service

☐ cannot be performed satisfactorily by civil service employees

☐ are of such a highly specialized or technical nature that the expert knowledge, expertise, and ability are not available through the civil service system.

☐ The Services are of such an:

☐ urgent

☐ temporary, or

☐ occasional nature

that the delay to implement under civil service would frustrate their very purpose.

### Justification:

The Bay Area Air Quality Management District (BAAQMD) administers VW Mitigation Trust funding that will be provided to the Energy Commission for the construction of hydrogen refueling stations awarded under the next light duty hydrogen infrastructure solicitation.

### P) Payment Method

1. ☐ Reimbursement in arrears based on:

☐ Itemized Monthly ☐ Itemized Quarterly ☐ Flat Rate ☐ One-time

2. ☐ Advanced Payment

3. ☒ Other, explain: Funds will be dispersed to the Energy Commission from BAAQMD

### Q) Retention

Is Agreement subject to retention? ☒ No ☐ Yes

If Yes, Will retention be released prior to Agreement termination? ☐ No ☐ Yes

### R) Justification of Rates

No rates are included under this agreement.

### S) Disabled Veteran Business Enterprise Program (DVBE)