

**GRANT AMENDMENT REQUEST FORM (GARF)**

CEC-277 (Revised 10/2015)

**ITEM 1h**

CALIFORNIA ENERGY COMMISSION



Original Agreement #	ARV-17-021	Amendment #	1
<b>Division</b>	<b>Agreement Manager:</b>	<b>MS-</b>	<b>Phone</b>
600 Fuels and Transportation Division	Jane Berner	6	916-651-9077
<b>Recipient's Legal Name</b>			<b>Federal ID Number</b>
Air Liquide Hydrogen Energy U.S. LLC			75-3174747
<b>Revisions:</b> (check all that apply)			
<input type="checkbox"/> Term Extension	New End Date: / /	Include revised schedule and complete items A, B, C, & F below.	
<input type="checkbox"/> Budget Augmentation	Amendment Amount: \$ 0	Include revised budget and complete items A, B, C, D, & F below.	
<input type="checkbox"/> Budget Reallocation		Include revised budget and complete items A, B, C, & F below.	
<input type="checkbox"/> Scope of Work Revision		Include revised scope of work and complete items A, B, C, E, & F below.	
<input type="checkbox"/> Change in Project Location or Demonstration Site		Include revised scope of work and complete items A, B, C, E, & F below.	
<input checked="" type="checkbox"/> Novation/Name Change of Prime Contractor/Recipient		Include novation documentation and complete items A, B, C, & F below.	
<input type="checkbox"/> Terms and Conditions Modification		Include applicable exhibits with bold/underline/strikeout and complete items A, B, C, & F below.	
<b>A) Business Meeting Information</b>			
<b>Business Meeting approval is not required for the following types of Agreements:</b>			
<input type="checkbox"/> Minor amendments delegated to Executive Director per December 2013 Resolution			
Proposed Business Meeting Date	07 / 15 / 2019	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Discussion
Business Meeting Presenter		Time Needed:	minutes
Please select one list serve. Select			
<b>Agenda Item Subject and Description</b>			
AIR LIQUIDE HYDROGEN ENERGY U.S., LLC. Proposed resolution approving Amendment 1 to Agreement ARV-17-021 for a hydrogen refueling station located at 3731 East La Palma Avenue, Anaheim, California 92806 to novate ARV-17-021 from Air Liquide Advanced Technologies U.S. LLC to Air Liquide Hydrogen Energy U.S. LLC. Contact: Lawrence Vettrano.			
<b>B) List all subcontractors (major and minor) and equipment vendors:</b> (attach additional sheets as necessary)			
Legal Company Name:	Budget		
	\$ 0.00		
	\$ 0.00		
	\$ 0.00		
<b>C) List all key partners:</b> (attach additional sheets as necessary)			
Legal Company Name:			
<b>D) Budget Information (only include amendment amount information)</b>			
<b>Funding Source</b>	<b>Funding Year of Appropriation</b>	<b>Budget List No.</b>	<b>Amount</b>
Funding Source			\$
Funding Source			\$
Funding Source			\$
Funding Source			\$
Funding Source			\$
R&D Program Area:	Select Program Area	TOTAL: \$ 0	
Explanation for "Other" selection			
Reimbursement Contract #:		Federal Agreement #:	

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

1. Is Agreement considered a "Project" under CEQA?  
☐ Yes (skip to question 2) ☐ No (complete the following (PRC 21065 and 14 CCR 15378)):  
 Explain why Agreement is not considered a "Project":  
 Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because \_\_\_\_\_.

2. If Agreement is considered a "Project" under CEQA:  
☐ a) Agreement **IS** exempt. (Attach draft NOE)  
☐ Statutory Exemption. List PRC and/or CCR section number: \_\_\_\_\_  
☐ Categorical Exemption. List CCR section number: \_\_\_\_\_  
☐ Common Sense Exemption. 14 CCR 15061 (b) (3)  
 Explain reason why Agreement is exempt under the above section: \_\_\_\_\_

☐ b) Agreement **IS NOT** exempt. (Consult with the legal office to determine next steps.)  
 Check all that apply  
☐ Initial Study ☐ Environmental Impact Report  
☐ Negative Declaration ☐ Statement of Overriding Considerations  
☐ Mitigated Negative Declaration

**F) The following items should be attached to this ARF (as applicable)**

1. Exhibit A, Scope of Work	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
2. Exhibit B, Budget Detail	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
3. CEQA Documentation	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
4. Novation Documentation	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Attached
5. CEC 105, Questionnaire for Identifying Conflicts		<input checked="" type="checkbox"/> Attached

\_\_\_\_\_  
Agreement Manager\_\_\_\_\_  
Date\_\_\_\_\_  
Office Manager\_\_\_\_\_  
Date\_\_\_\_\_  
Deputy Director\_\_\_\_\_  
Date

## **EXHIBIT I**

Dated July 15, 2019

### **NOVATION AGREEMENT for GRANT NUMBER ARV-17-021**

This Novation Agreement is made and entered into by Air Liquide Advanced Technologies U.S. LLC (hereinafter "Transferor"), Air Liquide Hydrogen Energy U.S. LLC (hereinafter "Transferee") and the State Energy Resources Conservation and Development Commission (hereinafter "Energy Commission"). The Transferor, Transferee and Energy Commission are collectively referred to in this Novation Agreement as the "Parties."

On April 16, 2018, Transferor and the Energy Commission entered into grant agreement number ARV-17-021 for Transferor to operate and maintain the hydrogen refueling station in Anaheim, CA (the "Project"). The total amount of the grant is \$165,000.

On or about December 17, 2018, Transferor requested Energy Commission approval of a novation to ARV-17-021. The proposed novation would remove Transferor as a party to ARV-17-021, substitute Transferee as the recipient under ARV-17-021, and transfer all of Transferor's obligations and duties under ARV-17-021 to Transferee.

#### **Agreement**

In consideration for the mutual promises contained in this Novation Agreement, the Parties agree as follows:

1. Transferor hereby assigns, transfers, conveys and delivers to Transferee all of the Transferor's rights, title and interest in grant agreement number ARV-17-021.
2. Transferee agrees to complete the Project under grant agreement number ARV-17-021, and reimbursements made by the Energy Commission to the recipient under grant agreement number ARV-17-021, if any, will be to Transferee from the time of this Novation Agreement forward.
3. Transferee hereby accepts such assignment and agrees to assume all of Transferor's rights, duties, liabilities, and obligations in, to and under the grant agreement number ARV-17-021 as Transferee's full responsibility.
4. Transferee agrees to be bound by the terms and conditions of grant agreement number ARV-17-021 as if Transferee was the original recipient of the grant agreement. The Transferee also assumes all obligations and liabilities of, and all claims against, the Transferor under the grant agreement number ARV-17-021 as if the Transferee was the original party to the grant agreement.
5. The Parties hereby agree that this Novation Agreement shall constitute a novation of the obligations of Transferor under the grant agreement number ARV-17-021. Accordingly, all of the rights, duties and obligations of Transferor under the grant agreement number ARV-17-021 are extinguished. The Energy Commission recognizes Transferee as Transferor's successor in interest in and to all of Transferor's rights, duties and obligations in, to and under the grant agreement number ARV-17-021.
6. The grant agreement number ARV-17-021 shall remain in full force and effect, except as modified by this Novation Agreement.

STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION - RE: AIR LIQUIDE HYDROGEN ENERGY U.S., LLC

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

**RESOLVED**, that the Energy Commission approves Amendment 1 to Agreement ARV-17-021 for a hydrogen refueling station located at 3731 East La Palma Avenue, Anaheim, California 92806 to novate ARV-17-021 from Air Liquide Advanced Technologies U.S. LLC to Air Liquide Hydrogen Energy U.S. LLC; and

**FURTHER BE IT RESOLVED**, that the Executive Director or his/her designee shall execute the same on behalf of the Energy Commission.

**CERTIFICATION**

The undersigned Secretariat to the Commission 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 California Energy Commission held on July 15, 2019.

AYE: [List of Commissioners]

NAY: [List of Commissioners]

ABSENT: [List of Commissioners]

ABSTAIN: [List of Commissioners]

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Cody Goldthrite  
Secretariat