



**CALIFORNIA
ENERGY COMMISSION**



**California Energy Commission
January 21, 2025 Business Meeting
Backup Materials for California Department of Transportation (Caltrans)**

The following backup materials for the above-referenced agenda item are available in this PDF packet as listed below:

1. Proposed Resolution
2. Contract Request Form
3. Scope of Work

[PROPOSED]

RESOLUTION NO: 25-121-09

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION: California Department of Transportation (Caltrans)

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves agreement RMB600-24-002 for Caltrans to provide up to \$59,000,664 to the CEC to administer California's West Coast Truck Charging and Fueling Corridor (CFI) Program. The CEC will provide \$752,588 in match funds for the CFI Program and work with Caltrans to ensure charging infrastructure investments are strategic, coordinated, efficient, and equitable while meeting applicable laws and regulations; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

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 January 21, 2025.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Kristine Banaag
Secretariat



CONTRACT REQUEST FORM (CRF)

A. New Agreement Number

IMPORTANT: New Agreement # to be completed by Contracts, Grants, and Loans Office.

New Agreement Number: RMB600-24-002

B. Division Information

1. Division Name: Fuels and Transportation Division
2. Agreement Manager: Sarah Sweet
3. MS-6
4. Phone Number: 916-539-6828

C. Contractor's Information

1. Contractor's Legal Name: California Department of Transportation
2. Federal ID Number: 68-027494

D. Title of Project

Title of project: California's West Coast Truck Charging and Fueling Corridor Program

E. Term and Amount

1. Start Date: 01/21/2025
2. End Date: 01/22/2035
3. Amount: \$59,000,664

F. Business Meeting Information

1. Operational agreement to be approved by Executive Director? No
2. Are the ARFVTP agreements \$75K and under delegated to Executive Director? No
3. The Proposed Business Meeting Date: January 21, 2025
4. Consent or Discussion? Discussion
5. Business Meeting Presenter Name: Sarah Sweet
6. Time Needed for Business Meeting: 5 minutes
7. The email subscription topic is: Clean Transportation Program

Agenda Item Subject and Description:

California Department of Transportation (Caltrans). Proposed resolution approving interagency agreement RMB600-24-002 for Caltrans to provide up to \$59,000,664 to the CEC to administer California's West Coast Truck Charging and Fueling Corridor (CFI) Program, and adopting staff's recommendation that this action is exempt from CEQA. The CEC will provide \$752,588 in match funds for the CFI Program and work with Caltrans to ensure charging infrastructure investments are strategic, coordinated, efficient, and equitable while meeting applicable laws and regulations. (Federal CFI Program Funding, CTP Match Funding) Contact: Sarah Sweet (Staff Presentation: 5 minutes)

G. California Environmental Quality Act (CEQA) Compliance

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

Yes

If yes, skip to question 2.

If no, complete the following (PRC 21065 and 14 CCR 15378) and 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: N/A

2. If Agreement is considered a “Project” under CEQA answer the following questions.

a) Agreement IS exempt?

Yes

Statutory Exemption?

No

If yes, list PRC and/or CCR section number(s) and separate each with a comma. If no, enter “None” and go to the next question.

PRC section number: None

CCR section number: None

Categorical Exemption?

Yes

If yes, list CCR section number(s) and separate each with a comma. If no, enter “None” and go to the next question.

CCR section number:

Common Sense Exemption? 14 CCR 15061 (b) (3)

Yes

If yes, explain reason why Agreement is exempt under the above section. If no, enter “Not applicable” and go to the next section.

Under this proposed interagency contract, CEC will work with Caltrans to design the CFI Program, including ensuring that charging infrastructure investments by the state made through the CFI Program are strategic, coordinated, efficient, and equitable while meeting applicable laws and regulations. CEC will perform environmental review and recommend CEQA findings for resultant agreements when they are developed. The scope of work of this contract is administrative in nature and there is no possibility that the activity in question will have a significant effect on the environment.

b) Agreement IS NOT exempt.

IMPORTANT: consult with the legal office to determine next steps.

No

If yes, answer yes or no to all that applies. If no, list all as “no” and “None” as “yes”.

Additional Documents	Applies
Initial Study	No
Negative Declaration	No
Mitigated Negative Declaration	No
Environmental Impact Report	No
Statement of Overriding Considerations	No
None	Yes

H. Is this project considered “Infrastructure”?

No



I. Subcontractors

List all Subcontractors listed in the Budget (s). Insert additional rows if needed. If no subcontractors to report, enter "No subcontractors to report" and "0" to funds. **Delete** any unused rows from the table.

Subcontractor Legal Company Name	Budget
TBD (Federal Compliance Consultant)	\$ 1,440,000

J. Key Partners

List all key partner(s). Insert additional rows if needed. If no key partners to report, enter "No key partners to report." **Delete** any unused rows from the table.

Key Partner Legal Company Name
No key partners to report

K. Budget Information

Include all budget information. Insert additional rows if needed. If no budget information to report, enter "N/A" for "Not Applicable" and "0" to Amount. **Delete** any unused rows from the table.

Funding Source	Funding Year of Appropriation	Budget List Number	Amount
Other – Caltrans (Federal CFI Program) 001-3117 RMB	ENY 2023 001 Support	901.00	\$3,010,353
Other – Caltrans (Federal CFI Program) 101-3117 RMB	ENY 2023 101 Local Assistance	901.00	\$55,990,311
		TOTAL RMB AMOUNT	\$59,000,664
ARFVTF MATCH FUNDS	Multiple	N/A	\$752,588

R&D Program Area: N/A

Explanation for "Other" selection Caltrans will reimburse the CEC's ARFVTF (fund 3117) with federal CFI Program funds for CEC administrative costs of \$3,010,353 and program costs of \$55,990,311. The CEC will provide a sum of \$752,588 in match funds from the ARFVTF towards administrative costs. The match funding contribution is in addition to the \$59,000,664 in federal CFI Program funds.

Reimbursement Contract #: N/A

Federal Agreement #: N/A



L. Contractor's Contact Information

1. Contractor's Administrator/Officer

Name: Jimmy O' Dea
Address: 1120 N Street MS-49
City, State, Zip: Sacramento, CA, 95814
Phone: (916) 708-3002
E-Mail: Jimmy.ODea@dot.ca.gov

2. Contractor's Project Manager

Name: Jimmy O' Dea
Address: 1120 N Street MS-49
City, State, Zip: Sacramento, CA, 95814
Phone: (916) 708-3002
E-Mail: Jimmy.ODea@dot.ca.gov

M. Selection Process Used

There are three types of selection process. List the one used for this CRF.

Selection Process	Additional Information
Competitive Solicitation #	Not Applicable
Non Competitive Bid (<i>Attach DGS-GSPD-09-007</i> https://www.dgs.ca.gov/PD/Forms)	Not Applicable
Exempt	Interagency Exemption

N. Contractor Entity Type

Contractor Entity Type	Yes or No?
Private Company (<i>including non-profits</i>)	No
CA State Agency (<i>including UC and CSU</i>)	Yes
Government Entity (<i>i.e. city, county, federal government, air/water/school district, joint power authorities, university from another state</i>)	No

O. Is Contractor a certified Small Business (SB), Micro Business (MB) or Disabled Veterans Business Enterprise (DVBE)?

The contractor is a certified: N/A.



P. Civil Service Considerations

- a. Not Applicable (Agreement is with a CA State Entity or a membership/co-sponsorship)? Yes
- b. Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER) No
- c. The Services Contracted: No

If no, go to the next question. If yes, which of the following applies to the contract? More than one can apply, list each answer choice, and separate them with a comma:

- are not available within civil service
- cannot be performed satisfactorily by civil service employee
- 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 following applies to the contract: N/A

- d. The Services are of such an urgent, temporary, or occasional nature that the delay to implement under civil service would frustrate their very purpose?

N/A

Justification:

The CFI Program is part of the \$1.2 trillion Infrastructure Investment and Jobs Act (IIJA) signed into law by President Biden in November 2021. States could apply for program funds to deploy charging and refueling infrastructure. Caltrans, as the lead applicant in partnership with the state transportation agencies in Oregon and Washington, submitted a grant proposal to deploy charging and refueling infrastructure strategically in each of their respective states. The proposal was selected for an award with Caltrans designated as the lead agency for the CFI Program in California. The CEC is their designated state energy partner and program implementer.

Q. Payment Method

1. Is the payment method Reimbursement, Advanced Payment, or Other?
Reimbursement
2. If Reimbursement, is it in arrears based on Itemized Monthly, Itemized Quarterly, Flat Rate, or One-time?
Arrears based on Itemized Semi-Annually

R. Retention

Is Agreement subject to retention? No

If Yes, Will retention be released prior to Agreement termination? N/A

S. Justification of Rates

Costs for this Agreement shall be computed in accordance with State Administrative Manual (SAM) Sections 9210 and 9211.

T. Disabled Veteran Business Enterprise Program (DVBE)

Provide requested additional information.

1. Exempt (Interagency/Other Government Entity) Yes.



2. Meets DVBE Requirements DVBE No.
Amount: \$ 0 DVBE %:0
3. Is the Contractor Certified DVBE or Subcontracting with a DVBE? If subcontracting with a DVBE, provide the name of the DVBE company. If none applies, enter "Not Applicable".
Not Applicable
4. Contractor selected through CMAS or MSA with no DVBE participation. No.
5. Requesting DVBE Exemption (attach CEC 95) No.

U. Miscellaneous Agreement Information

1. Will there be Work Authorizations? No.
2. Is the contractor providing confidential information? No.
3. Is the contractor going to purchase equipment? No.
4. What is the check frequency of the progress reports? Monthly, Quarterly, or Other? If Other, please provide explanation. Quarterly.
5. Will a final report be required? No.
6. Is the Agreement, with amendments, longer than three years? If yes, why?

Yes. The CEC would be responsible for issuing a competitive grant solicitation and managing the resulting project agreement(s) that fund the installation of electric vehicle chargers and hydrogen refueling stations. The CEC must collect 5 years of operations data from chargers installed under these project agreement(s) to demonstrate the projects comply with federal standards.

V. The following items should be attached to this CRF (as applicable)

List all items that should be attached to this CRF by entering "Yes" or "No".

Item Number	Item Name	Attached
1	Exhibit A, Scope of Work/Schedule	Yes
2	Exhibit B, Budget Detail	Yes
3	DGS-GSPD-09-007, NCB Request	No
4	CEC 95, DVBE Exemption Request	No
5	Awardee CEQA Documentation	No
6	Resumes	No
7	CEC 105, Questionnaire for Identifying Conflicts	Yes

Approved By

Individuals who approve this form must enter their full name and approval date in the MS Word version.

Agreement Manager: Sarah Sweet

Approval Date: 12/26/2024

Office Manager: Charles Smith



STATE OF CALIFORNIA
CALIFORNIA ENERGY COMMISSION

Contract Request Form
CEC-94 (Revised 01/2024)

Approval Date: 12/4/2024

Deputy Director: Melanie Vail

Approval Date: 12/12/2024

Exhibit A
Interagency Agreement

Interagency Agreement

Between

The California Department of Transportation

And

The California Energy Commission

Regarding the Coordination of the Federal Charging and Fueling Infrastructure Discretionary Grant
Program in California

Exhibit A: Scope of Work

Definitions

The Federal Highway Administration is hereinafter referred to as “FHWA.”

The Joint Office of Energy and Transportation is hereinafter referred to as the “Joint Office.”

The California Department of Transportation (“Caltrans”) is the recipient of federal funding under the Charging and Fueling Infrastructure Discretionary Grant Program (“Federal CFI Program”), and Caltrans is the “Contracting Agency” referenced in the California Department of General Services’ (“DGS”) Standard Agreement –Form 213.

The California Energy Commission (“CEC”) is the subrecipient to Caltrans of federal funding under the Federal CFI Program, and the CEC is the “Contractor” referenced in DGS Form 213.

Caltrans and the CEC are hereinafter collectively referred to as “Parties.”

California’s implementation of the Federal CFI Program as described in Caltrans’ Round 1 and Round 2 applications to the Federal CFI Program and in Caltrans’ grant agreements with FHWA is hereinafter referred to as “California’s West Coast Truck Charging and Fueling Corridor Program,” or “the California CFI Program,” which includes development and administration of CFI funding opportunities.

Exhibit A Interagency Agreement

A project using funding under California's West Coast Truck Charging and Fueling Corridor Program to deploy charging and hydrogen fueling stations for zero-emission medium- and heavy-duty vehicles is hereinafter referred to as a "CFI Project."

A funding opportunity issued by the CEC for a CFI Project is hereinafter referred to as a "CFI Funding Opportunity."

An entity awarded funding by the CEC under a CFI Funding Opportunity is the primary source for delivering the project listed in the award agreement and is hereinafter referred to as an "Awardee." Subcontractors to Awardees are hereinafter referred to as "Awardee Subcontractors."

An agreement entered into by the CEC and an Awardee for a CFI Project is hereinafter referred to as a "CFI Project Agreement."

An agreement entered into by Caltrans and the CEC for an individual CFI Project is hereinafter referred to as a "Project Specific Supplement Agreement."

Commencement

This Interagency Agreement ("Agreement") will become effective upon execution by Caltrans and the CEC, and approval by DGS. This Agreement shall have no force or effect unless and until execution by Caltrans and the CEC and approval by DGS.

The CEC shall not receive payment for work performed prior to the effective date of the Agreement, authorization of funds by FHWA (E-76 approval), and receipt of notice to proceed by the Caltrans Contract Manager.

In signing this Agreement, the Parties agree to follow the provisions described herein. The Parties may amend this Agreement as permitted by law. All inquiries and notices made during the term of this Agreement will be directed to the project representatives listed below.

**Exhibit A
 Interagency Agreement**

California Department of Transportation	California Energy Commission
Section/Unit: Director's Office of Sustainability	Section/Unit: Fuels and Transportation Division; Strategy, Equity, and Economic Benefits Branch
Contract Manager: Jimmy O'Dea	Project Manager: Ben De Alba
Address: 1120 N Street Sacramento, CA 95814	Address: 715 P Street Sacramento, CA 95814
Business Phone Number: 916-708-3002	Business Phone Number: 916-539-6828
Email: jimmy.odea@dot.ca.gov	Email: ben.dealba@energy.ca.gov

Background

The Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), Public Law 117-58 (Nov. 15, 2021), authorizes \$2.5 billion to the U.S. Department of Transportation's Federal Highway Administration for the Charging and Fueling Infrastructure Discretionary Grant Program to strategically deploy publicly accessible electric vehicle charging and other alternative fueling infrastructure in communities and along designated Alternative Fuel Corridors (AFCs). Caltrans, in partnership with the CEC, Oregon Department of Transportation (ODOT), and Washington State Department of Transportation (WSDOT), submitted an application to the Fiscal Year 2022 and Fiscal Year 2023 Federal CFI Program (Round 1) titled, "West Coast Truck Charging and Fueling Corridor Project" (Tristate CFI Application). The Tristate CFI application sought Federal CFI Program funds to deploy charging and hydrogen fueling infrastructure for medium- and heavy-duty zero-emission vehicles (ZEVs) along AFCs in California, Oregon, and Washington. The application, while highly recommended by FHWA, did not receive funding under the Round 1 funding opportunity. For Round 2 of the Federal CFI Program, \$521 million was reserved under "Round 1B" for highly rated applications that were submitted under Round 1 but did not receive funding. Caltrans was awarded \$102,389,046 from the Round 1B funding for the Tristate CFI Application. Federal CFI Program funds will be distributed amongst the three states, and each state will develop their own funding opportunities to support infrastructure for medium- and heavy-duty ZEVs. For Round 1B, California is awarded \$60,204,760 and Oregon and Washington are each awarded \$21,092,1463. California's portion of the funds will be used to develop a California CFI Program that the CEC will implement on behalf of Caltrans. Caltrans, in partnership with the CEC, ODOT, and WSDOT, also submitted an additional application to the Round 2 Federal CFI Program titled, "West Coast Truck Charging Corridor Project." Any funds awarded from this Round 2 application are also considered to be part of California's West Coast Truck Charging and Fueling Corridor Program subject to revision of this Agreement's budget.

Exhibit A Interagency Agreement

As the established State Department of Transportation in California, Caltrans can carry out projects that satisfy the requirements of Title 23 of the United States Code (USC) including 23 USC Section 302 and is the recipient of FHWA funds. Caltrans manages more than 50,000 miles of California's highway and freeway lanes, provides inter-city rail services, permits more than 400 public-use airports and special-use hospital heliports, and works with local agencies on transportation projects. The CEC is leading the state to a 100 percent clean energy future and is the state's lead agency for the deployment of zero-emission vehicle infrastructure. The CEC manages the Clean Transportation Program which, among other things, funds and manages grant projects to meet the state's needs for zero-emission vehicle infrastructure.

The Federal-aid Highway Program (FAHP) is a federally assisted program of state-selected projects. The scope of FHWA responsibilities, and the legal authority for Caltrans' assumption of FHWA responsibilities have been developed over time. The U.S. Secretary of Transportation delegated responsibility to the Administrator of FHWA for the FAHP.

The assumptions outlined in this agreement are subject to the Stewardship and Oversight Agreement ("S&O") between FHWA and Caltrans.¹ The CEC's and Caltrans' actions on CFI Projects will be subject to (1) the Caltrans-FHWA S&O Agreement, (2) "Exhibit 2b Federal-Aid Project Responsibilities List,"² (3) this Agreement, (4) Project Specific Supplement Agreements, and (5) state and federal law. The CEC's and Caltrans' actions on CFI Projects will also be subject to the provisions of the Local Assistance Procedures Manual (LAPM)³ as applicable to the California CFI Program, Federal CFI Program, and the Parties' respective responsibilities as a recipient and sub-recipient as described herein.

CEC will be responsible as specified in 2 CFR Part 200, and Title 23, to the extent of its role as a subrecipient of Caltrans and as the state entity making CFI Project awards; Caltrans will be responsible as recipient for oversight of CEC's performance of CEC's duties and responsibilities. For each CFI Project, Caltrans will provide oversight of CEC through Project Specific Supplement Agreements.

The CEC will be responsible, to the extent of its role as a subrecipient of Caltrans and as the state entity making CFI Program awards, for the duties and obligations of a subrecipient described in

¹ The S&O Agreement between FHWA and Caltrans can be found online at: www.fhwa.dot.gov/federalaid/stewardship/agreements/ca.pdf

² Exhibit 2-b Federal-Aid Project Responsibilities List can be found online at: <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c02/02b.pdf>

³ Caltrans' LAPM can be found online at: <https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistance-procedures-manual-lapm>

Exhibit A Interagency Agreement

the S&O Agreement, Project Specific Supplement Agreements, Caltrans' Right of Way Manual, and the LAPM as applicable to the Federal CFI Program. Caltrans is responsible and accountable to FHWA for overseeing federal funds and the CEC consistent with the S&O.

The CEC will be responsible and accountable for compliance with all applicable federal laws and requirements, to the extent of its role as a subrecipient. To the extent permitted by the S&O, the Parties agree to work together and share their expertise with each other, as needed, and within the scope of this Agreement. While CEC is responsible for content of CFI Project Agreements, the CEC may consult with Caltrans for their expertise in managing federal funds to ensure compliance with all federal requirements. Specifically, the CEC may ask Caltrans to review draft CFI Project Funding Opportunities and CFI Project Agreement terms and conditions to ensure that federal requirements are incorporated. If FHWA deems that federal requirements have not been met and decides to request repayment of Federal CFI Program funds from Caltrans, the CEC may be required to repay that same amount of Federal CFI Program funds to Caltrans if it has not met federal requirements.

Purpose

The CEC and Caltrans have a strong collaboration. The purpose of this Agreement is to provide terms of the collaboration between the two agencies to ensure charging infrastructure investments by the state made through California's CFI Program are strategic, coordinated, efficient, and equitable while meeting the applicable laws and regulations.

This Agreement describes the work necessary to fund and manage projects that deploy charging and hydrogen fueling infrastructure for medium- and heavy-duty vehicles along AFCs in accordance with the Federal CFI Program, including the FHWA's program guidance and any promulgated regulations for the Federal NEVI Program, all as amended from time to time.

Administration of this Agreement by Caltrans and the CEC will facilitate open communication between Parties and identify any needed modifications to the tasks, products, schedule, or budget to meet Federal CFI Program requirements and achieve state and federal goals. Federal CFI Terms and Conditions and Exhibits can be found here:

<https://www.fhwa.dot.gov/environment/cfi/resources/fy2022-2023-cfi-terms-conditions.pdf>

<https://www.fhwa.dot.gov/environment/cfi/resources/fy2022-2023-cfi-exhibits.pdf>

This Agreement addresses roles and responsibilities associated with:

Exhibit A Interagency Agreement

☐ Agreement administration, including:

- Scheduling and preparing materials for meetings between Caltrans and the CEC, regarding the status and trajectory of California's CFI Program. A final meeting or meetings will be held to close out this Agreement after completion and closing of California's CFI Program.
- Invoicing and paying support-costs associated with the administration of California's CFI Program.

☐ CFI Project administration, including:

- Developing the state's application to the Federal CFI Program, including public engagement to inform the application.
- Developing and publishing CFI Funding Opportunities to fund private entities' to install charging and hydrogen fueling infrastructure for medium- and heavy-duty ZEVs along AFCs.
- Executing CFI Project Agreements with Awardees, managing CFI Project Agreements, requiring compliance with state and federal requirements, and reimbursing Awardees for actual expenses per CFI Project Agreements' terms and conditions.

Roles, Responsibilities, and Deliverables

Both Parties agree to:

- ☐ Perform their respective duties and responsibilities (as recipient and subrecipient) in accordance with the S&O and LAPM as applicable to the Federal CFI Program.
- ☐ Subject to the foregoing, meet regularly (e.g., no less than monthly) for the duration of California's CFI Program as it exists or if it is re-authorized under new provisions.
- ☐ Subject to the foregoing, share information, ideas, and knowledge freely and openly to the maximum benefit of the state and the public.
- ☐ Both parties agree and understand that Caltrans is not providing any funding or

Exhibit A Interagency Agreement

reimbursement for CFI Projects beyond available Federal CFI Program funding.

The CEC will:

Agreement Administration

- ☐ Prepare and present a California CFI Program update at each regular meeting between Parties, including a final report (including findings, conclusions, and recommendations) at a closeout meeting or meetings for California's CFI Program. The CEC will prepare written documentation of CFI Project Agreements reached, if any, at these meetings.
- ☐ The CEC will use commercially reasonable efforts to develop and manage \$12,000,000 in non-federal match funding agreements with the Port of Los Angeles, Port of Long Beach, and the Mobile Source Air Pollution Reduction Review Committee, who provided match commitment letters, to support California's CFI Program.
- ☐ Provide descriptions of the modifications needed to the tasks, schedule, products, or budget associated with California's CFI Program.
- ☐ Provide a budget of the CEC's support-costs for the purposes of programming in advance of a request for authorization (E-76) and followed by incurring expenses. Only work performed after E-76 authorization is eligible for reimbursement.
- ☐ Prepare and submit an authorization request (E-76) to Caltrans for all budgeted support costs incurred by the CEC prior to incurring expenses and subsequently invoice Caltrans semiannually. Only work performed after E-76 authorization is eligible for reimbursement.
- ☐ Estimate indirect cost rates and submit to Caltrans for approval before reimbursement of support costs.

California CFI Program Administration

Development and Management of CFI Funding Opportunities

- ☐ In cooperation with Caltrans serving in its recipient role, conduct stakeholder outreach, including public workshops, one-on-one meetings, small group meetings, and responses to e-mailed question, as necessary. Outreach shall specifically include engagement with

Exhibit A
Interagency Agreement

disadvantaged communities, including but not limited to outreach to the Disadvantaged Communities Advisory Group (DACAG).

- ☐ Provide and maintain a docket that allows for the submission, publication, and retention of materials and public comments related to California's CFI Program.
- ☐ Draft CFI Funding Opportunity materials that comply with federal laws, ordinances, regulations, and standards, including but not limited to compliance requirements under the following, as amended from time to time:
 - Build America, Buy America Act
 - Davis Bacon Act
 - National Environmental Policy Act
 - Americans with Disabilities Act
 - Title VI of the Civil Rights Act of 1964
 - Title VIII of the Civil Rights Act of 1968
 - Uniform Relocation Assistance and Real Property Acquisition Act (49 CFR 24 et seq.)
 - Requirements of the Federal NEVI Program, including the requirements of CFR Title 23; CFR Title 49; 2 CFR 200; 28 CFR parts 35 and 36.
 - National Electric Vehicle Infrastructure Standards and Requirements (23 CFR 680)
 - Disadvantaged Business Enterprise Program
- ☐ Create and manage CFI Funding Opportunities in consultation with Caltrans. At the request of CEC, Caltrans shall review draft funding opportunities for compliance with Federal CFI Program requirements, including but not limited to the requirements of Title 23 and Title 49, United States Code, Chapter 1; 2 CFR part 200; 23 CFR parts 35 and 36; and any promulgated regulations for the Federal

Exhibit A Interagency Agreement

NEVI Program all as amended from time to time. To this end, the CEC will provide Caltrans a draft of CFI Funding Opportunity materials for review and comments prior to publishing. The CEC may consider the oversight feedback of Caltrans regarding compliance with federal requirements.

- ❑ Development of CFI Funding Opportunities shall comply with the FHWA and Caltrans requirements, state and federal laws and regulations, and be consistent with CEC's own procedures, including the following:
 - Draft and publish funding opportunity and funding opportunity materials and documents, including but not limited to those for a proposed CFI Project Agreement's scope of work, terms and conditions, budget, and schedule.
 - Hold public workshops
 - Receive applications, proposals, or responses
 - Evaluate applications, proposals, or responses
 - Publish Notice(s) of Proposed Awards, if applicable
- ❑ Create, manage, and update evaluation criteria for the CFI Funding Opportunities that satisfy the goals and objectives of California's CFI Program and is agreed to by both Parties.

Development and Management of CFI Project Agreements

- ❑ Develop CFI Project Agreements with proposed Awardees that satisfy state, federal, and Federal CFI Program requirements, for potential approval by the CEC's Commissioners. At minimum, each CFI Project Agreement will include a scope of work with specific and measurable goals, deliverables, requirements for each deliverable, and shall describe how each CFI Project Agreement will meet the Federal CFI Program requirements. Terms in CFI Project Agreements may include but are not limited to the following:
 - Installation, operation, and maintenance by qualified technicians of EV charging and hydrogen fueling infrastructure.
 - Interoperability of EV charging infrastructure.

Exhibit A
Interagency Agreement

- Traffic control devices and on-premise signs acquired, installed, or operated.
 - Data related to a project funded under the CFI Program, including the format and schedule for the submission of such data.
 - Network connectivity of EV charging infrastructure.
 - Information on publicly available EV charging and hydrogen fueling infrastructure locations, pricing, real-time availability, and accessibility through mapping applications.
- ☐ Ensure that the federally-required match is identified and secured as part of CFI Project Agreements.
 - ☐ Support Caltrans and regional partners (i.e., Metropolitan Planning Organizations, Regional Transportation Planning Agencies, etc.) to program or amend the Federal Transportation Improvement Program to include CFI Projects.
 - ☐ Provide draft CFI Project Agreements to Caltrans for oversight review.
 - ☐ Approve CFI Project Agreements.
 - ☐ Execute approved CFI Project Agreements and manage such agreements for their duration and in accordance with their terms.
 - ☐ Ensure that no reimbursable work for a CFI Project begins until federal funds for the project are authorized by FHWA via E-76, and that all work for which an Awardee intends to seek reimbursement using CFI Program funds is incurred during the term of its CFI Project Agreement, not before or after, and that the project is closed within 120 days of the project end date. Adjustments to project end date should be requested via E-76 (AMOD) prior to the project end date lapsing to ensure the project end date does not lapse before billable work is complete. Should the project end date lapse, any project work done after the lapsing of the project end date and the approval of a new project end date by FHWA at the request of the CEC via a Request for Authorization Request package submittal to Caltrans, will not be eligible for federal reimbursement and the project costs and expenses may be paid by CEC without reimbursement.
 - ☐ Require Awardees to participate in monthly calls and provide quarterly project reports to

Exhibit A Interagency Agreement

communicate progress. Perform periodic critical project reviews as necessary to determine if the Awardee should continue to receive funding to complete the CFI Project and to identify any needed modifications to the tasks, products, schedule, or budget.

- ☐ Collect and submit required data to Caltrans, FHWA, and the Joint Office on quarterly and annual basis in compliance with Federal CFI Program requirements.
- ☐ Review Awardee invoices and prepare and submit reimbursement requests to Caltrans for actual costs incurred by Awardees in accordance with the terms and conditions in its CFI Project Agreement and federal requirements within CFR Title 23 and the LAPM Chapter 5.
- ☐ Comply with all applicable environmental laws and regulations, including the requirements of the California Environmental Quality Act (CEQA).
- ☐ Ensure Awardees are reimbursed in accordance with the provisions of their CFI Project Agreement. Amend CFI Project Agreements, including budgets as needed and appropriate in accordance with the provisions of this Agreement.
- ☐ Maintain records of Awardees' invoicing and reimbursements for three years after the closeout of the project.
- ☐ Work with Caltrans and other stakeholders to establish a Project Specific Supplement Agreement between Caltrans and the CEC for each CFI Project that includes scope, goals/objectives, deliverables, requirements for each deliverable, acceptance criteria, schedules, and costs including an Indirect Cost Allocation Rate calculation. Each Project Specific Supplement Agreement executed under this Agreement will be managed and billed separately.
- ☐ Establish an Indirect Cost Allocation Plan/Rate that is approved by the Parties' respective accounting divisions and by the Caltrans Internal Audits Office.
- ☐ Manage CFI Project Agreements and evaluate individual CFI Project Agreement expenses for eligibility within the Federal CFI Program, California CFI Program, state, and federal rules, notably 2 CFR Part 200.
- ☐ Request the de-obligation of unused federal funds in accordance with individual Project Specific Supplement Agreements between Caltrans and the CEC.

Exhibit A
Interagency Agreement

- ❑ Prepare CFI Project Agreement templates and review with Caltrans. CEC shall ensure CFI Project Agreements include the requirements of the Federal CFI Program, including but not limited to the following:
- Build America, Buy America Act, including language that steel and iron products and construction materials permanently incorporated into projects must comply with Buy America requirements per 23 CFR 635.410 et seq. and the Build America, Buy America Act.
 - Davis Bacon Act
 - National Environmental Policy Act
 - The Americans with Disabilities Act of 1990 (ADA), and any implementing regulations, including applicable accessible standards adopted by the U.S. Department of Transportation into its ADA regulations (49 CFR 37 et seq.) in 2006, and adopted by the U.S. Department of Justice into its ADA regulations (28 CFR parts 35 and 36 et seq.) in 2010.
 - Title VI of the Civil Rights Act of 1964, and implementing regulations to ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
 - All applicable requirements of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and implementing regulations.
 - Uniform Relocation Assistance and Real Property Acquisition Act (49 CFR 24 et seq.) and implementing regulations.
 - A Caltrans District Right of Way Local Programs Coordinator may monitor right of way activities at any time during a CFI Project. However, most monitoring will take place in real time to ensure Uniform Act compliance.
 - Pre-coordination and consultation shall occur between the CEC and Caltrans prior to submittal of the right of way certification as described in Ch. 13 of the LAPM.

Exhibit A Interagency Agreement

- The CEC may request Caltrans District Right of Way Local Programs Coordinators to review documentation to verify qualifications are met for right of way activities to be performed.
- Requirements of the Federal NEVI Program, including the requirements of CFR Title 23; CFR Title 49; 2 CFR part 200; and 28 CFR parts 35 and 36 et seq.
- National Electric Vehicle Infrastructure Standards and Requirements (23 CFR 680)
- Disadvantaged Business Enterprise Program
- ❑ Regarding NEPA, submit a Preliminary Environmental Study (PES) Form to the Caltrans Division of Local Assistance, Office of Environmental Compliance and Outreach (ECO). The PES includes relevant project information including potential impacts, class of action, and lists required technical studies. Preparation of technical studies may begin with approval of the PES Form and shall be completed by CFI Project Awardees.
- ❑ CEC, Awardees, or Awardee Subcontractors shall consult with Caltrans prior to commencing any environmental work, right of way activities, and construction as part of the E-76 approval process.
- ❑ When right of way activities on a CFI Project are performed, CEC, Awardee, or Awardee Subcontractor shall prepare the Right of Way Certification in consultation with Caltrans in its oversight role (“Exhibit-13A” or “Exhibit-13B” in the LAPM, Chapter 13) for each project and submits a Right of Way Certification to Caltrans, necessary even for projects that do not involve the Caltrans right of way.
 - Supporting documentation shall be submitted prior to the Certification package, if applicable including: Appraisal or Waiver Valuation, Title Reports, contracts, Title VI Compliance, Deed, Rental/Lease Agreement, Insurance Requirement, Return on Investment to determine cost liability, Notice to Owners, Specific Authorization, and Review of Invoices for Utilities. For utility relocation details refer to LAPM Chapter 14: Utility Relocation and Caltrans Right of Way Manual Chapter 13: Utility Relocation.

Only personnel meeting the qualifications criteria identified in the Ch. 17 of the Right of Way Manual will perform right of way activities.

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Caltrans will:

Agreement Administration

- ☐ Determine location, time, and date of meetings between Parties and prepare meeting agendas, including closeout meetings. Caltrans will prepare a schedule of activities to close out the Agreement.
- ☐ Program support-costs and project-costs estimated by the CEC.
- ☐ Process the CEC's invoices for program support in accordance with the Prompt Payment Act and provide payment to the CEC within 45 days of receipt of an undisputed invoice. Expenses will be paid with funds made available by the Federal CFI Program for program administration after approvals are obtained by Caltrans from FHWA.

California CFI Program Administration

Development and Management of CFI Funding Opportunities

- ☐ Develop California's CFI Program, including the formalization of any partnerships between ODOT and WSDOT, in consultation with the CEC and as embodied in California's applications to the Federal CFI Program prepared and submitted by Caltrans.
- ☐ Provide oversight review of draft CFI Funding Opportunity materials, and make staff experts available as needed, to provide consultation for the CEC's compliance with federal laws, ordinances, regulations, and standards, including but not limited to compliance requirements under the following, as amended from time to time:
 - 2 CFR Part 200 and Title 23
 - Build America, Buy America Act
 - Davis Bacon Act

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- National Environmental Policy Act
- Americans with Disabilities Act
- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968
- Uniform Relocation Assistance and Real Property Acquisition Act (49 CFR 24 et seq.)
- Requirements of the Federal NEVI Program, including the requirements of CFR Title 23; CFR Title 49; 2 CFR 200; 28 CFR parts 35 and 36 et seq.
- National Electric Vehicle Infrastructure Standards and Requirements (23 CFR 680)

If discovered, Caltrans shall notify the CEC in writing of any issues regarding compliance with the aforementioned laws, ordinances, regulations, and standards and suggest a course of action to resolve those issues, with sufficient time for CEC to avoid any noncompliance.

- ❑ Provide staff to assist the CEC with evaluation of CFI Project proposals as technical advisors, with emphasis on ensuring that proposed projects meet the federal requirements specified above. Caltrans and technical advisors in their individual capacity shall execute nondisclosure agreements provided by CEC prior to participation in review of applications and comply with conflict-of-interest requirements as provided in Exhibit G: Conflict of Interest.
- ❑ Serve as the point of contact for communications and obtaining federal authorizations for all projects with FHWA and associated federal agencies regarding CFI Funding Opportunities.

Development and Management of CFI Project Agreements

- ❑ In coordination with regional partners (i.e., Metropolitan Planning Organizations), process administrative modifications or amendments to the Federal State Transportation Improvement Program (FSTIP) to execute California's CFI Program as mutually agreed upon. For CFI Projects in rural and non-MPO areas, Caltrans will process administrative modifications or amendments to the FSTIP.
- ❑ Develop Project Specific Supplement Agreements with the CEC that allow for E-76

Exhibit A
Interagency Agreement

authorizations and reimbursement of project invoices for each CFI Project.

- ❑ After all the required documents are properly prepared and submitted by the CEC, process federal funding authorization requests from the CEC (E-76) for CFI Projects. Provide funding to CEC within forty-five (45) days of approval of any authorization request.
- ❑ Provide support to the CEC in the development and management of CFI Project Agreements consistent with Caltrans' oversight role. These costs will be considered administration support costs allowable by the Federal CFI Program and reimbursed by the Federal CFI Program.
- ❑ Consistent with its oversight role, review draft CFI Project Agreement templates and notify the CEC in writing of any concerns. Caltrans' review of draft CFI Project Agreements shall include but not be limited to provisions associated with the following:
 - Build America, Buy America Act, including language that steel and iron products and construction materials permanently incorporated into projects must comply with Buy America requirements per 23 CFR 635.410 et seq. and the Build America, Buy America Act.
 - Davis Bacon Act
 - NEPA, the Council on Environmental Quality's NEPA implementing regulations, and applicable agency NEPA procedure, as outlined in the Caltrans/FHWA Memoranda of Understanding for US Codes 326 and 327 (NEPA Assignment MOUs), Caltrans Standard Environmental Reference and Local Assistance Procedures Manual including:
 - The First Amended Section 106 Programmatic Agreement (106 PA) among FHWA, the State Office of Historic Preservation, the Advisory Council of Historic Preservation, and Caltrans on January 1, 2014. Compliance with Federal Laws, Regulations, and Executive Orders enumerated in the Part 3.2 of the FHWA/Caltrans MOU for USC 326 and Appendix B of the FHWA/Caltrans MOU for US Code 327.
 - The Americans with Disabilities Act of 1990 (ADA), and any implementing regulations, including applicable accessible standards adopted by the U.S. Department of Transportation into its ADA regulations (49 CFR 37 et seq.) in 2006, and adopted by the U.S. Department of Justice into its ADA regulations (28 CFR parts 35 and 36 et seq.) in 2010.

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- Title VI of the Civil Rights Act of 1964, and implementing regulations to ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- All applicable requirements of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and implementing regulations.
- Uniform Relocation Assistance and Real Property Acquisition Act (49 CFR 24 et seq.) and implementing regulations.
 - A Caltrans District Right of Way Local Programs Coordinator may monitor Right of Way activities at any time during the project. However, most monitoring will take place in real time during the right of way phase of the project to ensure Uniform Act compliance.
 - Pre-coordination and consultation shall occur with the CEC prior to submittal of the Certification package.
 - Caltrans District Right of Way Local Programs Coordinators will review documentation to verify qualifications are met for right of way activities to be performed.
- Requirements of the Federal NEVI Program, including the requirements of the United States Code and Code of Federal Regulations Titles 23 and 49; 2 CFR 200 et seq.; and 28 CFR 35 and 36 et seq.
- National Electric Vehicle Infrastructure Standards and Requirements (23 CFR 680)
- As NEPA Lead Agency, Caltrans will review and approve PES forms and technical studies completed by Awardees or Awardee Subcontractors, make NEPA findings, and provide NEPA documentation.