**GRANT FUNDING OPPORTUNITY**

**Clean Transportation Program**

**Light-Duty Vehicle and Multi-Use Hydrogen Refueling Infrastructure**



**Addendum 2**

GFO-22-607

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

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

State of California

California Energy Commission

[~~October~~] **December** 2022

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# I. Introduction

## Purpose of Solicitation

This is a competitive grant solicitation. The California Energy Commission’s (CEC’s) Clean Transportation Program announces the availability of up to $27 million in grant funds for projects that will provide publicly available hydrogen refueling stations to enable continued growth of the California fuel cell electric vehicle (FCEV) market. Solicitation objectives are to:

* Provide funding to support additional hydrogen refueling stations to achieve the goal of 200 stations by 2025 per Executive Order B-48-18. Prior to the release of this solicitation, the CEC counts 176 stations already funded.
* Bring hydrogen fueling to areas of California currently without a hydrogen refueling station.
* Support fuel cell deployment in multiple vehicle market segments in addition to personal passenger FCEVs, including fuel cell electric trucks (FCETs) for goods movement and fuel cell electric buses (FCEBs) for public transportation.
* Foster an excellent customer experience at each station.
* Encourage increased transparency and use of renewable hydrogen from direct sources.

## Background

The Budget Act of 2021 (AB 128, Ting, Chapter 21, Statutes of 2021, as amended by Senate Bill (SB) 129, Skinner, Chapter 69, Statutes of 2021 and SB 170, Skinner, Chapter 240, Statutes of 2021) appropriated $785,000,000 from the General Fund to support infrastructure deployments and manufacturing projects for zero-emission light-duty and medium- and heavy-duty vehicles.

Assembly Bill (AB) 118 (Nuñez, Chapter 750, Statutes of 2007), created the Clean Transportation Program. The statute authorizes the CEC 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, Statues of 2013) re-authorized the Clean Transportation Program through January 1, 2024, and specified that the CEC allocate up to $20 million per year (or up to 20 percent of each fiscal year’s funds) in funding for hydrogen station development until at least 100 stations are operational.

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

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

## Commitment to Diversity

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

* Ensure potential new applicants throughout the state are aware of CEC’s Clean Transportation Program and the funding opportunities the program provides.
* Encourage greater participation by underrepresented groups including disabled veteran-, women-, minority-, and LGBT-owned businesses.
* Assist applicants in understanding how to apply for funding from CEC’s Clean Transportation Program.

## Key Activities and Dates

Key activities including dates and times for this solicitation are presented below. An addendum will be released if the dates change for the asterisked (\*) activities. Times listed are Pacific Standard Time or Pacific Daylight Time, whichever is being observed.

| **ACTIVITY** | **ACTION DATE** |
| --- | --- |
| Solicitation Release | October 21, 2022 |
| Pre-Application Workshop\*  | November 9, 2022 |
| Deadline for Written Questions\* | November 23, 2022 |
| Anticipated Distribution of Questions/Answers | Week of December 12, 2022 |
| **Deadline to Submit Applications by 11:59 p.m.\*** | **February 3, 2023** |
| Anticipated Notice of Proposed Awards Posting  | Week of April 24, 2023 |
| Anticipated CEC Business Meeting  | July 2023 |

## How Award is Determined

Applicants passing administrative and technical screening will compete based on evaluation criteria and will be scored and ranked based on those criteria. Unless CEC exercises any of its other rights regarding this solicitation (e.g., to cancel the solicitation or reduce funding), applications obtaining at least the minimum passing score will be recommended for funding in ranked order until all funds available under this solicitation are exhausted.

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

## Availability of Funds

A total of $27 million is available for awards under this solicitation. CEC, at its sole discretion, reserves the right to increase or decrease the amount of funds available under this solicitation.

## Funding Competitions

This solicitation has two funding competitions:

* + 1. Light-Duty Vehicle Hydrogen Refueling Infrastructure, to which $24 million of the available funds is dedicated.
		2. Multi-Use Hydrogen Refueling Infrastructure, to which $3 million of the available funds is dedicated.

Any funds above $27 million will first be allocated to fully fund partially funded applications. Then, the next overall highest scoring application(s), regardless of funding competition type, shall be awarded in ranked order until all funds available under this solicitation are exhausted. CEC, at its sole discretion, reserves the right to increase or decrease the amount of funds dedicated to each competition.

## Minimum and Maximum Award Amounts

Applicants may submit applications for only one or both of the funding competitions. Minimum and maximum award amounts for each funding competition are described below:

1. Light-Duty Vehicle Hydrogen Refueling Infrastructure: The total project minimum award for light duty hydrogen refueling stations is $4 million. The maximum award for light duty hydrogen refueling stations is $10 million. Projects may be composed of four or more hydrogen refueling stations that will primarily serve light-duty FCEVs. The per station maximum award amount for a light-duty station is $1 million. Applicants must provide at least 50 percent match funding as described in Section II.D. Examples of maximum awards are shown in Table 1.

**Table 1: Examples of Maximum Award Amounts**

|  |  |  |
| --- | --- | --- |
| **Stations in Project** | **Maximum Award Amount** | **Total Project Cost** |
| Four | $4 million | $8 million + |
| Seven | $7 million | $14 million + |
| Ten  | $10 million | $20 million + |

1. Multi-Use Hydrogen Refueling Infrastructure: There is no minimum award for this competition. The total project maximum award for multi-use hydrogen refueling stations is $3 million. Projects may be composed of one or more multi-use hydrogen refueling stations that serve multiple uses, including light-duty FCEVs in one public fueling area and FCETs or FCEBs in a separate fueling area. The per station maximum award amount for a multi-use hydrogen refueling station is $3 million. Applicants must provide at least 50 percent match funding as described in Section II.D.

## Maximum Number of Applications

Applicants are only eligible to submit two (2) applications under this solicitation: one (1) for the Light-Duty Vehicle Hydrogen Refueling Infrastructure Competition and one (1) for the Multi-Use Hydrogen Refueling Infrastructure Competition, as described in Section I.G.

## Agreement Execution Deadline

Funding agreements shall be executed by the funding Recipient within 60 days following approval at a CEC Business Meeting. If this deadline is missed, the CEC reserves the right to cancel a proposed award and recommend awarding funds to the next eligible Applicant.

## Staged Reimbursement of CEC Funds

CEC funds will only be available to reimburse a Recipient for actual, allowable, and allocable costs under an agreement resulting from this solicitation. Eligible expenses are reimbursed only for the stations that are specified in the executed grant agreement. The CEC will reimburse actual, allowable, and allocable costs pursuant to the Terms and Conditions (Attachment 9) and the Special Terms and Conditions (Attachment 10) of the grant agreement in stages for each station, as follows:

**Stage 1:** Recipient has completed all Critical Milestones, completed the preliminary station design plans, and ordered the necessary equipment. Up to 25 percent of the CEC funding allocated to the station or the actual, allowable, and allocable costs incurred (whichever is less) will be reimbursed.

**Stage 2:** Recipient has submitted documentation to the CEC showing they have submitted an entitlement application or initial permit application for the station, and submitted the preliminary Hydrogen Safety Plan to the Pacific Northwest National Laboratory (PNNL) Hydrogen Safety Panel (HSP). Up to 50 percent of the CEC funding allocated to the station or the actual, allowable, and allocable costs incurred (whichever is less) will be reimbursed.

**Stage 3:** Recipient has provided documentation to the CEC that equipment is assembled and ready for shipping and has received a permit to build from the authority having jurisdiction (AHJ). Up to 75 percent of the CEC funding allocated to the station or the actual, allowable, and allocable costs incurred (whichever is less) will be reimbursed.

**Stage 4:** Recipient has submitted the final Hydrogen Safety Plan to the PNNL HSP. Recipient has also submitted an Open Retail Station Checklist (Attachment 14) to the CEC and the station has achieved open retail status. Up to 90 percent of the CEC funding allocated to the station or the actual, allowable, and allocable costs incurred (whichever is less) will be reimbursed. The remaining 10 percent of the CEC funding allocated to the station will be held as retention.

**Stage 5:** Recipient has completed the required data collection using the National Renewable Energy Laboratory (NREL) Data Collection Tool (Attachment 12), submitted a Final Report that the CEC’s CAM approves, and timely submitted an invoice to the CEC for the retention. Timely submitted in this context means with enough time before the funds liquidate for the CEC to have the State Controller’s Office issue the check without having to pay any charges for expedited processing. The 10 percent retention will be released.

## Critical Milestones

Time is of the essence in project completion. To ensure timely project completion, in addition to meeting other Agreement requirements, the Recipient must complete certain activities by certain dates to receive payment by the CEC under any agreement resulting from this solicitation (as described in Attachment 10A, Special Terms and Conditions).

For each hydrogen refueling station in an Applicant’s proposed project, Applicant must submit evidence of having completed Critical Milestones #1 and #2 for each proposed station address, as described within the solicitation. If awarded under this solicitation, any station relocation requests must be accompanied by proof of completion of Critical Milestones #1 and #2 for the proposed relocation site address.

If awarded under this solicitation, Critical Milestones #3 and #4 must be completed by the Recipient before the CEC will reimburse the Recipient for any eligible costs.

CEC staff will determine whether the documentation submitted by the Recipient is sufficient to show that a Critical Milestone has been met.

The Critical Milestones are as follows:

**Critical Milestone #1**: The Applicant shall hold the following meetings:

* An in-person, telephone, or web-based pre-application meeting for permits to build and operate each proposed hydrogen refueling station with relevant planning and/or building department staff of the AHJ over project entitlement and permit approval. The meeting should include but not be limited to discussion of:
	+ The entitlement and permitting process for a hydrogen refueling station within the AHJ
	+ Zoning requirements for the chosen site
	+ Design or aesthetic requirements for the chosen site
	+ The expected CEQA process
	+ Project timeline

The meeting may be, for example, a scheduled presentation given by the Applicant to AHJ staff, or an unscheduled discussion with AHJ staff.

* An in-person, telephone, or web-based pre-application meeting, at the same time or separately from the meeting with the AHJ planning and/or building department staff, with a representative of the Office of the Fire Marshal, or equivalent fire control office, in the AHJ. The meeting should include but not be limited to discussion about how to obtain compliance with local fire code requirements and National Fire Protection Association (NFPA) 2 requirements.
* A telephone or web-based meeting with a representative of the PNNL HSP to establish a common understanding of the Hydrogen Safety Plan and station design review process (Section II.I.) that will be required of Recipients.

The Applicant must provide to the CEC proof of having met this Critical Milestone by submitting in its application notes from each meeting, not to exceed five pages per station, including date, time, location, names and titles of meeting participants, a summary of the topics discussed, action items, and next steps.

**Critical Milestone #2**: The Applicant shall have control and possession of the site at which each proposed hydrogen refueling station is to be constructed.

The Applicant must provide to the CEC proof of having met this Critical Milestone for each proposed hydrogen refueling station by submitting in its application adequate documentation of site control and possession. Documentation of site control and possession may include, but is not limited to, an executed lease for the land on which the station will be constructed.

**Critical Milestone #3**: The Recipient shall meet with representatives of the utility company that will serve each proposed hydrogen refueling station to arrange the utility connection. The Recipient must provide to the CEC proof of having met this Critical Milestone by submitting meeting notes, not to exceed five pages per station, including date, time, location, names and titles of meeting participants, a summary of the topics discussed, action items, and next steps.

**Critical Milestone #4**: The Recipient shall meet with representatives of the hydrogen fuel supplier that will serve each proposed hydrogen refueling station to arrange the supply chain and hydrogen delivery. The Recipient must provide to the CEC proof of having met this Critical Milestone by submitting meeting notes, not to exceed five pages per station, including date, time, location, names and titles of meeting participants, a summary of the topics discussed, action items, and next steps.

## 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 remotely via Zoom at the date and time listed below. Please call (916) 654-4381 or refer to the [CEC's solicitation information website](https://www.energy.ca.gov/funding-opportunities/solicitations) at https://www.energy.ca.gov/funding-opportunities/solicitations to confirm the date and time.

**November 9, 2022**

**2:00 p.m.**

**Remote Access Only**

Remote access is available by computer or phone via Zoom.

## Participation Through Zoom

Zoom is the CEC's online meeting service. When attending remotely, presentations will appear on your computer/laptop/mobile device screen, and audio may be heard via the device or telephone. Please be aware that the Zoom meeting will be recorded.

**Zoom Instructions:**

To [join this workshop](https://energy.zoom.us/j/94829288602?pwd=TFQ2c0FDSmRkZEtENGU2ZUl4NDlOQT09), go to Zoom at: https://energy.zoom.us/j/94829288602?pwd=TFQ2c0FDSmRkZEtENGU2ZUl4NDlOQT09. You may also access the workshop by going to the [Zoom webpage](https://join.zoom.us) at https://join.zoom.us and enter the unique meeting ID and password below:

**Meeting ID:** 948 2928 8602

**Meeting Password:** 663620

**Topic:** Pre-Application Workshop for Light-Duty Vehicle and Multi-Use Hydrogen Refueling Infrastructure

**Telephone Access Only:**

Call (888) 853-5257 or (888) 475-4499 (toll-free). When prompted, enter the unique meeting ID number above. To comment over the telephone, dial \*9 to “raise your hand” and \*6 to mute/unmute your phone line.

**Access by Mobile Device:**

Download the application from the [Zoom Download Center](https://energy.zoom.us/download), https://energy.zoom.us/download.

**Technical Support:**

For assistance with problems or questions about joining or attending the meeting, please call Zoom technical support at (888) 799-9666 ext. 2, or you may contact the CEC’s Public Advisor’s Office at publicadvisor@energy.ca.gov, or (800) 822-6228.

[To determine whether your computer is compatible with Zoom](https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux), visit: https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux.

## Questions

Applicants may ask questions at the Pre-Application Workshop, and may submit written questions via e-mail to the Commission Agreement Officer (CAO) listed in Section I.P. of this solicitation. However, all technical questions must be received by the deadline listed in the “Key Activities and Dates” table above. Questions received after the deadline may be answered at the CEC's discretion. Non-technical questions (e.g., questions concerning application format requirements or attachment instructions) may be submitted to the CAO at any time prior to 5:00 p.m. of the application deadline date.

The question and answer will be posted on the [CEC’s solicitation information website](https://www.energy.ca.gov/funding-opportunities/solicitations) at https://www.energy.ca.gov/funding-opportunities/solicitations.

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

## Contact Information

Natalie Johnson, Commission Agreement Officer

California Energy Commission

715 P Street, MS-1

Sacramento, California 95814

Telephone: (916) 891-8523

E-mail: natalie.johnson@energy.ca.gov

## Reference Documents

Applicants responding to this solicitation may want to familiarize themselves with the following documents:

1. [2022-2023 Investment Plan Update for the Clean Transportation Program](https://www.energy.ca.gov/programs-and-topics/programs/clean-transportation-program/clean-transportation-program-investment-7) Revised Staff Report (CEC-600-2022-053-REV). https://www.energy.ca.gov/programs-and-topics/programs/clean-transportation-program/clean-transportation-program-investment-7.
2. Baronas, Jean, Belinda Chan, et al. 2021. [*Joint Agency Staff Report on Assembly Bill 8: 2021 Annual Assessment of Time and Cost Needed to Attain 100 Hydrogen Refueling Stations in California*](https://www.energy.ca.gov/publications/2021/joint-agency-staff-report-assembly-bill-8-2021-annual-assessment-time-and-cost). California Energy Commission and California Air Resources Board. Publication Number: CEC-600-2021-040. https://www.energy.ca.gov/publications/2021/joint-agency-staff-report-assembly-bill-8-2021-annual-assessment-time-and-cost.
3. California Air Resources Board. September 2022. [*2022 Annual Evaluation of Fuel Cell Electric Vehicle Deployment and Hydrogen Fuel Station Network Development*](https://ww2.arb.ca.gov/sites/default/files/2022-09/AB-8-Report-2022-Final.pdf). https://ww2.arb.ca.gov/sites/default/files/2022-09/AB-8-Report-2022-Final.pdf.
4. California Air Resources Board. [Hydrogen Station Self-Sufficiency Report: Economic Analysis of Hydrogen Station Network Development Scenarios](https://ww2.arb.ca.gov/resources/documents/hydrogen-station-self-sufficiency-report). https://ww2.arb.ca.gov/resources/documents/hydrogen-station-self-sufficiency-report.
5. California Department of Food and Agriculture, Division of Measurement Standards. [Zero-Emission Vehicle Projects](https://www.cdfa.ca.gov/dms/programs/zevfuels/). https://www.cdfa.ca.gov/dms/programs/zevfuels/.
6. California Office of Environmental Health Hazard Assessment. “[CalEnviroScreen 4.0.](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40)” https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.
7. [Executive Order N-79-20](https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf). https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf.

# II. Eligibility Requirements

## Applicant Requirements

1. **Eligibility**

This solicitation is open to all public and private entities.

To be eligible, Applicants (or key project partners) shall:

* 1. Employ key personnel for the proposed project with a minimum of three (3) years of experience designing, planning, constructing, testing, operating, or maintaining hydrogen refueling stations or other pressurized gaseous fueling stations.
1. **Terms and Conditions**

Each grant agreement resulting from this solicitation will include terms and conditions that set forth the recipient’s rights and responsibilities. By providing the authorizations and certifications required under this solicitation, each Applicant agrees to enter into an agreement, if awarded, with the CEC to conduct the proposed project according to the terms and conditions that correspond to its organization, without negotiation: (1) University of California terms and conditions; (2) U.S. Department of Energy terms and conditions; or (3) standard terms and conditions. The standard terms and conditions are located [in](https://caenergy.sharepoint.com/sites/FTD/Shared%20Documents/FTD%20Shared%20Files/Solicitations/2022/GFO-22-XXX%20H2%20Stations/1.%20Original%20Solicitation/Initial%20Routing/in) Attachment 9 and special terms and conditions are located in Attachment 10.

Failure to agree to the terms and conditions by taking actions such as failing to provide the required authorizations and certifications or indicating that acceptance is based on modification of the terms may result in rejection of the application. Applicants must read the terms and conditions carefully. CEC reserves the right to modify the terms and conditions prior to executing grant agreements.

1. **California Secretary of State Registration**

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

## Project Requirements

The following requirements apply to all hydrogen refueling stations in each project proposed by an Applicant. To be eligible under this solicitation, each project shall meet each of the following criteria:

* + 1. The project shall construct one or more new hydrogen refueling stations. Each station must be installed at a permanent physical address provided at the time of application. Proposed projects to upgrade existing hydrogen refueling stations are not eligible for this solicitation.
		2. Each proposed station shall be located either:
			- 1. In an eligible area in California depicted in the map below and available online at the [GFO-22-607 Eligibility Map Viewer](https://californiaarb.maps.arcgis.com/apps/webappviewer/index.html?id=20eaf894ac074849ac21aebec5a71934) at https://californiaarb.maps.arcgis.com/apps/webappviewer/index.html?id=20eaf894ac074849ac21aebec5a71934.



OR

* + - * 1. At any site in California that is on or adjacent to property where a FCEV fleet of any vehicle classification is or will be serviced and this FCEV fleet is committed to use the hydrogen refueling station. This FCEV fleet owner/operator must be listed as a key project partner and provide a commitment letter for submission in the application.

For the stations for which Applicants are seeking eligibility under option (a.), you may contact Andrew Martinez at the California Air Resources Board, Andrew.Martinez@arb.ca.gov, tel: **279-208-7182** [~~916-322-8449~~], for questions about the eligibility map or to confirm an address’s eligibility.

* + 1. Each proposed station shall have a minimum of two Society of Automotive Engineers (SAE) International J2601 H70-T40 fueling positions.
		2. Each proposed station must meet the Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations listed in Section II.E.
		3. The Applicant or a key project partner must operate each proposed station and maintain its open retail status for a minimum of five years.
		4. Each light-duty fueling position of each proposed station shall meet the minimum 24-hour fueling capacity of 225 kilograms based on the Hydrogen Station Capacity Evaluation (HySCapE) model, counting only H70-T40 fills that achieve 95% state of charge (SOC).

This solicitation incorporates the [HySCapE model](https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/2018-0813_hyscape_download_instructions.pdf), available for download at: https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/2018-0813\_hyscape\_download\_instructions.pdf.

The California Air Resources Board (CARB) Low Carbon Fuel Standard (LCFS) Hydrogen Refueling Infrastructure (HRI) program uses the same HySCapE model to confirm station capacity. Applicants are encouraged to consult the [HRI User Guide](https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/guidance/hri_userguide.pdf), available at https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/guidance/hri\_userguide.pdf, and the [HySCapE documentation](https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/ca-greet/2018-0813_hyscape_documentation.pdf) available at https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/ca-greet/2018-0813\_hyscape\_documentation.pdf.

Applicants shall run the HySCapE model, as used for applications to the CARB LCFS HRI Program, for each proposed station design to demonstrate that each light-duty fueling position of each proposed station design meets the minimum 24-hour fueling capacity of 225 kilograms.

Consistent with the HRI User Guide, Applicants shall use the following HySCapE default settings:

* Vehicle Demand Profile: Chevron Friday
* Time Between Fills: 255 seconds
* Vehicle Storage Volume: 126 liters
* Storage Level to Trigger Delivery: 30 percent
* Hourly Distribution: Even

Applicants shall download the HySCapE results (graphs and output file). To meet the 24-hour fueling capacity requirement, the “number of kg Mass Dispensed at SOC limit” must be equal to or greater than 225 kilograms per fueling position.

* + 1. For Multi-Use Hydrogen Refueling Infrastructure Competition Only:
* Stations shall serve FCETs or FCEBs via public or private access at separate fueling positions from light-duty FCEVs. The public light-duty FCEV customer experience must not be compromised.
	+ 1. Optional
* Fueling positions may provide H35 fueling in addition to H70-T40.

## Eligible Project Costs

Eligible project costs include both reimbursable costs and match share costs.

Eligible reimbursable costs are limited to ***actual,*** ***allowable equipment expenditures only.*** Eligible reimbursable costs include:

* Hydrogen refueling station equipment such as hydrogen storage tanks, compressors, chillers, cryogenic pumps, dispensers, hoses, nozzles, and point of sale (POS) systems.
* Any standard or optional costs included by the equipment supplier in the purchase of equipment, such as shipping, installation, commissioning, warranty, or servicing.

Other project costs (labor, fringe, travel, subcontracted labor, materials/supplies, and overhead) are NOT eligible reimbursable costs under agreements resulting from this solicitation.

However, these other project costs are eligible match share costs.

These match share costs may include, but are not limited to:

* Electrical system upgrade costs not covered by the utility
* Engineering, planning, and construction services
* Engagement and outreach to stakeholders
* Onsite hydrogen production equipment
* Permits
* Insurance

## Match Funding Requirements

1. **Total Match Share Requirement**

Applications must include a minimum 50 percent total match share of the eligible project costs.

“Match funding” or “match share” means cash or in-kind (non-cash) contributions provided by the Applicant/Recipient, subrecipients, vendors, or other parties that will be used in performance of the proposed project.Match share percentage is calculated by dividing the total match share contributions by the total allowable project cost.“Total allowable project cost” is the sum of the CEC’s reimbursable share and Recipient’s match share of the project costs. Match share expenditures have the following requirements:

1. At a minimum, match share must conform to the “Cash Match Share Requirement” contained in Section II.C.2 of this solicitation.
2. All match share expenditures must conform to the terms and conditions of this solicitation and the resulting agreement (see Attachment 9).
3. Applicants must disclose the source and provide verification and documentation for the match share funding committed to the project.
4. During the term of the agreement, Recipients will be required to document and verify all match share expenditures through invoices submitted to the CEC.
5. Match share funding may be in the form of cash or in-kind contributions such as donated labor hours and equipment.
6. Equipment 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).
7. Match share expenditures (cash and/or in-kind) must be documented, reasonable, allowable, and allocable to the project as determined by the CEC.
8. The Recipient shall incur match share expenditures at least at the same rate as CEC funds.
9. Match share expenditures are allowable under an agreement only if they are incurred after the CEC 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 approval and execution of an agreement are made at the Applicant’s own risk. The CEC is not liable for Applicant’s 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 this solicitation. Please note that non-match expenditures incurred prior to agreement execution are not reimbursable from CEC funds.
10. Funding from other non-state government agencies may be used as match share.
11. **Cash Match Share Requirement**

The match share requirement must include a minimum 50 percent ***cash*** match share. In other words, because the match share requirement is 50 percent of total project costs, 25 percent of total project costs must be cash match share.

Cash match means the net of any funds actually expended by the Applicant for the project. Net means after any sort of discount or rebate is applied. Expenditures for Applicant’s compensated labor hours, including allowable fringe benefit and overhead rates, travel, materials, supplies, equipment, subrecipient costs, and other miscellaneous expenditures may be claimed as cash match if the expenditures are included in the approved agreement budget, paid in full with funding sources other than grant funds, and supported with appropriate documentation, including proof of payment. For indirect overhead, backup documentation, such as a cost allocation plan based on actual expenditures incurred and paid, is required. Cost allocations must be reasonable and allocable to the proposed project.

1. **In-Kind Match Share**

The balance of the total match share requirement beyond the cash match share requirement may be met through in-kind match share contributions.

In-kind match share contributions are: 1) non-cash contributions provided by the Applicant; 2) cash or non-cash contributions provided by a subrecipient; and 3) cash or non-cash contributions provided by other third parties. Applicant in-kind match share can be in the form of volunteer labor, existing equipment, existing supplies, and services provided by a third-party or subrecipient. The value of in-kind match is based on the fair market value of the goods and services provided at the time it is claimed as match. In-kind match share must be included in the approved agreement budget and supported with appropriate documentation. Cost allocations must be reasonable and allocable to the proposed project.

1. **Match Share Restrictions**

***Other Sources of CEC Funding*** – Other sources of CEC funding may not be claimed as match share.

***Documentation*** – If selected for an award under this solicitation, all claimed match share expenditures must be adequately documented to the CEC during the agreement invoicing process, which may include, but is not limited to: the fair market value of equipment and other appropriate documentation.

## Unallowable Costs (Reimbursable or Match Share)

For an item of cost to be allowable for reimbursement with CEC funds or as a match share expenditure, it must be included in the executed agreement budget and allowable per the terms and conditions (Attachment 9) of the resulting agreement. The following are examples of unallowable costs under an agreement resulting from this solicitation. This list is not comprehensive and additional items of cost may be unallowable in accordance with the agreement terms and conditions.

1. ***Reimbursable Costs Only: Labor, Fringe, Travel, Subcontracted Labor, Materials/Supplies, and Overhead*** – Any costs not listed as eligible reimbursable costs under Section II.C are unallowable items of reimbursable costs.
2. ***Discounted or Refunded Equipment Costs –*** For example, a Recipient claims that equipment costs $10,000 but the Recipient only pays $6,000 due to some discount. The difference of $4,000 is not an allowable match share expense. Another example is if the Recipient actually pays $10,000 but the vendor refunds $4,000 – only the net $6,000 is an allowable item of cost.
3. ***Land or Property Costs*** – Any cost related to the purchase or rental of property for the project are unallowable as reimbursable and match costs.

## Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations

To be considered open retail, all hydrogen refueling stations funded under this solicitation shall, at a minimum, meet and adhere to each of the following Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations during station operation.

Projects exceeding these Minimum Technical Requirements may score higher in accordance with the Evaluation Criteria (Section IV.E.).

All of the following Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations shall be met at the exact station address approved by the CEC.

1. The open retail hydrogen refueling station shall dispense hydrogen that meets CCR Title 4 Business Regulations, Division 9, Chapter 6 Automotive Products Specifications, Article 8, Hydrogen Fuel Sections 4180 and 4181, which adopts SAE International J2719 Hydrogen Fuel Quality for Fuel Cell Vehicles.
* Hydrogen quality tests shall be taken at each dispenser at the hydrogen refueling station every six months, at minimum.
* The hydrogen quality shall be tested at each dispenser at the station each time the hydrogen lines are either exposed or potentially exposed to contamination due to maintenance or other activities.
* The station developer shall report the date of each hydrogen quality test at each dispenser at the station and any special condition(s), and submit the results to the CAM.
1. All hydrogen dispensers used at open retail hydrogen refueling stations shall meet CCR, Title 4, Division 9, Chapter 1, Article 1, Section 4002.9 Hydrogen Gas-Measuring Devices (3.39). The hydrogen dispensers used at open retail hydrogen refueling stations shall comply with the most current version of the Uniform Regulation for the Method of Sale of Commodities Section 2.32 as published in U.S. Department of Commerce, National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality.

Prior to dispensing hydrogen for retail sale, all dispensers installed in open retail hydrogen refueling stations for retail sale shall have either a Temporary Use Permit or Certificate of Approval issued through the California Type Evaluation Program (CTEP) administered by the California Department of Food and Agriculture (CDFA) Division of Measurement Standards (DMS). Alternatively, installed retail hydrogen dispensing systems may have a Certificate of Conformance issued by the National Type Evaluation Program (NTEP) administered through the National Conference on Weights and Measures (NCWM).

a. The Recipient shall install only type-approved dispensers (i.e., which have gone through CTEP or NTEP approval) for retail sale. CDFA adopts, by reference, the most current version of the NIST Handbook 44 Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices except as otherwise modified, amended or rejected by the Secretary of the U.S. Department of Commerce. CCR Title 4, Division 9, Chapter 1, Article 1, Sections 4001 and 4002, Additional Requirements, adopts California-specific amendment and modifications to NIST Handbook 44.

b. When installing a type-approved hydrogen dispenser at any hydrogen refueling station funded under this solicitation, the Recipient 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.

c. The newly installed dispenser shall 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.

d. The Applicant shall include a plan, in their application, for CDFA DMS, or a Registered Service Agency (RSA) (a person, firm, corporation or association that, for hire or payment of any kind, repairs commercial weighing and measuring devices) 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.

If the Applicant plans to use an RSA, that RSA shall be registered by the CDFA DMS and their employees (Agents) shall be licensed by DMS before performing any installation, repair, or maintenance on any weighing or measuring device.

1. Each light-duty fueling position of the open retail hydrogen refueling station shall conform to the most recent published version of SAE International J2601 (fueling protocols) at H70-T40 for all light-duty vehicle tank mass categories up to 10 kilograms.

Should the station developer opt to include H35, each H35 fueling position of the open retail hydrogen refueling station shall conform to the most recent published version of SAE International J2601 (fueling protocols) at H35.

A multi-use station shall provide separate, purpose-built infrastructure for FCET/FCEBs with compressed hydrogen storage systems (CHSS) that exceed 10 kilograms. For the FCET/FCEB fueling position(s), the station developer must self-certify conformance to a defined fueling protocol or standard fueling guideline that they describe to the CEC. Fueling of FCEVs with 10-kilogram+ tanks shall not diminish the light-duty FCEV customer experience.

The compliance of the open retail hydrogen refueling station with SAE International J2601 shall be verified using the most recent version of ANSI/CSA Group HGV 4.3 (test methods for hydrogen fueling parameter evaluation) by working with State of California employees who use the U.S. Department of Energy Hydrogen Station Equipment Performance (HyStEP) device or a functionally equivalent hydrogen station test apparatus, or a third party tester that uses a functionally equivalent hydrogen station test apparatus.

DMS is considering proposing a regulation to require a station evaluation/verification process for all stations regardless of funding, as described in the [pre-rulemaking workshop notice](https://www.cdfa.ca.gov/dms/pdfs/regulations/NIST_Handbook44_Prerulemaking_Notice_Final.pdf) at https://www.cdfa.ca.gov/dms/pdfs/regulations/NIST\_Handbook44\_Prerulemaking\_Notice\_Final.pdf. The ability for a third party to perform this evaluation is one of the topics being considered. Recipients could be required to pay a fee to the State of California or a third party for station testing.

Should HyStEP, or a functionally equivalent test apparatus, be unavailable, the station developer shall evaluate a hydrogen refueling station for compliance with SAE International J2601 using best practices with the automobile original equipment manufacturers (OEMs).

State of California employees and the automobile OEMs shall have access to the data generated and collected when evaluating a station with HyStEP, a functionally equivalent test apparatus, or using best practices with OEMs.

1. The open retail hydrogen refueling station design and operation shall conform to the most recent version of ANSI/CSA HGV 4.9 (hydrogen refueling stations).
2. The open retail hydrogen refueling station shall conform to the most recent version of SAE International J2799 (station communications), verified through the most recent version of CSA HGV 4.3.
3. The open retail hydrogen refueling station shall conform to the fueling connectors, nozzles, and receptacle requirements in the most recent version of either SAE International J2600 or ISO 17268.
4. Each light-duty fueling position of the open retail hydrogen refueling station shall have the capability to provide a minimum of seven 4-kilogram H70-T40 fills in one hour, back-to-back, counting only fills that achieve 95 percent SOC.
5. The open retail hydrogen refueling station dispenser(s) shall sell hydrogen fuel to the public through a point of sale (POS) system. The station dispensers may use a centralized POS system.

The POS system shall accept, read, and process the magnetic stripe on commercially available credit cards, debit cards, fueling cards, and gift cards. Each POS system shall also read EMV™ chips embedded in the cards and perform financial payment transactions.

Each POS system may also wirelessly transmit, receive, and process near-field communications (NFC) to process the signals from contactless cards or mobile devices, i.e., “smart phones,” or accept payment through a mobile application.

1. The open retail hydrogen refueling station components shall be installed and the station shall have a hydrogen fuel supply and a hydrogen supply and delivery agreement from a hydrogen production plant (on or off-site), with available capacity, and a second supply agreement as backup. Both agreements must provide renewable hydrogen to satisfy the Renewable Hydrogen Requirements (Section II.M.) of this solicitation.
2. The open retail hydrogen refueling station shall have an energized utility connection and source of system power.
3. The open retail hydrogen refueling station shall have lighting for the dispenser(s) and the station area to provide a well-lit area that is safe, convenient, and accessible for station users.
4. The open retail hydrogen refueling station shall have signage as follows:
	1. Onsite signage to acknowledge the public agency(ies) that co-funded the hydrogen refueling station as provided by that public agency(ies).
	2. Onsite signage that explains the method of sale requirements per the [California Hydrogen Fuel Advertising and Labeling Requirements](https://www.cdfa.ca.gov/dms/hydrogenfuel/pdfs/HYDROGENGuidanceforRetailers.pdf) at https://www.cdfa.ca.gov/dms/hydrogenfuel/pdfs/HYDROGENGuidanceforRetailers.pdf.
	3. If permitted by the local AHJ, the station shall be identified by 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).
	4. If permitted by Caltrans, the station shall be identified by state highway system signage according to the [California Manual on Uniform Traffic Control Devices](https://dot.ca.gov/programs/safety-programs/camutcd), Part 2: Signs, available at: https://dot.ca.gov/programs/safety-programs/camutcd.

It is the responsibility of the Recipient to contact each respective agency to request this signage.

1. The open retail hydrogen refueling station shall be connected and send data to the Hydrogen Fuel Cell Partnership [Station Operational Status System (SOSS)](https://m.h2fcp.org/) available at https://m.h2fcp.org/. At a minimum, the following information shall be included in the data files transmitted to SOSS: H35 status (if part of the station design), H70-T40 status, the currently available H35 capacity (if included in the station design), the currently available H70-T40 capacity, the station name, and the station address.
2. The Recipient shall possess all required state, local, county, and city permits to build the station and to operate the open retail hydrogen refueling station.
3. The open retail hydrogen refueling station shall have a guard or cover installed over the emergency shutdown system switch(es) to prevent unintentional station shutdown.
4. The open retail hydrogen refueling station shall be accessible to the public.
* No obstructions or obstacles exist to preclude vehicle operators from entering the station premises.
* The user of the station is not required to obtain or to use access cards or personal identification (PIN) codes for the station to dispense fuel.
* No formal or registered station training is required for individuals to use the hydrogen refueling station.
* For Multi-Use Hydrogen Refueling Infrastructure Competition Only: The part of the station serving FCET, FCEB, or FCEV fleets may be restricted access so long as part of the station per the requirements of Section II.B remains publicly accessible.

## Open Retail Station Checklist

The Recipient shall submit to the CEC a completed, signed, and dated Open Retail Station Checklist (Attachment 14) for each station as it becomes open retail. Should the open retail hydrogen refueling station come out of compliance with the Checklist, or should the design change, the Recipient shall submit to the CEC a new completed, signed, and dated Open Retail Station Checklist.

## Data Collection And Reporting Requirements

Each Recipient shall collect and submit data to the CEC as specified in the Scope of Work (Attachment 2). Data collection and reporting includes using the National Renewable Energy Laboratory (NREL) Data Collection Tool (Attachment 12) for each station once the station becomes open retail. The reporting period begins when the first station in the project becomes open retail, and it ends one year after the final station in the project becomes open retail. Reporting must include all of the open retail stations in the project in each respective quarter.

## Invoices And Photographic Evidence

Recipients will be required to provide corresponding photographs of system components and equipment (under assembly or as a completed system) with each invoice, as available, to support the payment of the invoice. Recipients will also be required to provide the serial numbers of system components or equipment with the photographs.

## Hydrogen Safety Tasks

* + - 1. **Hydrogen Safety Plan**

If awarded under this solicitation, the Recipient shall develop a Hydrogen Safety Plan for each proposed hydrogen refueling station design.

The Hydrogen Safety Plan will be a subtask under one of the technical tasks in the Scope of Work (Attachment 2) and shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 4).

The Recipient must prepare (a) preliminary Hydrogen Safety Plan for the Pacific Northwest National Laboratory (PNNL) [Hydrogen Safety Panel](https://h2tools.org/hsp) (HSP) to review. Information on the HSP is at https://h2tools.org/hsp. It is up to the Recipient to work directly with the PNNL HSP to submit the preliminary Hydrogen Safety Plan to the PNNL HSP. If the Recipient wishes the plan to be kept confidential by the PNNL HSP, it is up to the Recipient to work with the PNNL HSP to achieve that. The PNNL HSP is expected to assess the preliminary Hydrogen Safety Plan for adherence to the most recent version of public guidelines titled [Safety Planning for Hydrogen and Fuel Cell Projects](https://h2tools.org/sites/default/files/Safety_Planning_for_Hydrogen_and_Fuel_Cell_Projects.pdf), available at:

https://h2tools.org/sites/default/files/Safety\_Planning\_for\_Hydrogen\_and\_Fuel\_Cell\_Projects.pdf.

The Recipient shall include the following in the Hydrogen Safety Plan:

* + - * 1. A detailed description about how the Recipient will adhere to the most recent public guidelines throughout the life of all of the stations. Should the Recipient’s adherence with the public guidelines or its Hydrogen Safety Plan lapse, without limitation to any other rights, the CEC reserves the right to cancel the Recipient’s agreement funded by this solicitation.
	1. A detailed description about how the Recipient will conform to the NFPA 2, Hydrogen Technologies Code 2020 edition. Should a locale accept NFPA 2, Hydrogen Technologies Code 2016 instead, the Recipient shall so state and shall conform to the 2016 edition until which time the AHJ requires compliance with the 2020 edition. Should the Recipient’s compliance lapse, the CEC reserves the right to cancel the Recipient’s agreement funded by this solicitation.

c. A detailed description about how the Recipient will provide ongoing safety training for station personnel from each station’s initial operation through retraining over the life of each station. Should the training lapse, without limitation to any other rights, the CEC reserves the right to cancel the Recipient’s agreement funded by this solicitation.

The PNNL HSP will forward their non-confidential assessment of the preliminary Hydrogen Safety Plan to the CEC and the Recipient. The Recipient shall prepare a final Hydrogen Safety Plan following the PNNL HSP assessment. As with the preliminary Hydrogen Safety Plan, it is up to the Recipient to work directly with the PNNL HSP to submit the Recipient’s final Hydrogen Safety Plan to the PNNL HSP. If the Recipient wishes the plan to be kept confidential by the PNNL HSP, it is up to the Recipient to work with the PNNL HSP to achieve that.

Should the Recipient opt to not accept all of the comments from the PNNL HSP assessment, the Recipient shall provide an explanation of their rationale to the CEC.

2. **Hydrogen Refueling** **Station Design Reviews**

If awarded under this solicitation, the Recipient shall participate in a hydrogen refueling station design review for each station in the project with the PNNL HSP. The station design reviews shall occur before the Recipient submits the design plans to the AHJ for plan check. Participating in these station design reviews will be a subtask under one of the technical tasks in the Scope of Work (Attachment 2) and shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 4).

3. **Virtual Inspections**

If awarded under this solicitation, the Recipient shall participate in one virtual inspection of each station in the project with the PNNL HSP. The virtual inspection shall occur when the station has been open retail for between 6 and 12 months. Participating in the virtual inspection will be a subtask under one of the technical tasks in the Scope of Work (Attachment 2) and shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 4).

## Reporting Safety Incidents

The stations proposed by the Applicant shall conform to the California Health and Safety Code Section 25510(a). Recipients of funding under this solicitation shall submit report(s) of any unintended hydrogen releases to the [Certified Unified Program Agency (CUPA)](http://cersapps.calepa.ca.gov/Public/Directory), http://cersapps.calepa.ca.gov/Public/Directory.

Recipients of funding under this solicitation shall notify the CEC, in writing, of any safety incidents, by sending the same reports as were sent to the CUPA to the CEC. The Recipient shall also report safety incidents using the NREL Data Collection Tool (Attachment 12).

Recipients of funding under this solicitation shall include the PNNL HSP in any fact-finding or investigation of any safety incident.

Should the Recipient not follow the requirements for reporting safety incidents, the CEC, without limitation of any other rights, reserves the right to cancel the Recipient’s agreement funded by this solicitation.

## Operation And Maintenance Plan

Applicants shall prepare and submit an Operation and Maintenance Plan as part of their application’s Project Narrative. The plan shall describe, at minimum:

1. The station owner/operator strategy to:

a. Pay for operation and maintenance costs, including any plans to use LCFS credit revenue, and contingency plans.

b. Maximize station uptime with a goal of achieving 95% uptime, defined as the percentage of hours the station is available for fueling relative to the permitted hours of operation for the station, as reported to SOSS and CEC Quarterly Progress Reports.

c. Complete planned and unplanned maintenance.

d. Coordinate maintenance activities / downtime with nearby stations.

e. Provide customer service, including communication with customers about planned and unplanned downtime.

2. The response process and time needed to address station outages due to various factors, including equipment malfunction and lack of hydrogen supply (assuming both primary and secondary supply sources are affected).

3. How the retail price of the hydrogen sold at the station will be minimized.

## Renewable Hydrogen Requirements

The hydrogen refueling station(s) funded under this solicitation shall dispense renewable hydrogen to comply with the requirements specified in the [CARB LCFS regulation](https://ww2.arb.ca.gov/sites/default/files/2020-07/2020_lcfs_fro_oal-approved_unofficial_06302020.pdf), found at https://ww2.arb.ca.gov/sites/default/files/2020-07/2020\_lcfs\_fro\_oal-approved\_unofficial\_06302020.pdf, of CCR Title 17, Division 3, Chapter 1, Subchapter 10, Article 4, Subarticle 7, Sections:

* §95481(a) “Definitions - Renewable Hydrogen” and
* §95486.2(a)(4)(F) “Hydrogen Refueling Infrastructure (HRI) Pathways – Requirements to Generate HRI Credits.”

Recipients shall report on renewable hydrogen dispensed on a quarterly basis per the same schedule as the data reporting under Section II.G, including but not limited to information about feedstock used and if the renewable content is directly used in the fuel or indirectly used via the book and claim process of LCFS.

# III. Application Format, Required Documents, and Delivery

## Required Format for an Application

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

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

## Method For Delivery

The method of delivery for this solicitation is the [CEC’s Grant Solicitation System](https://gss.energy.ca.gov/) (GSS), available at https://gss.energy.ca.gov/. This online tool allows Applicants to submit their electronic documents to CEC prior to the date and time specified in this solicitation. Electronic files must be in Microsoft Word (.doc format) and Excel Office Suite formats unless originally provided in the solicitation in another format. Completed Budget Forms, Attachment 5, must be in Excel format.

The deadline to submit grant applications through the CEC’s GSS is **11:59 p.m**. The GSS system automatically closes at 11:59 pm. If the full submittal process has not been completed before 11:59 p.m., your application will not be considered. NO EXCEPTIONS will be entertained.

The CEC strongly encourages Applicants to upload and submit all applications by 5:00 p.m. because CEC staff will not be available after 5:00 p.m. or on weekends to assist with the upload process. And please note that while the CEC endeavors to assist all would-be applicants, the CEC cannot guarantee staff will be available for in-person consultation on the due date, so please plan accordingly.

Please give yourself ample time to complete all steps of the submission process: do not wait until right before the deadline to begin the process. Due to factors outside the CEC’s control and unrelated to the GSS system, upload times may be much longer than expected. For example, some past Applicants experienced unexpected issues on their end, causing long delays that prevented timely submission. They spent significant time and resources on applications the CEC will not consider. Please plan accordingly. For instructions on how to apply using the GSS system, please see the [How to Apply document](https://www.energy.ca.gov/media/1654) available on the CEC website at: https://www.energy.ca.gov/media/1654.

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

## Page Limitations

The total number of pages for each Application’s Project Narrative is limited to 30 pages. The Application Form, Table of Contents, Executive Summary, Scope of Work, Schedule of Products and Due Dates, Budget Forms, resumes, Contact List, letters of support/commitment, CEQA worksheet, Localized Health Impacts Information Form, proof of completing Critical Milestones #1 and #2, station photographs and diagrams, the HySCapE input file and results (graphs and output file), and Past Performance Reference Forms do not count towards this page limitation.

## Application Organization

All items listed below are required as part of the application package. A complete and separate application package must be submitted for each competition (Light-Duty Vehicle Hydrogen Refueling Infrastructure, and Multi-Use Hydrogen Refueling Infrastructure) if an Applicant is applying to both competitions. Failure to provide any items may result in disqualification of the application. Attachment requirements are expanded and explained below in this section and in the attachments themselves. The items that have “N/A” in the “Attachment Number” column are required to be submitted as part of the application package, but do not have an associated attachment provided in this solicitation package.

| **Item** | **Attachment #**  | **Action Needed by Applicant** |
| --- | --- | --- |
| Application Form | Attachment 1-a/ Attachment 1-b | Complete form(s) for the relevant competition(s) |
| Table of Contents | N/A | Create document |
| Executive Summary (1 page maximum) | N/A | Create document |
| Project Narrative (30 page maximum) | N/A | Create document |
| Scope of Work | Attachment 2 | Create document from supplied template |
| Schedule of Products and Due Dates | Attachment 4 | Create document from supplied template |
| Budget Forms | Attachment 5 | Complete forms |
| Resumes (2 page maximum per person) | N/A | Create document |
| Contact List | Attachment 6 | Complete form |
| Letters of Support/Commitment (2 page maximum per letter) | N/A | Create document |
| CEQA Worksheet | Attachment 7 | Complete worksheet |
| Localized Health Impacts Information Form | Attachment 8 | Complete form |
| Proof of Completing Critical Milestone #1 (5 page maximum per station) | N/A | Create document |
| Proof of Completing Critical Milestone #2 | N/A | Create document |
| Station Photographs and Diagrams | N/A | Create document |
| HySCapE Input File and Results (Graphs and Output File) | N/A | Supply files from HySCapE model run(s) |
| Past Performance Reference Form(s) | Attachment 11 | Complete form |

1. **Application Form**

Applicants must include a completed Application Form shown in Attachment 1-a if applying to the Light-Duty Vehicle Hydrogen Refueling Infrastructure Competition and Attachment 1-b if applying to the Multi-Use Hydrogen Refueling Infrastructure Competition.

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

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

* The application does not contain any confidential or proprietary information.
* All information in the application is correct and complete to the best of the Applicant’s knowledge.
* The Applicant has read and understands the terms and conditions and will accept them without negotiation if awarded.
* The Applicant has received any required licenses (such as copyrights or trademarks) applicable to the submitted application.
* The person electronically submitting the application through the Grant Solicitation System is an authorized representative of the Applicant. For Applicants providing a hard copy submittal, the person signing the application is an authorized representative of the Applicant.

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

The CEC **may** have waived the requirement for a signature on application materials for this solicitation. If a notice regarding the CEC’s waiver of the signature requirement appears on the [CEC's solicitation information website](https://www.energy.ca.gov/funding-opportunities/solicitations): https://www.energy.ca.gov/funding-opportunities/solicitations, the waiver applies to this solicitation. In the event of a conflict between the notice and any language in this solicitation regarding signatures, the notice will govern.

1. **Table of Contents**

Each application must include a Table of Contents that allows for easy navigation and location of relevant information.

1. **Executive Summary**

Each application must contain an Executive Summary that, at minimum, includes: a project description, project goals, and quantitative and measurable objectives to be achieved. The maximum length of the Executive Summary is one (1) page.

1. **Project Narrative**

The Project Narrative is limited to a maximum of 30 pages. It must address each of the evaluation criteria described in this solicitation by providing sufficient, unambiguous detail so that the Evaluation Committee will be able to evaluate the application against each evaluation criterion.

Project Narratives must respond directly to each criterion with the headings as titled below, and must include the following information:

1. **Team Experience and Qualifications**
	1. Describe how the project team’s qualifications (including relevant expertise, experience, and skill sets) are suitable to the tasks described in the proposed Scope of Work.
	2. Describe how the project team has experience working with AHJ personnel to overcome planning and permitting barriers such as the need to make site layout changes, incorporate additional requirements, or respond to local community feedback.
	3. Demonstrate that the project team has sufficient personnel and organizational capacity to complete the project given its other project commitments.
	4. Demonstrate that project team members have experience that exceeds the three-year experience requirement (attach resumes separately).
	5. Provide examples of how the Applicant and team have demonstrated exceptional administrative and technical performance under existing or prior funding agreements (CEC and/or other public agencies), if the Applicant or team worked on such projects, including:
		* + Adherence to schedules and due dates.
			+ Effective and timely issue resolution.
			+ Quality of deliverables.
			+ Objectives of past projects have been attained.
			+ Honest, timely, and professional communication with staff from the funding entity.
			+ Effective coordination with project partners, subrecipients, vendors, and other stakeholders.
			+ Timely and accurate invoicing.
2. **Project Location and Market Viability**
	1. Explain how the proposed station location(s) align with the [2019 OEM Priority Hydrogen Station Location Recommendations](https://h2fcp.org/sites/default/files/CaFCP-OEM-2019-Priority-Station-Location-Announcement_Final.pdf), available at https://h2fcp.org/sites/default/files/CaFCP-OEM-2019-Priority-Station-Location-Announcement\_Final.pdf.
	2. Explain how the station(s) will be located in communities and/or along travel corridors that are not served or inadequately served by the existing hydrogen refueling station network.
	3. Describe how sites are chosen to ensure sufficient space for the station equipment and a convenient and safe retail setting for customers (attach station photographs and diagrams separately).
	4. Provide evidence supporting the station location’s viability in terms of potential customer demand, including coordination with light-duty and/or medium-duty FCEV fleet deployments.
	5. Explain how the station location(s) will support the adoption of FCEVs in disadvantaged and low-income communities.
	6. Multi-Use Hydrogen Refueling Infrastructure Competition Only: Describe the coordination with specific FCET or FCEB fleet(s) and the verified user(s) for the separate FCET/FCEB fueling area. Describe how station equipment and the fueling protocol or standard fueling guideline will meet expected fleet needs. Describe if that fueling will be public or private.
3. **Project Implementation**
	1. Provide an Operation and Maintenance Plan as required by Section II.L. Operation and Maintenance Plan, and demonstrate:
		1. The project team’s commitment and available resources to operate each station for at least five years.
		2. Clear, detailed, and convincing strategies for maximizing station uptime and ensuring customer satisfaction.
		3. Credible plans to achieve aggressive response times for various types of operations and maintenance issues.
		4. How the retail price of hydrogen will be minimized.
4. **Project Readiness**
	1. Describe how due diligence has been conducted on the viability of the selected site(s), including consistency with local land use regulations and planning documents.
	2. Explain the support for the proposed hydrogen station(s) from local community groups (such as neighboring residents and businesses), potential customers, and the AHJ (attach letters of support separately).
	3. Provide evidence to support a high probability of quick completion of station environmental review, entitlements, permitting, or construction.
	4. Identify major risks and barriers to successful project completion and how they are mitigated.
5. **Project Budget**
	1. Light-Duty Vehicle Hydrogen Refueling Infrastructure Competition Only: Calculate the requested CEC grant funding per light-duty hydrogen refueling station and explain how the cost is minimized to effectively support the state’s 200-station goal.
	2. Multi-Use Hydrogen Refueling Infrastructure Competition Only: Calculate the requested CEC grant funding per multi-use hydrogen refueling station and explain how the cost is minimized.
	3. Describe the proposed match funding commitments supported by verifiable documentation (attach letter of commitment separately).
	4. Include rationale as to why state funds are necessary for the proposed project and identify why the proposed use of state funds is crucial to project success.
6. **Environmental and Economic Benefits**
	1. Describe how the proposed project will meet or exceed the minimum requirement for renewable hydrogen and explain sourcing of renewable attributes for the hydrogen supply and if the attributes are direct or indirect (“book-and-claim”).
	2. Calculate and explain assumptions behind the benefit-cost score, defined as the ratio of grams of CO2 equivalent reduction per dollar of CEC investment for the proposed project term and five years of operation.
	3. Explain how the proposed project will provide direct and meaningful benefit to disadvantaged and low-income communities and workers within those communities in accordance with the [CalEnviroScreen 4.0](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40) (available at https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40).
	4. Describe how the proposed project will expand business opportunities for California-based businesses and how the proposed project will result in high-quality jobs in terms of compensation, duration, and related project payroll. Describe how the proposed project increases state and local tax revenues.
7. **Scope of Work**

Applicants must include a completed Scope of Work utilizing the template contained in Attachment 2. Instructions for completing the Scope of Work as well as a sample are included in Attachment 3. The description of activities proposed in the Project Narrative must conform to the tasks described in the Scope of Work. Electronic files for the Scope of Work must be in MS Word.

Applicants must present a comprehensive and credible Scope of Work which includes (presented in a logical manner) comprehensive and sequential tasks, products resulting from the individual tasks, and how the tasks are related to or are dependent on each other.

1. **Schedule of Products and Due Dates**

Applicants must include a completed Schedule of Products and Due Dates (Attachment 4). All project work must be scheduled for completion by no later than **March 31, 2026**, to allow timely processing of final invoices before the liquidation date of the CEC funds. Instructions for the Schedule of Products and Due Dates are included in Attachment 4. The Schedule of Products and Due Dates must be in MS Excel.

1. **Budget Forms**
2. The Applicant must submit information on ***all*** tabs of the budget forms. The salaries, rates, and other costs entered must reflect the salaries, rates, and other costs the Applicant would include if selected as a grant recipient. A separate set of complete budget forms is required for the Applicant and for each subaward containing $100,000 or more of CEC funds.
3. Detailed instructions for completing these forms are included at the beginning of Attachment 5.
4. Rates and job descriptions shown must reflect rates and job descriptions charged under an agreement resulting from this solicitation. The salaries, rates, and other costs entered on these forms become a part of the final agreement. The entire term of the agreement and projected rate increases must be considered when preparing the budget. Unless a federally approved indirect rate is used, indirect rates proposed are considered capped and shall not change during the term of the agreement. The grant recipient shall only be reimbursed for their ***actual*** rates up to the indirect rate cap. A description of available indirect rate options is available on the ECAMS Resources webpage under [Budget Category Guidance](https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources/budget-category-guidance?auHash=cEItgat6JNbO9BFGeVqe4E5T6koCOgTaqliFX6bmwtg) for indirect rates. Unlike indirect rates, the rates for Direct Labor and Fringe Benefits are treated as estimates; a grant recipient can invoice at higher rates as long as it is only invoicing for ***actual*** expenditures it has made. The hourly or monthly rates provided shall be unloaded (before fringe benefits or indirect costs).
5. The information provided in these forms will ***not*** be kept confidential.
6. All reimbursable expenditures must be expended within the approved term of the grant agreement. Expenditures may be counted as match share only after CEC notifies the Applicant that its project has been proposed for an award through the release of a NOPA. However, match expenditures incurred after release of the NOPA but prior to the execution of a grant agreement are made solely at the Applicant’s own risk.
7. Applicants must budget for the expenses of a Kick-off Meeting, at least one (1) Critical Project Review meeting, and a Final meeting. Meetings may be conducted at the CEC or by conference call, as determined by the CAM.
8. Applicants must budget for permits, insurance, etc. CEC will not reimburse expenditures for permitting or insurance. However, these expenditures can be included as match share expenditure.
9. Applicants must budget for the preparation and submission of quarterly progress reports during the term of the agreement, and a Final Report. Instructions for preparing the Final Report will be provided to Applicants that are proposed for funding.
10. The purchase of equipment (defined as items with a unit cost greater than $5,000 and a useful life of greater than one year) with CEC funds will require disposition of purchased equipment at the end of the project. Typically, grant recipients may continue to utilize equipment purchased with CEC funds as long as the use is consistent with the intent of the original agreement. ***There are no disposition requirements for equipment purchased with match share funding.***
11. The Budget must reflect estimates for ***actual*** costs to be incurred during the approved term of the agreement. CEC can only approve and reimburse for actual costs that are properly documented in accordance with the grant agreement terms and conditions.
12. Applicants shall ***NOT*** budget for, and ***CANNOT*** be reimbursed for, more than their actual allowable expenses (i.e., the budget cannot include profit, fees, or markups) under the agreement. Subrecipients (all tiers) are allowed to include up to a maximum total of 10% profit, fees, or mark-ups on their own actual allowable expenses less any expenses budgeted to sub-subrecipients (i.e., profit, fees and markups are not allowed on lower tier subrecipient expenses). For example, if a subrecipient has $100,000 in actual allowable costs but has budgeted $20,000 to a sub-subrecipient, then the subrecipient can only include up to 10% profit on $80,000 ($100,000 minus $20,000). See terms and conditions for additional restrictions and requirements.
13. ***IMPORTANT - Payment of Prevailing Wage:*** Applicants must read and pay particular attention to the terms and conditions section related to Public Works and payment of Prevailing Wages. Prevailing wage rates can be significantly higher than non-prevailing wage rates. Failure to pay legally required prevailing wage rates can result in substantial damages and financial penalties, termination of the grant agreement, disruption of projects, and other complications.
14. **Resumes**

Applicants must include resumes for key personnel identified in the application. “Key personnel” are individuals that are critical to the project due to their experience, knowledge, and/or capabilities. Resumes are limited to a maximum of 2 pages each.

1. **Contact List**

Applicants must include a completed Contact List (Attachment 6) by including the appropriate points of contact for the Applicant. CEC will complete the CEC points of contact during agreement development.

1. **Letters of Support/Commitment**

Applicants must include appropriate letters of support/commitment. Letters must include sufficient contact information, so CEC is able to efficiently contact the letter writer and verify the support or commitment. Letters are limited to a maximum of 2 pages each.

* 1. **Station Site Owner (mandatory):** Applications shall include a letter of support from the current owner of the site for each proposed hydrogen refueling station location. The letter shall be signed and dated by the site owner or representative who is duly authorized to commit the site as a location of a hydrogen refueling station. The letter shall also contain a telephone number to allow the CEC to contact the site owner or representative to confirm the commitment and authority to commit to the proposed project. If a proposed site is owned AND operated by the same entity or individual, the letter shall state so.
	2. **Station Site Operator (mandatory):** If a proposed site is operated by a different entity or individual than the site owner, applications shall also include a letter of support from the current operator of the site for each proposed hydrogen refueling station location. The letter shall be signed and dated by a representative of the site operator and shall contain a telephone number to allow the CEC to contact the site operator to confirm support of the proposed project.
	3. **Key Project Partners (mandatory, if applicable):** Key project partners identified in the application must provide letters demonstrating their commitment to the proposed project and their ability to fulfill their identified roles. If a proposed hydrogen refueling station has an eligible location under Section II.B.2.b., the relevant FCEV fleet owner/operator must provide a commitment letter.
	4. **Match Share Contributors (mandatory, Applicant and third party):** Any match share contributors must identify the intended amount of match, the funding source(s), and state that the match share contributor will provide the identified match funding. Letters of commitment from third party match share contributors must contain a telephone number to allow CEC to contact the match share partner or representative to confirm their authority to commit matching funds to the proposed project.
	5. **Letters of Support (optional):** Applicants are encouraged to submit letter(s) of support that substantiate the estimated demand and/or the potential benefits of the proposed project. Third-party letters of support can be provided by, but are not limited to: air districts, state or federal agencies, local safety officials, potential users of the proposed project, and any other relevant organizations.
1. **CEQA Worksheet**

Applicants must include a completed CEQA Worksheet (Attachment 7). CEC requires this information to assist it in making its own determination under the California Environmental Quality Act (Public Resources Code Section §§ 21000 et seq).

Applicants must complete the detailed CEQA Worksheet and submit it with their application. This worksheet will help Applicants and CEC to determine CEQA compliance obligations by identifying which projects may require more extensive CEQA review. Failure to complete the worksheet may lead to disqualification of the application.

Applicants are encouraged to provide documentation of communication with the local lead agency, if one exists (e.g., a county or city). Documentation such as a completed notice of exemption, a letter from the local agency acknowledging its role in the CEQA process, or a permit application to the lead agency that is stamped as received. If no CEQA review would be required by the local lead agency, provide documentation (e.g., a letter or e-mail) from the local agency explaining why CEQA review is not required.

1. **Localized Health Impacts Information Form**

Applicants must complete and submit a Localized Health Impacts Information Form (Attachment 8). CEC requires this information to assist in developing and publishing a localized health impact report.

1. **Proof of Completing Critical Milestone #1**

Applicants must include appropriate meeting notes for each proposed hydrogen refueling station address as described in Section I.J. to demonstrate that Critical Milestone #1 has been met. Meeting notes are limited to a maximum of 5 pages per station.

1. **Proof of Completing Critical Milestone #2**

Applicants must include appropriate proof of site control and possession for each proposed hydrogen refueling station address as described in Section I.J. to demonstrate that Critical Milestone #2 has been met.

1. **Station Photographs and Diagrams**

Applicants must submit current photographs of each proposed hydrogen refueling station site from each possible direction (north, east, south, and west) as well as outward-facing photographs that show the access roads and surrounding land uses. Applicants must also submit a diagram or drawings of each proposed station layout.

1. **HySCapE Input File and Results (Graphs and Output File)**

The Applicant shall provide the 24-hour (Chevron Friday) HySCapE input files and results, which include the output file and graphs, for each station design proposed for funding to the CEC. The HySCapE files must demonstrate that each proposed station design satisfies the requirements of Section II.B.

1. **Past Performance Reference Form(s)**

Applicants must complete and submit a separate Past Performance Reference Form (Attachment 11) for each CEC agreement (e.g., contract, grant or loan) received by the Applicant in the last 10 years and the 5 most recent agreements with other public agencies within the past 10 years.

# IV. Evaluation Process and Criteria

## Application Evaluation

This section explains how the applications will be evaluated.

Applications will be evaluated and scored based on the responses to the information requested in this solicitation and on any other information available such as past performance of CEC agreements.[[1]](#footnote-2) The entire evaluation process from receipt of applications to posting of the Notice of Proposed Award is confidential.

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

* 1. **Screening Criteria**

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

* 1. **Administrative Screening Criteria**

| **ADMINISTRATIVE Screening Criteria** *The Application must pass ALL administrative screening criteria.* | **Pass/Fail** |
| --- | --- |
| 1. The application is received by CEC’s Contracts, Grants, and Loans Office by the due date and time specified in the “Key Activities Schedule” in Section I of this solicitation.
 | [ ]  Pass [ ]  Fail |
| 1. The Applicant provides the required authorizations and certifications.
 | [ ]  Pass [ ]  Fail |
| 1. The Applicant has not included a statement that is contrary to the required authorizations and certifications.
 | [ ]  Pass [ ]  Fail |

* 1. **Technical Screening Criteria**
	2. The Applicant is an eligible Applicant.
	3. The project is an eligible project.
	4. The project meets the minimum match share requirement, if any.
	5. The applicant passes the past performance screening criterion.
	6. **Applicant’s Past Performance Screening Criterion (Pass/Fail)**

An Applicant may be disqualified under this solicitation due to severe performance issues under one or more prior or active CEC agreement(s) within the last 10 years. An Applicant is defined as at least one of the following: the business, principal investigator, or lead individual acting on behalf of themselves—received funds from the CEC (e.g., contract, grant, or loan) and entered into an agreement(s) with the CEC. Any Applicant that does not have an active or prior agreement equates to no severe performance issues and therefore would pass this screening criteria.

Severe performance issuesare characterized by significant negative outcomes under an agreement and may include:

* + Agreement was terminated with cause.
	+ CEC filed litigation against the Applicant.
	+ Severe audit findings are not resolved to CEC’s satisfaction. Severe audit findings may include but not limited to: incomplete or unsatisfactory deliverables; grant funds used inappropriately (i.e., other than as represented); or questioned costs.
	+ Project objectives were not met and were caused by factors that are, or should have been, within the Recipient’s control.
	+ Significant delays in project completion resulting in delayed benefits for California. Project completion delays of one year or more from the originally proposed project schedule and caused by factors within the Recipient’s control may be considered significant.
	+ Deliverables were not submitted to the CEC or were of poor quality. For example, Recipient delivers poorly written reports that required significant rework by staff prior to acceptance or publication.
	+ Demonstrated and documented poor or delayed communication when significant issues or setbacks were experienced that materially and negatively impacted the project. For example, delays in informing the CEC when the Recipient experiences loss of a key project partner or site control may be considered significant.
	1. **Grounds to Reject an Application**

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

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

Applications passing all screening criteria will be submitted to the Evaluation Committee to review and score based on the Evaluation Criteria in this solicitation.

The Evaluation Committee reserves the right to schedule a clarification interview with an Applicant that will either be held by telephone or in person at CEC 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.

The total score for each application will be the average of the combined scores of all Evaluation Committee members. A minimum score of 70 percent is required for the application to be eligible for funding.

CEC will recommend awards to the highest ranked projects (according to final overall application score) until available funding under this solicitation has been exhausted. The Light-Duty Vehicle Hydrogen Refueling Infrastructure Competition and the Multi-Use Hydrogen Refueling Infrastructure Competition will be evaluated and ranked separately.

## Notice of Proposed Awards

The results of the evaluation will be posted in a Notice of Proposed Awards (NOPA) and will include the recommended funding level and the rank order of Applicants. CEC will publish the NOPA on the CEC’s website.

## Debriefings

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

## Scoring Scale

Using this Scoring Scale, the Evaluation Committee will give a score for each criterion described in the Evaluation Criteria.

| **% 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. |
| 75% | Between Adequate and Good | Response better than 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. |
| 85% | Between Good and Excellent | Response fully addresses the requirements being scored with a better than 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. |
| 95% | Between Excellent and Exceptional | Response fully addresses the requirements being scored with a better than excellent 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. |

## Evaluation Criteria

| **Criterion** | **Possible Points** |
| --- | --- |
| **Team Experience and Qualifications**Applications will be evaluated on the degree to which:* The project team’s qualifications (including relevant expertise, experience, and skill sets) are suitable to the tasks described in the proposed Scope of Work.
* The project team has verifiable experience working with AHJ personnel to overcome planning and permitting barriers such as the need to make site layout changes, incorporate additional requirements, or respond to local community feedback.
* The project team demonstrates it has sufficient personnel and organizational capacity to complete the project given its other project commitments.
* Resumes and/or project narrative demonstrate that project team members have experience that exceeds the three-year experience requirement (Section II.A.1).
* The Applicant and team have demonstrated exceptional administrative and technical performance under existing or prior funding agreements (CEC and/or other public agencies), if the Applicant or team worked on such projects, including:
* Adherence to schedules and due dates.
* Effective and timely issue resolution.
* Quality of deliverables.
* Objectives of past projects have been attained.
* Honest, timely, and professional communication with staff from the funding entity.
* Effective coordination with project partners, subrecipients, vendors, and other stakeholders.
* Timely and accurate invoicing.
 | 10 |
| **Project Location and Market Viability**Applications will be evaluated on the degree to which:* The proposed station location(s) align with the [2019 OEM Priority Hydrogen Station Location Recommendations](https://h2fcp.org/sites/default/files/CaFCP-OEM-2019-Priority-Station-Location-Announcement_Final.pdf), available at https://h2fcp.org/sites/default/files/CaFCP-OEM-2019-Priority-Station-Location-Announcement\_Final.pdf.
* The station(s) will be located in communities and/or along travel corridors that are not served or inadequately served by the existing hydrogen refueling station network.
* The submitted station photographs and diagrams demonstrate sufficient space for the station equipment and a convenient and safe retail setting for customers.
* The Applicant provides evidence supporting the station location’s viability in terms of potential customer demand, which may include coordination with light-duty and/or medium-duty FCEV fleet deployments.
* The station location(s) will support the adoption of FCEVs in disadvantaged and low-income communities.
* Multi-Use Hydrogen Refueling Infrastructure Competition Only: There is coordination with specific FCET or FCEB fleet(s) and there are verified user(s) for the separate FCET/FCEB fueling area, and the Applicant demonstrates that equipment and fueling protocol or standard fueling guideline will meet expected fleet needs. The Applicant also describes if that fueling will be public or private.
 | 25 |
| **Project Implementation**Applications will be evaluated on the degree to which the Operation and Maintenance Plan:* Demonstrates the project team is committed and has the resources to operate each station for at least five years.
* Offers clear, detailed, and convincing strategies for maximizing station uptime and ensuring customer satisfaction.
* Provides credible plans to achieve aggressive response times for various types of operations and maintenance issues.
* Will minimize the retail price of hydrogen.
 | 20 |
| **Project Readiness**Applications will be evaluated on the degree to which:* The Applicant has conducted due diligence on the viability of the selected site(s), including consistency with local land use regulations and planning documents.
* There is demonstrated support for the proposed hydrogen review station(s) from local community groups (such as neighboring residents and businesses), potential customers, and the AHJ.
* Evidence is provided to support a high probability of quick completion of station environmental review, entitlements, permitting, or construction.
* Major risks and barriers to successful project completion are identified and mitigated.
* The tasks in the Scope of Work contribute to the successful and timely completion of the proposed project.
 | 20 |
| **Project Budget**Applications will be evaluated on the degree to which:* Light-Duty Vehicle Hydrogen Refueling Infrastructure Competition Only: The requested CEC grant funding per light-duty hydrogen refueling station is less than the $1 million maximum, cost effectively helping the CEC to meet the 200-station infrastructure goal.
* Multi-Use Hydrogen Refueling Infrastructure Competition Only: The requested CEC grant funding per multi-use hydrogen refueling station is less than the $3 million maximum.
* The proposed match funding commitments are documented and verifiable.
* The Applicant demonstrates the need for state funding for the proposed project.
 | 10 |
| **Environmental and Economic Benefits**Applications will be evaluated on the degree to which:* The proposed project will dispense more renewable hydrogen than the minimum required, the sourcing of renewable attributes for the hydrogen supply is clearly explained and prioritizes direct attributes over indirect, book-and-claim style sourcing.
* The proposed project results in high benefit-cost score defined as the ratio of grams of CO2 equivalent reduction per dollar of CEC investment for the proposed project term and five years of operation.
* The proposed project will provide direct and meaningful benefits to disadvantaged and low-income communities and workers within those communities in accordance with the CalEnviroScreen 4.0.
* The proposed project will expand business opportunities for California-based businesses, result in high-quality jobs in terms of compensation, duration, and related project payroll, and increase state and local tax revenues.
 | 15 |
| **Total Possible Points** | 100 |
| **Minimum Passing Score (70%)** | 70 |

## Tie Breakers

If the score for two or more applications are tied, the application with a higher score in the Project Location and Market Viability criterion will be ranked higher. If still tied, an objective tiebreaker (such as a random drawing) will be utilized.

#

# V. Administration

## Definition of Key Words

Important definitions for this solicitation are presented below:

| **Word/Term** | **Definition** |
| --- | --- |
| AHJ | Authority having jurisdiction |
| Applicant | An entity that submits an application to this solicitation |
| Application | An Applicant’s formal written response to this solicitation |
| Awardee/Recipient | An applicant receiving a grant award under this solicitation. |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Officer |
| CARB | California Air Resources Board |
| CDFA | California Department of Food and Agriculture |
| CEC | California Energy Commission |
| CEQA | California Environmental Quality Act |
| CHSS | Compressed hydrogen storage system |
| CTEP | California Type Evaluation Program |
| CTP | Clean Transportation Program |
| Disadvantaged communities | Areas that are disproportionately affected by specific types of pollution and areas with vulnerable populations. Per SB 535, CalEPA is responsible for identifying disadvantaged communities for the California Climate Investments. Disadvantaged communities are designated as the top 25 percent highest scoring census tracts in CalEnviroScreen 4.0, along with other areas with high amounts of pollution and low populations. |
| DMS | Division of Measurement Standards |
| FCEB | Fuel cell electric buses |
| FCET | Fuel cell electric trucks |
| FCEV | Fuel cell electric vehicle |
| GAAP | Generally Accepted Accounting Principles |
| GHG | Greenhouse gas |
| GSS | Grant Solicitation System |
| HRI | Hydrogen refueling infrastructure |
| HSP | Hydrogen Safety Panel |
| HySCapE | Hydrogen Station Capacity Evaluation model |
| HyStEP | Hydrogen Station Equipment Performance device |
| LCFS | Low Carbon Fuel Standard program |
| NOPA | Notice of Proposed Awards |
| NREL | National Renewable Energy Laboratory |
| PNNL | Pacific Northwest National Laboratory |
| POS | Point of sale |
| 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

CEC will not accept or retain any applications that have any portion marked confidential.

## Solicitation Cancellation and Amendments

It is CEC’s policy 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, CEC reserves the right, in addition to any other rights it has, to do any of the following:

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

If the solicitation is amended, CEC will post an addendum on [CEC’s solicitation information website](http://www.energy.ca.gov/contracts/index.html) at www.energy.ca.gov/contracts.

## Errors

If an Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation at any time prior to 5:00 p.m. of the application deadline date, the applicant shall immediately notify CEC 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. CEC shall not be responsible for failure to correct errors.

## Modifying or Withdrawal of Application

An Applicant may, by email to the Commission Agreement Officer, 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 CEC may waive any immaterial defect or deviation contained in an application. The CEC’s waiver shall in no way modify the application or excuse an Applicant proposed for funding from full compliance with solicitation requirements.

## Disposition of Applicant’s Documents

The entire evaluation process from receipt of applications up to the posting of the NOPA is confidential. On the NOPA 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.

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

CEC must formally approve all proposed grant awards. Clean Transportation Program agreements for over $75,000 must be scheduled and considered at a CEC Business Meeting for approval by the CEC.

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

CEC 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, CEC 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 CEC and an Applicant is in effect until the agreement is approved at a CEC Business Meeting, and signed by both the Recipient and the CEC.

CEC reserves the right to modify the award documents prior to executing the agreement.

1. The Past Performance Evaluation is available on the CEC website at: https://www.energy.ca.gov/media/6595 [↑](#footnote-ref-2)