**GRANT FUNDING OPPORTUNITY**

**Clean Transportation Program**

**Charging and Refueling Infrastructure for Transport in CALifornia Provided Along Targeted Highway Segments (CRITICAL PATHS)**



GFO-23-602 – ADDENDUM[~~01~~] **02**

[Solicitation Information](https://www.energy.ca.gov/funding-opportunities/solicitations%22%20%5Co%20%22California%20Energy%20Commission%20solicitation%20website)

<https://www.energy.ca.gov/funding-opportunities/solicitations>

State of California

California Energy Commission

[~~November 7~~] **November 22,** 2023

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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 $20 million in grant funds for projects that will design, construct, and operate publicly available medium- and heavy-duty (MDHD) zero-emission vehicle (ZEV) refueling and/or charging infrastructure along designated corridors.

In order to accelerate actions to mitigate climate change, Governor Newsom signed Executive Order (EO) N-79-20 in September 2020 and set targets for 100 percent of drayage trucks to be zero emission by 2035, and 100 percent of MDHD vehicles to be zero emission by 2045, for all operations where feasible.[[1]](#footnote-2)

Solicitation objectives include:

* Supporting MDHD ZEV hydrogen refueling or charging stations along designated corridors to build out infrastructure for the MDHD ZEV goals set forth in EO N-79-20, the Advanced Clean Trucks (ACT)[[2]](#footnote-3) and Advanced Clean Fleet (ACF)[[3]](#footnote-4) regulations, and other applicable statewide goals and regulations.
* Supporting a coordinated strategy with other agencies for the MDHD ZEV infrastructure build-out statewide.[[4]](#footnote-5)

Prospective Applicants looking for partnering opportunities for this grant funding opportunity should register on the CEC’s [Empower Innovation website](http://www.empowerinnovation.net) at www.empowerinnovation.net.

## Background

The Budget Act of 2021 (Assembly Bill (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 MDHD vehicles.

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.

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-duty and MDHD vehicle technologies.
* Retrofit MDHD 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 | September 26, 2023 |
| Pre-Application Workshop\*  | October 10, 2023 |
| Deadline for Written Questions by 5:00 p.m.\* | October 13, 2023 |
| Anticipated Distribution of Questions/Answers | November [~~9~~]**17**, 2023 |
| Support for Application Submission in the Energy Commission Agreement Management System (ECAMS) until 5:00 p.m.  | **Ongoing until [~~November 29, 2023~~ ] December 8, 2023** |
| **Deadline to Submit Applications by 11:59 p.m.\*** | [**~~November 29, 2023~~**]**December 8, 2023** |
| Anticipated Notice of Proposed Awards Posting  | Week of February 5, 2024 |
| Anticipated CEC Business Meeting  | May 2024 |

## 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 proposal, CEC reserves the right to recommend partially funding that proposal. 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 $20 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.

## Minimum and Maximum Award Amounts

Projects are eligible for up to 50% of the total project costs or $20 million, whichever is less.

Minimum and maximum award amounts are described below:

* Minimum award: $5 million per project
* Maximum award: $20 million per project

The solicitation has two (2) technology categories:

* Charging infrastructure for MDHD battery electric vehicles (BEVs)
* Hydrogen refueling infrastructure for MDHD fuel cell electric vehicles (FCEVs)

Applicants may submit an application for either charging infrastructure or hydrogen refueling infrastructure, or both charging infrastructure and hydrogen refueling infrastructure. If the funds available under this solicitation are sufficient, the highest scoring, passing applications of each technology category will be recommended for funding.

The CEC will recommend an award to the highest scoring, passing project (according to final overall application score) regardless of technology category. With any remaining funds, the CEC will then recommend an award to the highest scoring, passing application of the other technology category. Any remaining funds following the first two awarded projects will then be allocated to the next overall highest scoring application(s), regardless of technology category, in ranked order until all funds available under this solicitation are exhausted.

If the highest scoring, passing application utilizes both technologies, applications obtaining at least the minimum passing score, regardless of technology category, will be recommended for funding in ranked order until all funds available under this solicitation are exhausted.

If an insufficient number of passing projects are received in one of the technology categories, the CEC reserves the right to transfer funding between the technology categories in order to fund additional passing projects received under this solicitation.

## Maximum Number of Applications

Applicants may submit multiple applications under this solicitation. Each proposed project must be separate and distinct and adhere to all requirements contained in this solicitation.

The CEC’s intent is not to fund multiple projects on the same corridor segment’s off-ramp. In the event that two project locations are proposed for award in a similar area, the CEC reserves the right to only fund the higher-scored passing project.

Additionally, the CEC’s intent is not to fund projects at the same locations as federal Charging and Fueling Infrastructure (CFI) Grant Program or state Trade Corridor Enhancement Program (TCEP) projects. Past TCEP awarded projects and program information can be found at <https://catc.ca.gov/programs/sb1/trade-corridor-enhancement-program>.

Applicants are encouraged to submit applications for each eligible corridor segment (whether the Applicant intends to apply for CFI or TCEP funds or not); however, in the event that a proposed awardee receives a CFI or state TCEP award for the same location, the CEC reserves the right to cancel the proposed award and award funds to the next highest scoring Applicant.

## 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 through Zoom and conference call at the date, time and location listed below. Please call the Commission Agreement Officer (CAO) listed below 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.

**October 10, 2023**

10:00 a.m. - Noon

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, go to [Zoom](https://energy.zoom.us/j/84449909034?pwd=LzlMdDR4WUdUR3VWd2FidVJjSXVnQT09) at:

<https://energy.zoom.us/j/84449909034?pwd=LzlMdDR4WUdUR3VWd2FidVJjSXVnQT09>. 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:** 844 4990 9034

**Meeting Password:** 047590

**Topic:** Pre-Application Workshop for GFO-23-602: Charging and Refueling Infrastructure for Transport in California Provided Along Targeted Highway Segments (CRITICAL PATHS)

**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 (916) 957-7910.

To determine whether your computer is compatible with Zoom, visit this website:

https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux.

## Questions

During the solicitation process, for questions only related to submission of applications in ECAMS, please contact ECAMS.SalesforceSupport@energy.ca.gov. By contacting this email address, Applicants will be able to access a team of technical assistants who can answer questions about application submission. Please also see Section III for additional information about ECAMS.

Applicants may ask questions at the Pre-Application Workshop, and may submit written questions via e-mail to the CAO listed in the following section. 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. Similarly, questions related to submission of applications in ECAMS may be submitted to ECAMS.SalesforceSupport@energy.ca.gov at any time prior to 5:00 p.m. of the application deadline date.

The question and answer set will be posted on the [CEC’s solicitation information website](http://www.energy.ca.gov/contracts/index.html) at 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

Brad Worster, Commission Agreement Officer

California Energy Commission

715 P Street, MS-1

Sacramento, California 95814

Telephone: (916) 897-1647

E-mail: brad.worster@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. 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/.
3. 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.
4. [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.
5. [California Transportation Commission staff proposed top 6 priority corridors in California.](https://catc.ca.gov/-/media/ctc-media/documents/programs/sb671/20230517-sb671-top-6-freight-corridors-a11y.pdf.)
<https://catc.ca.gov/-/media/ctc-media/documents/programs/sb671/20230517-sb671-top-6-freight-corridors-a11y.pdf>.
6. [California Manual on Uniform Traffic Control Devices.](https://dot.ca.gov/programs/safety-programs/camutcd) https://dot.ca.gov/programs/safety-programs/camutcd

# II. Eligibility Requirements

## Applicant Requirements

1. **Eligibility**

This solicitation is open to all public and private entities, [~~Federally-recognized~~] California Native American Tribes, and California Tribal Organizations serving [~~Federally-recognized~~] California Native American Tribes.

Ineligible applicants include investor-owned utilities.

1. **Terms and Conditions**

Each grant agreement resulting from this solicitation will include terms and conditions that set forth the grant 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 and California State University terms and conditions; (2) U.S. Department of Energy terms and conditions; or (3) standard terms and conditions. In addition to the applicable terms and conditions listed above, the following terms and conditions may apply to the Applicant: Special Terms and Conditions for [~~Federally-recognized~~] California Native American Tribes and California Tribal Organizations serving [~~Federally-recognized~~] California Native American Tribes with Sovereign Immunity, in addition to the standard terms and conditions; and any other special terms and conditions required by the CEC. The standard terms and conditions are located at [CEC's funding resources website](http://www.energy.ca.gov/research/contractors.html) at https://www.energy.ca.gov/funding-opportunities/funding-resources.

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.

If a [~~Federally-recognized~~] California Native American Tribe (Tribe) or a California Tribal Organization serving a [~~Federally-recognized~~] California Native American Tribe (Tribal Organization) with sovereign immunity is listed as a proposed awardee in the Notice of Proposed Awards (NOPA), CEC staff must receive the following before bringing the proposed award to **a** Business Meeting, (a) resolution(s) or other authorizing document(s) by the governing body of the Tribe or Tribal Organization which:

1. Authorizes the Tribe or Tribal Organization to enter into the proposed agreement, including accepting the Special Terms and Conditions for [~~Federally-recognized~~] California Native American Tribes and California Tribal Organizations Serving [~~Federally-recognized~~] California Native American Tribes with Sovereign Immunity (see Attachment 13); and
2. Approves a limited waiver of tribal sovereign immunity, to the extent that any such sovereign immunity exists, for any and all claims by the CEC that may arise relating to this Agreement and any remedies therefore under the laws of the state of California and the laws of the United States of America; and
3. Consents to personal jurisdiction over the Tribe or Tribal Organization, and consents to venue in any court of the State of California and any federal court sitting in the State of California; and waives any and all claim that the Tribe or Tribal Organization may have, including without limitation that such court is an inconvenient forum, for the purposes of any proceeding related to this Agreement; and, with respect to a proceeding in a court of the State of California or a federal court sitting in the State of California, any requirement that tribal remedies must be exhausted; and
4. Authorizes the Tribe or Tribal Organization to enter into the proposed agreement, including accepting the Special Terms and Conditions for [~~Federally-recognized~~] California Native American Tribes and California Tribal Organizations Serving [~~Federally-recognized~~] California Native American Tribes with Sovereign Immunity, including the Limited Waiver of Sovereign Immunity and Consent to Jurisdiction (see Attachment 13); and
5. Delegates authority to execute the proposed agreement to an appropriate individual.

The above requirements may be provided in one or more documents. The document(s) will be included as an exhibit to the resulting grant agreement.

**Delay in award.** Any delay in the Tribe or California Tribal Organization’s ability to provide the documentation specified in sections (i)-(v) above may result in delayed award of the grant agreement.

**Reservation of right to cancel proposed award.** Funds available under this solicitation have encumbrance deadlines which the CEC must meet in order to avoid expiration of the funds. In addition to any other rights reserved to it under this solicitation or that it otherwise has, the CEC reserves the right to cancel a proposed award if it determines, in its sole and absolute discretion, that the documentation described in sections (i)-(v) above would likely not be provided prior to an encumbrance deadline, and that the CEC’s ability to meet its encumbrance deadline may thereby be jeopardized. In this instance, the CEC may cancel the proposed award and award funds to the next highest scoring applicant.

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](http://www.sos.ca.gov/) 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

1. All proposed projects must include the installation of electric vehicle charging and/or hydrogen refueling stations for MDHD vehicles, defined as Class 2b-8 on-road vehicles, along priority clean freight corridors (see B.3), and meet the minimum deployment requirements as follows:

	* Charging infrastructure for MDHD battery electric vehicles (BEVs)
* Minimum of 10 high-powered (at least 150 kW) direct current fast chargers (DCFCs) for simultaneous charging at each location.

	+ Hydrogen refueling infrastructure for MDHD fuel cell electric vehicles (FCEVs)
		- Minimum of 3 heavy-duty hydrogen 700-bar dispensing platforms for simultaneous refueling at each location.
	+ Where both EV and hydrogen technologies will be installed at a location
		- Minimum of 6 high-powered (at least 150 kW) DCFCs and 2 heavy-duty hydrogen 700-bar dispensing platforms for simultaneous charging/refueling at each location
1. All proposed projects must deploy MDHD electric vehicle charging or hydrogen refueling stations at two or more locations for public use. Each station must be installed at a permanent physical address provided at the time of application. Proposed projects to upgrade existing electric vehicle charging or hydrogen refueling stations are not eligible for this solicitation.
2. All proposed projects must be located in California and must be on a draft priority clean freight corridor. The California Transportation Commission (CTC) staff has prepared draft priority clean freight corridors for their Commission’s review, which are being used for this solicitation. These proposed corridors are intended to optimize MDHD electric vehicle charging and hydrogen refueling infrastructure for freight movement, as detailed in Attachment 12.
3. All proposed project locations must be within one linear mile, as the truck/bus drives, of the identified corridor segment’s off-ramp. The charging and/or refueling stations must be easily accessible via a route that can safely and conveniently accommodate all vehicles traveling to the facility, entering and leaving the facility, returning to the highway, and continuing in the original direction of travel.
4. A proposed charging station must be no farther than 125 miles from Applicant’s other proposed charging stations in the application. A proposed hydrogen refueling station must be no farther than 300 miles from Applicant’s other proposed refueling stations in the application. If the proposed station includes both charging and refueling infrastructure, a similar station in the application must be within 125 miles from the other to satisfy the charging station distance requirement.
5. Each proposed station must meet the Minimum Technical Requirements for either or both of the following and complete an Open Retail Attestation Form (Attachment 11) for each station as it becomes operational:
	* Open Retail Electric Vehicle Charging Stations listed in Section II.C.
	* Open Retail Hydrogen Refueling Stations listed in Section II.D.
6. The Applicant or a key project partner must operate each proposed station and maintain its open retail status for a minimum of six years.
7. At any site that is on or adjacent to property where an MDHD fleet of any vehicle classification is or will be serviced and this MDHD fleet is committed to use the infrastructure deployed under this solicitation, the MDHD fleet owner/operator must be listed as a key project partner and provide a commitment letter for submission in the application.
8. All proposed projects must include highway and on-site signage as follows:
	* The project must coordinate with appropriate local agencies and the California Department of Transportation (Caltrans) for directional signage on and along the highway and local roads. The signs must meet the California Manual on Uniform Traffic Control Devices (CA MUTCD) standards, and all other applicable laws, ordinances, regulations, and standards. The Recipient shall coordinate with cities and counties on trailblazer signage on local roads leading to the infrastructure location. This award may cover funding for trailblazer and on-site signage.

* + Caltrans has developed a Traffic Operations Policy Directive (13-01) to specify where zero-emission infrastructure signage will be installed on the state highway system. Recipients may contact Caltrans sign coordinators and ask for sign installation on the State Highway System here: <http://www.dot.ca.gov/hq/tpp/offices/orip/climate_change/documents/alternative_fuels_signage_fact_sheet-final.pdf>.

1. Each project location must be open to the public 24 hours per day, 7 days per week, year-round. This does not prohibit isolated or temporary interruptions in service or access because of maintenance or repairs.

Each project location must also be accessible to the public, including but not limited to:

* 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 stations.
* No formal or registered station training is required for individuals to use the stations.
* Each project location must have paved parking spaces available to render charging/refueling services. Stations and parking areas must be well lit. The stations user must be able to easily read any instructions on the station and the area around the vehicle must have adequate lighting to allow the driver to safely walk from the station to the charging/refueling port on the vehicle.
1. Each grant recipient shall collect and submit 12 months of data to the CEC as specified in the Scope of Work (Attachment 1) and provide the following deliverables:.
* NREL Data Collection Tool, if applicable
* Initial, biannual, and as needed hydrogen purity test results, if applicable
* Open Retail Attestation Form
* Data Collection Information and Analysis Report
1. All projects must prepare a Workforce Plan that includes but is not limited to:
* Outreach and engagement efforts aimed at job recruitment, job-placement strategies, and local hiring especially from those facing employment barriers and residents from disadvantaged and/or low-income communities (DAC/LIC) and individuals whose income is below poverty.
* Recruitment of pre-apprentices from Division of Apprenticeship Standards (DAS) approved pre-apprenticeship programs.
* Number of direct and indirect jobs by the proposed project with calculations and assumptions.
* Support job quality by providing estimated total number of workers to be trained and/or hired; job classifications or titles; job classifications’ specific role(s) in the project; wage rates and benefits; share of jobs that are short-duration positions (less than 12 months) and long-term positions (12 months or more).
* Promote training and upward mobility including benefits to workers from DAC/LIC, provide an estimate of the number of training hours during the project, and identify workforce training partnerships with local community-based organizations, workforce development boards, and high road training partnerships.
* How job training, placement and employment will lead to careers with living wages, health care, and other benefits.
* Experience respecting and implementing labor laws including workers right to organize.
1. ***For electric vehicle charging projects only:***

**Requirements for Charging Equipment Installed After January 1, 2024:** In addition to the other requirements set forth in this solicitation, the terms and conditions applicable to the Applicant and the law, electric vehicle chargers and charging stations installed on or after January 1, 2024 must comply with recordkeeping and reporting standards which CEC is currently in the process of developing. As background, [AB 2061](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fleginfo.legislature.ca.gov%2Ffaces%2FbillNavClient.xhtml%3Fbill_id%3D202120220AB2061&data=05%7C01%7C%7C42d6b61b96eb4134116008daf00cb71d%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C638086234657292031%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=%2FjFT6dJ0RhiGO8Tn%2FRwBEe99Xyouv9b4PvmPOJQLU5c%3D&reserved=0) (Ting, Chapter 345, Statutes of 2022) and Cal. Pub. Resources Code sect. 25231.5 require the CEC, in consultation with the CPUC, to develop recordkeeping and reporting standards for EV chargers and charging stations. CEC is working to develop regulations in compliance with AB 2061. Other requirements, including but not limited to uptime and operation and maintenance requirements, may also be adopted by regulation. Once these regulations are finalized, chargers which are installed on or after January 1, 2024, including chargers installed under agreements resulting from this solicitation, will need to comply with the new regulations. Applicants to this solicitation must be prepared to comply with any new or updated regulations, even if the regulations are not in existence at the time of application to this solicitation.

AB 841 (Ting, Chapter 372, Statutes of 2020) added Public Utilities Code (PUC) section 740.20, which requires Electric Vehicle Infrastructure Training Program (EVITP) certification to install EV charging infrastructure and equipment for work performed on or after January 1, 2022, subject to certain exceptions.

Therefore, applying PUC 740.20 EVITP requirements to the grant agreement means that all EV charging infrastructure and equipment located on the customer side of the electrical meter shall be installed by a contractor with the appropriate license classification, as determined by the Contractors’ State License Board, and at least one electrician on each crew, at any given time, who holds an EVITP certification. Projects that include installation of a charging port supplying 25 kilowatts or more to a vehicle must have at least 25 percent of the total electricians working on the crew for the project, at any given time, who hold EVITP certification. One member of each crew may be both the contractor and an EVITP certified electrician. The requirements stated in this paragraph do not apply to any of the following:

* + - * EV charging infrastructure installed by employees of an electrical corporation or local publicly owned electric utility.
			* EV charging infrastructure funded by moneys derived from credits generated from the [Low Carbon Fuel Standard (LCFS) Program](https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard) (Subarticle 7 (commencing with Section 95480) of Article 4 of Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations). The official legal edition of title 17, CCR, sections 95480-95503 is available at the Office of Administrative Law website: http://oal.ca.gov/publications/ccr/.
			* Single-family home residential EV chargers that can use an existing 208/240-volt outlet.

All Electric Vehicle charging projects must:

* + - Facilitate vehicle-charger interoperability. Eligible charging equipment shall utilize charging connectors and/or charging interfaces that are compatible for use with MDHD vehicles sold by multiple original automotive equipment manufacturers for widespread use across California and North America. Such connectors/interfaces may include but are not limited to SAE J1772 CCS1, SAE J3105 or others.
* Leverage open standards-based network communications. Each individual electric vehicle supply equipment (EVSE) or charger shall be capable of open standards-based communications with an electric vehicle service provider (EVSP), local fleet energy management system (EMS), or utility. These communications should enable remote monitoring and help maintain reliable equipment operations. These functions and their associated design include:
	+ Network connectivity (one of the following):
		- IEEE 802.11n for high-bandwidth wireless networking
		- IEEE 802.3 for Ethernet for local- or wide- area network applications
	+ Ability to receive remote software updates, real-time protocol translation, encryption, and decryption:
		- Internet Protocol (IP)-based processor must support multiple protocols
		- Compliant with Transmission Control Protocol (TCP)/IP and IPv6

To encourage customer choice, these network communication standards may include but are not limited to Open Charge Point Protocol (OCPP, version 2.0.1), Open Automated Demand Response (OpenADR, IEC 62746-10-1 ED1), or those outlined by the Smart Grid Interoperability Panel (SGIP) Catalog of Standards, the NIST Smart Grid Framework, the American National Standards Institute (ANSI), or other well-established international standards organizations such as the International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), International Telecommunication Union (ITU), Institute for Electrical and Electronics Engineers (IEEE), or Internet Engineering Task Force (IETF).

* Be capable of managing charging costs and supporting grid reliability. Eligible charging equipment shall, leveraging the open standards-based network communications described above, be capable of receiving energy management signals (such as hourly prices or direct load controls) from an EVSP, EMS, or utility. Eligible charging equipment shall be capable of automatically adjusting charging load in consideration of the energy management signal, subject to the constraints of driver preferences, and vehicle energy and operational schedule requirements.

Optionally, be capable of bidirectional power flow. Eligible equipment shall be capable of facilitating and metering bidirectional or reverse power flow between the vehicle and the grid. Communications between the charger and other electrical control signals (for example, those of a utility, islanded load, or building) are not specifically defined to allow for project-specific implementation.

1. ***For hydrogen refueling projects only:*** Applicants shall commit to developing a Hydrogen Safety Plan for the proposed project that addresses the hydrogen fueling infrastructure. Applicants shall also commit to participate in an early design review by the Pacific Northwest National Laboratory’s (PNNL) [Center for Hydrogen Safety’s Hydrogen Safety Panel (HSP](https://h2tools.org/hsp#utilizing_the_hsp)) and work with the HSP on any safety related incidents. Applicants are recommended to meet with a representative of the HSP prior to submitting their application to establish a common understanding of the Hydrogen Safety Plan and design review requirements. Virtual inspections may be available, but HSP will determine that.
	* + **Hydrogen Safety Plan:** If awarded under this solicitation, the grant recipient’s agreement will require a Hydrogen Safety Plan to demonstrate that hydrogen safety has been adequately incorporated into project planning and execution. The grant recipient must prepare (a) preliminary Hydrogen Safety Plan(s) and submit it to the HSP to review. If the grant recipient wishes the plan to be kept confidential by the HSP, it is up to the grant recipient to work with the HSP to achieve that. The grant recipient must share a non-confidential copy of the HSP with the CEC. The HSP will assess the preliminary Hydrogen Safety Plan(s) 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). The safety plan shall describe the grant recipient’s work and activities to ensure safety, the technologies being demonstrated, and the evaluation results of any hazard analysis performed. The grant recipient shall also include the following in the Hydrogen Safety Plan:
			- * A detailed description about how the grant recipient will conform to the [National Fire Protection Association (NFPA) 2, Hydrogen Technologies Code 2020 edition](https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=2). The current edition of NFPA 2 should be used unless another edition is specifically required by the authority having jurisdiction (AHJ) where the facilities and equipment will be located. If the AHJ is using an older edition, the grant recipient is recommended to work with the AHJ to consider using the latest edition as it has been updated to better address fueling infrastructure safety. Should the grant recipient’s compliance lapse, the CEC reserves the right to cancel the grant recipient’s agreement funded by this solicitation.
				* A detailed description about how the grant recipient will provide safety training for the hydrogen fueling infrastructure’s initial operation and safety training for all operators. Should the training lapse, without limitation to any other rights, the CEC reserves the right to cancel the grant recipient’s agreement funded by this solicitation.

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

Should the grant recipient opt to not accept comments from the HSP assessment, the grant recipient shall provide an explanation of their rationale to the CEC. These activities shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 3).

* + - **Hydrogen Safety Design Review:** If awarded under this solicitation, the grant recipient shall commit to participate with the HSP in early design reviews for the hydrogen fueling infrastructure, before submitting the design plans to the AHJ. The grant recipient shall work with the HSP to determine the timing and scope of their design review participation, including options for remote or in-person reviews.

Participating in HSP design reviews will be a mandatory technical task and shall be completed by the dates specified in the Schedule of Products and Due Dates. Should the grant recipient cease participating in design reviews, without limitation to any other rights, the CEC reserves the right to cancel any agreement funded by this solicitation.

* + - **Reporting Safety Incidents:** Hydrogen refueling stations funded by this solicitation 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](https://dtsc.ca.gov/certified-unified-program-agencies-cupa/) (CUPA) and the CEC. Recipients of funding under this solicitation shall also report safety incidents using the NREL Data Collection Tool (Attachment 10). Recipients of funding under this solicitation shall include the HSP in any fact-finding or investigation of any safety incident. Should the grant recipient not follow the requirements for reporting safety incidents, without limitation to any other rights, the CEC reserves the right to cancel any agreement funded by this solicitation.
1. A project that receives incentive funding from another CEC grant funding opportunity (GFO) or block grant incentive project is not eligible for this GFO.

## Minimum Technical Requirements for Open Retail Electric Vehicle Charging Stations

To be considered open retail, all electric vehicle charging stations funded under this solicitation shall, at a minimum, meet and adhere to each of the following Minimum Technical Requirements for Open Retail Electric Vehicle Charging 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 Electric Vehicle Charging Stations shall be met at the exact station address approved by the CEC.

* 1. The Energy Infrastructure Incentives for Zero-Emission Commercial Vehicles (EnergIIZE) program is an incentive program funded by the CEC and administered by CALSTART. The charging station equipment funded under this solicitation must conform with equipment detailed in the [EnergIIZE Eligible EV Technology](https://client-calstart-energiize170606-staging.s3.us-west-2.amazonaws.com/public/EnergIIZE_EV-Technology-Eligibility_03.31.2023.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Content-Sha256=UNSIGNED-PAYLOAD&X-Amz-Credential=ASIASSSISOGMZ2E3P2ZH%2F20230711%2Fus-west-2%2Fs3%2Faws4_request&X-Amz-Date=20230711T171325Z&X-Amz-Expires=604800&X-Amz-Security-Token=IQoJb3JpZ2luX2VjEEkaCXVzLXdlc3QtMiJHMEUCIQCzBWA6c%2Bb%2BCWEGVYaH6UhcAQS11B3v%2FQCEsk8X8YAd6gIgIYF6yu1fJEVrBWzFs9WOTfLmIjVaF1J3qIe05%2FtKZkIqkAYIwv%2F%2F%2F%2F%2F%2F%2F%2F%2F%2FARADGgwxNzczMTk2MDQ2MzMiDPfTHjCSB%2BZTej96cCrkBQ%2BnnDqmUK2vEK9rm2nN1Zvxg5Hf45etczXvWMi635ME7hLazjvCPAfLBYbmghloI3LMeyFYoTQ3s89CBHD7hqvXXzqEo2s0Ga8oSnJFrV5JbXZxPT1zEEil7i1yHC%2BI2ctpvmUtWVFxonePwk93axQ5dKgNOCYOK%2BCe8jlwoRwuXigQpsBj1q5Y3qBKNnpb7whloFhQqzXJIQy06FZzbG5i7DY%2F1%2F%2BU2ApY1qw%2BbmQaKceZPs%2FoBblKRZ4Au8jFaUtE8P7R5lgSH6s%2BXNU0i978djm3d1mBRmZPME1ycSS%2F6guDNDZpRgKyug%2FVrVSSOaI8ioq4CRgAE%2Fo0gOokUlczMsuPVq6XYwrgkSI%2FXyPomFnko3dghoyeOCz%2BhPjsVRBaE2Vct4FzEuYXORYgHcXYEItAl0bXLlYpVqFF1wU1TlZyoFt%2FYClrLb9zuCoMPTHJIouosLMp6vgzrwgdKNwBYIsmYVdM7k4ZXrC40XMgqVk41wdW0x03%2Bd3khjQOfXZ9Yoi9DJwzYzLKRoq5dJKI2dzG2g2gEYONFhHGAE6zKpVupZ893Iky0wELgDJMPnYuQq9ddt5IA15Tg7GpBke4tqv4L7J5s6lYlNJ0Gm%2B9RI%2BM2Sr2KQlawpwWKifouWIkDGGoyg3pY2SATd%2B5fo98o1t8yFG8%2BeTMdSViCo1p8rJCZnAyzLlcBaoLFK1a1GG4HEmZk%2BkyORlFlq6P5Z0Gbv6i97%2Bhsc0mH5uicctzAwt2EOZPz5hCgjnzNXRqZzhMJPUPz1WRhz9UILxvvY9pdLWnWT4HPmVt%2Fq7d5eHZlAOD4Hi3fprJfnqAD%2BgmHn6UCRgOqDl5dYAD4NakqpfjWrx79ctX%2F%2BDKW0uYx1Xo%2FTBDWvzhbdv8P2YDRXZo1nsY8ayj2w2nwvy7sLNFU%2FMjFC%2FkZ0djtLXpDIlLHl8Ql93Gi%2BSAXvgC0%2BpQFI%2B6L1q%2FJHuYBWrmx0I8NZ9uQm%2BcbilpMP%2BatqUGOocCBsNkNm3xsHI0OnsM4k0Oe1vUuM1dlDvu9H3Kj%2Fjpo1jxbVCWJnrVIr4XWteypL%2FfTPbB7E1gV%2BpeiD06%2FuRKHd6JjD3TafoGJ3bxsfHvQIdf9j%2FN8tkP524bIbPlaRbslmoyth9KdkPMnB1iyTHZEEoe0LoC%2B5Hqy9A6GmvWCWbICa1z2Ibf50soipK%2BtEwWb9XLdTThHZB%2B9F%2BqxxjvaHtNfUagqEfdc8%2BgfKa2TH0HFTBVjQxzzK%2BkpHHoVafUXo65dEPaoX%2Bj8xpEE9%2B4CNvwF6ZM4I6JahahJEgNCvlcPtL15ocDJUIhHLGFDD7ayFuKkYD7RsN1P33Wk18ilAUJfruBMjI%3D&X-Amz-Signature=c9a0a5f857a4ba86e21cb9fa7148ad5b4de0aaf3) which can be found at <https://www.energiize.org/infrastructure?section=infrastructure.more-details.technology>.
	2. Each charging station must simultaneously supply at least 150 kW each to a vehicle when requested.
	3. Each charging port must support output voltages between 250 volts DC and 920 volts DC.
	4. Each charging port must have at least one permanently attached CCS connector. Additional connector types such as CHAdeMO and the North American Charging Standard (NACS) are allowed to be installed if the previous requirement is still met.

		+ All charging ports must be capable of 375 Amps.
	5. The charging stations are strongly encouraged to have 480 V 3-phase power available and adequate transformer capacity to serve the DCFCs.
	6. All station conduit runs installed must be sized to provide at least 350 kW.
	7. The charging port must be Energy Star certified and listed on the [Energy Star Product Finder Page](https://www.energystar.gov/productfinder/product/certified-evse/results). They do not have to be certified at the time of submitting the proposal, but must be certified prior to submitting an invoice that seeks repayment for the chargers. Chargers over 350 kW are not required to be Energy Star certified.
	8. The charging port must conform to ISO 15118-3, and hardware must be capable of implementing both ISO 15118-2 and ISO 15118-20.
	9. Conformance testing for charger software and hardware should follow ISO 15118-4 and 15118-5, respectively.
	10. The charging port must conform to OCPP 2.0.1 or later. Manufacturers must attest that the charger conforms to OCPP 2.0.1 or later by detailing it on a publicly available charger specification sheet.
	11. The charging port’s networking software must connect to a central management system using OCPP 2.0.1 for the purposes of charger management and data reporting, including for reliability data reporting requirements specified in the solicitation Scope of Work.
	12. The charging ports must be designed to securely switch network providers without any changes in hardware.
	13. The charging ports must be networked and must include the following three abilities:
1. Have network connectivity with one of the following:
* IEEE 802.11n for high-bandwidth wireless networking, or
* IEEE 802.3 for Ethernet for local- or wide-area network applications
1. Be able to receive remote software updates, real-time protocol translation, encryption, and decryption, including:
* Internet Protocol (IP)-based processor which must support multiple protocols, and
* Compliance with Transmission Control Protocol (TCP)/IP and IPv6.
1. Be able to connect to a network’s back-end software.

	1. Each charging port must be covered by and included in a networking agreement for at least six (6) years.
	2. The charging equipment must be certified by an Occupational Safety and Health Administration Nationally Recognized Testing Laboratory.
	3. The equipment must be able to withstand extreme weather conditions, including temperature extremes, flooding, heavy rains, and high winds.
	4. Display screens must be protected from malfunctions due to condensation and any local area weather conditions.
	5. The station sells electricity to the public through a point of sale (POS) that accepts, reads, and processes the magnetic stripe on commercially available credit cards, debit cards, fueling cards, and gift cards. The POS also reads EMV™ chips embedded in the cards and performs financial payment transactions.
	6. **Optional:** The station POS system 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.
	7. The station’s charging components are installed.
	8. The station has an energized utility connection and source of system power.
	9. The station has lighting for the dispenser(s) and the station area to provide a well-lit area that is safe, convenient, and accessible for station users.
	10. The station displays a sign or logo to acknowledge the public agency(ies) that provided funding for the charging station. It also has onsite signage that explains the method of sale requirements.
	11. **If approved by the respective authority:** Highway and trailblazer signage is installed.
	12. The station has received all required state, local, county, and city permits to build and operate.
	13. The station has a guard or cover installed over the station emergency shutdown system switch(es).
	14. The station is 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.

## 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 California Code of Regulations (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).

* + - 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.
		- When installing a type-approved hydrogen dispenser at any hydrogen refueling station funded under this solicitation, the grant 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.
		- 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.
		- 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.

3. 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.

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.

CDFA 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).

1. 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 or an equivalently accepted industry standard.

1. 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 Note: Fast fills, (up to 7.2kg/min) require a different nozzle with a different standard (ISO 27268:2012) and are permitted for heavy duty vehicles only.

7. 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.

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 open retail hydrogen refueling station shall have a guard or cover installed over the emergency shutdown system switch(es) to prevent unintentional station shutdown.
3. The open retail hydrogen refueling station confo~~i~~rms to National Fire Protection Association (NFPA) 2
4. The open retail hydrogen refueling station conforms to one or more of the following fueling protocols or an equivalently accepted industry standard:
	* + J2601 – 1 Category D (greater than 10 kg tank sizes)
		+ J2601 – 2 HD fueling
		+ J2601 – 4 Ambient Temperature refueling
		+ J2601 – 5 MC Method for HD fueling
		+ JPEC-S 0003 Japanese Bus fueling protocol
5. The open retail hydrogen refueling station conforms with the American National Standards Institute (ANSI) Standards:
	* + Hydrogen Gas Vehicle (HGV) 2-2021
		+ HGV 4.1
		+ G 095A
		+ HPRD 1:21
		+ HGV 3.1
		+ CGA S1.1
6. The open retail hydrogen refueling station conforms with the ISO Standards:
	* + 19880-3
		+ 19880-4
		+ 19880-5
		+ 19880-6
7. The open retail hydrogen refueling station conforms with the California Building Codes:
	* + California Building Code, Part 2, Title 24
		+ California Electrical Code, Part 3, Title 24
		+ California Energy Code, Part 6, Title 24
		+ California Fire Code, Part 9, Title 2
8. The open retail hydrogen refueling station conforms with California Department of Food and Agriculture, Division of Measurement Standards (DMS) Testing Standards:
	* + Handbook 44 Section 3.34
		+ Handbook 44 Section 3.39
		+ NIST Handbook 130
9. The open retail hydrogen refueling station sells fuel to the public through a point of sale (POS) that accepts, reads, and processes the magnetic stripe on commercially available credit cards, debit cards, fueling cards, and gift cards. The POS also reads EMV™ chips embedded in the cards and performs financial payment transactions.
10. **Optional:** The station POS system 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.
11. The station has an energized utility connection and source of system power.
12. The station has lighting for the dispenser(s) and the station area to provide a well-lit area that is safe, convenient, and accessible for station users.
13. The station displays a sign or logo to acknowledge the public agency(ies) that provided funding for the hydrogen refueling station. It also has onsite signage that explains the method of sale requirements.
14. **If approved by the respective authority:** Highway and trailblazer signage is installed.
15. The station has received all required state, local, county, and city permits to build and operate.
16. The station is 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.

## Eligible Project Costs

Costs incurred for the following are eligible for CEC reimbursement or as the Applicant’s match share.

1. For Electric Vehicle Charging Infrastructure
	* Electric vehicle charging station equipment
	* Transformers
	* Electric panels
	* Conduit
	* Wiring
	* Meters
	* Commercially available energy storage, renewable distributed energy resources (DER), and/or renewable energy generation equipment such as photovoltaic solar panels separately metered for electric charging
	* Installation costs
	* Utility service upgrades
	* Planning and engineering design
	* Network agreement with network provider
	* Stub-outs
	* Demand management equipment
	* Commissioning
	* Project management
	* Electric vehicle charging infrastructure workforce development and training (5% cap)
	* Equipment maintenance for term of the agreement
	* Extended warranties for term of the agreement
	* Signage
	* Engagement and outreach (5% cap)
2. For Hydrogen Refueling Infrastructure
* Compressors
* Dispenser with hose and nozzles
* High pressure hydrogen storage tubes and liquid storage tanks
	+ Shipping
	+ Installation costs
	+ Planning and engineering design
	+ Commissioning
	+ Servicing
	+ Project management
	+ Hydrogen refueling infrastructure workforce development and training (5% cap)
	+ Equipment maintenance for term of the agreement
	+ Extended warranties for term of the agreement
	+ Signage
	+ Engagement and outreach (5% cap)

Applicants can review the EnergIIZE [Technology Catalog](https://www.energiize.org/infrastructure?section=infrastructure.more-details.technology) for a list of commercially-available electric vehicle charging infrastructure technologies that qualify as eligible costs, found at https://www.energiize.org/infrastructure?section=infrastructure.more-details.technology.

Costs incurred for the following are ineligible for reimbursement and match share cost. This is not an exhaustive list:

* AC Level 1 or Level 2 EVSE
* Compressed natural gas (CNG) fueling infrastructure or any fueling infrastructure used to support vehicles other than MDHD battery electric or fuel cell electric vehicles
* Fuel, including the cost of transporting fuel to station
* Off-site fueling infrastructure
* Cost of electricity/power
* Vehicle purchases and vehicle-related expenses
* Market, literature, or technology surveys, or meta-analysis studies
* Research, development, and demonstration
* Tests for regulatory compliance
* Marketing and promotional activities
* Software development
* Lab-scale research and validation
* Proof of concepts, functions, and prototype development
* Nonrenewable DERs
* Distribution grid or other equipment costs that are otherwise covered by programs or tariff rules of the electric utilities
* Projects that are mandated by any local, regional, state, or federal law, rule, or regulation
* Projects that help the Applicant meet a performance requirement mandated by local, regional, state, or federal law, rule, or regulation
* Paper studies or research projects (e.g., a study which assess the cost and feasibility of charging/refueling station installations along certain corridors)
* Surveys to determine interest in the installation of charging/refueling stations along certain corridors

The CEC will not reimburse for permitting, insurance, land purchases, or land leases. These expenses may be included as an Applicant’s match share.

Utility incentives for behind-the-meter infrastructure and rebates for charging equipment may be counted towards match share.

Other state, local, and federal funding (not related to corridor funding) may also be counted towards match share. See Match Funding Requirements below.

***NOTE: Costs incurred prior to executing an agreement will not be reimbursed by the CEC.***

## 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, 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 the grant recipient’s match share of the project costs. Match share expenditures have the following requirements:

1. Total match share must conform to the “Cash Match Share Requirement” contained in this solicitation.
2. All match share expenditures must conform to the terms and conditions of this solicitation and the resulting agreement.
3. Applicants must disclose the source and provide verification and documentation for the match share funding committed to the project. For any match share committed by a third party (i.e., other than match share committed by the Applicant), Applicants must submit a letter from each match share partner identifying the source(s) and availability of match funding.
4. During the term of the agreement, grant recipients will be required to document and verify all match share expenditures through invoices submitted to CEC.
5. Match share funding may be in the form of cash or in-kind contributions such as donated labor hours, equipment, facilities, and other property.
6. Equipment, facilities, and property may count as match funds as long as the value of the contribution is based on documented market values or book values, prorated for its use in the project, and depreciated or amortized over the term of the project using generally accepted accounting principles (GAAP).
7. Match share expenditures (cash and/or in-kind) must be documented, reasonable, allowable, and allocable to the project as determined by CEC.
8. The grant 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 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 after the release of a NOPA but prior to the execution of an agreement are made at the Applicant’s own risk. 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. **Cash Match Share Requirement**

Applications 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.

A table providing examples of how to calculate total project costs, total match share, cash match, and match share percentage is included below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Total Project Costs** | **CEC Funds Requested** | **Minimum Match Required per the Solicitation** | **Minimum Cash Match Required** |
| $10,000,000 | $5,000,000 | $5,000,000 | $2,500,000 |
| $40,000,000 | $20,000,000 | $20,000,000 | $10,000,000 |

1. **In-Kind Match Share**

The balance of the total match share requirement beyond the cash match share requirement (if any) 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, real property, existing equipment, existing supplies, services provided by a third-party or subcontract, and other expendable property. 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**
2. ***Other Sources of CEC Funding*** – Other sources of CEC funding may not be claimed as match share. This includes block grants funded by the CEC.
3. ***Other Corridor*** ***Funding –*** Other sources of MDHD corridor funding (such as federal Charging and Fueling Infrastructure Grant Program funding or state Trade Corridor Enhancement Program funding) may not be claimed as match share.
4. ***Property Not Owned by the Applicant*** – Donated property may be claimed as match based on the fair market value of renting or leasing the property. Fair market value is based on rental costs of comparable property (if any), market conditions in the area, alternatives available and the type, life expectancy, condition, and value of the property.
5. ***Existing Property Owned by the Grant Recipient*** – Applicants may use the property’s depreciation expense as a method to allocate the value of the property to the project. Valuation will need to be documented to support the initial acquisition costs as well as the method of depreciation.
6. ***Valuation of Land*** –Land cannot be depreciated. If the value of land is claimed as match, the Applicant must provide documentation to support a fair market value for the use of the land (i.e., rent or lease cost) for the time period it is used. Appraised value of land cannot be used since this represents the full value of the land if it is sold which includes value beyond the term of the proposed project.
7. ***Property Owned by a Related Party*** –Related parties are individuals or other entities that are able to control or substantially influence the actions of the Applicant and includes spouses, board members, family members of principals or employees of the Applicant as well as property owned by principals/employees of the Applicant. Because an agreement between an Applicant and a related party is a “less than arms-length” transaction, Applicants must disclose the relationship between the Applicant and the related party and be able to support the fair market value of property that is claimed as match.

If CEC funds are used to reimburse lease/rental payments for property owned by a related party, the Applicant can only claim the ***lesser*** of fair market value or actual lease payments, regardless of lease agreement terms.

1. ***Prorated Value of Property*** – The allowable claimed value of property must be prorated based on the percentage the property is used for the proposed project. For example, if only half of a building is being used for the proposed project, then only 50% of the monthly fair market value of the entire building can be claimed as match while the building is being used for the project.
2. ***Documentation*** – If selected for an award, all claimed match share expenditures must be adequately documented to CEC during the agreement invoicing process which may include but is not limited to: the fair market value of existing property, methodology to allocate existing property on a prorated basis, lease agreements, 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 match share expenditure, it must be included in the executed agreement budget and allowable per the terms and conditions of the resulting agreement. The following are examples of unallowable costs under an agreement resulting from this solicitation. This list is not comprehensive and additional items of cost may be unallowable in accordance with the terms and conditions.

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

# 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 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 [Energy Commission Agreement Management System (ECAMS)](https://ecams.energy.ca.gov/s/login/), available at https://ecams.energy.ca.gov/.

Information about ECAMS will be provided at the Pre-Application Workshop. Information about how to register for an ECAMS account and guidance on how to apply through the system is available at <https://www.energy.ca.gov/funding-opportunities/funding-resources> under General Funding Information.

The CEC is providing a team of technical assistants to support Applicants with this new process. Please emailECAMS.SalesforceSupport@energy.ca.gov for support.

ECAMS allows Applicants to complete and submit their application to the CEC prior to the date and time specified in this solicitation. Files uploaded to the system must be in Microsoft Word (.doc format) and Excel Office Suite formats unless originally provided in the solicitation in another format. PDF format is acceptable. The completed Proposal Budget Template, Attachment 4, must be in Excel format.

The deadline to submit grant applications through ECAMS is **11:59 p.m**. ECAMS 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 we endeavor to assist all would-be Applicants, we 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 ECAMS, 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. First time users must register as a new user to access the system. There will be two types of user accounts to establish: 1) An organizational account, for the entity applying to the solicitation; and 2) user accounts for individuals who will be submitting the application on behalf of the organization.

Applicants will be required to upload all attachments marked “required” in the system in order for the application to be submitted.

## Page Limitations

The total number of pages for an Application’s Project Narrative is limited to 20 pages. The 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, 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. 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” reflected 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 the solicitation package.

|  |  |
| --- | --- |
| **Item** | **Attachment Number (if applicable)** |
| Project Narrative | N/A |
| Scope of Work | Attachment 1 |
| Schedule of Products and Due Dates | Attachment 3 |
| Budget Forms | Attachment 4 |
| Resumes | N/A |
| Contact List | Attachment 5 |
| Letters of Support/Commitment  | N/A |
| CEQA Worksheet | Attachment 6 |
| Localized Health Impacts Information Form  | Attachment 7 |
| Past Performance Reference Form(s) | Attachment 8 |
| Applicant Declaration | Attachment 9 |
| Workforce Plan | N/A |

1. **Applicant Certifications**

***ECAMS will require Applicants to provide the required authorizations and certifications listed below prior to final submission of their application:***

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

* I am authorized to submit this application on behalf of the Applicant.
* I authorize the CEC to make any inquiries necessary to verify the information presented in this application.
* I authorize the CEC to obtain business credit reports and make any inquiries necessary to verify and evaluate the financial condition of the Applicant.
* I have read and understand the terms and conditions contained in this solicitation. I accept the terms and conditions contained in this solicitation on behalf of the Applicant and the Applicant is willing to enter into an agreement with the CEC to conduct the proposed project according to the terms and conditions without negotiation.
* I certify that (1) this application does not contain any confidential or proprietary information, or (2) if confidential information is allowed under the solicitation it has been properly identified.
* I certify under penalty of perjury under the laws of the State of California that, to the best of my knowledge, the information contained in this application is correct and complete.
* I am authorized to agree to the above certifications on behalf of the Applicant.
1. **Project Narrative**

The Project Narrative must include a table of contents (which will not count towards the page limitations) and a detailed description of the proposed project, its operational goals and objectives, and an explanation of how these will be implemented through the tasks described in the Scope of Work.

Applicants must address each of the scoring criteria described in this solicitation by providing sufficient, unambiguous detail so that the evaluation team will be able to evaluate the application against each scoring 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**
2. 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.
3. Demonstrate that project team members have a minimum of three (3) years of experience designing, planning, constructing, testing, operating, or maintaining electric vehicle or hydrogen refueling stations or other pressurized gaseous fueling stations respective of the technology being implemented.
4. Describe how the project team has experience working with AHJs and utility personnel to overcome permitting and planning barriers such as the need to make site layout changes, utility upgrades, incorporate additional requirements, or respond to local community feedback.
5. Demonstrate that the project team has sufficient personnel and organizational capacity to complete the project given its other project commitments.
6. Provide examples of how the Applicant and project team have demonstrated exceptional administrative and technical performance under existing or prior funding agreements (CEC and/or other public agencies), if the Applicant or project 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.

1. **Project Location and Market Viability**
2. Explain how the station(s) will be located in communities and/or along priority clean freight travel corridors that are not served or inadequately served by the existing and planned MDHD electric vehicle charging and MDHD 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 MDHD electric vehicle and fuel cell electric vehicle (FCEV) fleet deployments.
5. Explain how the station location(s) will support the adoption of MDHD electric vehicles and FCEVs in DAC/LIC..
6. Describe the coordination with specific MDHD electric vehicle or FCEV fleets.Describe how station equipment and the fueling protocol or standard fueling guideline will meet expected fleet needs.

1. **Project Readiness**
	1. Include information about the permitting required for the project and whether or not the permitting has been completed. If the permitting has not been completed, applications must include a permitting schedule that ensures the successful project completion within the timeframes specified in this solicitation, as well as discuss the results of communications or in-person meetings with the authority(s) that has jurisdiction over the project.
	2. Include information documenting progress towards achieving compliance under the California Environmental Quality Act (CEQA). If CEQA compliance has not been obtained, applications must include a schedule to complete CEQA activities for the proposed project, as well as discuss the results of communications or in-person meetings with the Lead Agency.
	3. Describe the proposed project site and document site control. Site control includes, but is not limited to leases, ownership, or access rights.
	4. Describe how the proposed project will coordinate with the respective utility provider for utility connection and how the Applicant will minimize time to energize the sites.
	5. Describe how the equipment to be deployed is appropriate for the proposed project and leads to successful deployment of zero-emission MDHD vehicles. Applications shall describe equipment manufacturers, connector/refueling standards, fuel delivery methods (for hydrogen projects), security measures, and safety standards. If solar or storage equipment is included in the project, describe how the equipment to be deployed will lower the cost of electricity for charging or hydrogen fuel for customers.
	6. Describe how the tasks in the Scope of Work and the dates in the project schedule are complete, sequential, and will lead to successful and scheduled completion of the project.
	7. Describe planned community outreach, including educational efforts to explain the proposed project to the public and outreach and discussions with fire marshals (if applicable).
	8. Identify major risks and barriers to successful project completion and how they are mitigated.
2. **Project Implementation**
3. Provide an Operation and Maintenance Plan, which shall describe, at a minimum:

	1. The station owner/operator strategy to:

		* 1. Pay for operation and maintenance costs, including any plans to use LCFS credit revenue, and contingency plans.
			2. Maximize station uptime, defined as the percentage of hours the station is available for fueling relative to the permitted hours of operation for the station.
			3. Complete planned and unplanned maintenance.
			4. Coordinate maintenance activities / downtime with nearby stations.
			5. Provide customer service, including communication with customers about planned and unplanned downtime.
			6. Collect payment from customers.
			7. Attract and retain qualified service technicians.
	2. How the retail price of the fuel sold or the price of charging at the station will be minimized.
	3. The project team’s commitment and available resources to operate each station for at least six years.

1. **Project Budget**
2. Discuss how the proposed budget implements cost-saving strategies that reduce the amount of CEC funding necessary for project completion. Describe how administrative and overhead expenses are minimized.
3. Discuss how the proposed project cost effectively reduces greenhouse gas (GHG) emissions. Calculate dollars of CEC funding divided by the amount of GHGs reduced annually.
4. Describe the proposed match funding commitments supported by verifiable documentation (attach letter of commitment separately). Include information documenting the source, type, availability, and amount of match share funds committed to the proposed project.
5. 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.

1. **Environmental and Economic Benefits**
2. Explain how the proposed project will provide direct and meaningful benefit to DAC/LIC 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>).
3. Describe how the proposed project will lead to strategic, cost-effective solutions for future deployment of electric and/or hydrogen infrastructure for MDHD vehicles.
4. Provide the total weight of CO2 displaced in metric tons resulting from the proposed project on an annual basis and substantiate calculations.
5. Describe how the proposed infrastructure project for the proposed project will incorporate a plan for resiliency in order to carry out the goals of the project during an emergency.

	1. Describe the ability to support emerging connectors and/or interfaces for MDHD vehicles, open standards-based network communications, the inclusion of appropriate Vehicle-Grid Integration (VGI) standards, and/or other methods for enhancing grid-reliability by providing data to utilities to predict charging behavior and associated impacts on the grid.
	2. Describe how the proposed project integrates energy storage for the electricity grid or uses curtailed or dedicated renewable energy as a source for renewable hydrogen.
6. Describe how the proposed project will address the requirements of the Workforce Plan (Section II.B.12) during the project term.
7. Describe how the proposed project will expand certified businesses and California supply chains 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.
8. **Scope of Work (Attachment 1)**

Applicants must include a completed Scope of Work utilizing the template contained in Attachment 1. Instructions for completing the Scope of Work as well as a sample are included in Attachment 2. 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 (Attachment 3)**

Applicants must include a completed Schedule of Products and Due Dates. All work must be scheduled for completion by no later than **March 31, 2028**, to allow timely processing of final invoices before the liquidation date of the funds. Instructions for the Schedule of Products and Due Dates are included in Attachment 3. The Schedule of Products and Due Dates must be in MS Excel.

1. **Budget Forms (Attachment 4)**

Because this solicitation is utilizing ECAMS for submitting applications, Applicants have two options for uploading a budget:

**Option 1: Prime Applicant’s budget is both keyed directly into ECAMS and uploaded as an MS Excel attachment; Major Subrecipient(s) budgets are uploaded as MS Excel attachments.** ECAMS allows Applicants to build the Prime Applicant’s budget directly into the system. At this time, there is no way to input major subrecipient budgets directly into the system. Instructions for inputting budget items into ECAMS are included at <https://www.energy.ca.gov/media/7956>.

**Option 2: Upload all budgets (Prime Applicant and Major Subrecipients) as MS Excel attachments** and leave the ECAMS budget sections blank in ECAMS.

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.

1. Detailed instructions for completing these forms are included at the beginning of Attachment 4.
2. 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](https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources) 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).

1. The information provided in these forms will not be kept confidential.

1. 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 Notice of Proposed Awards (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.

1. 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 remotely, as determined by the CAM.

1. 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.

1. 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.

1. 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.

1. 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.

1. 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.

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.

1. **Resumes**

Applicants must include resumes for key personnel identified in the proposal. “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 (Attachment 5)**

Applicants must include a completed Contact List 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 commitment and may provide letters of support. A commitment letter commits an entity or individual to providing the service or funding described in the letter. Letters of support may also be submitted, but are not required. A support letter details an entity or individual’s support of the project. Letters are limited to 2 pages each.

1. **Station Site Owner Letter of Commitment (required):** Applications must include a letter of commitment from the current owner of the site for each proposed station location. The letter must be signed and dated by the site owner or representative who is duly authorized to commit the site as a location of a station. The letter must also contain a telephone number and email address 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 Letter of Commitment (required):** If a proposed site is operated by a different entity or individual than the site owner, applications must also include a letter of commitment from the current operator of the site for each proposed station location. The letter must be signed and dated by a representative of the site operator and must contain a telephone number and email address to allow the CEC to contact the site operator to confirm commitment to the proposed project.

1. **Key Project Partners (required, 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.

1. **Match Share Contributors Letters of Commitment (required, Applicant and third party):** Any match share contributors must identify the intended amount of match that will be committed to the project, 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 and email address to allow CEC to contact the match share partner or representative to confirm their authority to commit matching funds to the proposed project.

1. **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, labor and workforce entities, and any other relevant organizations.
2. **CEQA Worksheet (Attachment 6)**

Applicants must include a completed CEQA Worksheet. 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 proposal.

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 their 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 (Attachment 7)**

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

1. **Past Performance Reference Form(s) (Attachment 8)**

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

1. **Applicant Declaration (Attachment 9)**

This form requests the Applicant declare that they: are not delinquent on taxes nor suspended by the California Franchise Tax Board; are not being sued by any public agency or entity; are in compliance with the terms of all settlement agreements, if any, entered into with the CEC or another public agency or entity; are in compliance with all judgments, if any, issued against the Applicant in any matter to which the CEC or another public agency or entity is a party; are complying with any demand letter made on the Applicant by the CEC or another public agency or entity; and are not in active litigation with the CEC regarding the Applicant’s actions under a current or past contract, grant, or loan with the CEC. The declaration must be signed under penalty of perjury by an authorized representative of the Applicant’s organization.

The CEC may have waived the requirement for a signature on application materials for this solicitation. If a notice regarding CEC’s waiver of the signature requirement appears here: <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.

# IV. Evaluation Process and Criteria

## Application Evaluation

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.[[5]](#footnote-6) 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 the due date and time specified in the “Key Activities Schedule” in Section I of this solicitation.
 | [ ]  Pass [ ]  Fail |
| 1. The Applicant has not included a statement that is contrary to the required authorizations and certifications when submitting in ECAMS.
 | [ ]  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.
	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 are 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 Applicant’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 Applicant’s control may be considered significant.
	+ Deliverables were not submitted to the CEC or were of poor quality. For example, Applicant delivered 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 Applicant experiences loss of a key project partner or site control may be considered significant.
	1. **Grounds to Reject an Application or Cancel an Award**

In addition to the Screening Criteria identified within this solicitation, CEC reserves the right to reject an application and/or cancel an award for reasons including, but not limited to the following:

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 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 using the Scoring Scale described below.

The Evaluation Committee reserves the right to schedule a clarification interview with an Applicant to clarify and/or verify information submitted 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.

## Notice of Proposed Awards

The results of the evaluation will be posted in a Notice of Proposed Awards (NOPA) and will include (1) the total proposed funding amount; (2) the rank order of Applicants; and (3) the amount of each proposed award. CEC will publish the NOPA on the CEC’s website.

## Debriefings

Applicants that are not proposed for funding may request a debriefing after the release of the NOPA by emailing the CAO listed in Part I. A request for debriefing should be received no later than 15 calendar 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**  |
| 1. **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 members with at least three (3) years of experience designing, planning, constructing, testing, operating, or maintaining electric vehicle or hydrogen fueling stations, and qualifications, skills, abilities, and relevant technical and business experience align with the needs and successful completion of the proposed project.
* The project team has verifiable experience working with AHJ and utility personnel to overcome permitting and planning barriers.
* The project team demonstrates it has sufficient personnel and organizational capacity to complete the project given its other project commitments.
* The Applicant and project team have demonstrated exceptional administrative and technical performance under existing or prior funding agreements (CEC and/or other public agencies), if the Applicant or project 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  |
| 1. **Project Location and Market Viability**

Applications will be evaluated on the degree to which: * The stations will be located in communities and/or along priority clean freight travel corridors that are not served or inadequately served by an existing and planned MDHD hydrogen refueling and/or MDHD electric vehicle charging 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 MDHD electric vehicle and/or FCEV fleet deployments.
* The station location(s) will support the adoption of MDHD electric vehicles and FCEVs in DAC/LIC.
* There is coordination with specific MDHD electric vehicle or FCEV fleet(s), there are verified user(s), and the Applicant demonstrates that equipment and fueling protocol or standard fueling guideline will meet expected fleet needs.
 |  25 |
| 1. **Project Readiness**

Applications will be evaluated on the degree to which: * Required permitting for the proposed project has been completed or the permitting schedule ensures successful project completion within the timeframes specified in this solicitation.
* The project has achieved compliance under the CEQA or can be completed within the timeframes specified in this solicitation.
* Site control is secured.
* Coordination is underway with the respective utility provider for utility connection to minimize time to energize the sites.
* The infrastructure to be deployed is appropriate for the project’s vehicle population and leads to successful deployment of zero-emission MDHD vehicles.
* Equipment manufacturers, connector/refueling standards, fuel delivery methods (for hydrogen projects), security measures, and safety standards are appropriate for the proposed project and lead to successful deployment of zero-emission MDHD vehicles.
* The tasks in the Scope of Work contribute to the successful and timely completion of the proposed project.
* Planned community outreach is appropriate and comprehensive and contributes to the overall success of the proposed project.
* Major risks and barriers to successful project completion are identified and mitigated.
 |  20  |
| 1. **Project Implementation**

Applications will be evaluated on the degree to which: • The project team demonstrates it is committed and has the resources to operate each station for at least six years. * The Operation and Maintenance Plan describes clear, detailed, and convincing strategies to:
	+ - Pay for operation and maintenance costs, including any plans to use LCFS credit revenue, and contingency plans.
		- Maximize station uptime, defined as the percentage of hours the station is available for fueling relative to the permitted hours of operation for the station.
		- Complete planned and unplanned maintenance.
		- Coordinate maintenance activities / downtime with nearby stations.
		- Provide customer service, including communication with customers about planned and unplanned downtime.
		- Collect payment from customers.
		- Attract and retain qualified service technicians.
		- Ensure customer satisfaction.

• Provides credible plans to achieve aggressive response times for various types of operations and maintenance issues. * Will minimize the retail price of fuel and/or the cost of charging.
 |  20  |
| 1. **Project Budget**

Applications will be evaluated on the degree to which: * The proposed budget implements cost-saving strategies that reduce the amount of CEC funding necessary for project completion.
* Administrative and overhead expenses are minimized.
* The proposed match funding commitments are documented and verifiable.
* The Applicant demonstrates the need for state funding for the proposed project.
* The proposed project cost effectively reduces GHG emissions.
 |  10  |
| 1. **Environmental and Economic Benefits**

Applications will be evaluated on the degree to which: * The proposed project provides air quality benefits, as well as health and safety, access, and education, financial benefits, economic development, and consumer protection to California’s DAC/LIC or adjacent communities, and/or tribal lands.
* The proposed project leads to strategic, cost-effective solutions for future deployment of electric and/or hydrogen infrastructure for MDHD vehicles.
* The proposed project reduces total GHG emissions (metric tons).
* The proposed project addresses resiliency in order to carry out the goals of the project during an emergency.
* The proposed project will:
* Conduct outreach and engagement efforts aimed at job recruitment, job-placement strategies, and local hiring especially from those facing employment barriers and residents from DAC/LIC and individuals whose income is below poverty.
* Recruit pre-apprentices from DAS approved pre-apprenticeship programs.
* Support job quality, training, and upward mobility.
* Respect and implement labor laws including workers right to organize.
* The proposed project will expand certified businesses and California supply chains 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, the application with a higher score in the Project Readiness criterion will be ranked higher. If still tied, an objective tiebreaker (such as a random drawing) will be utilized.

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# V. Administration

## Definition of Key Words

Important definitions for this solicitation are presented below:

|  |  |
| --- | --- |
| **Word/Term** | **Definition** |
| Applicant | Respondent to this solicitation |
| Application | Formal written response to this document from Applicant |
| AHJ | Authorities having jurisdiction (AHJ) are governmental or non-governmental entities responsible for enforcing building codes, fire codes, and other regulations in a given jurisdiction. |
| California Tribal Organization serving a [~~federally recognized~~] California Native American Tribe | A corporation, association, or group controlled, sanctioned, or chartered by a [~~Federally-recognized~~] California Native American Tribe that is subject to its laws, **the laws of the State of California,** or the laws of the United States. |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Officer |
| CDFA | California Department of Food and Agriculture |
| CEC | California Energy Commission |
| Charging Port | The system within a charger that charges one electric vehicle. A charging port may have multiple connectors, but it can provide power to charge only one electric vehicle through one connector at a time. |
| Charging Station | The area in the immediate vicinity of one or more chargers that includes the chargers, supporting equipment, parking areas adjacent to the chargers, and lanes for vehicle ingress and egress. A charging station could comprise only part of the property on which it is located. |
| CWDB | California Workforce Development Board |
| CTEP | California Type Evaluation Program |
| DAC | Disadvantaged Community |
| DAS | Division of Apprenticeship Standards |
| DCFC | A direct current fast charger (DCFC) is a charger that enables rapid charging by delivering direct current electricity directly to an EV's battery |
| DER | Distributed Energy Resources (DER) are decentralized generation or storage devices connected to the distribution grid. |
| DMS | Division of Measurement Standards |
| ECAMS | Energy Commission Agreement Management System |
| EV | An electric vehicle (EV) is a vehicle that is either partially or fully powered on electric power received from an external power source. |
| EVITP | Electric Vehicle Infrastructure Training Program. AB 841 requires EVITP training and certification to install EV charging infrastructure and equipment that is on the customer side of the electrical meter that is funded or authorized by certain state entities. |
| EVSE | Electric vehicle supply equipment (EVSE) is also referred to as a charger as defined. |
| FCEV | A fuel cell electric vehicle (FCEV) is a vehicle that uses an electric motor for propulsion, much like an EV, but powers the electric motor using hydrogen fuel cells rather than an onboard battery. |
| [~~Federally recognized~~] California Native American Tribe | A Native American Tribe located in California that is on the **contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.** [~~United States Department of the Interior’s list of Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs, in the federal register, and the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.~~] |
| GAAP | Generally Accepted Accounting Principles |
| GHG | Greenhouse gas |
| High-Powered | At least 150 kW |
| HSP | Hydrogen Safety Panel |
| LCFS | Low Carbon Fuel Standard (LCFS) is a standard to reduce the carbon intensity of transportation fuel used in California. |
| LIC | Low Income Communities |
| 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 |
| State | State of California |
| Tribal Lands | Refers to California Native American Lands that are lands held in trusts, long-term leases, or in fee simple. |
| 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 to not 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 on [CEC’s solicitation information website](http://www.energy.ca.gov/contracts/index.html) at www.energy.ca.gov/funding-opportunities/solicitations.

## 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 should immediately notify CEC of the error in writing and request modification or clarification of the solicitation. CEC will provide modifications or clarifications by written notice to all entities that requested the solicitation, without divulging the source of the request for clarification. CEC shall not be responsible for failure to correct errors.

## Modifying or Recalling an Application

An Applicant may recall or modify a submitted application within ECAMS 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

CEC may waive any immaterial defect or deviation contained in an Applicant’s application. CEC’s waiver shall in no way modify the application or excuse the 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 Notice of Proposed Award is confidential. On the Notice of Proposed Award posting date, or date of solicitation cancellation, all applications and related material submitted in response to this solicitation become a part of the property of the State and public record.

## Applicants’ 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 are responsible for carefully reading the entire solicitation, asking appropriate questions in a timely manner, submitting all required responses in a complete manner by the required date and time, and making 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 standard terms and conditions on the CEC Funding Resources page at: <https://www.energy.ca.gov/funding-opportunities/funding-resources>. This information is also in Section II.A.2.

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 standard 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 grant recipient and the CEC.

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

## Executive Order N-6-22 – Russia Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and
individuals. “Economic Sanctions” refers to sanctions imposed by the U.S.
government in response to Russia’s actions in Ukraine, as well as any sanctions
imposed under state law. By submitting a bid or proposal, Applicant represents
that it is not a target of Economic Sanctions. Should the State determine
Applicant is a target of Economic Sanctions or is conducting prohibited
transactions with sanctioned individuals or entities, that shall be grounds for
rejection of the Applicant’s bid/proposal any time prior to agreement execution, or, if determined after agreement execution, shall be grounds for termination by the State.

1. Executive Order N-79-20. https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf. [↑](#footnote-ref-2)
2. California Air Resources Board Advanced Clean Trucks. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks [↑](#footnote-ref-3)
3. California Air Resources Board Advanced Clean Fleets. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets [↑](#footnote-ref-4)
4. [Zero-Emission Vehicle Infrastructure Joint Statement of Intent.](https://ww2.arb.ca.gov/sites/default/files/2023-04/ZEV%20Infrastructure%20Joint%20Statement%20of%20Intent%204-20-23%20final.pdf) <https://ww2.arb.ca.gov/sites/default/files/2023-04/ZEV%20Infrastructure%20Joint%20Statement%20of%20Intent%204-20-23%20final.pdf> [↑](#footnote-ref-5)
5. The Past Performance Evaluation is available on the CEC website at: https://www.energy.ca.gov/media/6595 [↑](#footnote-ref-6)