**GRANT FUNDING OPPORTUNITY**

**Alternative and Renewable Fuel and Vehicle Technology Program**

**Light Duty Vehicle Hydrogen Refueling Infrastructure**

**Operation and Maintenance (O&M) Support Grants**

**ADDENDUM 1**



GFO-17-601

[www.energy.ca.gov/contracts/index.html](http://www.energy.ca.gov/contracts/index.html)

State of California

California Energy Commission

Addendum 1, August 2, 2018

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# I. Introduction

## Purpose of Solicitation

This is a first-come, first-served grant solicitation for the hydrogen refueling stations listed in Table 2. The California Energy Commission’s (Energy Commission’s) Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) announces the availability of up to $7.3 million in funding for eligible hydrogen refueling station operation and maintenance (O&M) costs.

The purpose of this solicitation is to provide O&M support funding for publicly accessible hydrogen refueling stations that did not receive O&M support funding under Program Opportunity Notice (PON)-13-607, Hydrogen Refueling Infrastructure or which received only a portion of the potential $300,000 in O&M support funding, on a station by station basis. The purpose of offering O&M support is to ensure that hydrogen refueling stations remain operating during the rollout of fuel cell electric vehicles (FCEVs).

## Background

Assembly Bill (AB) 118 (Nùñez, Chapter 750, Statutes of 2007), created the ARFVTP. The statute authorizes the Energy Commission to develop and deploy alternative and renewable fuels and advanced transportation technologies to help attain the state’s climate change policies. AB 8 (Perea, Chapter 401, Statutes of 2013) re-authorized the ARFVTP through January 1, 2024, and specified that the Energy Commission allocate up to $20 million per year (or up to 20 percent of each fiscal year’s funds) in funding for hydrogen station development until at least 100 stations are operational.

The ARFVTP has an annual budget of approximately $100 million and provides financial support for projects that:

* Reduce California’s use and dependence on petroleum transportation fuels and increase the use of alternative and renewable fuels and advanced vehicle technologies.
* Produce sustainable alternative and renewable low-carbon fuels in California.
* Expand alternative fueling infrastructure and fueling stations.
* Improve the efficiency, performance and market viability of alternative light-, medium-, and heavy-duty vehicle technologies.
* Retrofit medium- and heavy-duty on-road and non-road vehicle fleets to alternative technologies or fuel use.
* Expand the alternative fueling infrastructure available to existing fleets, public transit, and transportation corridors.
* Establish workforce training programs and conduct public outreach on the benefits of alternative transportation fuels and vehicle technologies.

## Commitment to Diversity

The Energy Commission is committed to ensuring that participation in its ARFVTP reflects the rich and diverse characteristics of California and its people. To meet this commitment, Energy Commission staff conducts outreach efforts and activities to:

* Ensure potential new Applicants throughout the state are aware of the Energy Commission's ARFVTP and the funding opportunities the program provides.
* Encourage greater participation by underrepresented groups including disabled veteran-, women-, minority-, and Lesbian, Gay, Bisexual and Transgender (LGBT)-owned businesses.
* Assist Applicants in understanding how to apply for funding from the Energy Commission's ARFVTP.

## Key Activities and Dates

Key activities and dates for this solicitation are presented below. An addendum will be released if the dates change for the activities followed by an asterisk (\*).

**Table 1. Activity and Action Date**

|  |  |
| --- | --- |
| **ACTIVITY** | **ACTION DATE** |
| Solicitation Release | August 30, 2017 |
| Pre-Application Workshop\* | September 5, 2017 |
| Deadline for Written Questions\* | September 19, 2017 |
| Distribution of Questions and Answers (anticipated) | October 2, 2017 |
| **Application Period (including resubmissions)\*** | **Continuous until September 1, 2018 or until funds are exhausted, whichever occurs first.** |
| Anticipated Notice of Proposed Awards Posting  | Continuous, as needed. |
| Anticipated Energy Commission Business Meeting  | Various, as needed. |

## How Award is Determined

Owners and operators of stations listed in Section II.B of this Solicitation may apply for awards. Awards will be determined based on an application passing all Administrative and Technical Screening Criteria in Section IV, Evaluation Process and Criteria, of this solicitation. Applications failing one or more of the screening criteria in this solicitation will be rejected and not recommended for funding.

Those Applicants meeting the Eligibility and Screening Criteria will be awarded funds on a first-come, first-served basis.

Applicants whose applications are initially screened out may modify and resubmit a new application if the Energy Commission is still accepting applications and if funding remains available under the solicitation. Resubmitted applications will be processed as a new application and processed on a first-come, first-served basis.

If the funds available under this solicitation are insufficient to fully fund a grant proposal, the Energy Commission reserves the right to recommend partially funding that proposal. In this event, the proposed Applicant/Awardee and Commission Agreement Manager (CAM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

## Availability of Funds

A total of up to $7.3 million is available for awards under this solicitation. The Energy Commission, at its sole discretion, reserves the right to increase or decrease the amount of funds available under this solicitation.

## Maximum Award Amount

The maximum award amount for each eligible station is listed in Table 2 and is determined by subtracting the maximum allowable O&M support funding provided through an existing or previous O&M agreement funded under PON-13-607 from the maximum allowed $300,000 in O&M funding support. For example, if a station received a $300,000 O&M funding award under PON-13-607, but was only eligible to receive $140,000 due to the funding incentive deadlines, the station is eligible to receive up to $160,000 under this solicitation ($300,000 minus $140,000).

**Table 2. Station Address and Maximum O&M Award Amount under this Solicitation**

| **Station Address** | **Maximum O&M Funding Award under this Solicitation** |
| --- | --- |
| 3731 East La Palma Avenue, Anaheim, CA  | $165,000  |
| 2855 Winchester Boulevard, Campbell, CA  | $80,000  |
| 12610 E. End Avenue, Chino, CA | $300,000 |
| 2050 Harbor Boulevard, Costa Mesa, CA  | $66,667  |
| 1172 45th Street, Emeryville, CA | $300,000 |
| 41700 Grimmer Boulevard, Fremont, CA  | $300,000  |
| 391 West A Street, Hayward, CA  | $80,000  |
| 550 Foothill Boulevard, La Canada Flintridge, CA  | $66,667  |
| 20731 Lake Forest Drive, Lake Forest, CA  | $80,000  |
| 15606 Inglewood Avenue, Lawndale, CA  | $300,000  |
| 5700 Hollywood Boulevard, Los Angeles, CA | $145,000  |
| 7751 Beverly Boulevard, Los Angeles, CA  | $145,000  |
| 8126 Lincoln Boulevard, Los Angeles, CA  | $155,000  |
| 570 Redwood Highway, Mill Valley, CA  | $145,000  |
| Mobile Refueler, CA | $300,000  |
| 830 Leong Drive, Mountain View, CA | $300,000  |
| 5957 Vineland Avenue, North Hollywood, CA  | $300,000  |
| 1850 E. Holt Boulevard, Ontario, CA | $300,000  |
| 1914 East Chapman Avenue, Orange, CA  | $300,000  |
| 3601 El Camino Real, Palo Alto, CA  | $300,000  |
| 28103 Hawthorne Boulevard, Rancho Palos Verdes, CA  | $300,000  |
| 5060 Redwood Drive, Rohnert Park, CA  | $300,000  |
| 3060 Carmel Valley Road, San Diego, CA  | $170,000  |
| 2451 Bishop Drive, San Ramon, CA  | $300,000  |
| 150 South La Cumbre Road, Santa Barbara, CA  | $80,000  |
| 24551 Lyons Avenue, Santa Clarita, CA  | $300,000  |
| 1819 Cloverfield Boulevard, Santa Monica, CA  | $66,667  |
| 12600 Saratoga Avenue, Saratoga, CA  | $80,000  |
| 1200 Fair Oaks Avenue, South Pasadena, CA  | $300,000  |
| 3102 Thousand Oaks Boulevard, Thousand Oaks, CA  | $300,000  |
| 2051 West 190th Street, Torrance, CA  | $300,000  |
| 12105 Donner Pass Road, Truckee, CA  | $145,000  |
| 5314 Topanga Canyon Road, Woodland Hills, CA | ~~$175,000~~ **$165,000** |
| 17287 Skyline Boulevard, Woodside, CA  | $300,000  |

## Multiple Applications

Applicants may submit multiple applications under this solicitation. Each application shall be for a separate and distinct hydrogen refueling station at a specific address and adhere to all of the requirements contained in this solicitation.

## Pre-Application Workshop

There will be a Pre-Application Workshop and participation is optional, but encouraged. The Pre-Application Workshop will be held through in-person participation, WebEx, and conference call at the date, time and location listed below. Please call (916) 654-4381 or refer to the Energy Commission's website at [www.energy.ca.gov/contracts.index.html](http://www.energy.ca.gov/contracts.index.html) to confirm the date and time of the workshop.

**September 5, 2017**

2:00 PM

California Energy Commission

Art Rosenfeld Hearing Room

(formerly Hearing Room A)

1516 9th Street

Sacramento, CA 95814

## Participation Through WebEx

**WebEx Instructions:**

* To join the WebEx meeting, go to <https://energy.webex.com> and enter the meeting number below:

**Meeting Number:** [494 151 104]

**Topic:** Pre-application workshop for GFO-17-601 Light Duty Vehicle Hydrogen Refueling Infrastructure Operation and Maintenance Support Grants

* To Logon with a Direct Phone Number: After logging into WebEx, a prompt will appear on-screen for a phone number. In the “Number” box, enter your area code and phone number and click “OK” to receive a call for the audio of the meeting. International callers may use the "Country/Region" button to help make their connection.
* To Logon with an Extension Phone Number: After you login, a prompt will ask for your phone number. Select “CANCEL.” Call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and the unique Attendee ID number listed in the top left area of the screen after login. International callers may dial in using the “Show all global call-in numbers” link (also in the top left area).

**Telephone Access Only:**

Call **1-866-469-3239** (toll-free in the U.S. and Canada). When prompted, enter the meeting number above. International callers may select their number from [https://energy.webex.com/ energy/globalcallin.php](https://energy.webex.com/%20energy/globalcallin.php).

**Technical Support:**

* For assistance with problems or questions about joining or attending the meeting, please call WebEx Technical Support at **1-866-229-3239** or Jean Baronas at 916-654-4526.
* System Requirements: To determine whether your computer is compatible, visit: <http://support.webex.com/support/system-requirements.html>.
* Meeting Preparation: The playback of UCF (Universal Communications Format) rich media files requires appropriate players. Please determine whether the players are installed on your computer by visiting: <https://energy.webex.com/energy/systemdiagnosis.php>.

## Questions

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

Question and answer sets will be e-mailed to all parties who attended the Pre-Application Workshop and provided their contact information on the sign-in sheet. The questions and answers will also be posted on the Energy Commission’s website at: [www.energy.ca.gov/contracts/index.html](http://www.energy.ca.gov/contracts/index.html).

Any verbal communication with an Energy Commission employee concerning this solicitation is not binding on the State and shall in no way alter a specification, term, or condition of the solicitation. All communication must be directed in writing to the Commission Agreement Officer assigned to the solicitation.

## Contact Information

Doug Harvey, Commission Agreement Officer

California Energy Commission

1516 Ninth Street, MS-18

Sacramento, California 95814

Telephone: (916) 654-4484

FAX: (916) 654-4747

E-mail: Douglas.Harvey@energy.ca.gov

## Relevant Laws, Regulations, Reports and Other Documents

Applicants shall comply with all applicable federal, state, and municipal laws, rules, codes, and regulations, including but not limited to the following California Code of Regulations (CCR) and Code of Federal Regulations (CFR):

* CCR Title 4 Business Regulations, Division 9 Measurement Standards, Chapter 1 Tolerances and Specifications for Commercial Weighing and Measuring Devices, Article 1 National Uniformity, Exceptions and Additions, Sections – 4001. Exceptions and 4002. Additional Requirements, Subsection 4002.9, Hydrogen Gas-Measuring Devices (3.39).
* CCR Title 4 Business Regulations, Division 9 Measurement Standards, Chapter 6 Automotive Products Specifications, Article 8 Specifications for Hydrogen Used in Internal Combustion Engines and Fuel Cells, Sections 4180 and 4181.
* Code of Federal Regulations (CFR), Title 48 Federal Acquisition Regulations System (2016). <https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title48/48tab_02.tpl>

Applicants are encouraged to use the following tools, systems, and guides for their hydrogen refueling stations:

* California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Sacramento, CA. *Cumulative Impacts: Building a Scientific Foundation, Cal EnviroScreen 3.0 (January 2017).* <http://www.oehha.ca.gov/ej/ces2.html>.
* California Type Evaluation Program (CTEP). <https://www.cdfa.ca.gov/dms/programs/ctep/CTEPInfoGuide.pdf>
* California Type Evaluation Program (CTEP) database. <https://www.CDFA.CA.GOV/dms/ctep.html>
* Division of the State Architect – Access Compliance (DSA-AC) provisions of the California Building Code (CBC) to address the accessibility for persons with disabilities and conform to the requirements of the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design. <http://www.dgs.ca.gov/dsa/Programs/progAccess/access2016.aspx>.
* National Institute of Standards and Technology (NIST), Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, NIST Handbook 130: 2017.

Applicants are encouraged to familiarize themselves with the following documents which are available online and also on display and available for review in the Energy Commission Library. Library hours are Monday - Friday from 8:30 a.m. to 4:30 p.m., closed for lunch: 12:00 to 1:00 p.m. The Energy Commission Library is located at: California Energy Commission, 1516 Ninth Street, First Floor, Sacramento, CA 95814, (916) 654-4292:

* California Air Resources Board, Sacramento, CA. *Annual Evaluation of Fuel Cell Electric Vehicle Deployment and Hydrogen Fuel Station Network Development (2014).*

<http://www.arb.ca.gov/msprog/zevprog/ab8/ab8_report_final_june2014.pdf>

* California Air Resources Board, Sacramento, CA. *2015 Annual Evaluation of Fuel Cell Electric Vehicle Deployment and Hydrogen Fuel Station Network Development.*

<http://www.arb.ca.gov/msprog/zevprog/ab8/ab8_report_2015.pdf>

* California Air Resources Board, Sacramento, CA. *2016 Annual Evaluation of Fuel Cell Electric Vehicle Deployment and Hydrogen Fuel Station Network Development.*

<https://www.arb.ca.gov/msprog/zevprog/ab8/ab8_report_2016.pdf>

* California Air Resources Board, Sacramento, CA. Low Carbon Fuel Standard Program: 2016. <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>
* California Energy Commission, Sacramento, CA. 2017-2018 Investment Plan Update for the Alternative and Renewable Fuel and Vehicle Technology Program (CEC-600-2016-007-SD). <http://www.energy.ca.gov/2016publications/CEC-600-2016-007/CEC-600-2016-007-SD.pdf>
	+ California Energy Commission, Sacramento, CA. *2015 Joint Agency Staff Report on Assembly Bill 8: Assessment of Time and Cost Needed to Attain 100 Hydrogen Refueling Stations in California.* <http://www.energy.ca.gov/2015publications/CEC-600-2015-016/CEC-600-2015-016.pdf>
	+ California Energy Commission, Sacramento, CA. *2016 Joint Agency Staff Report on Assembly Bill 8: Assessment of Time and Cost Needed to Attain 100 Hydrogen Refueling Stations in California.* <http://www.energy.ca.gov/2017publications/CEC-600-2017-002/CEC-600-2017-002.pdf>
	+ Governor’s Office of Business and Economic Development, Sacramento, CA. *Hydrogen Station Permitting Guidebook, Best Practices for Planning, Permitting and Opening a Hydrogen Fueling Station: 2015*. <https://gobiz.app.box.com/HydrogenPermittingGuidebook>
* 2016 ZEV Action Plan – An updated roadmap to 1.5 million zero-emission vehicles on California roadways by 2025. <https://www.gov.ca.gov/docs/2016_ZEV_Action_Plan.pdf>
* PON-13-607, Alternative and Renewable Fuel and Vehicle Technology Program, Hydrogen Refueling Infrastructure. [http://www.energy.ca.gov/contracts/PON-13-607](http://www.energy.ca.gov/contracts/PON-13-607/%20)
* GFO-15-605, Alternative and Renewable Fuel and Vehicle Technology Program, Light Duty Vehicle Hydrogen Refueling Infrastructure. <http://www.energy.ca.gov/contracts/GFO-15-605/>
* Pacific Northwest National Laboratory (PNNL), Richland, WA. *Safety Planning for Hydrogen and Fuel Cell Projects:* March 2016.

 <https://h2tools.org/sites/default/files/Safety_Planning_for_Hydrogen_and_Fuel_Cell_Projects-March_2016.pdf>

* State of California/Department of Transportation, Caltrans *Traffic Operations Policy Directive (13-01), page 3: 2013*.

<http://www.dot.ca.gov/trafficops/policy/13-01.pdf>

## Coordination with the U.S. Department of Energy

Applicants are encouraged to contact the United States Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE) to learn about technology activities underway. The EERE contact follows:

Jason Marcinkoski, Technology Validation Project Manager

Fuel Cell Technologies Office

U.S. Department of Energy

1000 Independence Avenue, SW

Washington, DC 20585

Phone: (202) 413-7389 (mobile)

E-mail: Jason.Marcinkoski@ee.doe.gov

# II. Eligibility Requirements

This section contains applicant and project requirements that comprise the eligibility requirements for this solicitation.

## Applicant Requirements

1. **Eligibility**

This solicitation is open to all public and private entities that own or operate a hydrogen refueling station(s) that meets the Project Requirements defined in this solicitation.

1. **Terms and Conditions**

Each grant agreement resulting from this solicitation will include terms and conditions that set forth the recipient’s rights and responsibilities. By signing the Operation and Maintenance Support Grant Application Form (Attachment 1), each Applicant agrees to enter into an agreement, if awarded, with the Energy Commission to conduct the proposed project according to the terms and conditions that correspond to its organization, without negotiation: (1) University of California terms and conditions; (2) U.S. Department of Energy terms and conditions; or (3) standard terms and conditions. The standard terms and conditions are located at <http://www.energy.ca.gov/research/contractors.html>.

Failure to agree to the terms and conditions by taking actions such as failing to sign the Operation and Maintenance Support Grant Application Form (Attachment 1) or indicating that acceptance is based on modification of the terms and conditions will result in rejection of the application. Applicants must read the terms and conditions carefully. The Energy Commission reserves the right to modify the terms and conditions prior to executing grant agreements.

1. **California Secretary of State Registration**

All corporations, limited liability companies (LLCs), limited partnerships (LPs) and limited liability partnerships (LLPs) that conduct intrastate business in California are required to be registered and in good standing with the California Secretary of State prior to its project being recommended for approval at an Energy Commission Business Meeting. If not currently registered with the California Secretary of State, Applicants are encouraged to contact the Secretary of State’s Office as soon as possible to avoid potential delays in beginning the proposed project(s) (should the application be successful). For more information, contact the Secretary of State’s Office via its website at [www.sos.ca.gov](http://www.sos.ca.gov). Sole proprietors using a fictitious business name must be registered with the appropriate county and provide evidence of registration to the Energy Commission prior to their project being recommended for approval at an Energy Commission Business Meeting.

## Project Requirements

To be eligible for O&M funding support, the hydrogen station must not have previously received O&M support funding from the Energy Commission or have received only a portion of the potential $300,000 per station O&M support funding offered by the Energy Commission under PON-13-607. Additionally, the project shall meet the following project requirements:

1. **Station Location**

The following hydrogen refueling stations are eligible to apply for O&M funding support under this solicitation:

**Table 3. Eligible Stations**

|  |
| --- |
| **Station Address** |
| 3731 East La Palma Avenue, Anaheim, CA  |
| 2855 Winchester Boulevard, Campbell, CA  |
| 12610 E. End Avenue, Chino, CA |
| 2050 Harbor Boulevard, Costa Mesa, CA  |
| 1172 45th Street, Emeryville, CA |
| 41700 Grimmer Boulevard, Fremont, CA  |
| 391 West A Street, Hayward, CA  |
| 550 Foothill Boulevard, La Canada Flintridge, CA  |
| 20731 Lake Forest Drive, Lake Forest, CA  |
| 15606 Inglewood Avenue, Lawndale, CA  |
| 5700 Hollywood Boulevard, Los Angeles, CA |
| 7751 Beverly Boulevard, Los Angeles, CA  |
| 8126 Lincoln Boulevard, Los Angeles, CA  |
| 570 Redwood Highway, Mill Valley, CA  |
| Mobile Refueler, CA |
| 830 Leong Drive, Mountain View, CA |
| 5957 Vineland Avenue, North Hollywood, CA  |
| 1850 E. Holt Boulevard, Ontario, CA |
| 1914 East Chapman Avenue, Orange, CA  |
| 3601 El Camino Real, Palo Alto, CA  |
| 28103 Hawthorne Boulevard, Rancho Palos Verdes, CA  |
| 5060 Redwood Drive, Rohnert Park, CA  |
| 3060 Carmel Valley Road, San Diego, CA  |
| 2451 Bishop Drive, San Ramon, CA  |
| 150 South La Cumbre Road, Santa Barbara, CA  |
| 24551 Lyons Avenue, Santa Clarita, CA  |
| 1819 Cloverfield Boulevard, Santa Monica, CA  |
| 12600 Saratoga Avenue, Saratoga, CA  |
| 1200 Fair Oaks Avenue, South Pasadena, CA  |
| 3102 Thousand Oaks Boulevard, Thousand Oaks, CA  |
| 2051 West 190th Street, Torrance, CA  |
| 12105 Donner Pass Road, Truckee, CA  |
| 5314 Topanga Canyon Road, Woodland Hills, CA |
| 17287 Skyline Boulevard, Woodside, CA  |

1. **Station Must be Operational on or before June 30, 2018**

To be eligible for funding under this solicitation, the hydrogen refueling station shall be operational within 90 days of the date of application or by June 30, 2018, whichever comes first. The station will be deemed “operational” when the station has achieved all of the following:

* The station has a hydrogen fuel supply.
* All station and dispenser components are installed.
* The station has received all required permits from the local jurisdiction and agency.
* The station has successfully completed a hydrogen purity test using hydrogen collected at the station address: the test, at the nozzle, shall meet the hydrogen quality requirements in CCR Title 4, Division 9, Chapter 6, Article 8, Sections 4180 and 4181 which adopts the most recent version of the Society of Automotive Engineers (SAE) International J2719: “Hydrogen Fuel Quality for Fuel Cell Vehicles.”
* The station has successfully fueled one fuel cell electric vehicle with hydrogen.
* The hydrogen refueling station has a working, functional utility connection and service.
* The station is open to the public meaning that no obstructions or obstacles exist to preclude any individual from entering the station premises.
1. **Commitment to Operate**

Applicants must commit to operating the station for a minimum of 3 years after the execution date of an O&M agreement resulting from this solicitation or 3 years after the station becomes operational, whichever is later.

1. **Minimum Technical Requirements**

To be eligible under this solicitation proposed hydrogen refueling stations must, at a minimum, meet the minimum technical requirements of the solicitation under which the station was originally funded, must meet at a minimum H70-T40 (700 bar), and comply with the following additional requirements.

1. ***Hydrogen Technologies Code****:* To be eligible under this solicitation, proposed hydrogen refueling station(s) and dispenser(s) shall meet or exceed the NFPA 2: Hydrogen Technologies Code: 2016, available at [www.nfpa.org](http://www.nfpa.org).
2. ***Station Design Requirements:*** Hydrogen refueling stations must be designed to allow the hydrogen refueling station to accept delivery of hydrogen fuel from a mobile refueler or hydrogen tube trailer if on-site hydrogen production goes off-line.
3. **Hydrogen Quality Test:** Hydrogen quality shall be tested according to the minimum technical requirements of the solicitation under which the station was originally funded and shall be conducted every six months and also when the hydrogen lines are potentially exposed to contamination due to maintenance or other activity. O&M support funding Recipients shall report the hydrogen purity reading(s) along with the date the hydrogen purity reading(s) is taken and any special condition(s) used while the reading(s) is taken to the Energy Commission as defined in Task 3 of the Scope of Work (Attachment 2).
4. ***Renewable Hydrogen:*** To be eligible to receive funding under this solicitation, stations when operational must dispense renewable hydrogen and meet the following requirements:
5. **Minimum Renewable Hydrogen Content:** Proposed projects must dispense a minimum renewable hydrogen content of at least 33% renewable hydrogen (on a per kilogram basis) either 1) at the station awarded O&M support funding from this solicitation or 2) as an average of hydrogen dispensed across a collection of an Applicant’s hydrogen refueling stations receiving capital expense funding under PON-13-607 Hydrogen Refueling Infrastructure. Only an Applicant’s hydrogen refueling stations receiving capital expense funding under PON-13-607 can be included in the average of renewable hydrogen dispensed across those stations to meet the minimum 33% renewable hydrogen content requirements of this solicitation. All other stations must dispense minimum 33% renewable hydrogen at the specific station awarded an agreement from this solicitation.
6. **Eligible Renewable Feedstocks:** Eligible renewable feedstocks include:
* Biomethane or biogas such as: biomass digester gas, landfill gas, sewer gas, or municipal solid waste gas.
* Other feedstocks may be eligible if the Application demonstrates, to Commission staff’s satisfaction and entirely in their discretion, that the proposed feedstock is sustainably produced, reduces greenhouse gas (GHG) emissions compared to the petroleum baseline, and achieves the ARFVTP sustainability goals contained in CCR Title 20, Division 2, Chapter 12, Article 1, Section 3101.5.
1. **Eligible Renewable Electricity Sources:** Eligible renewable electricity sources include facilities that use the following:
* Fuel cells using renewable fuels
* Geothermal
* Small hydroelectric (30 megawatts or less)
* Ocean wave
* Ocean thermal
* Tidal current
* Photovoltaic (PV)
* Solar thermal
* Biomass digester gas
* Municipal solid waste conversion (non-combustion thermal process)
* Landfill gas
* Renewable Energy Credits (RECs)
* Wind
1. **Required Information:** For each station awarded an agreement under this solicitation, the Recipient shall include, on a Report of Renewable Hydrogen Dispensed (Attachment 7), information about the eligible renewable electricity sources, including feedstock(s) and how they will be processed into fuel; and how the fuel will be transported, stored, and ultimately dispensed at the proposed station(s).

If the primary process energy for hydrogen production is electricity (e.g., for electrolysis),Recipients must describe use of or describe a plan to use a direct source of eligible renewable electricity or source of RECs that are registered and verifiable through Western Renewable Energy Generation Information System (WREGIS) or an equivalent tracking and verification system. Further information about WREGIS can be found at: [www.wecc.biz/WREGIS](http://www.wecc.biz/WREGIS).

For each station, Recipients must submit the following information every 6 months from date of operationality on a Report of Renewable Hydrogen Dispensed (Attachment 7): year, name of pathway, amount of hydrogen dispensed annually per station (in kilograms), biogas/renewable feedstock (in standard cubic feet), and renewable electricity (in kilowatt hours), assumptions and calculations on an energy equivalent basis that demonstrate that on a “well to wheel” evaluation that the required percent of the energy used to produce, deliver, dispense and use hydrogen was from renewable feedstock. Applicants should use the energy economy ratio (EER) value of 2.5 (relative to gasoline) from the LCFS regulation to account for the FCEV efficiency. For further information, see: <http://www.arb.ca.gov/regact/2015/lcfs2015/lcfsfinalregorder.pdf>

1. **Renewable Electricity Requirements:** Recipients planning to use renewable electricity for system power shall describe how they intend to use new renewable electricity capacity with the electricity either going directly to the hydrogen production system or connected to the grid (within the Western Electricity Coordinating Council (WECC) region). Recipients planning to use renewable electricity for system power shall describe how the electricity will be dedicated to and used for hydrogen production. Alternatively, Recipients purchasing and utilizing RECs must describe how the RECs will be dedicated to and used for hydrogen production.
2. **Biogas for System Power:** Recipients planning to use biogas for power to operate systems shall describe how they will either produce or purchase biogas that will be delivered directly to their hydrogen production facility or injected into a pipeline system according to the natural gas supplier’s specifications and requirements. If the purchased biogas will be injected into a natural gas pipeline distribution system, Recipients must show that a physical pathway exists by providing documentation that proves that the purchased biogas could be transported from the injection point to the hydrogen plant (that supplies the hydrogen for the Recipient’s stations).
3. **Biofuel for Delivery Trucks:** Applicants planning to use biofuel for delivery trucks shall describe how they will either produce or purchase biofuel that will be used in transport trucks to deliver hydrogen from a central production facility to a station. Biofuel used for this purpose shall comply with ASTM International standards as applicable:
	* ASTM D975 Standard Specification for Diesel Fuel Oils: 2015.
	* ASTM D6751 Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels: 2015.
	* ASTM D7467 Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20): 2015.
4. **SB 1505 Disclaimer:** A 33% Renewable Hydrogen Content requirement is a condition to participate in this solicitation. This is separate and distinct from the California Air Resources Board’s (CARB) sole authority to regulate the renewable hydrogen content requirements for hydrogen refueling stations under Health and Safety Code, section 43869 (commonly referred to as Senate Bill 1505). Although the California Energy Commission coordinated with the Air Resources Board, the Energy Commission makes no guaranty and no warranty, express or implied, that the 33% Renewable Hydrogen Content requirement in this solicitation will meet any standards or regulations that CARB may adopt in the future for hydrogen refueling stations pursuant to the authority in Health and Safety Code, section 43869. Recipients will be solely responsible for complying with such standards and regulations as applicable, including funding their own compliance with them.
5. **Report of Renewable Hydrogen Dispensed:** The Recipient of O&M funding shall report to the Energy Commission as defined in Task 3 of the Statement of Work (Attachment 2) the amount of renewable hydrogen dispensed using the Report of Renewable Hydrogen Dispensed (Attachment 7) every 6 months of hydrogen refueling station operation during the agreement term.
6. **Compliance with Standards**

Stations shall comply with the provisions of the following standards and codes that are required to meet the Minimum Technical Requirements in this solicitation. The most recent version of each standard and code shall be used by the Applicant.

* CSA Group (formerly the Canadian Standards Association, CSA), Toronto, Canada. ANSI/CSA Hydrogen Gas Vehicle (HGV) 4.3 Test Method for Hydrogen Fueling Parameter Evaluation: 2016.
* National Fire Protection Association (NFPA), Quincy, MA. NFPA 2: Hydrogen Technologies Code: 2016.
* SAE International, Detroit, MI. SAE J2600 Compressed Hydrogen Surface Vehicle Fueling Connection Devices: October 2015.
* SAE International, Detroit, MI. SAE J2601 Fueling Protocols for Light Duty Gaseous Hydrogen Surface Vehicles: 2014.
* SAE International, Detroit, MI. SAE J2719 Hydrogen Fuel Quality for Fuel Cell Vehicles: 2015.
* SAE International, Detroit MI. *SAE* J2799 70MPaCompressed Hydrogen Surface Vehicle Fueling and Connection Device and Optional Vehicle to Station Communications: 2014.
* U.S. Department of Commerce/National Institute of Standards and Technology (NIST) Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices from the 101st National Conference on Weights and Measures (2016), Handbook 44: 2017.
1. **Three Year Period O&M Funding Expenditure**

O&M funding received under this solicitation shall be expended within a three year period which shall commence on the execution date of an O&M agreement funded under this solicitation.

1. **Documentation of O&M Costs**

If a hydrogen refueling station is selected for O&M funding under this solicitation, Recipients shall provide adequate documentation that substantiates the actual, eligible O&M costs incurred for the hydrogen refueling station. The costs must be supported by source documents. Examples of source documents include, but are not limited to: checks, receipts, warrants, invoices, and reports of renewable hydrogen dispensed. The Energy Commission will only approve reimbursement of actual, eligible, documented O&M costs.

All eligible expenses and costs for O&M may be audited at any time, with reasonable notice. In the event of an audit, source documents will be required from the Recipient.

1. **Data Collection**

O&M support funding Recipients shall collect and submit data for 3 years after the execution date of any O&M agreement funded under this solicitation.

The data shall be collected using the National Renewable Energy Laboratory (NREL) Data Collection Tool (Attachment 6). Reporting data in the fields that contain purple color in the tool is optional, but highly encouraged.

## Eligible O&M Costs

Eligible O&M costs must meet the following general requirements. Whether costs meet these general requirements will be determined solely by the Energy Commission on a case-by-case basis based on available facts and documentation. Certain categories of costs are commonly allowable as specified in Subsection 2, Specific Allowable Costs, below.

1. **General Requirements**
	1. The Energy Commission will apply appropriate federal contract cost principles to grants made under this solicitation. Applicable federal rules will depend on Applicant’s form of organization. The likely applicable federal contract cost principles are available at:
2. OMB Circular A-122 (Revised):

<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A122/a122_2004.pdf>

1. OMB Circular A-87 (Revised):

<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A87/a87_2004.pdf>

1. Title 48 Code of Federal Regulations (CFR) Subpart 32.1:

<https://www.gpo.gov/fdsys/pkg/CFR-2001-title48-vol1/pdf/CFR-2001-title48-vol1-part32-subpart32-1.pdf>

Regardless of whether a specific item of cost is allowable under the contract cost principles, the Energy Commission reserves the right, at its sole discretion, to determine whether a specific item of cost is allowable.

* 1. Costs must be documentable and measurable.
	2. Costs must be non-duplicative of other reimbursed or match share costs.
	3. Indirect costs are not a reimbursable O&M expenditure.
	4. Costs must be reasonable and allocable to the eligible hydrogen refueling station supported by the O&M support grant. If a cost would exist in absence of the hydrogen refueling station being supported, the cost may not be claimed. For example, if utility costs are claimed as an operating cost, only utility costs resulting from the hydrogen refueling station are eligible for reimbursement.
	5. Non-cash expenses (such as amortization, depreciation, bad debt, etc.) are not eligible as a reimbursable O&M expenditure.
1. **Specific Allowable Costs:** The following costs are categorically allowable, provided that they also meet the general requirements.
2. Maintenance of equipment that is reasonably necessary to keep the hydrogen refueling station and related equipment in efficient operating condition, from the execution date of the agreement until the end of the agreement, only if the maintenance does not add permanent value to the equipment.
3. Insurance on the hydrogen refueling station and related equipment from the execution date of the agreement until the end of the agreement, only if:
	* insurance does not protect the Recipient against the cost of its own defects in materials or workmanship;
	* coverage for loss, damage, destruction, or theft of the equipment does not limit or eliminate the Recipient’s liability for such loss under the grant agreement;
	* coverage does not include loss, damage, destruction, or theft which results from the willful misconduct or lack of good faith on the part of any of the Recipient’s ownership or managerial personnel;
	* coverage does not include lost profit;
	* coverage does not exceed the cost of acquisition, unless the Recipient has a formal written policy that assures that the property, if converted, will be valued at the book value of the replaced asset plus or minus the difference between the insurance proceeds and the actual replacement costs;
	* costs are consistent with competitive insurance prices;
	* insurance does not protect the Recipient from the Energy Commission; and,
	* insurance is equivalent to the insurance that the Recipient maintains for similar equipment.
4. Utility costs that are allocated to the hydrogen refueling station and related equipment from the execution date of the agreement until the end of the agreement.
5. Hydrogen production or procurement costs allocable to the hydrogen refueling station from the execution date of the agreement until the end of the agreement.
6. Hydrogen fuel delivery costs necessary for the operation of the hydrogen refueling station from the execution date of the agreement until the end of the agreement.
7. Rent or lease payments allocable to the hydrogen refueling station from the execution date of the agreement until the end of the agreement.

## Unallowable Costs (Reimbursable or Match Share)

For an item of cost to be allowable, it must be included in the approved agreement budget and allowable per the terms and conditions of the resulting agreement. The following are examples of unallowable costs under an agreement resulting from this solicitation. This list is not comprehensive and additional items of cost may be unallowable in accordance with the terms and conditions.

1. Property taxes.
2. Interest.
3. Penalties.
4. Any costs which do not meet the requirements set forth in Section II.C.1, General Requirements.
5. ***Forgone Profit*** – For example, if a company usually charges 10% profit but only charges 4% to the Energy Commission. The unclaimed difference is not an allowable item of cost.
6. ***Forgone Rent*** – For example, rents that are not paid is not an allowable item of reimbursable cost.
7. ***Discounted or Refunded Equipment Costs*** – For example, a claim that equipment costs $10,000 but recipient only pays $6,000 due to some “special” discount. The difference of $4,000 is not an allowable match share expense. Another example is if the recipient actually pays $10,000 but the vendor refunds $4,000 – only the net $6,000 is an allowable item of cost.
8. ***Foregone Salary, Fringe, Indirect or Other Types of Cost*** – For example, a person normally charges or is paid $100 per hour, but will only charge $50 per hour towards the Energy Commission award. Only actual costs incurred and paid to the employee are allowable. Therefore, if an employee is ***actually*** paid $100 per hour and the Energy Commission only reimburses at $40 per hour, then the unreimbursed $60 per hour is an allowable match share cost because this is an actual payment as opposed to a foregone salary amount. Volunteer labor (i.e., labor from a person who does not receive any compensation for their labor) may be an allowable in-kind match share expense if the value of the labor is reasonable and justified.

## Match Funding Requirements

There is no match share funding requirement for this solicitation.

# III. Application Format, Required Documents, and Delivery

##

## Required Format for an Application

This section contains the format requirements and instructions on how to submit an application. The format is prescribed to assist the Applicant in meeting State requirements and to enable the Energy Commission to evaluate each application uniformly and fairly. Applicants must follow all application format instructions, answer all questions, and supply all requested data.

All applications submitted under this solicitation must be typed or printed using a standard 11‑point font, single-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back.

## Methods For Delivery

1. **Electronic Submission through the Grant Solicitation System**

The preferred method of delivery for this solicitation is the Energy Commission’s Grant Solicitation System, available at: <https://gss.energy.ca.gov/>. This online tool allows Applicants to submit their electronic documents to the Energy Commission prior to the date and time specified in this solicitation. Electronic files must be in Microsoft Word (.doc format) and Excel Office Suite formats unless originally provided in the solicitation in another format. Attachments requiring signatures may be scanned and submitted in PDF format. Completed Budget Forms, Attachment 3, must be in Excel format. The system will not allow applications to be submitted after the due date and time.

First time users must register as a new user to access the system. Applicants will receive a confirmation email after all required documents have been successfully uploaded. A tutorial of the system will be provided at the pre-application workshops and you may contact the Commission Agreement Officer identified in the Questions section of the solicitation for more assistance.

1. **Hard Copy Submittals**
2. ***Delivery:*** Although not preferred, an Applicant may deliver a hard copy of an application by:
* U.S. Mail
* In Person
* Courier service

Applications submitted in hard copy must be delivered to the Energy Commission Contracts, Grants and Loans Office during normal business hours and prior to the date and time specified in this solicitation. Applications received after the specified date and time are considered late and will not be accepted. There are no exceptions. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

***There is no need to submit a hard copy of an application that is submitted through the Grant Solicitation System.***

1. ***Number of Copies for Hard Copy Submittals:*** Applicants may submit only an original application. No additional hard copies of the application are needed*.*
2. ***Electronic Copies:*** Applicants must also submit electronic files of the application on ***CD-ROM or USB memory stick*** along with the hard copy submittal. Only one CD-ROM or USB memory stick is needed. Electronic files must be in Microsoft Word (.doc format) and Excel Office Suite formats. Completed Budget Forms, Attachment 3, must be in Excel format.
3. ***Packaging and Labeling for Hard Copy Submittals:*** The original application must be labeled "Grant Funding Opportunity GFO-17-601," and include the title of the application. The application should be bound only with a binder clip.

Deliver your application in a sealed package and label as follows:

|  |  |
| --- | --- |
| Person’s Name, Phone #Applicant’s NameStreet AddressCity, State, Zip CodeFAX # |  |
|  | California Energy CommissionContracts, Grants & Loans OfficeAttn: GFO-17-6011516 Ninth Street, MS-18Sacramento, California 95814 |

## Application Organization

| **Item** | **Attachment Number (if applicable)** |
| --- | --- |
| Operation and Maintenance Support Grant Application Form | Attachment 1 |
| Documentation of Station Operational Status | N/A |
| Commitment Letter | N/A |
| Budget Form | Attachment 3 |
| Contact List | Attachment 4 |

1. **Operation and Maintenance Support Grant Application Form**

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

All Applicants must authorize the Energy Commission to make any inquiries necessary to verify the information presented in the application. Further, all Applicants must authorize the Energy Commission to obtain a credit report on the Applicant’s organization.

All Applicants must certify under penalty of perjury under the laws of the State of California that:

* All information in the application is correct and complete to the best of the Applicant’s knowledge.
* The Applicant has read and understands the terms and conditions and will accept them without negotiation if awarded.
* The Applicant has received any required licenses (such as copyrights or trademarks) applicable to the submitted application.
* The person electronically submitting the application through the Grant Solicitation System is an authorized representative of the Applicant. For Applicants providing a hard copy submittal, the person signing the application is an authorized representative of the Applicant.
* The Applicant agrees to the Scope of Work contained in Attachment 2 without modification. While modifications to the Scope of Work are not anticipated, the Energy Commission reserves the right to modify the Scope of Work if necessary.

***For Applicants using the electronic submission through the Grant Solicitation System***, checking the “I Agree” box and clicking the “I Agree & Submit” button provides the required authorizations and certifications.

***For Applicants submitting hard copy applications***, Attachment 1 must be submitted and signed by an authorized representative of the Applicant.

1. **Documentation on Station Operational Status**

The Applicant shall provide documentation that the station is operational or submit a reasonable plan that the station will be operational within 90-days from the date of application or June 30, 2018, whichever comes first.

1. **Commitment Letter**

The Applicant shall provide a commitment letter about their plan to operate the station receiving Operations and Maintenance funding for a minimum of 3 years after an Operations and Maintenance agreement funded under this solicitation is executed.

1. **Budget Forms**
2. The Applicant shall submit information on ***all*** budget forms contained in Attachment 3. All budget forms are required because they will be used for the agreement prepared with the eligible Applicant(s).
3. Detailed instructions for completing these forms are included at the beginning of Attachment 3.
4. Rates and personnel shown must reflect rates and personnel charged under an agreement resulting from this solicitation. The salaries, rates, and other costs entered on these forms become a part of the final agreement. The entire term of the agreement and projected rate increases must be considered when preparing the budget. The rates proposed are considered capped and shall not change during the term of the agreement. The Recipient shall only be reimbursed for their ***actual*** rates up to these rate caps. The hourly or monthly rates provided shall be unloaded (before fringe benefits or indirect costs).
5. The information provided in these forms will ***not*** be kept confidential.
6. All reimbursable expenditures must be expended within the approved term of the funding agreement. Expenditures may be counted as match share only after the Energy Commission notifies the applicant that its project has been proposed for an award through the release of a Notice of Proposed Awards (NOPA). However, match expenditures incurred prior to the full execution of a funding agreement are made at the applicant’s own risk.
7. The Budget must allow for the expenses of a Kick-off Meeting, at least one (1) Critical Project Review meeting, and a Final meeting. It is anticipated that meetings will be conducted at the Energy Commission located in Sacramento, CA.
8. Applicants must budget for permits, insurance, etc. The Energy Commission will not reimburse expenditures for permitting or insurance. However, these expenditures can be included as match share expenditure.
9. The Budget must allow for the preparation and submission of monthly progress reports (1-2 pages each) during the approved term of the agreement, and a Final Report. Instructions for preparing the Final Report will be provided to successful applicants.
10. The purchase of equipment (defined as items with a unit cost greater than $5,000 and a useful life of greater than one year) with Energy Commission funds will require disposition of purchased equipment at the end of the project. Typically, Grant Recipients may continue to utilize equipment purchased with Energy Commission funds as long as the use is consistent with the intent of the original agreement. ***There are no disposition requirements for equipment purchased with match share funding.***
11. The Budget must reflect estimates for ***actual*** costs to be incurred during the approved term of the project. The Energy Commission can only approve and reimburse for actual costs that are properly documented in accordance with the Grant Terms and Conditions.
12. Applicants shall ***NOT*** budget for, and ***CANNOT*** be reimbursed for, more than their actual allowable expenses (i.e., the budget cannot include profit, fees, or markups) under the agreement. Subcontractors (all tiers) are allowed to include up to a maximum total of 10% profit, fees or mark-ups on their own actual allowable expenses less any expenses further subcontracted to other entities (i.e., profit, fees and markups are not allowed on subcontractor expenses). For example, if a subcontractor has $100,000 in actual allowable costs but has further subcontracted $20,000 to another entity, then the subcontractor can only include up to 10% profit on $80,000 ($100,000 minus $20,000). See terms and conditions for more information on allowable costs.
13. ***IMPORTANT - Payment of Prevailing Wage:*** Applicants must read and pay particular attention to the Terms and Conditions (Attachment 5) and the section related to Public Works and Payment of Prevailing Wages. Prevailing wage rates can be significantly higher than non-prevailing wage rates. Failure to pay legally-required prevailing wage rates can result in substantial damages and financial penalties, termination of the agreement, disruption of projects, and other complications.
14. **Contact List**

Applicants must include a completed Contact List (Attachment 4) by including the appropriate points of contact for the Applicant. The Energy Commission will complete the Energy Commission points of contact during agreement development.

# IV. Evaluation Process and Criteria

## Application Evaluation

This section explains how the applications will be evaluated. Applications will be evaluated based on the responses to the information requested in this solicitation. The entire evaluation process from receipt of applications to posting of the Notice of Proposed Award (NOPA) is confidential.

To evaluate all applications, the Energy Commission will organize an Evaluation Committee. The Evaluation Committee may consist of Energy Commission staff or staff of other California state entities.

1. **Screening Criteria**

The Contracts, Grants and Loans Office will screen applications for compliance with the Administrative Screening Criteria. The Evaluation Committee will screen applications for compliance with the Technical Screening criteria. Applications that fail any of the Administrative or Technical Screening Criteria shall be rejected.

1. **Administrative Screening Criteria**

The application must pass all of the following Administrative Screening Criteria to be eligible for funding.

| **ADMINISTRATIVE Screening Criteria**  | **Pass/Fail** |
| --- | --- |
| 1. The application is received by the Energy Commission’s Contracts, Grants, and Loans Office by the due date specified in the “Key Activities and Dates” in Section I this solicitation.
 | [ ]  Pass [ ]  Fail |
| 1. The applicant provides the required authorizations and certifications.
 | [ ]  Pass [ ]  Fail |
| 1. The applicant has not included a statement that is contrary to the required authorizations and certifications.
 | [ ]  Pass [ ]  Fail |

1. **Technical Screening Criteria**

The application must pass all of the following Technical Screening Criteria to be eligible for funding.

|  |  |
| --- | --- |
| **TECHNICAL SCREENING CRITERIA** | **Pass/Fail** |
| 1 | The Applicant is an eligible applicant.  | [ ]  Pass [ ]  Fail |
| 2 | The project is an eligible project. | [ ]  Pass [ ]  Fail |

The Evaluation Committee will issue a Pass/Fail tally for each application. An application receiving a “fail” for any criterion will be rejected.

The Energy Commission will recommend awards to those applications passing all administrative and technical screening criteria until available funding under this solicitation has been exhausted.

1. **Additional Grounds to Reject an Application**

In addition to the Screening Criteria identified within this solicitation, the Energy Commission reserves the right to reject an application and/or cancel an award if at any time during the application or agreement process the following circumstances are discovered:

1. The application contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Applicant.
2. The application is intended to erroneously and fallaciously mislead the State in its evaluation of the application and the attribute, condition, or capability is a requirement of this solicitation.
3. The application does not literally comply or contains caveats that conflict with the solicitation and the variation or deviation is material or it is otherwise non-responsive.

## Notice of Proposed Awards

The results of the evaluation will be posted in a Notice of Proposed Awards (NOPA) and will include the recommended funding level for each application. The Energy Commission will post the NOPA at the Energy Commission’s headquarters in Sacramento, publish the NOPA on the Energy Commission’s website, and mail the NOPA to all parties that submitted an application. NOPAs will be posted continuously and as needed.

## Debriefings

Applicants whose application(s) are rejected may request a debriefing after the release of the NOPA. A request for debriefing should be received no later than 15 days after the NOPA is released.

## Application Resubmittals

Applicants who have rejected application(s) are encouraged to modify their application(s) and resubmit their application(s) in accordance with the requirements of this solicitation. Resubmitted applications will be processed as a new application on a first-come, first-served basis as long as the Energy Commission is still accepting applications and funding remains available under this solicitation.

#

# V. Administration

## Definition of Key Words

Important definitions for this solicitation are presented below:

|  |  |
| --- | --- |
| **Word/Term** | **Definition** |
| Applicant | Respondent to this solicitation |
| Application | Formal written response to this document from Applicant |
| CAM | Commission Agreement Manager |
| Energy Commission | California Energy Commission |
| Solicitation | Grant Funding Opportunity, which refers to this entire solicitation document and all its attachments and exhibits |

## Cost of Developing Application

The Applicant is responsible for the cost of developing an application, and this cost cannot be charged to the State.

## Solicitation Cancellation and Amendments

It is the policy of the Energy Commission 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 Energy Commission reserves the right to do any of the following:

* Cancel this solicitation.
* Revise the amount of funds available under this solicitation.
* Amend this solicitation as needed.
* Reject any or all applications received in response to this solicitation.

If the solicitation is amended, the Energy Commission will send an addendum to all parties who requested the solicitation and will also post it on the Energy Commission’s website at [www.energy.ca.gov/contracts](http://www.energy.ca.gov/contracts).

## Errors

If an Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation, the Applicant shall immediately notify the Energy Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the solicitation, without divulging the source of the request for clarification. The Energy Commission shall not be responsible for failure to correct errors.

## Modifying or Withdrawal of Application

An Applicant may, by letter to the Commission Agreement Officer at the Energy Commission, withdraw or modify a submitted application before the deadline to submit applications. Applications cannot be changed after that date and time. An application cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the solicitation: “This application and the cost estimate are valid for 60 days.”

## Immaterial Defect

The Energy Commission may waive any immaterial defect or deviation contained in an Applicant’s application. The Energy Commission’s waiver shall in no way modify the application or excuse the successful Applicant from full compliance.

## Disposition of Applicant’s Documents

The entire evaluation process from receipt of applications up to the posting of the Notice of Proposed Award is confidential. On the Notice of Proposed Award posting date, or date of solicitation cancellation, all applications and related material submitted in response to this solicitation become a part of the property of the State and public record. Applicants who want any work examples they submitted with their applications returned to them shall make this request and provide either sufficient postage or a Courier Charge Code to fund the cost of returning the examples.

## Applicants’ Admonishment

This solicitation contains the instructions governing the requirements for a firm quotation to be submitted by interested Applicants, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Applicant responsibilities. Applicants must take the responsibility to carefully read the entire solicitation, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, and make sure that all procedures and requirements of the solicitation are followed and appropriately addressed.

## Agreement Requirements

The content of this solicitation shall be incorporated by reference into the final agreement. See the sample agreement terms and conditions included in this solicitation.

The Energy Commission reserves the right to negotiate with Applicants to modify the project scope, the level of funding, or both. If the Energy Commission is unable to successfully negotiate and execute a funding agreement with an Applicant, the Energy Commission, at its sole discretion, reserves the right to cancel the pending award and fund the next highest ranked eligible project.

The Energy Commission must formally approve all proposed grant awards. ARFVTP agreements for over $75,000 must be scheduled and considered at an Energy Commission Business Meeting for approval by the Energy Commission.

Public agencies that receive funding under this solicitation must provide an authorizing resolution approved by their governing authority to enter into an agreement with the Energy Commission and designating an authorized representative to sign.

The Energy Commission will send the approved agreement, including the general Terms and Conditions and any additional terms and conditions, to the grant recipient for review, approval, and signature. Once the grant recipient signs, the Energy Commission will fully execute the agreement. Recipients are approved to begin the project only after full execution of the agreement.

## No Agreement Until Signed and Approved

No agreement between the Energy Commission and the successful Applicant is in effect until the agreement is signed by the Recipient, approved at an Energy Commission Business Meeting, and signed by the Energy Commission representative.

The Energy Commission reserves the right to modify the award documents prior to executing the agreement.