**GRANT FUNDING OPPORTUNITY**

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

**Light Duty Vehicle Hydrogen Refueling Infrastructure**

**Application Manual**



Addendum ~~3~~ **4**

**GFO-15-605**

<http://www.energy.ca.gov/contracts/index.html>

State of California

California Energy Commission

~~July 2016~~ **July 2019**

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# I. Introduction

## Background

Assembly Bill (AB) 118 (Nùñez, Chapter 750, Statutes of 2007), created the Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP). The statute authorizes the California Energy Commission (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-authorizes the ARFVTP through January 1, 2024, and specifies 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 up to 100 stations.

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.

## Purpose of Solicitation

The purpose of this solicitation is to provide grant funds to expand the network of publicly accessible hydrogen refueling stations that serve California’s light duty fuel cell electric vehicles (FCEVs).

The Energy Commission will make available two categories of Capital Expense (Cap-X) funding. Operation and Maintenance (O&M) funding is also available for stations whose capital expenses are funded under this solicitation **and are not receiving Hydrogen Refueling Infrastructure (HRI) credits pursuant to the California Air Resources Board (CARB)’s Low Carbon Fuel Standard (LCFS) regulation, which appears at sections 95480 to 95503 of Title 17, California Code of Regulations.** This solicitation places a preference on hydrogen refueling stations that fill hydrogen refueling station coverage gaps and hydrogen refueling capacity gaps in California.

Improvements to the network of hydrogen refueling stations and an expected corresponding increase in FCEVs will support the carbon reduction and air quality improvement goals of the State of California, such as the Zero Emission Vehicle (ZEV) Mandate, which calls for sufficient alternative refueling infrastructure to support up to 1 million ZEVs by 2020, reaching 1.5 million ZEVs on the road in California by 2025. Hydrogen FCEVs are expected to play a critical role in meeting the ZEV Mandate targets. A growing hydrogen station network will also contribute to the mix of alternative fuels needed to implement the **LCFS**, which is designed to reduce the carbon intensity of transportation fuels by 10 percent by 2020.

All projects funded under this solicitation must support the future deployment of FCEVs. The Energy Commission expects that projects funded under this solicitation will continue to expand the initial foundation of the statewide infrastructure network, encourage greater FCEV adoption among consumers, and facilitate hydrogen fuel providers’ entry to this emerging market.

## Hydrogen Refueling Station Network

Table 1 lists the operational (as defined in the solicitation under which the station was funded) and planned stations in California’s hydrogen refueling station network, as of the release date of this solicitation.

*Table 1: Hydrogen Refueling Network*

|  |
| --- |
| **Station Addresses** |
| 3731 East La Palma Avenue, Anaheim, CA 92806 |
| 145 West Verdugo Avenue, Burbank, CA 91510 |
| 2855 Winchester Boulevard, Campbell, CA 95008 |
| 12600 East End Avenue, Chino, CA 91710 |
| 24505 West Dorris Avenue, Coalinga, CA 93210 |
| 2050 Harbor Boulevard, Costa Mesa, CA 92627 |
| 21865 E. Copley Drive, Diamond Bar, CA 91765 |
| 1172 45th Street, Emeryville, CA 94608 |
| 310 Encinitas Boulevard, Encinitas, CA 92024 |
| 41700 Grimmer Boulevard, Fremont, CA 94538 |
| 25800 South Western Avenue, Harbor City, CA 90710 |
| 391 West A Street, Hayward, CA 94541 |
| 19172 Jamboree Road, Irvine, CA 92612 |
| 550 Foothill Boulevard, La Canada Flintridge, CA 91011 |
| 20731 Lake Forest Drive, Lake Forest, CA 92630 |
| 15606 Inglewood Avenue, Lawndale, CA 90260 |
| 3401 Long Beach Boulevard, Long Beach, CA 90807 |
| 2300 Homestead Road, Los Altos, CA 94024 |
| 11261 Santa Monica Boulevard, Los Angeles, CA 90024 |
| 10400 Aviation Boulevard, Los Angeles, CA, 90046 |
| **Station Addresses** |
| 7751 Beverly Boulevard, Los Angeles, CA 90036 |
| 5700 Hollywood Boulevard, Los Angeles, CA 90028 |
| 8126 Lincoln Boulevard, Los Angeles, CA 90045 |
| 5151 State University Drive, Los Angeles, CA 90032 |
| 570 Redwood Highway, Mill Valley, CA 94941 |
| 830 Leong Drive, Mountain View, CA 94043 |
| 1600 Jamboree Road, Newport Beach, CA 92660 |
| 5957 Vineland Avenue, North Hollywood, CA 91601 |
| 1850 Holt Boulevard, Ontario, CA 91761 |
| 1914 East Chapman Avenue, Orange, CA 92867 |
| 3601 El Camino Real, Palo Alto, CA 94036 |
| 28103 Hawthorne Boulevard, Rancho Palos Verdes, CA 90275 |
| 8095 Lincoln Avenue, Riverside, CA 92504 |
| 5060 Redwood Drive, Rohnert Park, CA 94928 |
| 3060 Carmel Valley Road, San Diego, CA 92130 |
| 2101 North First Street, San Jose, CA 95131 |
| 26572 Junipero Serra Road, San Juan Capistrano, CA 92675 |
| 2451 Bishop Drive, San Ramon, CA 94583 |
| 150 South La Cumbre Road, Santa Barbara, CA 93105 |
| 24551 Lyons Avenue, Santa Clarita, CA 91321 |
| 1819 Cloverfield Boulevard, Santa Monica, CA 90404 |
| 12600 Saratoga Avenue, Saratoga, CA 95070 |
| 1200 Fair Oaks Avenue, South Pasadena, CA 91030 |
| 248 South Airport Boulevard, South San Francisco, CA 94080 |
| 3102 Thousand Oaks Boulevard, Thousand Oaks, CA 91362 |
| 2051 West 190th Street, Torrance, CA 90501 |
| 12105 Donner Pass Road, Truckee, CA 96161 |
| 1515 South River Road, West Sacramento, CA 95691 |
| 5314 Topanga Canyon Road, Woodland Hills, CA 91364 |
| 17287 Skyline Boulevard, Woodside, CA 94062 |

## Pre-Application Workshop

There will be one Pre-Application Workshop; participation in this meeting 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.

**April 26, 2016**

1:00 PM

California Energy Commission

Charles Imbrecht Hearing Room - First Floor

1516 9th Street

Sacramento, CA 95814

**WEBEX Instructions Follow**

***COMPUTER LOGON***

1. Please go to <https://energy.webex.com> and enter the unique meeting number: 926 991 974
2. When prompted, enter your information and the following meeting password: [Hydrogen@2016](mailto:Dec6@CEC)

NOTE: Access to WebEx meetings is now available from your mobile device. To learn more and access your app, please visit <http://www.webex.com/overview/mobile-meetings.html>

***TELECONFERENCE***

After logging in on the computer, an AUDIO CONFERENCE BOX will offer you the choice of phone connections:

1. TO HAVE WEBEX CALL YOU BACK: Type your area code and phone number and click "Call Me."
2. TO CALL INTO THE TELECONFERENCE: Use the drop-down box to select "I will call in" and follow the on-screen directions.
3. INTERNATIONAL CALLERS: Click on the "Global call-in number" link in part (2) above.
4. TO LISTEN OVER THE COMPUTER: If you have the needed equipment and your computer is configured, click on "Use Computer Headset" and then "Call Using Computer" to use VoIP (Internet phone).

***TELEPHONE ONLY (NO COMPUTER ACCESS):*** Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number: 926 991 974. International callers can select their number from <https://energy.webex.com/energy/globalcallin.php>

***TECHNICAL SUPPORT***

For help with problems or questions trying to join or attend the meeting, please call WebEx Technical Support at 1-866-229-3239.

System Requirements: To see if your computer is compatible, visit <https://support.webex.com/MyAccountWeb/systemRequirement.do?root=Tools&parent=System> and refer to the WBS 28 section.

Meeting Preparation: The playback of UCF (Universal Communications Format) rich media files requires appropriate players. To view this type of rich media files in the meeting, please check whether you have the players installed on your computer by going to <https://energy.webex.com/energy/systemdiagnosis.php>.

***CALENDAR***

To add this meeting to your Microsoft Outlook or compatible calendar program, click the following link or copy the link and paste it into your Web browser:   
<https://energy.webex.com/energy/j.php?MTID=mf8bfeb7150cd0076fc513082d0da49bb>

Thank you for working green by meeting online.

<http://www.webex.com>

## Open Question and Answer Session

There will be an open question and answer session for this solicitation with the Energy Commission staff; participation in this session is optional. The session 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.

June 17, 2016

10:00 AM

California Energy Commission

Second Floor Conference Room Fishbowl

1516 9th Street

Sacramento, CA 95814

WEBEX Instructions Follow

*COMPUTER LOGON*

1. Please go to <https://energy.webex.com> and enter the unique meeting number: 925 919 973
2. When prompted, enter your information and the following meeting password: QandA@10am

NOTE: Access to WebEx meetings is now available from your mobile device. To learn more and access your app, please visit <http://www.webex.com/overview/mobile-meetings.html>

*TELECONFERENCE*

After logging in on the computer, an AUDIO CONFERENCE BOX will offer you the choice of phone connections:

1. TO HAVE WEBEX CALL YOU BACK: Type your area code and phone number and click "Call Me."
2. TO CALL INTO THE TELECONFERENCE: Use the drop-down box to select "I will call in" and follow the on-screen directions.
3. INTERNATIONAL CALLERS: Click on the "Global call-in number" link in part (2) above.
4. TO LISTEN OVER THE COMPUTER: If you have the needed equipment and your computer is configured, click on "Use Computer Headset" and then "Call Using Computer" to use VoIP (Internet phone).

*TELEPHONE ONLY (NO COMPUTER ACCESS):* Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number: 925 919 973. International callers can select their number from <https://energy.webex.com/energy/globalcallin.php>

*TECHNICAL SUPPORT*

For help with problems or questions trying to join or attend the meeting, please call WebEx Technical Support at 1-866-229-3239.

System Requirements: To see if your computer is compatible, visit <https://support.webex.com/MyAccountWeb/systemRequirement.do?root=Tools&parent=System> and refer to the WBS 28 section.

Meeting Preparation: The playback of UCF (Universal Communications Format) rich media files requires appropriate players. To view this type of rich media files in the meeting, please check whether you have the players installed on your computer by going to <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 on the date listed in the Key Activities and Dates table in Section II of 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: <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. Therefore, all communication should be directed in writing to the Commission Agreement Officer assigned to the solicitation.

## Contact Information

Kevyn Piper, Commission Agreement Officer

California Energy Commission

1516 Ninth Street, MS-18

Sacramento, California 95814

Telephone: (916) 654-4845

FAX: (916) 654-4423

E-mail: [Kevyn.Piper@energy.ca.gov](mailto:Kevyn.Piper@energy.ca.gov)

## Special Terms and Conditions

This solicitation contains Special Terms and Conditions which address data collection and payment contingency. (Attachment 14)

## Relevant Laws, Regulations, Reports and Other Documents

Applicants must 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.
* CCR Title 24 California Building Standards Code, Part 2 California Building Code, Vol. I, Chapter 11B – Accessibility to Public Buildings, Public Accommodations, Commercial Building and Publicly Funded Housing.
* Code of Federal Regulations (CFR), Title 48 Federal Acquisition Regulations System (2016).

<http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title48/48tab_02.tpl>

Applicants shall comply with the provisions of the following standards and codes that are required to meet the Minimum Technical Requirements (Section VI) and Renewable Hydrogen Requirements (Section VII) 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. *CSA Hydrogen Gas Vehicle (HGV) 4.3 Test Method for Hydrogen Fueling Parameter Evaluation: 2012*.
* 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: 2012*.
  + 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: 2011.*
  + SAE International, Detroit MI. *SAE J2799 70MPa Compressed Hydrogen Surface Vehicle Fuelling 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 97th National Conference on Weights and Measures (2012), Handbook 44: 2013.
* ASTM International (formerly American Society of Testing and Materials) 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.

Applicants are encouraged to use the following tools, systems, and guides when applying for funding under this solicitation:

* + California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Sacramento, CA. Cumulative Impacts: *Building a Scientific Foundation, Cal EnviroScreen.*

<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 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, *Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, NIST Handbook 130: 2013*.

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: 12:00-1:00 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. Low Carbon Fuel Standard Program: 2016.

<http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>

* California Energy Commission, Sacramento, CA. *2015-2016 Investment Plan Update for the Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP).*

<http://www.energy.ca.gov/2014publications/CEC-600-2014-009/CEC-600-2014-009-CMF.pdf>

* + California Energy Commission, Sacramento, CA. *2015-2016 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/2015publications/CEC-600-2015-016/CEC-600-2015-016.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>
* 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): 2013*.

<http://www.dot.ca.gov/hq/tpp/offices/orip/climate_change/documents/alternative_fuels_signage_fact_sheet-final.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](mailto:Jason.Marcinkoski@ee.doe.gov)

<http://www1.eere.energy.gov/hydrogenandfuelcells/financial.html>

# II. General Solicitation Elements

## Key Activities and Dates

Key activities, dates, and times for this solicitation are presented in Table 2 below. An addendum will be released if the dates change for the asterisked (\*) activities.

*Table 2: Key Activities and Dates*

|  |  |
| --- | --- |
| **ACTIVITY** | **ACTION DATE** |
| Solicitation Release | April 6, 2016 |
| Deadline for Written Questions (5:00 PM) | May 2, 2016\* |
| Pre-Application Workshop | April 26, 2016\* |
| Pre-Application Workshop 2 | May 2, 2016 |
| Distribute Questions/Answers and Addenda (if any) to the Solicitation | June 3, 2016 |
| Open Question and Answer Session | June 17, 2016 |
| Deadline for Written Questions 2 (5:00 PM) | June 17, 2016 |
| Distribute Questions/Answers 2 (if any) | July 12, 2016 |
| Deadline to Submit Applications by 5:00 PM | August 19, 2016\* |
| Anticipated Notice of Proposed Awards Posting Date | October, 2016 |
| Anticipated Energy Commission Business Meeting Date | January, 2017 |
| Anticipated Agreement Start Date | January, 2017 |

## Available Funding

There is up to $33.0 million for the agreements resulting from this solicitation. The Energy Commission, at its sole discretion, reserves the right to increase or decrease the amount of funds available under this solicitation.

## Funding Categories

This solicitation has two separate funding categories:

1. Operation and Maintenance (O&M) Support Grants.
2. Capital Expense (Cap-X) Grants:
3. I-5 Connector Station Competition (includes new construction and upgrades to existing fueling equipment).
4. Main Station Competition (includes new construction and upgrades to existing fueling equipment).

## How Award is Determined

1. ***O&M Support Grants:*** This funding category is a first-come, first-served grant category. Applicants/projects meeting the minimum eligibility criteria for operation and maintenance support grants will be recommended for funding. Only stations receiving a Capital Expense (Cap-X) grant award under this solicitation are eligible for an O&M Support Grant under this solicitation. The Energy Commission expects to recommend funding for all O&M support grants supporting funded stations under this solicitation **with the exception of those stations receiving Hydrogen Refueling Infrastructure (HRI) credits pursuant to the California Air Resources Board’s Low Carbon Fuel Standard regulation, which appears at sections 95480 to 95503 of Title 17, California Code of Regulations.**
2. ***Capital Expense (Cap-X) Grants:*** This funding category includes the I-5 Connector Station Competition and Main Station Competition. These are competitive grant competitions. Applicants passing administrative and technical screening will compete based on Evaluation Criteria (Section X), and will be scored based on those criteria. The highest ranked, eligible applications will be recommended for funding.

Once a station under the I-5 Connector competition has been funded, remaining funding will be utilized under the Main Station competition. The Energy Commission reserves the right to move on to fund stations under the Main Station Competition if the Energy Commission did not receive any qualifying applications under the I-5 Connector Station Competition.

The Energy Commission reserves the right to reduce a proposed agreement amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Energy Commission agreements. In this event, the Recipient and Commission Agreement Manager (CAM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

## Maximum Awards

Maximum award amounts vary based on competition category and Daily Station Fueling Capacity. See Table 3 (180-299 kg/day and 300+ kg/day).

1. ***O&M Support Grants:*** Up to $300,000 per station, for stations awarded a Cap-X grant under this funding solicitation.
2. ***Capital Expense (Cap-X) Grants:*** Maximum Cap-X funding is dependent on the station capacity and month station is deemed operational in accordance with Table 3. The maximum amount awarded for any station will equal the lesser of the following:
   1. The amount of funds requested in the Application Form (Attachment 2).
   2. The maximum Cap-X funding amount per station~~, plus incentive if any,~~ according to Table 3.
   3. The maximum percentage of total project costs according to Table 3.

This solicitation offers Cap-X incentive funding on a sliding scale to incentivize stations to become operational more quickly. Stations becoming operational within 20 months after Business Meeting approval will earn the maximum incentives offered under this solicitation. Stations becoming operational after 26 months or more following Business Meeting approval will earn no incentives. Incentive funding may be approved at an Energy Commission Business Meeting, but if the target station operational date is not achieved, any approved incentives will not be earned/disbursed.

*Table 3: Station Operational Dates and Maximum Cap-X Funding Awards per Station*

**Station Capacity: 180 – 299 kg/day**

|  |  |  |  |
| --- | --- | --- | --- |
| **Station Operational Date** | **Maximum Cap-X Funding Amount** | **Monthly Incentive\*** | **Maximum Percentage of Total Project Costs** |
| 26 or more Months after Business Meeting Approval | $1,700,000 | N/A | 70% |
| 25 Months after Business Meeting Approval | $1,770,833 | $70,833 | 75% |
| 24 Months after Business Meeting Approval | $1,841,666 | $70,833 | 75% |
| 23 Months after Business Meeting Approval | $1,912,499 | $70,833 | 80% |
| 22 Months after Business Meeting Approval | $1,983,332 | $70,833 | 80% |
| 21 Months after Business Meeting Approval | $2,054,165 | $70,833 | 85% |
| 20 Months after Business Meeting Approval | $2,125,000 | $70,835 | 85% |

\*Shows the difference in maximum Cap-X funding amount depending on when the station becomes operational.

**Station Capacity: 300+ kg/day**

|  |  |  |  |
| --- | --- | --- | --- |
| **Station Operational Date** | **Maximum Cap-X Funding Amount** | **Monthly Incentive\*** | **Maximum Percentage of Total Project Costs** |
| 26 or more Months after Business Meeting Approval | $1,870,000 | N/A | 70% |
| 25 Months after Business Meeting Approval | $1,947,915 | $77,915 | 75% |
| 24 Months after Business Meeting Approval | $2,025,832 | $77,917 | 75% |
| 23 Months after Business Meeting Approval | $2,103,749 | $77,917 | 80% |
| 22 Months after Business Meeting Approval | $2,181,666 | $77,917 | 80% |
| 21 Months after Business Meeting Approval | $2,259,583 | $77,917 | 85% |
| 20 Months after Business Meeting Approval | $2,337,500 | $77,917 | 85% |

## 

\*Shows the difference in maximum Cap-X funding amount depending on when the station becomes operational.

## Operational Station and Operational Date for the Station

An operational hydrogen refueling station has all of the following characteristics and meets all of the following requirements. All requirements shall be met at the exact station address where all of the hydrogen refueling equipment will be installed in California.

* + - 1. Has a hydrogen fuel supply.
      2. Has an energized utility connection and source of system power.
      3. Has installed all of the hydrogen refueling station/dispenser components identified in the Energy Commission agreement to make the station functional.
      4. Has passed a test for hydrogen quality that meets standards and definitions specified in the California Code of Regulations, 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 (i.e., the most recent version of SAE International J2719).
      5. Has successfully fueled one FCEV with hydrogen.
      6. Dispenses hydrogen at the mandatory H70-T40 (700 bar) and 350 bar (if this optional fueling capability is included in the proposed project).
      7. Is open to the public, meaning that no obstructions or obstacles exist to preclude any individual from entering the station premises.
      8. Has all of the required state, local, county, and city permits to build and to operate.
      9. Meets all of the Minimum Technical Requirements (Section VI) of this solicitation.

***The Energy Commission strongly prefers and encourages Applicants to expedite stations becoming operational to the greatest extent possible. Stations becoming operational within 20 months after Business Meeting approval will earn full funding incentives.***

The operational date is the day on which a hydrogen refueling station becomes operational.

## Retention

Cap-X station development grants awarded as a result of this solicitation will be subject to a 15% retention amount per station until the Final Report for each station is approved by the CAM. The Final Report shall include, at a minimum, all the topics identified in the Scope of Work of the Energy Commission agreement and, if an O&M agreement is not executed for the station, the collection and analysis of 12 months of station operational data, per the last technical task in the Scope of Work template (see Attachment 3).

O&M support grants are not subject to retention requirements.

## Open Retail Station

An open retail hydrogen refueling station has all of the following characteristics and meets all of the following requirements. Applications shall include a plan for becoming an open retail hydrogen refueling station for light duty vehicles no more than 180 days after becoming an operational hydrogen refueling station (Section II).

1. The SAE J2601 H70-T40 open retail station shall conform to all applicable codes, regulations, and approved interface standards (fueling protocols, fuel quality, metrology, and permits).
2. The SAE J2601 H70-T40 open retail station shall use a public point of sale terminal that accepts major credit, debit, and fleet cards.
3. The SAE J2601 H70-T40 open retail station shall be open to the public, meaning no access cards or personal identification (PIN) codes are required for the station to dispense fuel, and no formal or registered station training shall be required for individuals to use the hydrogen refueling station.
4. The SAE J2601 H70-T40 open retail station shall meet all of the Minimum Technical Requirements (Section VI).

The open~~-~~retail hydrogen refueling station funded under this solicitation shall remain functioning for a minimum of five years after becoming open~~-~~retail.

## Single Applicant Cap

To promote market diversity, a single Applicant is eligible for no more than 60% of the total funds awarded under this solicitation. Funds awarded for O&M Support Grants do not count toward the Single Applicant Cap. The Energy Commission reserves the right to modify or eliminate this cap.

## Agreement Execution Deadline

Funding agreements must be fully executed by the funding Recipient within 90 days of project approval at an Energy Commission business meeting. If this deadline is missed, the Energy Commission reserves the right to cancel the award and award funds to the next eligible project.

## Data Collection and Reporting Requirements

Applicants awarded Cap-X funds and O&M funds under this solicitation will be required to collect and submit station operation, maintenance, and performance data to the Energy Commission.

The specific data collection requirements will be contained in the agreement’s Scope of Work. Recipients will be required to report this data using the National Renewable Energy Laboratory (NREL) Data Collection Tool (Attachment 11, updated with optional fields). Reporting data on the fields that contain purple color is optional but highly encouraged.

If Applicants consider any of the information to be reported via the NREL Data Collection Tool confidential, per California Code of Regulations sections 2505 et. seq., Applicants shall submit an Application for Confidential Designation prior to executing an agreement. A decision will be made by the Energy Commission’s Executive Director, in consultation with the Chief Counsel, as to whether the Energy Commission will keep the information confidential. Applicants should note that agreements resulting from this solicitation will require recipients to provide all the data requested in the NREL Data Collection Tool, regardless of confidentiality status. I.e., in the event that the Energy Commission determines that the information requested to be kept confidential is not confidential, recipients will still be required to provide that information per the NREL Data Collection Tool.

Stations receiving an O&M Support Grant shall collect and report data for 3 years after the station becomes operational. Should a station only receive a Cap-X grant and no O&M Support Grant, the data collection requirement, at a minimum, shall be one year after the station becomes operational.

## Enforcement of Proposed Station Locations

Applicants are strongly advised to only submit funding applications for locations where the Applicant has site control and assurance that the station can be successfully constructed. The Energy Commission reserves the right to cancel a proposed award or funding agreement if the proposed location of the station becomes unviable for any reason. Funding from terminated agreements may be utilized to fund the next eligible proposal under this solicitation.

## Enforcement of Critical Milestones

Time is of the essence in project completion. Therefore, to incentivize and ensure timely project completion, in addition to meeting other Agreement requirements, the Recipient must complete certain activities by certain dates in order to receive payment by the Commission under an agreement resulting from this solicitation. (Attachment 14, Special Terms and Conditions)

1. Definition of Critical Milestones
   * + Critical Milestone 1: The Recipient must have held an in-person pre-application meeting, for permits to build and operate each proposed hydrogen refueling station, with the authority that has jurisdiction over the project and entitlement process. The meeting should include but not be limited to discussion of zoning requirements and aesthetics of the proposed refueling station. The Recipient must provide to the Energy Commission proof of having met this Critical Milestone by submitting notes from a pre-application meeting with a date, time, location, and list of meeting participants.
     + Critical Milestone 2: The Recipient must have control and possession of the site at which the hydrogen refueling station is to be constructed. The Recipient must provide to the Energy Commission proof of having met this Critical Milestone by submitting adequate documentation of site control.
2. Stations Funded under Previous Solicitations

For Recipients of an agreement resulting from this solicitation who were awarded funding for hydrogen refueling stations construction under a previous Energy Commission grant or contract, for each previously funded station both Critical Milestones must be met and documented to the Energy Commission staff’s satisfaction by December 31, 2016 in order for the Recipient to be paid under the new agreement resulting from this solicitation. In other words, the Energy Commission will not pay the Recipient any money under the new agreement resulting from this solicitation until both Critical Milestones have been proven as having been met, by December 31, 2016, for a station previously funded by the Energy Commission, regardless of any work performed under the new agreement resulting from this solicitation.

1. Stations Funded under an Agreement Resulting From This Solicitation

For stations funded under an agreement resulting from this solicitation (resulting from GFO-15-605), if the Recipient of an agreement resulting from this solicitation has not previously received an award from the Energy Commission for hydrogen refueling station construction, or if the Recipient has received past award(s) from the Energy Commission for station construction and has submitted proof to Energy Commission staff’s satisfaction that the two Critical Milestones have been met for all previously-awarded stations, then funding for stations funded under the new agreement resulting from this solicitation will be disbursed on a station-by-station basis as the Recipient proves to the Energy Commission that both Critical Milestones have been metfor each station by the dates specified in Attachment 5 to the new agreement resulting from this solicitation, the “Schedule of Products and Due Dates.” In other words, the Energy Commission will not pay the Recipient any money for a station funded under the new agreement resulting from this solicitation unless the Recipient meets both Critical Milestones, and proves so to Energy Commission staff’s satisfaction, by the dates specified in Attachment 5. The Applicant may propose dates to be included in Attachment 5 in the application.

Recipients that receive an award will be required to submit monthly progress reports that will contain updates on Critical Milestones. Failure to submit accurate or timely monthly progress reports may be grounds for agreement termination.

## Multiple Station Applications Allowed

An application may include proposals for multiple hydrogen refueling stations, subject to the Single Applicant Cap. However, each station within the application will be evaluated, scored, and ranked individually. Proposing multiple stations does not guarantee that all proposed stations will be recommended for funding. Applicants must ensure that the proposed budgets and requested funding amounts are appropriate and separate for each station proposed in the event that one or more stations are not awarded funding.

Applications containing multiple stations must do the following:

1. Clearly delineate between the proposed individual hydrogen refueling stations throughout the application. For example, an application for five hydrogen refueling stations shall include five separate Application Forms, Budgets, Schedules of Products and Due Dates, CEQA Compliance Forms, Localized Health Impact Forms, and Safety Plans clearly marked for each hydrogen refueling station, as described below. Clearly delineate and identify as Station 1, Station 2, Station 3, Station 4, Station 5, etc.

* Provide separate and distinct O&M Support Grant Application forms for each station proposed (Attachment 1).
* Provide separate and distinct Capital Expense (Cap-X) Grant Application forms for each station proposed (Attachment 2).
* Provide separate and distinct Budget Forms for each station proposed (Attachment 6).
* Provide separate and distinct Schedule of Products and Due Dates with distinct dates for each station proposed (Attachment 5).
* Provide separate and distinct California Environmental Quality Act (CEQA) Compliance Information Forms for each station proposed (Attachment 8).
* Provide separate and distinct Localized Health Impacts Forms for each station proposed (Attachment 10).
* Provide separate Safety Plan for each station.

## Use of Remaining Funds

If funds remain available in this solicitation after funding all eligible stations achieving the minimum passing score, the Energy Commission reserves the right to recommend funding to one or more applications achieving a minimum passing score but which were disqualified due to exceeding the Single Applicant Cap.

# III. Operation and Maintenance Support Grants

The Energy Commission expects to provide funding for actual and eligible O&M costs for the hydrogen refueling stations awarded Cap-X grants under this solicitation. O&M Support Grants are in addition to the Cap-X award amounts.

## Eligibility

O&M funding is available for hydrogen refueling stations awarded Cap-X grants under this solicitation. O&M funding may be provided to station developers, station owners, or station operators of eligible hydrogen refueling stations.

To be eligible for O&M funding, hydrogen refueling stations must meet the Minimum Technical Requirements (Section VI) of this solicitation **and must not be receiving LCFS HRI credits pursuant to the California Air Resources Board’s Low Carbon Fuel Standard regulation, which appears at sections 95480 to 95503 of Title 17, California Code of Regulations**.

Only one O&M support grant will be awarded per station. Should a station location change be approved by the Energy Commission, the O&M Support Grant will convey to the new station location.

## Application Process

O&M support grant Applicants must complete the O&M Support Grant Application form included in this solicitation (Attachment 1). The form must be completed and signed by the Applicant’s authorized representative. No other application documentation is required for an O&M Support Grant.

## Funding Amount

Each eligible hydrogen refueling station can apply for up to $300,000 of O&M funding support which can be used over a five year period that starts when the station becomes operational, as defined by this solicitation (Section II). The station developer shall inform the Energy Commission Agreement Manager, in writing, of the operational date of each station. A Recipient that receives multiple O&M awards under this solicitation may pool those funds to support any or all of the Recipient’s stations awarded under this solicitation, thereby allowing more than $300,000 to be spent on a single station if necessary.

## Eligible O&M Costs

Eligible O&M costs must meet the following general requirements. The Energy Commission will determine whether costs meet these general requirements on a case-by-case basis using available facts and documentation.

1. General Requirements

The Energy Commission will apply appropriate federal contract cost principles to grants made under this solicitation. Applicable federal rules depend on the Applicant’s form of organization. The Terms and Conditions identify the Office of Management and Budget (OMB) Circulars and Title 48 of the Code of Federal Regulations (CFR) (Attachment 9).

2. Specific Costs: The following costs are categorically allowable, provided that they also meet the general requirements.

* 1. Maintenance of equipment that is reasonably necessary to keep the hydrogen refueling station and related equipment in efficient operating condition, from the date of delivery until the end of the agreement, only if the maintenance does not add permanent value to the equipment.
  2. Insurance on the hydrogen refueling station and related equipment from the date of delivery 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 purchased would not cover costs, penalties, judgment amount, or any other expense or payment required of the Recipient should the Energy Commission bring a legal action against the Recipient or otherwise seek restitution from the Recipient; and
* insurance is equivalent to the insurance that the Recipient maintains for similar equipment.
  1. Utility costs allocable to the hydrogen refueling station and related equipment.
  2. Hydrogen production or procurement costs allocable to the hydrogen refueling station.
  3. Hydrogen fuel delivery costs necessary for the operation of the hydrogen refueling station.
  4. Rent or lease payments allocable to the hydrogen refueling station.
  5. Costs related to becoming Open-Retail using the HyStEP device to enable a hydrogen refueling station to be commissioned, including the costs listed in 2.a.-2.f., above.

## Ineligible O&M Costs

In addition to the criteria for eligible costs set forth in the Budget template (Attachment 6) and the Terms & Conditions (Attachment 9), the following are not eligible Operation & Maintenance costs.

1. Property taxes.
2. Interest.
3. Penalties.
4. Maintenance that adds permanent value to the equipment.
5. Indirect costs of the Recipient.
6. Non-cash expenses (such as amortization, depreciation, bad debt, etc.).
7. Any costs which do not meet the requirements set forth in section D above or Agreement documents.

## Documentation of O&M Costs

In addition to the documentation requirements set forth in the Scope of Work, Terms & Conditions, and other Agreement documents, recipients of O&M Support Grants must provide, with their invoices, adequate documentation substantiating the actual eligible O&M costs incurred for the hydrogen refueling station.

Specifically, all costs must be supported by source documents. Examples of source documents include, but are not limited to: checks, receipts, warrants, invoices, and stock received reports. The Energy Commission will only approve reimbursement for O&M costs adequately documented. All expenses and costs can be audited at any time, with reasonable notice.

## Data Collection and Reporting Requirements

O&M Support Grant recipients shall collect data and submit the data about the operation and maintenance of the awarded station to the Energy Commission for 3 years once the station becomes operational (see Section II). The Recipient shall use the National Renewable Energy Laboratory (NREL) Data Collection Tool for the data collection activity (Attachment 11). Reporting data on the fields that contain purple color is optional but highly encouraged.

If Applicants consider any of the information to be collected in the NREL Data Collection Tool confidential, per California Code of Regulations Section 2505 et. Seq., Applicants shall submit an Application for Confidential Designation prior to executing an agreement. A decision will be made by the Energy Commission’s Executive Director, in consultation with the Chief Counsel, as to whether the Energy Commission will keep the information confidential. Applicants should note that agreements resulting from this solicitation will require recipients to provide all the data requested in the NREL Data Collection Tool, regardless of confidentiality status. I.e., in the event that the Energy Commission determines that the information requested to be kept confidential is not confidential, recipients will still be required to provide that information per the NREL Data Collection Tool.

# IV. Capital Expense Grants

Capital Expense (Cap-X) Grants will be funded in two separate competitions under this solicitation:

* I-5 Connector Station Competition, and
* Main Station Competition.

Once a station under the I-5 Connector competition has been funded, remaining funding will be utilized under the Main Station competition. The Energy Commission reserves the right to move on to fund stations under the Main Station Competition if the Energy Commission does not receive any qualifying applications under the I-5 Connector Station Competition.

## I-5 Connector Station Competition

Connector stations provide refueling service for FCEV drivers travelling long distances between Core Market Areas~~core markets~~. Up to one connector station will be funded under this solicitation to strengthen the reliability of the State’s north-south connector route and provide backup to the existing Coalinga station.

Eligible areas for the I-5 Connector Station Competition are near Wheeler Ridge/Lebec from exit 219 to exit 215 and near Los Banos from exit 407 to exit 391. Proposed connector stations must be located within five miles (driving distance) of the I-5 corridor; however, closer proximity is preferred.

**Station Upgrades:** Applications for the upgrade of hydrogen dispensing equipment at an existing non-retail station are allowable. Station upgrades shall meet all of the Minimum Technical Requirements (Section VI) of this solicitation.

## Main Station Competition

Stations funded under the Main Station Competition will provide refueling service for FCEV drivers in markets needing redundancy and in new and expanding markets. Targeted Core Market Areas are listed in Table 4. While Applicants are highly encouraged to propose stations serving these Core Market Areas, Applicants may propose stations anywhere within California. In general, stations within the targeted Core Market Areas are expected to score higher in the Coverage, Capacity, and Market Viability Evaluation Criterion.

The targeted Core Market Areas reflect analysis from the California Air Resources Board’s *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>

*Table 4: Core Market Areas Needing Hydrogen Refueling*

|  |  |
| --- | --- |
| **Core Market Areas** | **Maximum # of Stations to be Funded\*** |
| San Francisco | 2 |
| Berkeley/Oakland/Walnut Creek/Pleasant Hill | 2 |
| Greater LA/Sherman Oaks/Glendale/Pacific Palisades | 1 |
| San Diego/La Mesa | 1 |
| Torrance/Manhattan Bch/Redondo Bch | 1 |
| South San Diego/Coronado | 1 |
| Pasadena/San Gabriel/Arcadia | 1 |
| Long Bch/Huntington Bch/Buena Park/Fullerton | 1 |
| Santa Cruz | 1 |
| Irvine/Tustin | 1 |
| San Mateo/Palo Alto/Cupertino/Campbell/San Jose | 1 |
| Sacramento/Carmichael | 1 |
| San Clemente | 1 |
| Laguna Beach | 1 |

\*The Energy Commission reserves the right to exceed the maximum number of stations.

**Station Upgrades:** Applications for the upgrade of hydrogen dispensing equipment at an existing non-retail station are allowable. Station upgrades shall meet all of the Minimum Technical Requirements (Section VI) of this solicitation.

## Use of the California Hydrogen Infrastructure Tool (CHIT)

The California Hydrogen Infrastructure Tool (CHIT) will be used in this GFO.

* The CARB developed CHIT, a Geographic Information System (GIS) based tool. CHIT builds from the work of similar tools, for example the Spatially and Temporally Resolved Energy and Environment Tool (STREET), Scenario Evaluation, Regionalization, and Analysis (SERA), and published work by other researchers identifying the potential FCEV market and identifying areas with the greatest potential need for additional stations to provide coverage for the expected market.

CHIT allows the CARB to project the potential market for FCEVs where the practical limitations of an auto manufacturer survey cannot provide sufficient data. The main goals are to analyze hydrogen refueling station coverage and capacity. The full technical details of CHIT were presented in public workshops held in the summer and fall of 2015 and the online CHIT map and tool were made public, for informational purposes, on March 9, 2016.

* Under this solicitation, the Applicant shall contact CARB with the address of a proposed hydrogen refueling station and station capacity (optional for I-5 Connector Station Competition).
* CARB will run CHIT and assign CHIT values to the proposed station address.
* The Energy Commission staff will obtain CHIT values, for station addresses submitted in applications, directly from CARB. The CHIT values are defined as follows:
* The CHIT Station Coverage Value is the ability of the proposed station to fill an identified gap in refueling coverage.
* The CHIT Station Capacity Value is the ability of the proposed station to fulfill the expected need for refueling capacity.
* The Energy Commission Evaluation Team will score the application using a combination of the CHIT Station Coverage Value, the CHIT Station Capacity Value, and the market viability as part of one Evaluation Criterion “Coverage, Capacity, and Market Viability” (Section X). Proposed locations that have low CHIT Station Coverage and CHIT Station Capacity Values, according to CHIT, have the opportunity to document, demonstrate, and bolster the CHIT Station Coverage and CHIT Station Capacity Values with the market viability of a proposed station and potentially be successful under this solicitation in accordance with the Evaluation Criteria.
* The highest ranking station will be selected from the competition and added to the hydrogen refueling network within CHIT.
* The newly planned station will have the ability to affect the coverage, capacity, and market viability of the remaining proposed stations.
* As a result, a revised CHIT Station Coverage Value and a revised CHIT-calculated Station Capacity Value will be re-calculated based on the hydrogen refueling network’s revised needs for coverage and capacity. Based on the revised CHIT-calculated Coverage and Capacity Values, the remaining proposed stations will be re-ranked to determine the highest ranking station in each CHIT Core Market Area. The process will be repeated for each station. For Core Market Areas that need more than one station, a second group of stations will be picked from the competition and added to the hydrogen refueling network within CHIT as a newly planned station based again on the order listed in Table 4.
* A CHIT interactive map is available from CARB for Applicants to use to evaluate prospective station locations prior to developing applications. CHIT-calculated Coverage and Capacity Values obtained from the online CHIT map may be used by potential Applicants to compare multiple locations, however, only the addresses of proposed stations included in applications received by the application deadline will be used by the Energy Commission to obtain initial and/or revised CHIT-calculated Station Coverage and Capacity Values which will be used by the Energy Commission Evaluation Team in the scoring process. The following link provides access to the CHIT interactive map:

<http://www.arb.ca.gov/msprog/zevprog/hydrogen/h2fueling.htm>

* Applicants are highly encouraged to contact the CARB with any questions about how to search for and compare CHIT Coverage and Capacity values:

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ECARS/ Advanced Clean Cars Branch

ZEV Infrastructure

California Air Resources Board (CARB)

1001 I Street

Sacramento, CA 95812

[Andrew.Martinez@arb.ca.gov](mailto:Andrew.Martinez@arb.ca.gov)

* Any discrepancies between information submitted by an Applicant and the Energy Commission’s analysis related to CHIT Station Coverage Value or a CHIT Station Capacity Value will be resolved by the Energy Commission and scored based solely on Energy Commission Evaluation Team analysis and results in consultation with CARB.

# V. Overall Eligibility Requirements

This section describes the overall eligibility requirements for this solicitation. Additional eligibility requirements are listed under the individual funding categories/competitions (i.e., O&M Support Grants, I-5 Connector Station Competition, and Main Station Competition).

## Eligible Applicants

This is an open solicitation for public and private entities.

Each agreement resulting from this solicitation includes terms and conditions that set forth the recipient’s rights and responsibilities. Private sector entities must agree to use the attached standard terms and conditions (Attachment 9).

For the University of California or California State Universities, the Energy Commission will, prior to agreement execution, negotiate terms and conditions specific to this particular (ARFVTP) program to be added to the Model contract language for contracts with the University of California and the California State Universities ([http://www.dgs.ca.gov/ols/Resources/ModelContractLanguageUniversities.aspx](https://mail.ces.ca.gov/owa/redir.aspx?SURL=qM_6EqMNiUArMtmzVdNLZT26Jv8zN_q3oomo5sA-hhXHlS-5r4XTCGgAdAB0AHAAOgAvAC8AdwB3AHcALgBkAGcAcwAuAGMAYQAuAGcAbwB2AC8AbwBsAHMALwBSAGUAcwBvAHUAcgBjAGUAcwAvAE0AbwBkAGUAbABDAG8AbgB0AHIAYQBjAHQATABhAG4AZwB1AGEAZwBlAFUAbgBpAHYAZQByAHMAaQB0AGkAZQBzAC4AYQBzAHAAeAA.&URL=http%3a%2f%2fwww.dgs.ca.gov%2fols%2fResources%2fModelContractLanguageUniversities.aspx)) negotiated between the Department of General Services and the Regents. For U.S. Department of Energy National Laboratories, the Energy Commission will, prior to agreement execution, negotiate terms and conditions specific to this particular (ARFVTP) program to be added to the Model contract language for contracts with Department of Energy laboratories([http://www.dgs.ca.gov/ols/Resources/DOEStandardLanguage.aspx](https://mail.ces.ca.gov/owa/redir.aspx?SURL=6puTAI348Q9YOK34mmRu8iEOsJ40fgwenvWDjuxYdQbHlS-5r4XTCGgAdAB0AHAAOgAvAC8AdwB3AHcALgBkAGcAcwAuAGMAYQAuAGcAbwB2AC8AbwBsAHMALwBSAGUAcwBvAHUAcgBjAGUAcwAvAEQATwBFAFMAdABhAG4AZABhAHIAZABMAGEAbgBnAHUAYQBnAGUALgBhAHMAcAB4AA..&URL=http%3a%2f%2fwww.dgs.ca.gov%2fols%2fResources%2fDOEStandardLanguage.aspx)).

Please also see Att. 14, Special Terms and Conditions, which will apply to agreements awarded under this solicitation.

The Energy Commission will not award agreements to non-complying entities. The Energy Commission reserves the right to modify the terms and conditions prior to executing agreements.

All corporations, limited liability companies (LLCs) and limited partnerships (LPs) are required to register and be in good standing with the California Secretary of State to enter into an agreement with the Energy Commission. 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).

The Applicant’s Key Personnel, as identified in the Scope of Work (Attachment 3), must each have a minimum of three (3) years of experience designing, planning, constructing, testing, operating, or maintaining gaseous fueling stations.

## Project Requirements

The requirements for project eligibility apply to all projects within each Application. To be eligible under this solicitation, each project must meet each of the following criteria:

1. Be located in California.

* For I-5 Connector Station Competition, the proposed stations must be located in the eligible areas (Section IV.).

1. Be for refueling stations for light duty vehicles.
2. Meet the Minimum Technical Requirements of this Solicitation (Section VI).
3. Include one or more of the following:

* Installation of new hydrogen storage, chilling, on-site production if applicable, and dispensing equipment at an existing fueling station.
* Installation of new hydrogen storage, chilling, generation if applicable, and dispensing equipment at a location other than an existing fueling station (e.g., green field site).
* Upgrade of an existing hydrogen refueling station that is not open-retail to make the station open-retail. This includes the installation of hydrogen dispensing equipment and other equipment.

1. Be open to the public, meaning that no physical obstructions or physical obstacles exist to preclude an individual from entering the station premises and walking on or driving on the station premises.
2. Meet Accessibility Requirements, including but not limited to California Code of Regulations, Title 24 California Building Standards Code, Part 2 California Building Code, Vol. I, Chapter 11B – Accessibility to Public Buildings, Public Accommodations, Commercial Building and Publicly Funded Housing, contained in the Division of the State Architect – Access Compliance (DSA-AC) provisions of the California Building Code (CBC) to address 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>

1. For O&M applications, Cap-X for the stations must be funded under this solicitation.

## Eligible Costs

The Energy Commission may provide funding for equipment, construction, and labor costs associated with developing a hydrogen refueling station, provided that all such costs are incorporated into the budget for each proposed station.

The Energy Commission may provide funding for the Applicant to procure and post signage at the project site to announce the development of a hydrogen refueling station and acknowledge the public funding received, provided that all such costs are incorporated into the budget for each proposed station. The exact size, location, language and logo requirements of the sign must be agreed upon by the Energy Commission.

The Energy Commission may provide funding for ancillary equipment needed to supply hydrogen fuel to funded refueling stations, including fill equipment and transport trailers, provided that all such costs are incorporated into the budget for each proposed station.

The Energy Commission will not reimburse for costs incurred before final execution of the grant agreement.

## Match Share Funding Requirements

The balance of the project cost beyond the Energy Commission grant is the Applicant’s required match share funding (match funding). Applications must meet the minimum match funding requirements in Table 5.

*Table 5: Match Funding and Operational Dates*

|  |  |
| --- | --- |
| **Station Operational Date** | **Minimum Match Funding Requirement** |
| 26 or more Months after Business Meeting Approval | 30% |
| 25 Months after Business Meeting Approval | 25% |
| 24 Months after Business Meeting Approval | 25% |
| 23 Months after Business Meeting Approval | 20% |
| 22 Months after Business Meeting Approval | 20% |
| 21 Months after Business Meeting Approval | 15% |
| 20 Months after Business Meeting Approval | 15% |

The following applies to match share funding:

1. All match share expenditures must conform to the terms and conditions of this solicitation and the resulting agreement (see Attachment 9).
2. Applicants must disclose the source and provide verification and documentation for the match share funding they commit to the project. For any match share committed by a third party (i.e., other than match share committed by the Applicant), Applicants must submit a letter from each match share partner identifying the source(s) and availability of match funding.
3. During the term of the agreement, Recipients will be required to document and verify all match share expenditures through invoices submitted to the Energy Commission.
4. Match share funding may be in the form of cash or in-kind contributions such as donated labor hours, equipment, facilities, and other property.
5. Equipment, facilities, and property may count as match funds as long as the value of the contribution is based on documented market values or book values, prorated for its use in the project, and depreciated or amortized over the term of the project using generally accepted accounting principles (GAAP).
6. Match share expenditures (cash and/or in-kind) must be documentable, reasonable, allowable, and allocable to the project as determined by the Energy Commission.
7. Funding from other non-state government agencies may be used as match share.
8. Funding recipients are allowed to incur match share expenditures 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). Match expenditures incurred prior to the full execution of a funding agreement are at the Applicant’s own risk. The Energy Commission is not liable for Applicant’s incurred match share costs if the grant is not approved, if approval is delayed, or if the match share expenditure is not allowable under the terms and conditions of the grant or applicable federal cost principles incorporated by reference into the agreement.
9. Match share can be used to assist in compliance with local and legal requirements such as compliance with the American with Disabilities Act (ADA), and other permitting requirements.
10. An application with a greater percentage of the total project costs in match share funding may score higher according to the Evaluation Criteria.

## Past Performance of the Applicant

The Energy Commission reserves the right to disqualify an Applicant under this solicitation should substantive progress not be demonstrated for the past performance of an Applicant under previous Energy Commission funding agreements.

Past performance of the Applicant has three effects under this solicitation:

* Whether or not an Applicant is eligible under GFO-15-605, based on the technical screening criteria in Section X.
* Whether or not a Recipient can be reimbursed for eligible reimbursable expenses incurred under an agreement funded under GFO-15-605.
* Whether or not a new agreement funded under GFO-15-605 be terminated.

The Special Terms and Conditions (Attachment 14) explains the payment restrictions and potential agreement termination.

Examples of substantive ~~and~~ progress may include, but are not limited to: 1) held an in-person pre-application meeting, for permits to build and operate each proposed hydrogen refueling station, with the authority that has jurisdiction over the project and entitlement process; 2) secured site control for each hydrogen refueling station previously awarded; and 3) submittedtimely and effective communication to the Energy Commission about the cause of implementation delay(s) for items 1 and 2 along with adequate justifications and specific plans to overcome these delays.

# VI. Minimum Technical Requirements

To be eligible under this solicitation, proposed hydrogen refueling stations must, at a minimum, meet each of the following minimum technical requirements. Projects exceeding minimum technical requirements may score higher in accordance with the Evaluation Criteria (Section X, E).

*Table 6: Minimum Technical Requirements Checklist*

|  |  |
| --- | --- |
| **Section VI.** | **Item** |
| A. | Hydrogen Quality |
| B. | Type Evaluation for Hydrogen Refueling Station Dispensers |
| C. | Fueling Protocols |
| D. | Minimum Daily Fueling Capacity |
| E. | Minimum Peak Fueling Capacity |
| F. | Fueling Hoses |
| G. | Point of Sale (POS) Terminal |
| H. | Connection to the Station Operational Status System |
| I. | Signage |
| J. | Station Design Requirements |

## Hydrogen Quality

1. The hydrogen refueling station, including the dispenser, shall dispense hydrogen that complies with the hydrogen quality requirements in CCR Title 4, Division 9, Chapter 6, Article 8, Sections 4180 and 4181 which adopts the Society of Automotive Engineers (SAE) International J2719: 2011“Hydrogen Fuel Quality for Fuel Cell Vehicles.”
2. Hydrogen quality readings shall be taken at the hydrogen refueling station, at a minimum, every 3 months. The date the hydrogen quality reading(s) is taken and any special condition(s) used while the reading(s) were taken shall be reported to the Energy Commission Agreement Manager in Monthly Progress Reports. The hydrogen quality shall also be tested every time the hydrogen lines are potentially exposed to contamination due to maintenance or other activities.
3. The hydrogen refueling station design and operation shall include best practices, equipment, and software to ensure the most safe and reliable operations of dispensers possible. The hydrogen refueling station design shall also allow for future equipment retrofits that improve and/or automate the monitoring of common contaminants of the hydrogen gas stream.
4. The station design and operation shall include best practices, equipment, and software that monitor the gas stream humidity for stations that use on-site or off-site electrolyzers to produce hydrogen.
5. The station design and operation shall include best practices, equipment, and software that monitor carbon monoxide and carbon dioxide for stations that produce hydrogen on-site using steam methane reformation (SMR).

## Type Evaluation for Hydrogen Refueling Station Dispensers

1. Prior to retail dispensing of hydrogen, all hydrogen dispensers must conform to the specifications and tolerances specified in California Code of Regulations (CCR), Title 4, Division 9, Chapter 1, Article 1, Section 4002.9 Hydrogen Gas-Measuring Devices (3.39).  Retail hydrogen dispensers must also comply with the most current version of Uniform Regulation for the Method of Sale of Commodities Section 2.32 as published in NIST Handbook 130. CDFA adopts by reference the most current version of the National Institute of Standards and Technology (NIST), Handbook 44 Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices except as otherwise modified, amended or rejected by the Secretary. California-specific amendments and modifications to NIST Handbook 44 have been adopted into CCR Title 4, Division 9, Chapter 1, Article 1, Sections 4001 and 4002, Additional Requirements.
2. Prior to dispensing hydrogen for retail sale, all dispensers installed in hydrogen refueling stations must undergo type evaluation according to the California Type Evaluation Program (CTEP) administered by the California Department of Food and Agriculture / Division of Measurement Standards (CDFA/DMS) and have either a Temporary Use Permit or a type approval Certificate of Approval issued by CDFA/DMS.

When installing a type approved hydrogen dispenser, all hydrogen refueling stations funded under this solicitation, shall notify the local county department of weights and measures of the installed device within 24 hours after the device has been placed in service. The newly installed dispenser must successfully pass initial verification of accuracy class tests to receive the county weights and measures seal approving the device for retail use. Installed and approved dispensers will thereafter be subject to annual inspection and testing to ensure the device operates within its designated maintenance tolerance as indicated on the type approval certificate.

1. The Applicant shall include a plan in their application for CDFA/DMS or a Registered Service Agency to conduct initial verification of accuracy class tests with the local county official(s) present to witness the testing of the dispenser(s) they plan to place in commercial service. Registered Service Agencies must be registered by CDFA/DMS and their employees (Agents) must be licensed by CDFA/DMS before performing any installation, repair, or maintenance on any weighing or measuring device.

## Fueling Protocols

The fueling protocols shall comply with the most recent version of the standard promulgated by the standards developer at the time of permit application and approval.

1. ***SAE International Standards:*** The hydrogen refueling station and dispenser shall comply with the provisions of SAE International J2601: 2014, Fueling Protocols for Light Duty Gaseous Hydrogen Surface Vehicles ([www.sae.org](http://www.sae.org)), or the most recent version of the standard published and promulgated by the SAE.

The application shall describe how the station developer will self-declare compliance with SAE J2601.

The hydrogen refueling station and dispenser shall dispense H70-T40.

1. ***CSA Group Standards:*** The hydrogen refueling station and dispenser shall comply with the former Canadian Standards Association (CSA), now the CSA Group, Hydrogen Gas Vehicle (HGV) 4.3 (CSA HGV 4.3:2012, Test Methods for Hydrogen Fueling Parameter Evaluation and related devices), or the most recent published version of the standard, if available, as a test method.

The application shall describe how the station developer will self-declare compliance with this standard.

1. ***350 Bar Fueling:*** Dispensing H35-T20 is optional under this solicitation. If the hydrogen refueling station will dispense H35-T20, the application shall describe how the station developer will self-declare compliance with H35-T20 in SAE J2601.

If the station will fuel vehicles other than light duty (i.e., medium duty, delivery vehicles, and/or buses), the station throughput, circulation, and hydrogen dispensing shall prioritize the light duty vehicles’ need for hydrogen storage, dispensing, point of sale, and other aspects.

For example, if the H35 fill is used in a custom set up for a delivery truck with a 20 kg tank capacity, a special fueling protocol to allow this shall be described. The application shall describe how the station’s design will accommodate custom H35 fills requiring a special fueling protocol without impacting light duty vehicles. If the fill is for other than a light duty vehicle, the fill must be attended by a technician and the application shall describe the procedures for the fill, perhaps after the normal hours of operation without interfering with fueling light duty vehicles (i.e., the fueling of light duty vehicles will not be affected).

1. ***HyStEP:*** The application shall state that the station/fuel dispenser shall be evaluated using the U.S. Department of Energy Hydrogen Station Equipment Performance (HyStEP) device, as practicable, for station commissioning. The evaluation shall occur after the station becomes operational.

Should the HyStEP device be unavailable, the station/fuel dispenser fueling protocol shall be evaluated using best practices with automobile Original Equipment Manufacturers (OEMs).

The application shall include milestones and due dates for the possibility of using HyStEP and automaker best practices.

## Minimum Daily Fueling Capacity

Each station shall have the capability to dispense a minimum average daily capacity of no less than 180 kg. Applicants will be required to adhere to the minimum daily fueling capacity proposed in their application. Minimum daily fueling capacity refers to the station’s capacity to fuel light duty vehicles over a 12 hour period, between 6 a.m. and 6 p.m. on a daily basis.

## Minimum Peak Fueling Capacity

1. ***Minimum* Peak Fueling Capacity for 700 Bar Refueling:** Each station shall have the capability to provide a minimum of five 4kg H70-T40 fills per hour, back-to-back, without vehicle users having to wait for the station to recharge. Minimum peak fueling capacity refers to the station’s ability to serve peak fueling demand between 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m.
2. ***Minimum* Peak Fueling Capacity for 350 Bar Refueling:** Stations that opt to provide H35-T20 shall provide a minimum of four 4kg H35-T20 fills per hour, back-to-back, without vehicle users having to wait for the station to recharge. The peak fueling capacity for H35-T20 does not need to be demonstrated in the same hour as the H70-T40.

The application shall describe how HyStEP or light duty vehicles will be brought to the station for commissioning to test for the minimum peak fueling capacity over a 1 hour period during peak hours.

## Fueling Hoses

All fueling hoses used by the station shall conform to SAE International J2600-2012 or ISO 17268-2006, or the latest version of these standards.

## Point of Sale (POS) Terminal

The hydrogen refueling station shall include a POS terminal that accepts major credit cards, debit cards, and fleet card payment systems like those commonly used at gas stations.

1. The POS terminal shall be compatible with card payment systems that use embedded microprocessor chip technology, i.e., Europay, MasterCard, and Visa (EMV) now managed by EMVCo for automated fuel dispensers.
2. The POS terminal shall use standard, public product codes to specify hydrogen fuel sale type in the transaction record.

## Connection to the Station Operational Status System (SOSS)

Station Operational Status System (SOSS) was developed by California Fuel Cell Partnership (CaFCP) to inform FCEV drivers which fueling stations can meet their fueling needs. SOSS is available via CaFCP website: [www.cafcp.org](http://www.cafcp.org).

The station shall transmit data for use in SOSS (see [www.cafcp.org](http://www.cafcp.org)).

Applicants shall describe the required system development and the plan to procure and install necessary hardware and software to connect to SOSS. The following information shall be included in the data files: H35-T20 status (if part of the station design), H70-T40 status, H35-T20 capacity (if included in the station design), H70-T40 capacity, the station name and the station address.

## Signage

Applicants are required to post signage to advise and educate the public on hydrogen refueling and acknowledge public funding received for the station. Applicants should describe the type of signage proposed and the status and expected timelines to obtain local approvals for proposed signage.

Applicants are encouraged to contact appropriate city and county representatives to initiate the planning and installation process(s) for trailblazer signage on local roads leading to the refueling station (directional sign, usually with an arrow panel, off the freeway system to advise motorists where to turn to the station) considered by the city and county. Awards funded under this solicitation may cover reasonable costs for trailblazer signage.

Applicants shall also contact appropriate city and county representatives to initiate the planning and installation process(s) for state highway system signage and otherwise notify the representatives of the need for signage. Caltrans Traffic Operations Policy Directive (13-01) addresses where the signage will be installed on the State Highway System.

<http://www.dot.ca.gov/hq/tpp/offices/orip/climate_change/documents/alternative_fuels_signage_fact_sheet-final.pdf>

## Station Design Requirements

Hydrogen refueling stations funded under this solicitation must be designed to allow for and be permitted for the hydrogen refueling station to accept delivery of hydrogen fuel from a mobile hydrogen refueler or hydrogen tube trailer.

# VII. Renewable Hydrogen Requirements

## 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 each, individual hydrogen refueling station or 2) as an average of hydrogen dispensed across a collection of a grant recipient’s hydrogen refueling stations receiving Cap-X funding under this solicitation. Hydrogen refueling stations ***not*** receiving Cap-X funding under this solicitation ***cannot*** be used to meet the minimum renewable hydrogen content requirements under this solicitation.

Proposed projects committing to dispense more than the required 33% renewable hydrogen content will score higher in accordance with the Evaluation Criteria in this solicitation.

## Contingency Plan

Applicants shall account for the possibility that not every station they propose will be recommended for funding and must describe how the minimum renewable hydrogen content would change depending on the number and location of stations awarded under this solicitation.

Applicants should include information about whether and how costs will change depending on the portfolio of stations ultimately awarded grant funding. For example, Applicants shall specify whether different technologies or more expensive equipment would be used depending on the combination of stations awarded.

## 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 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 20 CCR 3101.5.

## 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

## Required Information

Applications shall include 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),Applicants must describe 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, Applicants must submit the following information: 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>

## Renewable Electricity Requirements

Applicants 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). Applicants planning to use renewable electricity for system power shall describe how the electricity will be dedicated and used for the hydrogen production. Alternatively, Applicants purchasing and utilizing RECs must describe how the RECs will be dedicated to and used for the hydrogen production (to offset GHG reductions).

The Evaluation Criteria in this solicitation address how the hydrogen refueling stations will be evaluated for renewable hydrogen content by RECs and using renewable hydrogen from direct sources.

## Biogas for System Power

Applicants 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, Applicants 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 Applicant’s stations).

## 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.

## SB 1505 Disclaimer

This 33% Renewable Hydrogen Content requirement is a condition to participate in this solicitation. This is separate and distinct from the CARB’s 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 its compliance with them.

## Report of Renewable Hydrogen Dispensed

For each awarded station, Recipients will be required to submit a Report of Renewable Hydrogen Dispensed (Attachment 12) every 6 months.

# VIII. Hydrogen Safety Plan

A Safety Plan is required for each proposed hydrogen refueling station. Applications submitted without a Safety Plan will be disqualified and not eligible for funding. Applicants who submit multiple locations with the same basic design may submit only one full Safety Plan.

If proposed individual station designs vary within one application for a number of stations, the Applicant shall state so and submit a full Safety Plan for each different design per station. Should Applicants be uncertain as to the degree of design variance that signifies the need for multiple Safety Plans, they should seek pre-application guidance (see Section VIII.B, below). The Hydrogen Safety Panel (HSP) will only evaluate one Safety Plan per station design even if an Applicant proposes more than one station per application.

The Safety Plans shall not include proprietary information and will become public after the posting of the NOPA.

## Safety Plan Requirements

The Safety Plan, at a minimum, shall include the following aspects which can be viewed by the public:

1. Scope of Work for the Safety Plan
2. Organizational Safety Information

* Organizational Policies and Procedures
* Hydrogen and Fuel Cell Experience

1. Project Safety

* Identification of Safety Vulnerabilities (ISV)
* Risk Reduction Plan
* Operating Procedures
* Equipment and Mechanical Integrity
* Management of Change (MOC) Procedures

1. Communications Plan

* Training
* Safety Reviews
* Safety Events and Lessons Learned
* Emergency Response
* Self-Audits

The safety plan should be developed in accordance with the US DOE’s Hydrogen Safety Panel’s *Safety Planning for Hydrogen and Fuel Cell Projects,* dated March 2016, and available at:

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

## Available Assistance for Safety Plan Development

* 1. ***Webinar:*** Pacific Northwest National Laboratory (PNNL), which manages the Hydrogen Safety Panel (HSP), will present a workshop on May 3, 2016 (1:00-3:00 p.m.) with Energy Commission facilitation titled “Safety Planning for Hydrogen and Fuel Cell Projects”. The details of this webinar will be in a separate notice that will be published on the Energy Commission’s website.
  2. ***Pre-application Consultations:*** Pre-application consultations will be available from the HSP upon a first-come, first-served basis to potential grant Applicants to assist them with developing a Safety Plan before they submit a grant application to the Energy Commission. Safety Plan guidance and pre-application consultation services will be at no cost to the applicant. An example of a pre-application consultation topic is the degree of design variance that signifies the need for multiple Safety Plans.

Applicants are encouraged to request guidance and consultation services well ahead of the application due date to ensure that sufficient time is available for the HSP to provide feedback on the Safety Plan.

The HSP will evaluate Hydrogen Safety Plans in accordance with *Safety Planning for Hydrogen and Fuel Cell Projects.* Applicants are responsible for deciding whether or not to modify their application (including the Hydrogen Safety Plan) based on HSP consultation prior to submission to the Energy Commission.

To request a pre-application consultation, Applicants should contact:

Nick Barilo, Hydrogen Safety Panel Manager

Pacific Northwest National Laboratory

902 Battelle Blvd., P.O. Box 999

Richland, WA 99325-0999

(509) 371-7894

[Nick.Barilo@pnnl.gov](mailto:Nick.Barilo@pnnl.gov)

## Safety Plan Assessment

When an application for a Cap-X grant is submitted to the Energy Commission, the HSP will evaluate the submitted Safety Plan(s) for:

* Organizational safety policies and procedures.
* Hydrogen and fuel cell experience.
* Safety vulnerabilities and risk reduction plans.
* Equipment and mechanical integrity of the planned station.
* Process flow diagrams or piping and instrumentation diagrams.
* Safety and alarm systems.
* Description of materials selection process (to ensure hydrogen compatibility).
* Maintenance, testing, calibration and inspection procedures.

The HSP will provide the Energy Commission Evaluation Team with a written assessment along with a recommendation on whether or not the Safety Plan adequately addresses the criteria from the Hydrogen Safety Panel’s *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>)

for consideration in their evaluation of the proposed project.

## Post-Award Requirements

Applicants who receive funding under this solicitation will be required to adhere to the following requirements:

1. ***Release and Incident Reporting:*** Recipients shall report unintended hydrogen releases or incidents in accordance with the California Health and Safety Code Section 25510(a) and the *Safety Planning for Hydrogen and Fuel Cell Projects* guidance document ([http://cersapps.calepa.ca.gov/Public/Directory](http://cersapps.calepa.ca.gov/Public/Directory%20)). A copy of any report submitted to the Certified Unified Program Agency (CUPA) shall be submitted to the Energy Commission within 10 days in addition to any other required federal reporting (<http://h2tools.org/lessons>).
2. ***Annual Safety Evaluations:*** Recipients funded under this solicitation shall participate in annual safety evaluations at their cost with the HSP for three years after the station(s) becomes operational as defined in this solicitation. The evaluations will include the stations’ adherence to the initial Safety Plan and any related Safety Plan implementation issues. The cost of the HSP’s participation in evaluations shall be at no cost to the participant. Site visits may be conducted during the first year of the evaluation and annual safety evaluations via telephone will be conducted for the second and third year.

# IX. Application Format, Required Documents, and Delivery

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

## Required Format for an Application

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

## Page Limitations

The number of pages for the Project Narrative shall be limited to 70 pages plus 5 pages for each station included in an application. For example, if an application is for 5 hydrogen refueling stations the page limit is 95 pages (70 pages plus 5 stations multiplied by 5 pages). Application forms, resumes, optional or mandatory letters of support, Safety Plans, budget forms, schedules of products and due dates, CEQA compliance forms, ~~and~~ Localized Health Impacts forms, and Confidential Business Plan do not count towards this page limitation.

## Preferred Method for Delivery

The preferred method of delivery for this solicitation is the Energy Commission Grant Solicitation System, available at: <https://gss.energy.ca.gov/>. This online tool allows applicants to submit each of their electronic documents individually to the Energy Commission prior to the date and time specified in this solicitation. Please upload files by selecting the correct file description in the pull down menu. Electronic files must be in Microsoft Word XP (.doc or .docx formats) and Excel Office Suite formats (.xls or .xlsx) unless originally provided in the solicitation in another format. Attachments requiring signatures may be scanned and submitted in PDF format. Completed Budget Forms, Attachment 6, 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.

## Hard Copy Delivery

An applicant may also 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** to this. 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 as it will only cause confusion.

**Number of Copies**

Applicants submitting a hard copy application are only required to submit one paper copy.  Applicants must also submit electronic files of the application on CD-ROM or USB memory stickalong with the paper submittal.  Electronic files must be in Microsoft Word XP (.doc or .docx formats) and Excel Office Suite formats (.xls or .xlsx). Completed Budget Forms, Attachment 6, must be in Excel format. **Electronic files submitted via e-mail will not be accepted**.

**Packaging and Labeling**

All hard copy applications must be labeled "Grant Funding Opportunity GFO-15-605," and include the title of the application.

Include the following label information and deliver your application, in a sealed package:

|  |  |
| --- | --- |
| Person’s Name, Phone #  Applicant’s Name  Street Address  City, State, Zip Code  FAX # |  |
|  | California Energy Commission  Contracts, Grants & Loans Office  Attn: GFO-15-605  1516 Ninth Street, MS-18  Sacramento, California 95814 |

## Application Organization

This section provides information on the items to include and how to organize applications. Separate each section by a paper tab labeled with tab number and title of section as below:

*Table 7: Application Organization*

|  |  |
| --- | --- |
| **Tab Number** | **Title of Section** |
| 1 | Table of Contents |
| 2 | O&M Support Grant Application Form (Attachment 1) |
| 3 | Capital Expense (Cap-X) Grant Application Form (Attachment 2) |
| 4 | Executive Summary |
| 5 | Project Narrative |
| 6 | Hydrogen Safety Plan |
| 7 | Scope of Work (Attachment 3) |
| 8 | Schedule of Products and Due Dates (Attachment 5) |
| 9 | Budget (Attachment 6) |
| 10 | Resumes |
| 11 | Letters of Commitment/Support |
| 12 | Contact List (Attachment 7) |
| 13 | CEQA Compliance Information (Attachment 8) |
| 14 | Localized Health Impacts Form (Attachment 10) |
| 15 | Confidential Business Plan ***Detached and separately sealed from application*** |

For ***Multiple Station Applications***, applications must:

* Clearly delineate distinctions among and between the proposed individual hydrogen refueling stations as necessary throughout the application.
* Provide separate and distinct O&M Application Forms (Attachment 1) for each proposed individual hydrogen refueling station.
* Provide separate and distinct Capital Expense (Cap-X) Application Forms (Attachment 2) for each proposed individual hydrogen refueling station.
* Provide separate and distinct Schedule of Products and Due Dates with distinct dates for each station proposed.
* Provide separate and distinct Budget Forms for each proposed individual hydrogen refueling station.
* Provide separate and distinct California Environmental Quality Act (CEQA) Compliance Information Forms for each proposed hydrogen refueling station.
* Provide separate and distinct Localized Health Impacts forms for each proposed hydrogen refueling station.
* Provide separate Safety Plan for each station.

For example, an application for five hydrogen refueling stations shall include five separate Application Forms, Budgets, Schedules of Products and Due Dates, CEQA Compliance Forms, Localized Health Impacts Forms, and Safety Plans.

## Application Content

1. ***Table of Contents:*** Applications shall include a Table of Contents.
2. ***O&M Support Grant Application Form:*** Applications shall include an original O&M Support Grant Application Form signed by an authorized representative of the Applicant’s organization (Attachment 1). This signature certifies that all information in the application is correct and complete to the best of the applicant’s knowledge ***AND*** that the Applicant has read the Terms and Conditions and will accept them without negotiation if awarded.
3. ***Capital Expense (Cap-X) Grant Application Form:*** Applications shall include an original Capital Expense (Cap-X) Grant Application Form signed by an authorized representative of the Applicant’s organization (Attachment 2). This signature certifies that all information in the application is correct and complete to the best of the Applicant’s knowledge ***AND*** that the Applicant has read the Terms and Conditions and will accept them without negotiation if awarded.

The Application Form shall also include, at a minimum, a project description, project goals, quantitative and measurable objectives to be achieved, and CHIT values for the proposed station(s) (optional for I-5 Connector Station Competition).

1. ***Project Narrative:*** The Project Narrative is limited to 70 pages plus 5 pages for each hydrogen refueling station included in the application. The Project Narrative shall include:
   1. **Project Description:** Applicants should provide a detailed description of the proposed project, its operational goals and objectives, and an explanation of how these will be implemented through the tasks described in the Scope of Work.

Applications should address how each proposed station works with, fits into, and otherwise supports California’s hydrogen refueling network, as listed in Table 1 of this solicitation.

* 1. **Station Upgrades (if applicable):** Applications for station upgrades should describe how the upgrade will change a non-retail hydrogen refueling station to an open retail station that fills light duty vehicles using the SAE J2601 H70-T40 hydrogen fueling protocol. Applicants should include:
     + 1. Details of which equipment will be replaced and which will be reused, and the budget amounts allocated for station evaluation, design, equipment, and installation.
       2. Any station capacity increase or other improvements including station access and traffic considerations.
  2. **Project Team:** Applicants should include information about the Project Team proposed to carry out the work associated with the application by providing the following information:

1. Names of all key personnel to be assigned to the project and their individual areas of responsibility in the proposed project. This is to include the project manager with the responsibilities of the project manager clearly identified. NOTE: the project manager is the one individual who is responsible for interacting with the CAM on all issues relating to the overall project and is also responsible for coordinating all aspects of work under the project.
2. Identification of each individual should include company or organization, position title, job description, and contact information.
3. A list of past projects detailing technical, management, and business experience that is relevant to the proposed project.
   1. **Photographs of the Proposed Station:** Applicants should provide four pictures of the station as follows:
      * + - From center to street
          - From right side to perimeter
          - From rear side to perimeter
          - From left side to perimeter

These photographs will be outside of the page count of the application.

* 1. **Minimum Technical Requirements:** Applicants shall address each Minimum Technical Requirement contained in Section VI, including:
* Hydrogen Quality
* Type Evaluation for Hydrogen Refueling Station Dispensers
* Fueling Protocols
* Minimum Daily Fueling Capacity
* Minimum Peak Fueling Capacity
* Fueling Hoses
* Point of Sale (POS) Terminal
* Connection to Station Operational Status System
* Signage
* Station Design Requirements

Applicants are highly encouraged to use the exact titles for each subsection as the heading for each response. Required information is specified in Section VI of this solicitation.

* 1. **Renewable Hydrogen Content:** Applicants should address and adhere to the requirements contained in Section VII of this solicitation, including:
* Minimum Renewable Hydrogen Content
* Contingency Plan
* Eligible Renewable Feedstocks
* Eligible Renewable Electricity Sources
* Required Information
* Renewable Electricity Requirements
* Biogas for System Power
* Biodiesel for Delivery Trucks

Applicants are highly encouraged to use the exact titles for each subsection as the heading for each response. Required information is specified in Section VII of this solicitation.

* 1. **Evaluation Criteria:** Applicants should address each Evaluation Criterion in this solicitation (including all sub-bullets under each criterion) providing sufficient, unambiguous detail so that the Energy Commission Evaluation Team will be able to evaluate the application. Applicants are highly encouraged to use the exact titles from the Evaluation Criteria as the heading for each response.

If an Evaluation Criterion does not apply to the proposed project, Applicants should briefly describe why the criterion does not apply.

* 1. **Greenhouse Gas Emission Calculations:** Applicants should calculate the predicted three year total of CO2e savings per station using a “well to wheel” calculation methodology and the LCFS. Applicants should use the EER value from the LCFS to account for the energy efficiency of FCEVs. For further information, see:

<http://www.arb.ca.gov/regact/2015/lcfs2015/lcfsfinalregorder.pdf>

and

<http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>.

A detailed example of how to calculate the anticipated three-year total CO2e savings for a proposed hydrogen station can be found in Attachment 13.

* 1. **Backup Plan:** Applicants should provide a backup plan to provide hydrogen to customers in case the refueling station goes offline or the hydrogen supply is depleted. The plan may or may not include delivery of hydrogen fuel from a mobile refueler or hydrogen tube trailer.
  2. **Planned Maintenance:** Applicants should provide a plan and commit to coordinate planned hydrogen refueling station maintenance with adjacent stations on the network.
  3. **Station Reliability:** Applicants should provide the following information to ensure the proposed station has maximum reliability and availability:
  + The operating protocol or procedure that assures availability of fuel during the core operating hours from 6 am to 10 pm.
  + The customer operating procedure for the refueling station.
  + The maintenance plan, hours when maintenance will be performed, and impact on the availability of station for customer fueling.
  + The reliability monitoring plan, including standards compliance for the Minimum Technical Requirements in Section VI, and a list of data that will be provided to the Energy Commission, including a period of planned operation and planned downtime.

* + Information about overall station reliability to California’s benchmarking studies on station performance.
  1. **Non-Confidential Business Plan:** Applicants should provide a business plan which:
  + Provides a break-even pricing (BEP) calculation, and the hydrogen sales volume associated with the BEP. Compare proposed project’s BEP to expected market prices or trends.
  + Demonstrates the ability to effectively manage and mitigate risks associated with construction, cost overruns, operation, maintenance, technology, regulations, and economic inflation. Discuss variable hydrogen costs and the ability to ensure a sustainable supply, including procurement agreements, contracts, and supply chain logistics.
  + Discusses estimated value and planned use of any potential LCFS, Renewable Fuel Standard Program (RFS2), and/or cap and trade credits.
  + Lists any pending or filed litigation in which Applicant is a party, and explains the extent of Applicant’s liability coverage, if any.
  + Provides information on any existing or planned co-product off-take agreements, and discusses expected income from the co-products.
  1. **Critical Milestones:** Applicants should include in the project narrative of their applications descriptions of how Critical Milestones (defined in Section II. M. Enforcement of Critical Milestones) will be met.
  2. **Station Development and Completion Activities**: Applicants should provide a timeline for the following station development completion activities:compliance with the requirements of the California Environmental Quality Act (CEQA); filing applications for permits to build and operate the proposed hydrogen refueling station(s) and modifications to the system required after filing for permits; obtaining and maintaining site control including signing a lease(s) and other aspects of codifying the business relationship with the station owner and operator (should neither or both be the station developer); equipment and software procurement to build and operate the proposed hydrogen refueling station(s) including the point of sale (POS) system, station construction, including the installation of power source(s) and utility hook-ups and transformers; training the hydrogen refueling station operator; and writing the Final Report.

If any of the previously mentioned activities are not necessary, then Applicants should provide reasons why.

**o. Sustainability and Environmental Impacts:** Applicants should describe how the proposed project will be implemented in a sustainable manner and minimize environmental impacts. For example, Applicants may propose (optional) to include an expansion electrical conduit run, at their cost, to another space(s) at the proposed station where the conduit system is designed to accommodate future installation of electrical vehicle charging stations. If installed, each stub out must: (1) include a 2-inch minimum spare conduit run with pull-rope sized, installed, and located per the National Fire Protection Association’s National Electrical Code for future installation of wiring supporting up to a 480VAC, 4-wire, 125 kW load; and (2) be capped off.

p. **Open Retail**: Applications shall include a plan for becoming an open retail hydrogen refueling station for light duty vehicles no more than 180 days after becoming an operational hydrogen refueling station (Section II). The open retail hydrogen refueling station funded under this solicitation shall remain open for retail sales for a minimum of five years after becoming open retail.

1. ***Hydrogen Safety Plan:*** Applicants shall include a separate Hydrogen Safety Plan for each station following the instructions and requirements in Section VIII of this solicitation.
2. ***Scope of Work:*** Applicants shall include a completed Scope of Work (Attachment 3). For multi-station applications, if the Scope of Work is different for each hydrogen station proposed, Applicants must provide a separate and distinct Scope of Work for each proposed station. Electronic files for the Scope of Work must be in MSWord.
3. ***Schedule of Products and Due Dates:*** Applicants shall complete a Schedule of Products and Due Dates (Attachment 5). For multi-station applications, provide separate and distinct Schedule of Products and Due Dates for each station proposed. The schedule shall reflect a minimum of 1 year of data collection after the station is operational. Note: If the Recipient fully executes an O&M Support Grant for the station, the data collection requirement under the Cap-X award will be waived.

Instructions for the Schedule of Products and Due Dates are included in the document template. Electronic files for the Schedule of Products and Due Dates must be in MS Excel.

The Schedule of Products and Due Dates shall include Critical Milestones identified in the Section II. M. Enforcement of Critical Milestones.

1. ***Budget:*** Applicants shall submit information on all budget forms contained in Attachment 6. For multi-station applications, separate and distinct budgets must be provided. All budget forms are required because they will be used for the agreement development with the winning Applicant(s). Detailed instructions for completing each budget form are included on each budget form tab in Attachment 6.
   1. Rates and personnel shown shall reflect rates and personnel the Applicant will charge if chosen as the Recipient under 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. Recipients shall only be reimbursed for their actual rates up to these rate caps. The hourly rates provided shall be unloaded (before fringe benefits and overheads).
   2. The information provided in these forms will not be kept confidential.
   3. All reimbursable expenditures shall be expended within the approved term of the funding agreement.
   4. Match share expenditures may be counted only after the Energy Commission notifies the Applicant that its project has been proposed for an award through the release of a NOPA. Match expenditures incurred prior to the full execution of a funding agreement are made at the Applicant’s own risk.
   5. The budget shall allow for the expenses of a “Kick-off Meeting” (to start the project), at least one (1) Critical Project Review meeting, and a Final meeting. Applicants should assume that these meetings will be conducted at the Energy Commission located in Sacramento, CA.
   6. The budget should include expenses affiliated with obtaining permits, insurance, etc. The Energy Commission will not pay for permitting; however, permitting costs may be budgeted as a match share expenditure.
   7. The budget should 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.
   8. 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 grant agreement. There are no disposition requirements for equipment purchased with match share funding.
   9. The Budget shall 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 agreement Terms and Conditions.
   10. The budget shall ***NOT*** include any profit from the Applicant, either as a reimbursed cost or as match share. Please review the agreement Terms and Conditions for additional restrictions and requirements.
2. ***Resumes:*** For the Key Personnel identified, Applicants should provide an individual resume (maximum of two pages each).
3. ***Letters of Commitment/Support:***All letters must identify the station address(es) to which it applies.
   1. **Station/Site Owner Letter of Commitment (MANDATORY):** Applicants shall include a letter of commitment from the proposed station/site’s owner that is signed by the station/site owner or representative who is duly authorized to commit the station/site for the purpose of building a hydrogen refueling station (or to implement an upgrade) in collaboration with the project developer. The letter of commitment shall contain a telephone number to allow the Energy Commission to contact the station/site owner to confirm the commitment and authority to commit to the proposed project. The station/site owner letter of commitment shall be dated within the 6 months preceding application submittal.
   2. **Station Operator Letter of Commitment (MANDATORY, if applicable):** If the Applicant is not the proposed station operator, a letter of commitment is required from the proposed operator or representative who is duly authorized to commit to operating the proposed station. The letter of commitment shall contain a telephone number to allow the Energy Commission to contact the proposed station operator to confirm the commitment and authority to commit to the proposed project.
   3. **Third-Party Match Funding Letter(s) of Commitment (MANDATORY, if applicable):** Applicants shall submit a signed and dated letter of commitment from each match share partner identifying the source(s) and availability of match funding. If there are letters of commitment for match from a third-party (i.e., other than the match share committed by the Applicant), then letters are required as part of the application.
4. ***Contacts List:*** Applicants shall include a completed Contacts List (Attachment 7) with the appropriate points of contact for the Applicant. The Energy Commission will complete the Energy Commission points of contact during agreement development.
5. ***California Environmental Quality Act (CEQA) Compliance Information:*** Applicants must complete a CEQA form (Attachment 8) for each proposed hydrogen refueling station.

The Energy Commission must ensure that the appropriate level of environmental review under CEQA is complete prior to advancing a project to a Business Meeting for Energy Commission approval.

Applicants are encouraged to conduct a CEQA evaluation early in the application process.

The Governor’s Office of Business and Economic Development is available to provide CEQA assistance. Contact:

Mr. Tyson Eckerle

Deputy Director of ZEV Infrastructure

Governor’s Office of Business and

Economic Development (GO-Biz)

1325 J Street, Suite 1800

Sacramento, CA 95814

Phone: 916-322-0563

Fax: 916‐322-0693

[tyson.eckerle@gov.ca.gov](mailto:tyson.eckerle@gov.ca.gov)

Applicants should provide an estimation of the potential or actual impacts the project may have on the surrounding environment.

For CEQA compliance purposes, the Energy Commission encourages proposed stations to be sited at an existing fueling station.

Applicants must provide the following information as it pertains to the proposed project:

1. **Proposed Station Location:** Applicants must provide the specific address or equivalent location information for the proposed station, equipment, fill system(s), and/or dispensing unit(s).
2. **Permits:** Applicants must identify the permits necessary for the project.
3. **Project Impacts:** Applicants must describe the potential or actual impacts the project may have on the surrounding environment.

***NOTE REGARDING ENCUMBRANCE DEADLINES AND DISCLAIMER:*** The funds under this solicitation have strict encumbrance deadlines. The Energy Commission must complete an environmental review under CEQA and approve each grant at a Business Meeting prior to the applicable encumbrance deadline. Thus, if the Energy Commission cannot complete CEQA review in time to meet the applicable encumbrance deadline, the Energy Commission reserves the right to cancel the proposed award and recommend funding the next highest scoring award that can meet the encumbrance deadline, regardless of the Applicant’s diligence in submitting CEQA information and materials. Further, the Energy Commission is not liable for any costs incurred during environmental review or as a result of cancelling the proposed award.

1. ***Localized Health Impacts Information*:** Applicants shall complete Attachment 10 for each station. The Energy Commission requires this information to assist its own determination on the Localized Health Impacts of the proposed project.
2. ***Confidential Business Plan:*** Applicants should demonstrate the economic viability of the proposed project by providing the following financial documentation (with assumptions listed):
   1. Provide balance sheet and cash flow statement for Applicant’s firm for the past three (3) years, as available. Documents must be audited and certified by a Certified Public Accountant (CPA). If audited financial statements for the most recent year are not available by submission date, then financial statements certified by a CPA are acceptable.
   2. Provide a five (5) year proforma statement for Applicant’s firm, including projected balance sheet, income statement, cash flow statement, and debt service schedule for existing and planned long-term debt, if any. List assumptions, including but not limited to, market supply and demand conditions of the industry, market fluctuations, and monthly or quarterly fixed costs and variable costs.

***The financial data requested from Applicants in this section will be kept confidential by the Energy Commission***, pursuant to California Government Code sections 6254(k) and 6254.15 unless the Energy Commission is ordered to release it by a court or other entity with jurisdiction over the issue or the information otherwise becomes public. The financial information described in Section IX. F.14 (a and b) will be kept confidential from receipt to ***seven (7)*** years following the posting of the Notice of Proposed Awards, after which time the records will become public. Please note that if Applicant is a public entity, that Applicant must submit any confidential information to the Energy Commission pursuant to California Code of Regulations, Title 20, section 2505(b).

Information provided by Applicants, other than the financial information contained in Section IX. F.14, is confidential ***only*** until the release of the NOPA. The Energy Commission does not warrant that information, other than the financial information described above, will be kept confidential following the posting of the NOPA. Applicants should not submit materials that are marked or otherwise delineated as confidential, except for the financial information described above. Any such materials will be returned to the Applicant and not considered.

*NOTE:* *If submitting in hard copy,* *Applicants shall provide the Business Plan information in Section IX. F 14 (a and b), in a separate document, detached from the application package, separately sealed, and clearly identified as confidential. If submitting electronically, be certain to upload under the file description, “Confidential Information”.*

# X. Evaluation Process and Evaluation Criteria

This section explains how the applications will be evaluated and scored.

## Application Evaluation

Applications will be evaluated and scored based on their response to the information requested in this solicitation. The entire evaluation process from receipt of applications to posting of the Notice of Proposed Award is confidential. After the NOPA is posted, all applications will become publicly available.

To evaluate all applications, the Energy Commission will organize an Energy Commission Evaluation Team. The Energy Commission Evaluation Team may consist of Energy Commission staff or staff of other California state entities. The HSP will participate as technical advisors, but will not score.

The applications will be evaluated as follows:

1. ***Administrative Screening:*** The Contracts, Grants and Loans Office will screen applications for compliance with the Administrative Screening Criteria identified below. Applications that fail any of the Administrative Screening Criteria shall be disqualified and eliminated from further evaluation. Administrative screening criteria are:
2. The application is received by the Energy Commission’s Contracts, Grants and Loans Office by the due date and time specified in this solicitation.
3. The Application Form (Attachment 1 and 2 as applicable) is complete and signed by the Applicant’s authorized representative.
4. The application does not contain confidential information, *except for allowable confidential information detailed in Section IX. F.14 (a and b) of this solicitation.*
5. The Applicant agrees to the Terms and Conditions (Attachments 9 and 14), and to meet all requirements of the solicitation by signing the Application Form. In addition, Applicant agrees to not include any statement in the application that acceptance is based on modifications to those terms and conditions or separate terms and conditions.
6. The application is prepared in the mandatory format described in Section IX.
7. The budget forms are filled out completely.
8. Applicant provides the required minimum match share specified in this solicitation (Sections V).
9. Applications for Operation and Maintenance (O&M) funding are only for stations whose capital expenses are funded under this solicitation.
10. The application contains a station owner letter of commitment and a station operator letter of commitment.
11. The application contains letters and documents that show committed match funding on the part of the Applicant. If match funding originates from other sources, the application shall also contain letters and documents that verify match share partners’ commitment to provide match funding.
12. ***Technical Screening:*** The Energy Commission Evaluation Team will screen applications for compliance with the technical screening criteria identified below. Applications that fail any of the technical screening criteria shall be disqualified and eliminated from further evaluation. Technical screening criteria are:
13. The Applicant’s Key Personnel, as identified in the Scope of Work (Attachment 3), must each have a minimum of three (3) years of experience designing, planning, constructing, testing, operating, or maintaining gaseous fueling stations. (Section IX, F).
14. The project is eligible (Section V).
15. Proposed station meets or exceeds the Minimum Technical Requirements (Section VI).
16. Proposed project meets or exceeds the Minimum Renewable Hydrogen Requirements (Section VII) with the required information (Section VII, B.) provided in the Project Narrative.
17. If applicable, Applicant has substantive and demonstrable progress for awards funded under past solicitations (Section V).
18. Application includes a Safety Plan for each proposed hydrogen refueling station (Section VIII).
19. ***Additional Grounds to Reject an Application:*** In addition to the Administrative and Technical screening criteria identified, the Energy Commission reserves the right to reject an application or cancel an award if at any time during the application or agreement process the following circumstances are discovered:
20. The application contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Applicant.
21. 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.
22. 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.
23. The Applicant has previously received funding through a Public Interest Energy Research (PIER) agreement, has received the PIER Royalty Review letter which the Energy Commission annually sends out to remind past recipients of their obligations to pay royalties, and has not responded to the letter or is otherwise not in compliance with repaying royalties.
24. ***Technical Scoring of Applications:*** Applications passing all screening criteria will be reviewed and scored by the Energy Commission Evaluation Team based on the Evaluation Criteria utilizing the following process:
25. **Initial Evaluation:** Each application will be evaluated and scored based on responses to the Evaluation Criteria in this solicitation.
26. **Clarification Interviews:** During the evaluation and selection process, the Energy Commission Evaluation Team may hold a clarification interview with an Applicant either by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the application. However, these interviews may not be used to change or add to the contents of the original application. Applicants will not be reimbursed for time spent answering clarifying questions.
27. **Site Visits:** During the evaluation and selection process, the Energy Commission Evaluation Team may visit station locations to verify accessibility and location. There will be no contact with the Applicant at the site visit. The site will be evaluated for entrance and exits, traffic circulation, proximity to freeways, other fueling dispensers, and usage.
28. **Tiebreakers:** Ties, if any, will be broken in the following order:

* Stations with highest “Coverage, Capacity and Market Viability” score.
* Stations with highest amount of renewable hydrogen content from direct sources.
* Stations with highest “Hydrogen Refueling Station Performance” score.
* If still tied, an objective tie-breaker will be utilized (for instance, a random drawing).

## Scoring Scale

Using the Scoring Scale in Table 8, the Energy Commission Evaluation Team will give a score for each Evaluation Criterion.

*Table 8: Scoring Scale*

|  |  |  |
| --- | --- | --- |
| **% of Possible Points** | **Interpretation** | **Explanation for Percentage Points** |
| 0% | Not Responsive | Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 10-30% | Minimally Responsive | Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 40-60% | Inadequate | Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution. |
| 70% | Adequate | Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable. |
| 80% | Good | Response fully addresses the requirements being scored with a good degree of confidence in the Applicant’s response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable. |
| 90% | Excellent | Response fully addresses the requirements being scored with a high degree of confidence in the Applicant’s response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations. |
| 100% | Exceptional | All requirements are addressed with the highest degree of confidence in the Applicant’s response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution. |

## Notice of Proposed Awards (NOPA)

The results of the Energy Commission’s decision of proposed funding level, the rank order of applications, and the amount of each proposed award will be posted in a NOPA. The Energy Commission will:

* Post the NOPA at the Energy Commission’s headquarters in Sacramento.
* Post the NOPA on the Energy Commission’s website.
* Mail the NOPA to all parties that submitted an application.

## Debriefings

Applicants may request a debriefing after the NOPA release. A request for debriefing must be received no later than 15 days after the NOPA is released.

## Evaluation Criteria

*Table 9: Evaluation Criteria*

| **Evaluation Criteria** | **Possible Points** |
| --- | --- |
| **Qualifications of the Applicant/Project Team**  ***Applications must achieve a minimum of 70% (or 42 points) under this criterion to be eligible for funding.***  Applications will be evaluated on the degree to which the Applicant/project team:   * Demonstrates ability to implement the proposed project. * Has experience and expertise working with hydrogen refueling technology or other gaseous fuels. * Demonstrates ability to adequately account for and control costs. * Demonstrates project management experience including the ability to effectively manage and work with contractors and subcontractors. * Demonstrates experience working with commercial real estate acquisition, rental, and leasing. * Demonstrates experience in supply chain logistics, including recycling and reuse, on the part of at least one team member. * Demonstrated acceptable past performance with California Energy Commission grants or contracts, if the Applicant worked on such projects, including: * Adherence to schedule and due dates for Critical Milestones. * Effective and timely issue resolution, especially when Critical Milestones were not met. * Honest, timely, and professional communication with Energy Commission staff. * Effective coordination with project partners, subcontractors, and other stakeholders. * Timely and accurate invoicing. | 60 |
| **Coverage, Capacity, and Market Viability *(applicable to I-5 Connector Station Competition only)***  ***Applications must achieve a minimum of 70% (or 70 points) under this criterion to be eligible for funding.***  Applications will be evaluated on the degree to which:   * The proposed station is in close proximity to I-5. * The proposed station provides refueling service that meets the hydrogen refueling needs for the projected vehicle demand (light duty vehicle traffic count and patterns). * The proposed station provides refueling service for local fleets, as practicable. * The proposed station provides refueling service that is available during peak fueling periods for light duty vehicles passing the station (daily, weekly, or during other time periods) and the peak fueling periods for the location do not conflict with timeframes allowed by local ordinances. * The proposed station meets the needs of a higher average number of fills over a 1- and 12-hour period. * The proposed station’s refueling service complements the coverage and capacity of the network of existing and planned hydrogen refueling stations in Table 1 and any other new stations proposed for funding by the Applicant under this solicitation. | 100 |
| **Coverage, Capacity, and Market Viability *(applicable to Main Station Competition only)***  ***Applications must achieve a minimum of 70% (or 70 points) under this criterion to be eligible for funding.***  Applications will be evaluated on the degree to which:   * The proposed station location results in a high CHIT Station Coverage Value. * The proposed station capacity results in a high CHIT Station Capacity Value. * The proposed station provides refueling service that meets the hydrogen refueling needs for the projected vehicle demand (light duty vehicle traffic count and patterns). * The proposed station provides redundancy and back-up in a location needing fueling capacity. * The proposed station provides refueling service for local fleets, as practicable. * The proposed station provides refueling service that is available during peak fueling periods for light duty vehicles passing the station (daily, weekly, or during other time periods) and the peak fueling periods for the location do not conflict with timeframes allowed by local ordinances. * The proposed station meets the needs of a higher average number of fills over a 1- and 12-hour period. * The proposed station provides refueling service for vehicles tested and deployed at automotive parts assembly, testing, distribution, and demonstration facilities. * The proposed station’s refueling service complements the coverage and capacity of the network of existing and planned hydrogen refueling stations in Table 1 and any other new stations proposed for funding by the Applicant under this solicitation. | 100 |
| **Safety Planning**  ***Applications must achieve a minimum of 70% (or 28 points) under this criterion to be eligible for funding.***  Applications will be evaluated on the HSP’s recommendation, and the degree to which:   * The Applicant’s Safety Plan is adequate and comprehensive. * The Applicant commits to providing current, timely, and easily accessible information about the station to First Responders in the event of an emergency, including a publicly available station maintenance plan. * The Applicant provides a realistic, timely, and comprehensive plan to assure safety training for the station’s initial operation and safety retraining over time for all station operators. * The Safety Plan:   + Includes effective organizational safety policies and procedures.   + Includes hydrogen and fuel cell experience.   + Identifies operational safety vulnerabilities and appropriate risk reduction plans.   + Includes information about equipment and mechanical integrity of the planned station.   + Includes process flow diagrams or piping and instrumentation diagrams.   + Includes safety and alarm systems.   + Includes an effective materials selection process to ensure hydrogen compatibility.   + Includes appropriate and timely maintenance, testing, calibration and inspection procedures. | 40 |
| **Project Readiness**  ***Applicants must achieve a minimum of 70% (or 28 points) under this criterion to be eligible for funding.***  Stations will be evaluated on the degree to which:   * Site control (including the station lease or access rights to install equipment and storage tanks) is secured. * Project is consistent with existing zoning requirements. * The proposed project schedule is realistic and aggressive and the station is expected to be operational expeditiously. * Applicant has secured or initiated actions to secure required permits. * Station has progressed in obtaining compliance under the California Environmental Quality Act (CEQA) per the requirements of this solicitation. * Site plan shows setback requirements, which identify the mandatory separation distances of the station's components, i.e., minimum distance in feet from a hydrogen system of indicated capacity to any specified exposure source pursuant to local, State, and Federal codes and standards (e.g., NFPA 2). * Station component certification has been received from third-party testers. * The proposed station is consistent with regional alternative vehicle readiness plans. * Community outreach, including Fire Marshals, is planned and appropriate to ensure successful and timely station construction. * The proposed station design has appropriately considered traffic approach, entrance, exit, and circulation within the station. * The application addresses the time and cost required for utility connections. | 40 |
| **Station Operation and Maintenance**  Stations will be evaluated on the degree to which:   * Station operator and station owner commits to operate and maintain the station beyond the term of the funding agreement. * The maintenance plan is viable, appropriate, and comprehensive. * The operation and maintenance procedures are adequate to maximize station “up-time” and meet customer fill requests, including procedures to fix malfunctioning equipment and back-up fueling plans in the event of station outage. * The backup plan to provide hydrogen to customers in case the refueling station goes offline or the hydrogen supply is depleted is adequate and reasonable. * The plan and commitment to coordinate planned maintenance with adjacent stations on the network are adequate and reasonable. * Station reliability procedures will be implemented, monitored, and adjusted to keep the station operational and ready to provide fuel. * Testing procedures are adequate to maintain hydrogen quality according to the Minimum Technical Requirements (Section VI). * Operation and maintenance procedures that adhere to the Applicant’s Hydrogen Safety Plan. * Posted signage at the hydrogen refueling station is appropriate and adequate to advise and educate the public on hydrogen refueling, provide instructions to the station user, and acknowledge the public funding received for the station. * The Applicant has an effective and credible plan, and submits that plan with the application, for continuous customer service improvement. * Data collection procedures are adequate to collect and report detailed and quantifiable data through the NREL Data Collection Tool. * The monitoring plan for compliance with the standards identified in the Minimum Technical Requirements (Section VI) is adequate and continues throughout the operation of the station. * The Applicant has an effective and credible plan for becoming an open retail hydrogen refueling station for light duty vehicles no more than 180 days after becoming an operational hydrogen refueling station and to remain open for retail sales for a minimum of five years after becoming open retail. | 40 |
| Project Budget  Stations will be evaluated on the degree to which:   * The budget represents a realistic understanding of planned costs to ensure successful project completion. * The proposed project is likely to result in a high benefit-cost score (GHG reductions per public dollar provided to the project). * The budget and costs are reasonable, justified and suitable for the proposed project. * The minimum Match Share requirements are exceeded. * The project has co-product off-take agreements, which supports ongoing viability of the proposed station. | 25 |
| **Financial Plan**  Applicants will be evaluated on the degree to which:   * Applicant demonstrates economic viability of the proposed project. * Applicant demonstrates the viability of the Applicant’s firm as a going concern over the duration of the proposed project and beyond. * Applicant demonstrates the ability to effectively manage and mitigate risks associated with construction, cost overruns, operation, maintenance, technology, regulations, and economic inflation. | 15 |
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|  |  |
| **Hydrogen Refueling Station Performance**  ***Applicants must achieve a minimum of 70% (or 42 points) under this criterion to be eligible for funding.***  Applications will be evaluated on the degree to which:   * The proposed station exceeds the minimum daily fueling capacity required under this solicitation.   The proposed station provides daily fueling capacity that is scalable and can be increased by at least 25% per day without additional State of California funding.   * The proposed station exceeds the minimum peak fueling capacity required under this solicitation. * The proposed station demonstrates maximum station reliability and refueling availability. * The proposed station demonstrates maximum reliability in the Point of Sale system. * The proposed station has the ability to fill multiple vehicles with hydrogen simultaneously. * The proposed station provides adequate lighting to assist station users. * The proposed station maximizes the hours of operation while addressing local requirements. | 60 |
| **Economic and Social Benefits**  Stations will be evaluated on the degree to which:   * The proposed project is likely to expand opportunities for California-based businesses. * The proposed project is likely to create jobs. * The proposed project is likely to result in economic benefits, including in disadvantaged communities within California. | 20 |
| **Innovation**  Stations will be evaluated on the degree to which the proposed station:   * Has innovations that improve the consumer refueling experience, increase station cost-effectiveness, increase the effectiveness of the hydrogen refueling network, or others, which may include: * Unique or advanced features of the project or hydrogen refueling station technology. * Equipment that can be relocated and reused as demand increases. * Space management of the station. * Efficiencies in supply chain management. * Plans to participate in U.S. Department of Energy (DOE), national, state, and local research and development projects (i.e., pre-approved studies on in-line contaminant detectors, refueling protocols, and safety). | 20 |
| **Renewable Hydrogen Content**  Stations will be evaluated on the degree to which:   * The station (or average of hydrogen dispensed across a collection of one grant recipient’s stations funded under this solicitation) exceeds the required 33% renewable hydrogen content by use of either renewable energy certificates (RECs) or renewable hydrogen from direct sources. | 30 |
| **Renewable Hydrogen from Direct Sources**  Stations will be evaluated on the degree to which:   * The station (or collection of one grant recipient’s stations funded under this solicitation) has any direct renewable hydrogen sources, meeting or exceeding the 33% renewable requirement, from a project initiated specifically for the proposed station. * The station (or collection of one grant recipient’s stations funded under this solicitation) uses direct renewable hydrogen resources, meeting or exceeding the 33% renewable requirement, from within California. | 30 |
| **Sustainability and Environmental Impacts**  Stations will be evaluated on the degree to which the proposed project:   * Uses recycled materials and repurposed equipment and materials. * Minimizes water use through recycling, reclamation or other means. * Maximizes energy efficiency for system power. * Preserves and enhances of the use of natural resources in the State. * Promotes superior environmental performance of alternative and renewable fuels. * Uses alternative fuels for hydrogen delivery trucks. * Uses curtailed electricity from California’s electricity grid and provides a method to document this use. | 20 |
| **Total Possible Points** | **500** |
| **Minimum Passing Score (70%)** | **350** |

# XI. Administration

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## Definition of Key Words

Important definitions for this solicitation are presented below:

*Table 10: Key Word Definitions*

|  |  |
| --- | --- |
| **Word/Term** | **Definition** |
| ASTM | American Society of Testing and Materials |
| Applicant | Respondent to this solicitation |
| Application | Formal written response to this document from applicant |
| ARFVTP | Alternative and Renewable Fuel and Vehicle Technology Program |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Officer |
| Capacity Value | Ability of a proposed station to fill an area’s expected need for refueling capacity. |
| Cap-X | Capital Expense |
| CHIT | California Hydrogen Infrastructure Tool |
| Coverage Value | Ability of a proposed station to cover an area’s identified gap in fueling service coverage. |
| CSA | Canadian Standards Association |
| Energy Commission | California Energy Commission |
| FCEV | Fuel Cell Electric Vehicle |
| GFO | Grant Funding Opportunity |
| GHG | Greenhouse Gas |
| NFPA | National Fire Protection Association |
| O&M | Operation and Maintenance |
| REC | Renewable Energy Credits |
| Recipient | Entity awarded funds via an executed grant agreement |
| SAE | Society of Automotive Engineers International |
| Solicitation | Grant Funding Opportunity, which refers to this entire solicitation document and all its attachments and exhibits |
| SOSS | Station Operational Status System |
| State | State of California |
| ZEV | Zero Emission Vehicle |

## Cost of Developing Application

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

## Confidential Information

The Energy Commission will not accept or retain any applications that have any portion marked confidential, *except for allowable confidential information detailed in Section IX. F.14 (a and b) of this solicitation.*

## 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 [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 Contact Person 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 Applicants 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.