

[PROPOSED]

RESOLUTION NO: 24-0410-18

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION: California Clean Energy Planning Program
(CCEPP) - GFO-23-702**

WHEREAS, Assembly Bill 128, the Budget Act of 2021 (Ting, Chapter 21, Statutes of 2021) directs the California Energy Commission (CEC) to maximize local government and tribal participation in the statewide interagency planning process pursuant to Senate Bill 100 of the 2017–18 Regular Session (Chapter 312 of the Statutes of 2018); and

WHEREAS, CEC staff has drafted grant funding opportunity (GFO), GFO-23-702 titled “California Clean Energy Planning Program” to implement CEC’s directive under Assembly Bill 128; and

WHEREAS, the GFO is a first-come, first-served solicitation that offers grants to California Native American tribes and California Tribal Organizations to better enable them to plan for a clean energy future as well as to better enable their participation in statewide clean energy and energy infrastructure planning activities, and grants to Local Government Entities to develop new or updated land use planning documents that support the development of clean energy in their jurisdictions; and

WHEREAS, CEC staff will be able to process GFO applications on a ministerial basis because the GFO has very simple, few, and purely objective solicitation requirements; and

WHEREAS, the GFO should result in numerous grants to California Native American tribes, California Tribal Organizations, and Local Government Entities that if all were brought to CEC business meetings for approval would unnecessarily take substantial administrative resources and time that could otherwise be used for other CEC programs; and

WHEREAS, this resolution will greatly speed up the award of grants under the GFO and the realization of the grants’ benefits as well as free up CEC staff time to speed up the awards under other programs and the benefits of those programs; and

WHEREAS, the CEC’s legal office has considered the application of the California Environmental Quality Act (CEQA) to GFO-23-702 and the potential grants awarded under the GFO and advised they are exempt from CEQA under California Code of Regulations, title 14, sections 15061(b)(3) and 15306 for the reasons set forth in the

“Proposed California Environmental Quality Act Compliance for California Clean Energy Planning Program, GFO-23-702” Memorandum, a document that is included in the backup materials to this Business Meeting item.

THEREFORE BE IT RESOLVED, the CEC hereby finds the approval of GFO-23-702, the California Clean Energy Planning Program solicitation, and the potential grants awarded under the GFO to be exempt from CEQA under California Code of Regulations, title 14, sections 15061(b)(3) and 15306; and

BE IT FURTHER RESOLVED, the CEC hereby directs CEC staff to issue GFO-23-702, the California Clean Energy Planning Program solicitation; and,

BE IT FURTHER RESOLVED, to the extent funds are available and GFO-23-702 remains open, directs CEC staff to approve all applications that meet all applicable GFO requirements and for the Executive Director, or the Executive Director’s designee, to execute grant agreements with those applicants.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on April 10, 2024.

AYE:
NAY:
ABSENT:
ABSTAIN:

Dated:

Kristine Banaag
Secretariat

Memorandum

To: Chair Hochschild
Vice Chair Gunda
Commissioner Gallardo
Commissioner McAllister
Commissioner Monahan

From: Cory Irish, Staff Attorney
Chief Counsel's Office
California Energy Commission
715 P Street
Sacramento, California 95814

Date: March 22, 2024

Subject: Proposed California Environmental Quality Act Compliance for California Clean Energy Planning Program, GFO-23-702

This memo addresses the application of the California Environmental Quality Act (CEQA, Public Resources Code section 21000 et seq.) to the California Energy Commission's (CEC) proposed adoption of a resolution for GFO-23-702, the California Clean Energy Planning Program (CCEPP), at the April 10th CEC business meeting. The proposed resolution approves GFO-23-702, the CCEPP solicitation, and directs CEC staff to approve all applications that meet all applicable GFO requirements and for the Executive Director, or the Executive Director's designee, to execute grant agreements with those applicants.

The goal of the CCEPP solicitation is to offer grants to California Native American tribes and California Tribal Organizations to better enable them to plan for a clean energy future as well as to better enable their participation in statewide clean energy and energy infrastructure planning activities and offer grants to Local Government Entities to develop new or updated land use planning documents that support the development of clean energy in their jurisdiction. The solicitation awards grants on a first-come, first-served basis to applicants meeting the very simple, few, and objective, solicitation requirements. The proposed resolution would allow CEC staff to approve grants that meet all of the solicitation requirements for funding.

The types of projects being funded under the CCEPP solicitation fall into three categories:

Category 1, Tribal Participation in Clean Energy Planning Events. Category 1 funds grant recipients' participation in State renewable and clean energy planning events, such as attending and participating in CEC, California Public Utilities Commission, or California Air Resources Board SB 100¹-related activities such as meetings, workshops, working groups, panels, focus groups, etc.

¹ "The 100 Percent Clean Energy Act of 2018," Senate Bill 100 (SB 100, De León), Chapter 312 of the Statutes of 2018.

Category 2, Tribal Clean Energy Subject Matter Experts and Staff. Category 2 funds efforts to support California tribes' energy sovereignty and participation in clean energy development decision-making in California. Project activities are limited to development of clean energy potential studies, hiring experts to provide knowledge related to clean energy technologies and potential impacts, or compensating tribal staff for work to advance a tribe's development of clean energy projects on tribal land.

Category 3, Local Government Clean Energy Planning Documents. Category 3 funds efforts to support local government entities in preparing clean energy-related planning documents for the local government entity. Project activities are limited to drafting new or updates to general plan elements, zoning, action plans, policies, or ordinances that support the development of clean energy; or clean energy potential studies.

All projects funded under the CCEPP solicitation are simple projects that involve no construction or installation activities, or anything similar. Project activities are limited to attendance at SB 100-related events, or strictly administrative activities and drafting of documents such as the development of clean energy-related studies, reviewing or commenting on state and federal issued clean energy reports, or drafting general plan elements, zoning, action plans, etc.

For these reasons, the CEC's action of approving GFO-23-702, the CCEPP solicitation, and the potential grants awarded under the GFO, are exempt from CEQA under the common-sense exemption (Cal. Code Regs., tit. 14, § 15061(b)(3)) and the information collection exemption (Cal. Code Regs., tit. 14, § 15306). The CCEPP-funded projects will not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies; do not involve any cumulative impacts of successive projects of the same type in the same place that might be considered significant; do not involve unusual circumstances that might have a significant effect on the environment; will not result in damage to scenic resources within a highway officially designated as a state scenic highway; the project sites are not included on any list compiled pursuant to Government Code section 65962.5; and the projects will not cause a substantial adverse change in the significance of a historical resource. Therefore, none of the exceptions to categorical exemptions listed in CEQA Guidelines section 15300.2 apply to this project, and these projects will not have a significant effect on the environment.

GRANT FUNDING OPPORTUNITY

California Clean Energy Planning Program



GFO-23-702

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

State of California

California Energy Commission

April 2024

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01	Application Form <i>(requires signature)</i>
02	Agreement Terms and Conditions

I. Introduction

A. PURPOSE OF SOLICITATION

The California Energy Commission's (CEC's) Siting, Transmission, and Environmental Protection Division announces California Clean Energy Planning Program (CCEPP) and the availability of up to \$1,550,000 in grant funds for this first-come, first-served grant solicitation. This solicitation has two purposes: 1) make \$1,050,000 available to California Native American tribes for clean energy future planning as well as to better enable their participation in statewide clean energy and energy infrastructure planning activities and 2) make \$500,000 available to local government entities to develop new or updated land use planning documents that support and advance the development of clean energy in their jurisdiction.

B. BACKGROUND

Senate Bill 100 (SB 100), the 100 Percent Clean Energy Act of 2018 (De León, Chapter 312, Statutes of 2018) establishes a target for renewable and zero-carbon resources to supply 100 percent of retail sales and electricity procured to serve all state agencies by 2045. SB 100 requires the CEC, California Public Utilities Commission (CPUC), and the California Air Resources Board (CARB) to develop and submit a joint-agency report to the legislature by January 1, 2021, and at least every four years thereafter.

The 2021 Senate Bill 100 Joint Agency Report¹ stated that a significant, record-setting amount of new generation resources are needed in order to achieve SB 100's high electrification future and economywide decarbonization goals. The report made several recommendations to support the implementation of SB 100 and inform long-term planning, one of which was directed toward the permitting and development of renewable and zero-carbon projects:

Identify and address bottlenecks in project permitting and development. Because SB 100 implementation is projected to require sustained record-setting construction rates, barriers to project development need to be addressed early and comprehensively. The CEC and CPUC should engage with stakeholders — including developers, utilities, balancing authorities, local governments, and community organizations — to better understand specific barriers and advance strategies to address them.²

In support of this recommendation, Assembly Bill 128, the Budget Act of 2021 (Ting, Chapter 21, Statutes of 2021) included the following provision to support tribal participation in statewide interagency planning processes:

\$1,550,000 shall be used to maximize local government and tribal participation in the statewide interagency planning process pursuant to Senate Bill 100 of the 2017–18 Regular Session (Chapter 312 of the Statutes of 2018), including but not limited to improving their capacity to advance the planning and permitting of new clean energy facilities and related infrastructure, to support the state reaching its goals set forth in Senate Bill 100 of the 2017–18 Regular Session. The funds shall be available for encumbrance or expenditure by the State Energy Resources Conservation and

¹ <https://efiling.energy.ca.gov/EFiling/GetFile.aspx?tn=237167&DocumentContentId=70349>

² Ibid, p. 17.

Development Commission until June 30, 2024, and shall be available for liquidation until June 30, 2026.³

The funds appropriated by this provision in Assembly Bill 128 fund the California Clean Energy Planning Program (CCEPP) grants awarded under this solicitation.

In its Resolution Committing to Support California Tribal Energy Sovereignty (Resolution Number 23-0302-09), the Energy Commission resolved to work toward accomplishing the following goals:

- support tribal self-determination, self-government, and energy sovereignty;
- enhance tribal consultation and participation in decision-making related to clean energy planning and development in California;
- improve the protection of sacred sites, cultural resources, and access to ancestral lands;
- increase tribal access to federal and state energy funding opportunities;
- provide opportunities for economic diversification, career development; and investment in renewable energy for California tribes.⁴

³ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB128

⁴ https://www.energy.ca.gov/sites/default/files/2023-02/Item_09_Tribal_Energy_Sovereignty_Resolution_ada.pdf

C. KEY WORDS/TERMS

Word/Term	Definition
Applicant	The entity that submits an application to this solicitation.
Application	An applicant's written response to this solicitation.
Authorized Representative	The person signing the application form who has authority to enter into an agreement with the CEC.
Awardee	An entity receiving an award under this solicitation. Also "Recipient".
California Native American tribe	A Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004 (Pub. Resources Code, § 21073).
California Tribal Organization	A corporation, association, or group controlled, sanctioned, or chartered by a California Native American Tribe that is subject to its laws, the laws of the State of California, or the laws of the United States.
CAM	<i>Commission Agreement Manager</i> , the person designated by the CEC to oversee the performance of an agreement resulting from this solicitation and to serve as the main point of contact for the Recipient.
CAO	Commission Agreement Officer
CEC	State Energy Resources Conservation and Development Commission or the California Energy Commission.
CCEPP	California Clean Energy Planning Program
Days	Days refers to calendar days.
Event	State renewable and clean energy planning events, such as attending and participating in CEC, California Public Utilities Commission, or California Air Resources Board SB 100-related activities, e.g., meetings, workshops, working groups, panels, focus groups, etc.
Local Government Entity	A California county or incorporated city or town.
NOPA	<i>Notice of Proposed Award</i> , a public notice by the CEC that identifies proposed award recipients.
Project Manager	The person designated by the applicant to oversee the project and to serve as the main point of contact for the CEC.
Project Partner	An entity or individual that contributes financially or otherwise to the project (e.g., match funding, provision of a test, demonstration or deployment site), and does not receive CEC funds.
Recipient	An entity receiving an award under this solicitation. Also "Awardee."
Solicitation	This entire document, including all attachments, exhibits, any addendum and written notices, and questions and answers

Word/Term	Definition
	("solicitation" may be used interchangeably with "Grant Funding Opportunity").
State	State of California
Tribal Lands	<p>Tribal lands are defined as:</p> <ul style="list-style-type: none"> • Land which is located within the boundaries of an Indian reservation, pueblo, or rancheria. • Land not located within the boundaries of an Indian reservation, pueblo or rancheria, the title to which is held: <ul style="list-style-type: none"> ○ in trust by the United States for the benefit of an Indian tribe or an individual Indian ○ by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States ○ by a dependent Indian community • Land held under a long-term land lease (as a minimum, for the useful life of the proposed project) by an Indian tribe. • Lands held in fee simple (purchased or owned) by an Indian tribe.

D. PROJECT SCOPE OF WORK

There are three categories of funding activities for the CCEPP program:

Category 1. California Native American Tribes – Participation in Clean Energy Planning Events

Category 1 funds efforts to improve the capacity of California Native American tribes to participate in the planning and permitting of new clean energy facilities and related infrastructure that support the State’s goals set forth in SB 100. Awardees would be reimbursed for their participation in State renewable and clean energy planning Events, such as attending and participating in CEC, CPUC, or CARB SB 100-related activities, e.g., meetings, workshops, working groups, panels, focus groups, etc.

Costs eligible for reimbursement are direct labor and fringe benefit costs for tribal representatives that participate in renewable and clean energy planning Events that occur between June 1, 2024, through the March 1, 2026. Examples of qualified Events include attending and participating in SB 100-related meetings, workshops, working groups, panels, and focus groups, or be invited to participate in the Event by the CEC, CPUC, or CARB. Tribal leadership must identify the tribal representative(s) who will attend and participate in the Event prior to the Event to qualify for reimbursement. Tribal representatives will be reimbursed at a maximum rate of \$50 per hour with a maximum of \$15,000 per tribe. Activities eligible for reimbursement include Event preparation; travel time to and from Event from home, if attending in person; Event attendance and participation; and Event follow-up.

Category 2. California Native American Tribes – Clean Energy Subject Matter Experts and Staff

Category 2 funds efforts to support California Native American tribes' energy sovereignty and participation in clean energy development decision-making in California. Examples of activities envisioned to be funded in Category 2 include clean energy potential studies, hiring experts to provide knowledge related to clean energy technologies and potential impacts, or compensating tribal staff for work to advance a tribe's development of clean energy projects.

- **Category 2, Project Type 1. California Native American Tribes – Clean Energy Development Potential Studies**

Costs eligible for reimbursement are direct labor and fringe benefit costs associated with a tribe conducting a clean energy development potential study for tribal lands. Studies may be performed by qualified tribal staff or by qualified subject matter experts. Tribes will be reimbursed up to \$200,000 per tribe.

- **Category 2, Project Type 2. California Native American Tribes – Subject matter experts with expertise related to clean energy technologies or their impacts**

Costs eligible for reimbursement are direct labor and fringe benefit costs associated with subject matter experts selected by the tribe to provide ongoing expertise related to clean energy technologies or their impacts to tribal lands. Tribes will be reimbursed up to \$200,000 per tribe.

- **Category 2, Project Type 3. California Native American Tribes – Fund staff salaries and activities that advance the tribe's development of clean energy projects**

Costs eligible for reimbursement are direct labor and fringe benefit costs associated with building tribal staff capacity to advance the development of clean energy projects or related infrastructure on tribal land. Tribes would be reimbursed up to \$200,000 per tribe.

Category 3. Clean Energy Planning Documents by Local Government Entities

Costs eligible for reimbursement are direct labor and fringe benefit costs associated with supporting local government entity or subject matter experts in preparing clean energy-related planning documents for the local government entity, e.g., new or updates to general plan elements, zoning, action plans, policies, or ordinances that advance the development of clean energy; clean energy potential studies; or outreach and engagement of local communities. Local government entities would be reimbursed up to \$100,000 per entity.

Table 1. California Clean Energy Planning Program Funding Activities

Funding Activity	Maximum Funding per Category*	Maximum Funding Award Amount
Category 1. California Native American Tribes – Participation in Clean Energy Planning	\$150,000	\$15,000 per tribe
<p>Participation by California Native American tribes in renewable and clean energy planning events that occur between June 1, 2024, through March 1, 2026, e.g., attending and participating in SB 100-related events, such as meetings, workshops, working groups, panels, focus groups, etc.</p>		
Category 2. California Native American Tribes – Clean Energy Subject Matter Experts and Staff	\$900,000	\$200,000 per tribe
<p>Project Type 1. Subject matter experts selected by the California Native American tribe to conduct clean energy potential studies for tribal lands</p>		
<p>Project Type 2. Subject matter experts selected by the California Native American tribe to provide the tribe with expertise related to clean energy technologies or their impacts</p>		
<p>Project Type 3. California Native American tribes fund staff salaries for staff whose duties include advancing the tribe’s development of clean energy-related projects or related infrastructure.</p>		

Category 3. Local government entities fund staff or subject matter expert(s) to develop clean energy planning documents for the local government entity, e.g., new or updates to general plan elements, zoning, action plans, policies, or ordinances that support the development of clean energy; clean energy potential studies; or outreach and engagement of local communities.	\$500,000	\$100,000 per local government entity
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* Note: The CEC reserves the right to reallocate funds between categories if by June 4, 2024, one or more categories of funding have not been fully subscribed.

1. Statutory Funding Deadlines

Funding through CCEPP is available for encumbrance (funding reservation) until June 30, 2024, and available for liquidation until June 30, 2026. However, due to administrative deadlines, **Recipients will have to complete all project activities, including final invoicing by March 30, 2026.**

2. Budget Costs

Allowable Costs **include only direct labor costs and fringe benefit costs** for the activities described above in Table 1.

Unallowable Costs include, but are not limited to:

- Any costs incurred or activities conducted prior to entering into a grant agreement with the Energy Commission or incurred after the grant agreement has ended.
- Any cost that is not a direct labor cost or fringe benefit cost.
- Unreasonable amounts or rates.

3. Invoicing and Payment

- Payment is issued as reimbursement for eligible costs.
- CAM will provide template invoice spreadsheet to Recipient.
- The template invoice spreadsheet must identify the person's name, job classification, hours worked, and billing rates (direct labor and fringe benefit rates) to be included as a reimbursable expense.
- Rates submitted for reimbursement must reflect paid costs. Paid costs are expenses which the Recipient has already made payment.
 - For invoicing, Recipient must submit paid invoices/receipts, or other supporting documentation for line-item expenses over \$500.
 - For expenses under \$500, Recipients will have to retain documentation in case it is requested by CEC staff, such as part of an audit.

E. KEY ACTIVITIES SCHEDULE

Key activities, dates, and times for this solicitation and for agreements resulting from this solicitation are presented below. An addendum will be released if the dates change for activities that appear in **bold**.

ACTIVITY	DATE	TIME ⁵
Solicitation Release	April 11, 2024	
Pre-application Workshop	April 23, 2024	1:30 p.m.
First Day Applications May Be Submitted	May 7, 2024	12:01 a.m.
Last Day to Submit Applications	June 3, 2024*	11:59 p.m.
Office Hours, for potential applicants to ask questions about the solicitation	Wednesday, May 1 and May 6, 2024. Office hours will be canceled if funds have been exhausted by these dates.	1:30-2:30 p.m.
Last Day to Submit Questions	May 6, 2024	11:59pm
Questions and Answers Distributed (see F. Office Hours, and G. Questions, below)	Ongoing	TBD
Notice of Proposed Awards Posting Date	Ongoing	
Energy Commission Approval of Applications	Ongoing	
Anticipated Agreement Start Date	Ongoing**	
Agreement End Date (Deadline to Complete Project Activities including Submission of Final Invoice)	March 30, 2026	

* **Or until funds are exhausted.** Applicants are encouraged to apply as early as possible to ensure that CEC staff are able to review and award applications before the encumbrance deadline of **June 30, 2024**.

** The CEC and Recipient must sign a grant agreement prior to Recipient incurring any reimbursable project costs. It is anticipated that agreements would not be signed any earlier than June 1, 2024.

F. PRE-APPLICATION WORKSHOP AND OFFICE HOURS

CEC staff will hold a Pre-application Workshop and Office Hours to answer questions about the solicitation and the application process at the dates and times listed above. Pre-application Workshop and Office Hours are mainly opportunities for applicants to ask questions that come up as they develop their applications. Participation in the Pre-application Workshop and Office Hours is optional.

⁵ Pacific Standard Time or Pacific Daylight Time, whichever is being observed.

Zoom Instructions: To join the Zoom meeting, go to <https://zoom.us/join> and enter the Meeting ID below and select “join from your browser.” Participants will then enter the meeting password listed below and their name. Participants will select the “Join” button.

Meeting ID: 830 0243 7879
Meeting Password: 277314

Topic: California Clean Energy Planning Program

Telephone Access Only:

Call 1-888-475-4499 (Toll Free) or 1-877-853-5257 (Toll Free). When prompted, enter the meeting number above. International callers may select a number from the Zoom International Dial-in Number List at: <https://energy.zoom.us/u/adjzKUXvoy>. To speak, dial *9 to “raise your hand” and *6 to mute/unmute your phone line.

Access by Mobile Device:

Download the Zoom application from the Zoom Download Center, <https://energy.zoom.us/download>.

Technical Support:

For assistance with problems or questions about joining or attending the meeting, please call Zoom Technical Support at 1-888-799-9666 ext. 2. You may also contact the CEC’s Public Advisor’s Office at publicadvisor@energy.ca.gov, or (916) 957-7910.

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

If you have a disability and require assistance to participate, please contact Erica Rodriguez by e-mail at Erica.Rodriguez@energy.ca.gov at least five days in advance.

G. QUESTIONS

During the solicitation process, questions can be asked during the Pre-application Workshop, during Office Hours, or questions can be directed to the Commission Agreement Officer (CAO) listed below:

Eilene Cary, Commission Agreement Officer
California Energy Commission
715 P Street, MS-18
Sacramento, California, 95814
Telephone: (916) 776-0739
E-mail: Eilene.Cary@energy.ca.gov

The CAO can answer administrative questions directly to applicants. But if questions of a technical nature arise, the CAO may answer by publicly posting questions and answers in order to provide all applicants the information at the same time. If an applicant discovers a conflict, discrepancy, omission, or other error in the solicitation at any time prior to 5:00 p.m. of the application deadline date, the applicant may notify the CEC in writing via electronic mail and

request modification or clarification of the solicitation. The CEC, at its discretion will provide modifications or clarifications by either an addendum to the solicitation or by written notice to all entities that requested the solicitation.

Any verbal communication with a Commission employee or anyone else concerning this solicitation is not binding on the State and will in no way alter a specification, term, or condition of the solicitation. Therefore, all communication should be directed in writing via electronic mail to the assigned CAO.

H. APPLICANTS' ADMONISHMENT & RESPONSIBILITY

This solicitation manual contains application requirements and instructions. Applicants are responsible for **carefully reading** the solicitation, asking appropriate questions in a timely manner, ensuring that all solicitation requirements are met, submitting all required responses in a complete manner by the required date and time, and **carefully rereading** the solicitation before submitting an application. In particular, please carefully read the **Application and Evaluation Criteria and Grounds for Rejection** in Part IV of this Solicitation Manual.

Applicants are solely responsible for the cost of developing applications. This cost cannot be charged to the State of California. **Applicants should not submit any confidential information in their applications. Applications that include confidential information will be rejected.** All submitted documents will become public records upon its inclusion on the ongoing posting of the Notice of Proposed Awards.

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 if an agreement is not being successfully executed with an applicant in a timely manner, the CEC may cancel a proposed award and award funds to another applicant, if applicable.

II. Applicant Eligibility Requirements

A. ELIGIBILITY

Eligible applicants for Category 1 and 2 funding activities are any California Native American tribe or California Tribal Organization. For the purposes of this solicitation, a California Native American tribe is a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004 (Pub. Resources Code, § 21073) and a California Tribal Organization is a corporation, association, or group controlled, sanctioned, or chartered by a California Native American Tribe that is subject to its laws, the laws of the State of California, or the laws of the United States.

Tribes and tribal organizations awarded a grant under this solicitation will NOT be required to provide a waiver of sovereign immunity covering the scope of the grant agreement with CEC.

Eligible applicants for Category 3 funding activities are any California county or incorporated city or town.

B. FIRST-COME, FIRST-SERVED

Applications for grant funding will be processed on a first-come, first-served basis. A California Native American tribe (or California Tribal Organization for the same tribe) may only receive **one** award under Category 1 and **one** award under Category 2 under this solicitation. A California Native American tribe (or California Tribal Organization for the same tribe) may only submit one application at a time and can apply to one or both Categories in a single application. If a tribe (or tribal organization for the same tribe) submits multiple applications for one Category, the applicant will be asked to withdraw the additional application(s).

A county or incorporated city or town may only receive one award under Category 3 under this solicitation and may only submit one application at a time.

An applicant may withdraw their application at any time prior to the last day to submit applications and then submit a new application, but doing so could affect the order in which the application is processed since this is a first-come, first-served solicitation. If an applicant desires to withdraw an application, the applicant must contact the CAO in writing.

Prospective applicants are encouraged to submit a complete application as soon as possible as this is a first-come-first served solicitation and funds are limited. Applications will be reviewed on a pass/no pass basis using criteria defined in Section IV of this solicitation manual. Passing applications will be placed in the funding queue. Applications in the funding queue are funded in order until all solicitation funds are exhausted or until the application deadline, whichever is first.

NOTE: Once an application is placed in the funding queue, the applicant will then be required to provide either of the following two documents. The document must be submitted before the CEC will sign and execute the grant agreement.

- (1) a copy of an authorizing resolution from the tribe's governing board or local government's governing board or equivalent showing the applicant's authority to enter into the grant agreement, or
- (2) a copy of the law or document showing the applicant's authority to enter into the grant agreement.

C. TERMS AND CONDITIONS

Each grant agreement resulting from this solicitation will include the terms and conditions shown in Attachment 2, which set forth the recipient's rights and responsibilities. By signing the Application Form (Attachment 1), each applicant agrees to enter into an agreement with the CEC to conduct the proposed project according to the terms and conditions. Tribes entering into agreement with the CEC will NOT be required to provide a waiver of sovereign immunity covering the scope of the grant agreement.

Failure to agree to the terms and conditions by taking actions such as failing to sign the Application Form 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.

III. Application Organization and Submission Instructions

A. APPLICATION CONTENT

Below is a description of application materials. Completeness in submitting all required information is critical for timely approval and successful implementation.

Application Form (Attachment 1)

Attachment 1, the Grant Application Form, will be the scope of work for an awarded grant. This form requests basic information about the applicant and the project. The application includes an original form that includes all requested information. The application must be signed by an authorized representative of the applicant.

The Application Form collects information that will be used to develop and execute a grant agreement with the CEC. By signing this document, the applicant attests that all information provided is true and correct, and the applicant agrees to the terms and conditions of this solicitation (Attachment 2).

B. METHOD FOR DELIVERY

The only method of submitting applications to this solicitation is the CEC Grant Solicitation System (GSS), available at: <https://gss.energy.ca.gov/>. This online tool allows applicants to submit their electronic documents to the CEC prior to the end date and time specified in this solicitation. Electronic files must be in Microsoft Word XP (.doc format) or newer and Excel Office Suite formats unless originally provided in the solicitation in another format. Attachments requiring signatures may be scanned and submitted in PDF format. Completed Budget Forms, (Attachment), must be in Excel format.

The deadline to submit grant applications through the CEC's GSS is 11:59 p.m. on the last day to submit applications. The GSS system automatically closes at 11:59 p.m. If the full submittal process has not been 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 we endeavor to assist all would-be applicants, we

can't 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 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 workshop, and you may contact the CAO identified in the Questions section of the solicitation for more assistance.

IV. Evaluation and Award Process

A. APPLICATION EVALUATION

Applications for grant funding will be evaluated and processed based on responses to the information requested in this solicitation on a first-come, first-served basis. Information collected in the Application Form (Attachment 1) will be evaluated on a pass/no pass basis as described in this Section IV. Prospective applicants are encouraged to submit a complete application as soon as possible after the first day applications can be submitted (shown in Section I.E Key Activities Schedule) as grants will be awarded on a first come-first served basis and funds are limited. Applications achieving a "no pass" mark will be reviewed by an Evaluation Committee for confirmation of that determination. If the Evaluation Committee confirms an application did not pass, the Applicant will be notified in writing.

Staff will continue accepting and evaluating applications until funding is exhausted or until the application submittal deadline, whichever is first. Eligible applicants may only receive one award per Category 1 and only one award per Category 2 (see section I.E) under this solicitation. A California Native American tribe (or California Tribal Organization for the same tribe) may only submit one application per Category 1 or Category 2 at a time. If a tribe (or tribal organization for the same tribe) submits multiple applications for one Category, the applicant will be asked to withdraw the additional application(s).

A county or incorporated city or town may only submit one application under Category 3 at a time.

An applicant may withdraw their application at any time prior to the last day to submit applications and then submit a new application, but doing so could affect the order in which the application is processed since this is a first-come, first-served solicitation. If an applicant desires to withdraw an application, the applicant must contact the CAO in writing.

Applications will be evaluated as follows:

Applications will be submitted to the Evaluation Committee for review based on the Application and Evaluation Criteria in **Section E** of this Part.

- An application must achieve a “pass” in each section of the Application and Evaluation Criteria. If an application receives a “no pass” the Applicant will be notified in writing and will be allowed to submit a new application, if desired.
- Clarification Interviews: The Evaluation Committee may conduct optional interviews with applicants during the evaluation process to clarify and/or verify information submitted in the application.
- **All sections must receive a “pass” for the application to be approved for an award.**

Passing applications will be placed in the funding queue. Applications in the funding queue are funded in order until all solicitation funds are exhausted or until the application deadline, whichever is first.

B. NOTICE OF PROPOSED AWARD AND AGREEMENT DEVELOPMENT

1. Notice of Proposed Award

Passing applications will be proposed for award.

- CEC staff will post a **Notice of Proposed Award (NOPA)** on an ongoing basis at its discretion that includes: (1) the proposed awardees, (2) the total funding amount; and (3) the amount of each award. The CEC will post the NOPA on its website at <https://www.energy.ca.gov/funding-opportunities/solicitations>, and send an email to the program list serve.
- **Debriefings:** Unsuccessful applicants may request a debriefing after the release of final the NOPA by contacting the Commission Agreement Officer listed in Part I via electronic mail. The final NOPA is the NOPA that shows all solicitation funds have been exhausted or is the NOPA released after the application deadline has passed. A request for debriefing must be received **no later than 30 calendar days** after the NOPA is released.

2. Agreements

Applications recommended for funding will be developed into a proposed grant agreement. Recipients may begin the project only after full execution of the grant agreement (i.e., signature by the Recipient and the CEC).

- **Agreement Development:** The Contracts, Grants, and Loans Office will send the Recipient a grant agreement for approval and signature. The agreement will include the Application Form (Attachment 1), which will become the agreement Scope of Work, and terms and conditions (Attachment 2) and will incorporate this solicitation and the application by reference. The CEC reserves the right to modify the award documents (including the terms and conditions) prior to executing any agreement.
- **Failure to Execute an Agreement:** If the CEC is unable to successfully execute an agreement with an applicant in a timely manner, it reserves the right to cancel the pending award and use the funds elsewhere, such as to fund the next eligible application.

C. GROUNDS TO REJECT AN APPLICATION OR CANCEL AN AWARD

The CEC reserves the right to reject an application and/or to cancel an award for any reason, including any of the following:

- The application contains false or intentionally misleading statements or references that do not support an attribute or condition contended by the applicant.
- The application is intended to erroneously and fallaciously mislead the State in any way.
- The application does not comply or contains caveats that conflict with the solicitation, and the variation or deviation is material.
- The applicant has included a statement or otherwise indicated that it will not accept the terms and conditions, or that acceptance is based on modifications to the terms and conditions.
- The application contains confidential information or identifies any portion of the application as confidential.

D. MISCELLANEOUS

1. Solicitation Cancellation and Amendment

It is the policy of the CEC not to solicit applications unless there is a bona fide intention to award an agreement. However, if it is in the State's best interest, the CEC reserves the right, in addition to any other rights it has, to do any of the following:

- Cancel this solicitation;
- Revise the amount of funds available under this solicitation, including maximum funding award amounts;
- Amend this solicitation as needed; and/or
- Reject any or all applications received in response to this solicitation.

If the solicitation is amended, the CEC will post it on the CEC's website at: <https://www.energy.ca.gov/funding-opportunities/solicitations>. The CEC will not reimburse applicants for application development expenses under any circumstances, including cancellation of the solicitation.

2. Modification or Withdrawal of Application

Applicants may withdraw or modify a submitted application before the deadline to submit applications by contacting the Commission Agreement Officer listed in Part I. Applications cannot be changed after the last day to submit applications.

3. Confidentiality

Though the entire evaluation process from receipt of applications up to the posting of the NOPA is confidential, **all submitted documents will become publicly available records** after the CEC posts applicant's name on the ongoing NOPA or the solicitation is cancelled. **The CEC will not accept or retain applications that identify any portion as confidential.**

4. Solicitation Errors

If an applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation, the applicant should immediately notify the CEC of the error in writing and request modification or clarification of the solicitation. The CEC will provide modifications or clarifications by written notice to all entities that requested the solicitation. The CEC will not be responsible for failure to correct errors.

5. Immaterial Defect

The CEC may waive any immaterial defect or deviation contained in an application. The CEC's waiver will not modify the application or excuse the successful applicant from full compliance with solicitation requirements.

6. Disposition of Applicant’s Documents

Upon the posting of applicant’s name on the ongoing NOPA, its application and related materials submitted in response to this solicitation will become property of the State and publicly available records.

E. EVALUATION CRITERIA

Proposals will be evaluated based on the Evaluation Criteria below. **ALL items in the Evaluation Criteria must pass to be approved for a proposed award.**

APPLICATION AND EVALUATION CRITERIA

The **Application Form (Attachment 1)** must respond to each criterion below. The responses must directly relate to the solicitation requirements and focus as stated in the solicitation.

Evaluation Criteria	Pass/No Pass
<p>1. Administrative Criteria</p> <ul style="list-style-type: none">• The application is received by the CEC by the due date and time specified in the “Key Activities Schedule” in Part I of this solicitation and is received in the required manner (e.g., by GSS system submission).• The applicant is a California Native American tribe or California Tribal Organization, county, or incorporated city or town.• The amount requested on the Application Form is no more than \$15,000 for Category 1 projects, \$200,000 for Category 2 projects, and \$100,000 for Category 3 projects.	
<p>2. Complete Application</p> <ul style="list-style-type: none">• All required sections of the application form are complete, and all information provided is true and correct to the best knowledge of the applicant.	

**ATTACHMENT 1
Application Form**

California Clean Energy Planning Program (CCEPP)

****ALL PARTS OF THE APPLICATION MUST BE COMPLETED. APPLICATIONS WITH OMISSIONS WILL NOT PASS. PLEASE CONFIRM ALL PARTS OF THE APPLICATION HAVE BEEN COMPLETED BEFORE SUBMITTING.****

1. APPLICANT INFORMATION

	<p>Eligible applicants are California Native American tribes, California Tribal Organizations, and California counties or incorporated cities or towns.</p> <p>If applicant is a California Native American tribe, please include name as it appears on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004, Public Resources Code, Section 21073. If applicant is a California Tribal Organization, please include the legal name of the organization and the name of the California Native American tribe that controls, sanctions or charters the organization:</p>
Legal Name of Applicant:	

Project Manager <i>(serves as point of contact for all communications)</i>	Name	
	Street Address	
	City, State, and Zip Code	
	Phone Number	(___) ___ - ____
	E-Mail Address	

2. FUNDING

Maximum Grant Amount Per California Native American Tribe, California Tribal Organization, or Local Government Entity (tribes, please select Category 1 and/or <i>one</i> Category 2 Project Type)	
Category	Funds Requested
<input type="checkbox"/> Category 1: California Native American Tribe—Participation in Clean Energy Planning	\$_____ (\$15,000 maximum allowable per tribe)
<input type="checkbox"/> Category 2, Project Type 1: California Native American Tribe—Clean Energy Potential Studies	\$_____ (\$200,000 maximum allowable per tribe)
<input type="checkbox"/> Category 2, Project Type 2: California Native American Tribe—Subject Matter Experts in Clean Energy Technologies or Impacts	\$_____ (\$200,000 maximum allowable per tribe)
<input type="checkbox"/> Category 2, Project Type 3: California Native American Tribe—Staff or Activities Advancing Clean Energy	\$_____ (\$200,000 maximum allowable per tribe)
<input type="checkbox"/> Category 3: Clean Energy Planning Documents by Local Government Entities	\$_____ (\$100,000 maximum allowable per local government entity)

3. INFORMATION

Identification of SB 100 Clean Energy Topic(s) of Interest (select one or more):

- | | |
|---|--|
| <input type="checkbox"/> Clean Energy Resources | <input type="checkbox"/> Long-term Energy Planning |
| <input type="checkbox"/> Energy Modeling | <input type="checkbox"/> Senate Bill 100 Report |
| <input type="checkbox"/> Land Use Planning | <input type="checkbox"/> Other: _____ |

4. CATEGORY 1 INFORMATION

A. Identify the California Native American tribe member(s) that would likely attend the SB 100 planning events. California Native American tribe representatives will be reimbursed at a maximum rate of \$50 per hour with a maximum of \$15,000 per tribe. Activities eligible for reimbursement include event preparation; travel time to and from event from home, if attending in person; event attendance and participation; and event follow-up.

Name	Title

If awarded a grant, the following items will be required in order to be reimbursed for Category 1 activities:

1. An email from the Project Manager to the Energy Commission’s Commission Agreement Manager (CAM) requesting approval of SB 100-related event attendance that includes the event name, event date, and the names of tribal member(s) planning to attend the event. Please send the email request to the CAM at least 3 business days prior to the event.
2. Written approval from the CAM prior to the event.
3. Proof of event attendance by tribal member(s).
4. A short written description of how the event results in improving the tribe’s capacity to advancing clean energy planning or development.

5. CATEGORY 2, PROJECT TYPES 2 & 3 INFORMATION

A. Does the tribe have an existing clean energy plan or a vision for clean energy use or development? If yes, please provide a summary of the plan or vision (may attach one additional page, if necessary).

If no, please summarize the desired outcome of the work or activities being applied for (may attach one additional page, if necessary).

B. Please select type of activity the funds will be used for (select one or more):

- Development of a Renewable or Clean Energy Potential Study.

- Assistance in reviewing federal- or state-issued renewable or clean energy reports, e.g., Federal-or State-issued Offshore Wind-related reports, transmission expansion reports, SB 100-related studies.

- Assistance in providing comments on federal- or state-issued renewable or clean energy reports, e.g., Federal-or State-issued Offshore Wind-related reports, transmission expansion reports, SB 100-related studies.

- Administrative activities that support the tribe’s clean energy plans or goals, e.g., planning for future microgrid development, planning for future local reliability with

clean energy development. Please describe the activity(ies). (Note: Projects cannot include any construction or installation activities or anything similar.):

Other Administrative Activity. Please describe the activity(ies) and how it (they) relates to the tribe's clean energy development goals. (Note: Projects cannot include any construction or installation activities or anything similar.)

C. Please describe how the activities selected in B. supports the tribe’s above-described clean energy plan or vision described in A. (may attach one additional page, if necessary).

D. Please select budget item(s) to be used:

- In-house staff labor and fringe benefit costs associated directly with the development of clean energy-related study or activity.
- Third-party subject matter expert labor and fringe benefits costs associated directly with the development of clean energy-related study or activity.

If awarded a grant, the following items will be required in order to be reimbursed for Category 2 Project Type 2 and 3 activities:

1. Identification of California Native American tribe staff or Subject Matter Expert(s) (SME), their credentials, and their direct labor and fringe benefit rates.
2. A description of the work to be performed by the staff or selected SME.
3. A budget and schedule for the proposed project broken down by task and month or quarter. Note: all work submitted for reimbursement must be completed by March 1, 2026.
4. Participation in a Critical Project Review (CPR) meeting with the CAM after items 1-3 above are submitted. CPRs provide the opportunity for frank discussions between the CEC and the Recipient. The goal is to determine if the project should continue to receive CEC funding to complete the project.
5. Monthly progress reports summarizing work conducted in past month.

6. Draft Project Summary report submitted to the CAM by January 15, 2026, or within two months after all the requested funds have been spent, whichever is sooner, describing how funds were used to advance or improve the tribe's clean energy planning or development.
7. Final Project Summary report submitted to the CAM by March 1, 2026, or within two months after the Draft Project Summary report was submitted, whichever is sooner, describing how funds were used to advance or improve the tribe's clean energy planning or development.

6. CATEGORY 3 INFORMATION

A. Does the local government entity have an existing clean energy plan or a vision for clean energy use or development? If yes, please provide a summary of the plan or vision (may attach one additional page, if necessary).

If no, please summarize the desired outcome of the work or activities being applied for (may attach one additional page, if necessary).

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B. Please select type of clean energy-related planning document development activity (development of new documents or updates to existing documents) the funds will be used for (select one or more). (Note: projects cannot include any construction or installation activities or anything similar):

- General plan element**
- Zoning ordinance**
- Clean energy action plan**
- Policies or ordinances**
- Renewable or Clean Energy Potential Study**
- Outreach and engagement of local communities**
- Other (please describe, may attach one additional page, if necessary):**

C. Please describe how the activities selected in B supports the local government entity’s above-described clean energy plan or vision described in A. (may attach one additional page, if necessary).

D. Please select budget item(s) to be used:

- In-house staff labor and fringe benefit costs associated directly with the development of clean energy-related planning document(s).**

- Third-party subject matter expert labor and fringe benefits costs associated directly with the development of clean energy-related planning document(s).**

If awarded a grant, the following items will be required in order to be reimbursed for Category 3 activities:

1. Identification of local government entity staff or Subject Matter Expert(s) (SME), their credentials, and their direct labor and fringe benefit rates.
2. A description of the work to be performed by local government entity staff or SME.
3. A budget and schedule for the proposed project broken down by task and month or quarter. Note: All work submitted for reimbursement must be completed by March 1, 2026.
4. Participation in a Critical Project Review (CPR) meeting with the CAM after items 1-3 above are submitted. CPRs provide the opportunity for frank discussions between the CEC and the Recipient. The goal is to determine if the project should continue to receive CEC funding to complete the project.

5. Monthly progress reports summarizing work conducted in past month.
6. Draft Project Summary report submitted to the CAM by January 15, 2026, or within two months after all the requested funds have been spent, whichever is sooner, describing how funds were used to advance or improve the tribe's clean energy planning or development.
7. Final Project Summary report submitted to the CAM by March 1, 2026, or within two months after the Draft Project Summary report was submitted, whichever is sooner, describing how funds were used to advance or improve the local government entity's clean energy planning or development.

8. CERTIFICATION

- I am authorized to complete and sign this form on behalf of the applicant.
- I authorize the California Energy Commission to make any inquiries necessary to verify the information presented in this application.
- I have read and understand the terms and conditions contained in this solicitation. I accept the terms and conditions contained in this solicitation on behalf of the applicant, and the applicant is willing to enter into an agreement with the Energy Commission to conduct the proposed project according to the terms and conditions without negotiation.
- I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name of Authorized Representative:		
Title:		
Signature of Authorized Representative:		
Date:	Phone:	Email:

****ALL PARTS OF THE APPLICATION MUST BE COMPLETED. APPLICATIONS WITH OMISSIONS WILL NOT PASS. PLEASE CONFIRM ALL PARTS OF THE APPLICATION HAVE BEEN COMPLETED BEFORE SUBMITTING.****

NOTE: Once an application is placed in the funding queue, the applicant will then be required to provide either of the following two documents. The document must be submitted before the CEC will sign and execute the grant agreement.

- (1) a copy of an authorizing resolution from the tribe's governing board or local government's governing board or equivalent showing the applicant's authority to enter into the grant agreement, or

(2) a copy of the law or document showing the applicant's authority to enter into the grant agreement.

California Clean Energy Planning Program

ATTACHMENT 2 – Terms and Conditions

1. Documents Incorporated by Reference and Priority

Incorporated by reference into this agreement are the following documents:

- A. Grant Funding Opportunity (GFO) 23-702, the California Clean Energy Planning Program solicitation.
- B. Recipient's application to GFO-23-702.

In case of a conflict between the incorporated documents and the remainder of this Agreement, the rest of the Agreement takes priority.

2. Budget, Invoices, and Payments

- a) The Energy Commission (CEC) is only obligated to reimburse the Recipient for paid direct labor and fringe benefits costs that are (1) incurred during the Agreement Term; (2) invoiced within the required timeframes of this Agreement; (3) not more than this Agreement's budget; and (4) reasonable, actual, and allowable expenses under this Agreement.
- b) Recipient acknowledges that the funds under this Agreement have a liquidation date of June 30, 2026, a legal timeframe after which the CEC has no authority to pay the funds. In addition, it takes the CEC administrative time to review, approve, work with the Recipient to correct any errors in, and request the State Controller's Office to pay invoices. Accordingly, Recipient acknowledges that if it does not submit accurate invoices by March 30, 2026, for all amounts due under the Agreement, it risks not receiving payment, and relinquishes all rights to such payments should the CEC not pay it by the liquidation date. Recipient acknowledges that time is of the essence in invoicing by March 30, 2026, for all amounts due under this Agreement.
- c) The Recipient may request payment from the CEC at any time during the term of this Agreement for completed project work, but no more frequently than monthly. Recipient must use the CAM provided template invoice spreadsheet.
- d) The template invoice spreadsheet must identify the employee's name, direct labor and fringe benefits rates, and hours worked to be included as a reimbursable expense. For Category 1 projects, employees will only be reimbursed at a maximum rate of \$50 per hour.
- e) The CEC shall retain 10 percent of any payment request. The Recipient must submit a completed payment request requesting release of the retention by March 30, 2026. The CAM will review the project and, when satisfied that the terms of the Agreement have been fulfilled, will authorize release of the retention.

3. Certification

By signing this Agreement, Recipient hereby certifies that all funds received pursuant to this Agreement shall be spent exclusively for its California Clean Energy Planning Program project in compliance with

this Agreement. The Recipient further certifies that it shall comply with all applicable laws in performing this Agreement.

4. Deliverables

“Deliverables” are any tangible item specified for delivery to the CEC in Attachment 1 of this Agreement, such as reports and summaries. The Recipient will submit all deliverables identified in Attachment 1 to the Commission Agreement Manager (CAM), in the manner and form specified in Attachment 1. The CEC owns all deliverables identified in the Scope of Work.

If the CAM reasonably determines that a deliverable is incomplete or inadequate given its description and intended use as described in this Agreement, the CAM may work with the Recipient to cure any deficiency. Until the CAM reasonably determines that the deliverable is adequate, and without prejudice to any of the CEC’s other remedies, the CAM may refuse to authorize payment for the deliverable and any subsequent deliverables that rely on or are based upon the deliverable.

5. Stop Work

CEC staff may, at any time by written notice to the Recipient, require the Recipient to stop all or any part of the work tasks in this Agreement. Stop work orders may be issued for reasons such as a project exceeding budget, out of scope work, project delays, and misrepresentations.

Upon receipt of a stop work order, the Recipient must immediately take all necessary steps to comply with the order and to stop the incurrence of costs allocable to the CEC. The Recipient may resume the work only upon receipt of written instructions from CEC staff.

6. Subcontracting

The Recipient is responsible for handling all contractual and administrative issues arising out of or related to any subcontracts it enters into for the performance of this Agreement. Nothing contained in this Agreement or otherwise creates any contractual relation between the CEC and any subcontractors, and no subcontract may relieve the Recipient of its responsibilities under this Agreement. The Recipient’s obligation to pay its subcontractors is an independent obligation from the CEC’s obligation to make payments to the Recipient.

Subcontracts funded in whole or in part by this Agreement must include language conforming to the following provisions:

- 7. Nondiscrimination Statement of Compliance
- 8. Drug Free Workplace Certification
- 10. Accounting and Audit
- 11. Public Works
- 13. Indemnification
- 18. Access to Sites and Records
- 19. Due Diligence
- Survival of the following provisions:
 - 10. Accounting and Audit
 - 13. Indemnification

○ 18. Access to Sites and Records

Subcontracts funded in whole or in part by this Agreement must also include the following:

- A clear description of the products or services to be procured or performed.
- A budget and timeline.
- Provisions that allow for administrative, contractual, or legal remedies in instances where subcontractors breach contract terms.
- Provisions for termination by the Recipient.
- A statement that further assignments will not be made to any third or subsequent tier subcontractor.

7. Nondiscrimination Statement of Compliance

During the performance of this Agreement, the Recipient and its subcontractors will not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition, age, marital status, or denial of family care leave. The Recipient and its subcontractors will ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.

The Recipient and its subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Sections 12990 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 11000 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4.1 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part of it as if set forth in full. The Recipient and its subcontractors will give written notice of their obligations under this section to labor organizations with which they have a collective bargaining or other Agreement.

The Recipient shall include the nondiscrimination and compliance provisions of this section in all subcontracts to perform work under this Agreement.

8. Drug-Free Workplace Certification

By signing this Agreement, the Recipient certifies under penalty of perjury under the laws of the State of California that it will comply and will ensure its subcontractors will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.). In addition to any other rights and remedies available to the CEC, failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both, and the Recipient may be ineligible for any future state awards if the CEC determines that any of the following has occurred: (1) the Recipient has made false certification, or (2) violates the certification by failing to carry out the requirements of the Act.

9. Americans With Disabilities Act

By signing this Agreement, the Recipient assures the CEC that it complies with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. Section 12101, et seq.), which prohibits discrimination on the basis of disability, as well as applicable regulations and guidelines issued pursuant to the ADA.

10. Accounting and Audit

The Recipient will keep separate, complete, and correct accounting of the costs involved in completing the Agreement. The Recipient agrees that the CEC, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The Recipient agrees to maintain such records for possible audit for a minimum of three (3) years after the Agreement ends in any way. The Recipient agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Recipient agrees to include a similar right of the CEC, the Bureau of State Audits, or their designated representative, to audit records and interview staff in any subcontract related to performance of this Agreement. These rights and responsibilities are in addition to and not restrictive of those in Section 15. Access to Sites and Records.

11. Public Works

The Recipient is responsible for complying with all applicable laws, which can include public works requirements under the Labor Code. Recipient acknowledges acceptance of Agreement funds may trigger Public Works laws (Labor Code Section 1720 et seq.), a requirement of which is to pay prevailing wages, applying to its project. If the project is public works then it is subject to compliance monitoring and enforcement by the Department of Industrial Relations. By signing this Agreement, Recipient certifies that it shall comply with all applicable Public Works laws and requirements.

12. Amendment

No amendment or variation of this Agreement shall be valid unless made in writing and signed by both the Recipient and CEC.

13. Indemnification

To the extent allowed under California law, the Recipient will indemnify, defend, and hold harmless the state (including the CEC) and state officers, agents, and employees from any and all claims and losses in connection with the performance of this Agreement.

14. Governing Law

This Agreement is governed by the laws of the State of California as to interpretation and performance.

15. Independent Capacity

In the performance of this Agreement, Recipient and its agents, subcontractors, and employees will act in an independent capacity and not as officers, employees, or agents of the CEC or the State of California.

16. Severability

If any provision of this Agreement is unenforceable or held to be unenforceable, all other provisions of this Agreement will remain in full force and effect.

17. Waiver

No waiver of any breach of this Agreement constitutes waiver of any other breach. All remedies in this Agreement will be taken and construed as cumulative, meaning in addition to every other remedy provided in the Agreement or by law.

18. Access to Sites and Records

The Recipient shall provide during the Agreement and for at least 3 years after the Agreement ends in any way to the CEC or its representatives reasonable access to all project sites and to all records related to this Agreement. These rights and responsibilities are in addition to and not restrictive of those in Section 8 Accounting and Audit.

19. Due Diligence

The Recipient must take timely actions that, taken collectively, move this project to completion. The CAM will periodically evaluate the project schedule for completion of Scope of Work tasks. If the CAM determines that: (1) the Recipient is not diligently completing the tasks in the Scope of Work; or (2) the time remaining in this Agreement is insufficient to complete all project tasks by the Agreement end date, the CAM may recommend that this Agreement be amended or terminated, and the CEC may amend or terminate this Agreement without prejudice to any of its other remedies.

20. Termination Without Cause

The CEC may terminate this Agreement without cause upon giving written notice to the Recipient. In this event, the Recipient will use all reasonable efforts to mitigate its expenses and obligations.

21. Survival of Terms

The following terms survive this Agreement no matter how the agreement ends, such as by its own terms or via termination:

- 10. Accounting and Audit
- 11. Public Works
- 13. Indemnification
- 14. Governing Law
- 16. Severability

- 17. Waiver
- 18. Access to Sites and Records