**GRANT FUNDING OPPORTUNITY**

**Clean Transportation Program**

**Improvements in Maintenance Processes for Reliable Operations that are Verifiable and Effective for Hydrogen Refueling Stations (IMPROVE for H2)**



GFO-23-604

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

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

State of California

California Energy Commission

November 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 $10,796,266 in grant funds for projects that will support the advancement of hydrogen refueling station operations and maintenance (O&M) to improve the customer experience.

The development of publicly available hydrogen refueling stations in California is supported by the Clean Transportation Program as directed under Assembly Bill (AB) 8 (Perea, Chapter 401, Statutes of 2013), AB 126 (Reyes, Chapter 319, Statutes of 2023), and by Executive Order B-48-18. Building a market for fuel cell electric vehicles (FCEVs) not only requires investment in the building of new stations, but also successful O&M of those stations to meet customers’ ongoing fueling needs. While the state continues to support new station development, insufficient reliability of existing stations is an area of increasing concern, as outlined by the [informational hearing on August 23, 2023, of the Select Committee on Transitioning to a Zero-Emission Energy Future](https://www.senate.ca.gov/tzeef), for which information is available at <https://www.senate.ca.gov/tzeef>. While the CEC continues to improve operational requirements and safeguards in new station funding opportunities, feedback from FCEV drivers suggests that existing stations need additional support to meet basic fueling needs.

The intention of this solicitation is to enable station owners and/or operators to invest in O&M activities that will result in long-lasting improvements to station reliability and the customer experience. While this support will be in the form of one-time O&M grants, the objective is to enable station owners and/or operators to implement technical, organizational, or other changes that will have measurable long-term benefits. Where appropriate, station owners and/or operators may also make station investments to address immediate problems facing customers, including but not limited to bringing stations temporarily out of service back into service.

## Background

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 126 re-authorized the Clean Transportation Program through July 1, 2035, and specified that the CEC allocate no less than 15% of the moneys appropriated by the Legislature each year to hydrogen refueling stations to support hydrogen vehicles until there is a sufficient network of stations, which includes all types available, until July 1, 2030.

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

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

## Commitment to Diversity

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

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

## Key Activities and Dates

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

|  |  |
| --- | --- |
| **ACTIVITY** | **ACTION DATE** |
| Solicitation Release | November 03, 2023 |
| Pre-Application Workshop\* | November 30, 2023 |
| **Deadline for Written Questions by 5:00 p.m.\*** | **December 6, 2023** |
| Anticipated Distribution of Questions/Answers | Week of December 25, 2023 |
| Support for Application Submission in the Energy Commission Agreement Management System (ECAMS) until 5:00 p.m. | January 19, 2024 |
| **Deadline to Submit Applications by 11:59 p.m.\*** | **January 19, 2024** |
| Anticipated Notice of Proposed Awards Posting  | Week of March 4, 2024 |
| Anticipated CEC Business Meeting  | May 8, 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 $10,796,266 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.

## Maximum Award Amounts

Projects are eligible for up to 75% of the total project costs. Projects may include one or more *eligible hydrogen refueling stations* as defined in Section II.B. The maximum award per eligible hydrogen refueling station included in the project is $350,000, and the maximum project award is capped at $7,000,000, meaning if a project contains 20 or more stations, the maximum award is $7,000,000 or 75% of total project costs, whichever is less. Examples are listed in Table 1. If awarded, projects do not need to spend grant funds evenly across all stations included in the project, given that some stations may have greater needs than others.

**Table 1. Examples of Projects and Maximum Awards**

| **Project** | **# of Stations in Project** | **Maximum Award Amount** |
| --- | --- | --- |
| Example 1 | 1 | $350,000 |
| Example 2 | 2 | $700,000 |
| Example 3 | 8 | $2,800,000 |
| Example 4 | 20 | $7,000,000 |
| Example 5 | 21 | $7,000,000 |
| Example 6 | 25 | $7,000,000 |

## Maximum Number of Applications

Applicants are only eligible to submit one application under this solicitation. An application may include one or more eligible hydrogen refueling station owned or operated by the 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 in paragraph L below or refer to [CEC's solicitation information website](https://www.energy.ca.gov/funding-opportunities/solicitations) at https://www.energy.ca.gov/funding-opportunities/solicitations to confirm the date and time.

**November 30, 2023**

2:00 p.m.

Online via Zoom or Phone

## 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 at: <https://energy.zoom.us/j/87275614991?pwd=MWxVRnpiN0hlSS9qL01yV1J3VkFzQT09>. 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:** 872 7561 4991

**Meeting Password:** 101046

**Topic:** Pre-Application Workshop – GFO-23-604 – Improvements in Maintenance Processes for Reliable Operations that are Verifiable and Effective for Hydrogen Refueling Stations (IMPROVE for H2)

**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 Zoom system requirements website](../CAM%20Docs/this%20Zoom%20system%20requirements%20website): 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 (Section I.D). 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

Natalie Johnson, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California 95814

Email: Natalie.Johnson@energy.ca.gov

## Reference Documents

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

* [2023-2024 Investment Plan Update for the Clean Transportation Program](https://www.energy.ca.gov/publications/2023/2023-2024-investment-plan-update-clean-transportation-program) (CEC-600-2023-029), https://www.energy.ca.gov/publications/2023/2023-2024-investment-plan-update-clean-transportation-program.
* [Energy Commission Agreement Management System (ECAMS)](https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources) https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources.
* [Joint Agency Staff Report on Assembly Bill 8: 2022 Annual Assessment of Time and Cost Needed to Attain 100 Hydrogen Refueling Stations in California](https://www.energy.ca.gov/publications/2022/joint-agency-staff-report-assembly-bill-8-2022-annual-assessment-time-and-cost) (CEC-600-2022-064), https://www.energy.ca.gov/publications/2022/joint-agency-staff-report-assembly-bill-8-2022-annual-assessment-time-and-cost.
* [2022 Annual Evaluation of Fuel Cell Electric Vehicle Deployment and Hydrogen Fuel Station Network Development](https://ww2.arb.ca.gov/resources/documents/annual-hydrogen-evaluation). https://ww2.arb.ca.gov/resources/documents/annual-hydrogen-evaluation.

# II. Eligibility Requirements

## Applicant Requirements

1. **Eligibility**

This solicitation is open to all public and private entities that own or operate one or more eligible hydrogen refueling stations as defined in Section II.B. Project Requirements.

Ineligible applicants include any entity that does not own or operate any eligible hydrogen refueling stations.

The Applicant does not need to have its company headquarters in California, but it must have at least one existing physical office within the State of California.

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) CEC standard terms and conditions. The CEC standard terms and conditions are located at [CEC's funding resources website](https://www.energy.ca.gov/funding-opportunities/funding-resources) 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.

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 and project team members (e.g., subrecipients and even match fund partners) 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). Applicants should provide the exact legal names of entities included in their applications, along with any fictitious business names. Fictitious business names must be currently valid, i.e., not expired with the Secretary of State. As part of the CEC’s due diligence, particularly during the agreement development phase, CEC staff may request the supporting documentation regarding the above registration requirements.

For more information, contact the Secretary of State’s Office via [the Secretary of State Office's 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

Projects must propose O&M-related tasks that will address the needs of one or more *eligible hydrogen refueling stations* that will achieve lasting improvements to the customer experience. While the tasks will be short-term in nature (lasting only the duration of the grant agreement for the project), they shall support the development of long-term O&M practice, process, or equipment improvements, the effects of which will translate to an improved customer experience that can be sustained after the project ends. Project tasks shall be in addition to ongoing O&M tasks associated with maintaining status-quo station operations, such as paying rent, utilities, insurance, and costs to support pre-existing labor levels.

An *eligible hydrogen refueling station* is a hydrogen refueling station listed as “Retail: Open” or “Retail: Unavailable,” on the [Hydrogen Fuel Cell Partnership Station Map](https://h2fcp.org/stationmap) at https://h2fcp.org/stationmap at the time of application submittal. The exception to this eligibility requirement is the hydrogen refueling station located in Mountain View at 830 Leong Drive. The Mountain View station is ineligible under this solicitation because it has an active O&M agreement, ARV-18-004, with the CEC. Applicants must submit proof of eligibility as described in Section III.D. Application Content, by taking a screen shot of the Station Map showing the Retail: Open or Retail: Unavailable status of each station included in its application.

The Applicant must commit to operating each eligible hydrogen refueling station included in its application for a minimum of four (4) years after the execution date of an agreement resulting from this solicitation. Each station must be operated consistent with the Minimum Technical Requirements for open retail hydrogen refueling stations as specified in the solicitation under which the station received capital expenditure support from the CEC, if applicable. If the current lease agreement for an eligible hydrogen refueling station’s property is valid for less than the required four years, the Applicant must commit to operating that station until the current lease ends and make a good faith effort to extend the lease to continue operation for the full four years. Applicants must submit a commitment letter as described in Section III.D. Application Content, to confirm their commitment to operate each eligible hydrogen refueling station included in the application per the applicable Minimum Technical Requirements and explain any lease agreement limitations.

Projects may include, but are not limited to, tasks such as:

* Developing new or additional written procedures and processes for station technicians.
* Developing and/or conducting new or additional training for station technicians.
* Improving public-facing user information about station availability or implementing other customer service features.
* Improving traffic guidance or traffic control around the station to reducing queuing conflicts.
* Implementing organizational changes, such as adjusting staffing strategies, levels, roles, or responsibilities, to improve preventive maintenance, response times to issues, or any other identified O&M need that will improve customer service.
* Conducting additional testing on in-use or prospective components or parts for nozzles, compressors, cryopumps, dispensers, or other station equipment to understand performance characteristics and to implement modifications to either the components or parts themselves, or to the service techniques and technician training for the components or parts, to improve durability, longevity, and/or user-friendliness.

Applicants must propose metric(s) to quantifiably measure and verify the effectiveness of the project’s tasks that correspond to the needed O&M improvements the project aims to address. These could include, but not are limited to:

* Reduced hours of station downtime or, conversely, increased uptime percentage.
* Reduced response time to issues.
* Reduced queuing for fuel.
* Reduced time to complete particular maintenance activities.
* Improved technician performance or retention.
* Improved mean time to failure for station equipment components or parts.
* Reduced cost of operating and maintaining stations.

Projects must focus on making lasting improvements to the station customer experience. Projects may include a secondary focus (less than 30% of overall project costs) aimed at fixing a short-term O&M issue that is negatively affecting customers. Examples of such short-term issues could be making capital investments that will bring stations from “Retail: Unavailable” status to “Retail: Open” status, or that will ameliorate a short-term customer service issue such as failed equipment.

Each eligible hydrogen refueling station included in an application must have an O&M need that will be addressed in one or more tasks in the project, but each task does not need to apply to every station included in the project. If no work is identified for an eligible hydrogen refueling station, it cannot be included in an application.

Projects must collect O&M data and conclude with preparation of a final report that describes lessons learned, and which can be shared publicly, as specified in the Scope of Work (Attachment 1).

## Reliability Requirement

Applicants shall commit to achieving 95% uptime at each eligible hydrogen refueling station included in their application if awarded under this solicitation. For the purposes of this solicitation, uptime shall be calculated as a quarterly average percentage and defined as (the total hours the station is available over the quarter / the total possible hours of operation over the quarter) X 100. For example, if a station is open 24 hours per day and there are 92 days in a quarter, the total possible hours of operation in the quarter are 2,208. If a station is down for the entirety of 3 days (72 hours) and down for 2 hours on 8 days (16 hours) and 4 hours on 5 days (20 hours) over the quarter, the total hours of downtime are 108 and total hours the station is available are 2,100. Per the formula, the quarterly average uptime is (2,100/2,208) \* 100% = 95.1%.

After project tasks to improve station reliability are completed, the 95% uptime commitment shall be in effect and Applicants shall endeavor to meet this commitment after the project ends for as long as the station operates.

## Eligible Project Costs

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

* Development and implementation of improved O&M processes or procedures and associated training materials, or holding training sessions for station O&M.
* Design and installation of improved public-facing user information or other customer service features at stations.
* Design and installation of improved traffic guidance or traffic control features around stations.
* Testing of in-use or prospective components or parts for nozzles, compressors, cryopumps, dispensers, or other station equipment to improve durability, longevity, and/or user-friendliness.
* Engagement and outreach to customers to share information about station improvements or obtain feedback.
* Capital improvements to a “Retail: Unavailable” station to bring it back to “Retail: Open” status.
* Alleviating critical O&M issues negatively affecting customers, including but not limited to replacing failed equipment or reducing the cost of fueling to customers.

The final two bullet point items listed above, which are focused on resolving immediate, short-term issues, cannot exceed 30% of overall project costs.

Costs associated with maintaining status-quo station operations, such as paying rent for the station site, utility bills, insurance, and labor costs to support pre-existing labor levels for technicians are NOT eligible project costs under agreements resulting from this solicitation.

## Match Funding Requirements

1. **Total Match Share Requirement**

Applications must include a minimum 25% total match share for this solicitation.

“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 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 grant 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 of commitment from each match share partner identifying the source(s) and availability of match funding.
4. During the term of the grant agreement, 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. 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.
9. **Cash Match Share Requirement**

Applicants for this solicitation will be required to provide at least 50% of their match share, as described in Section II. E. 1 above, in cash.

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

1. **In-Kind Match Share**

The balance of the total match share requirement beyond the cash match share requirement (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 subrecipients; 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 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. ***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.
4. ***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.
5. ***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.
6. ***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 agreement 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.
5. Any costs that are associated with maintaining status quo station O&M, including but not limited to rent for the station site, utility bills, insurance, and labor costs to support pre-existing labor levels for technicians.

# 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 p.m. 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 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 a two (2)-page summary of the project, 10 pages to respond to all scoring criteria as described in Section III.D.2., and an additional one (1) page per hydrogen refueling station included in the project to provide specific information about the needs to be addressed and the proposed project tasks to be performed at or that will impact each respective station, if there are differences by station. The 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, past performance reference form(s), and the applicant declaration do not count towards this page limitation.

## Application Content

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” in the “Attachment Number” column are required to be submitted as part of the application package, but do not have an associated attachment provided in this solicitation package.

| **Item** | **Attachment Number (if applicable)** | **Action Needed by Applicant** |
| --- | --- | --- |
| Project Narrative | N/A | Create document |
| Scope of Work | Attachment 1 | Complete supplied template |
| Schedule of Products and Due Dates | Attachment 3 | Complete supplied template |
| Budget Forms | Attachment 4 | Complete supplied template |
| Resumes | N/A | Create document |
| Contact List | Attachment 5 | Complete supplied form |
| Letters of Support/Commitment  | N/A | Create document |
| CEQA Worksheet | Attachment 6 | Complete supplied worksheet |
| Localized Health Impacts Information Form | Attachment 7 | Complete supplied form |
| Past Performance Reference Form(s) | Attachment 8 | Complete supplied form |
| Applicant Declaration | Attachment 9 | Review and sign supplied declaration |
| Proof of Hydrogen Refueling Station Eligibility | N/A | Create document |

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.

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

1. **Project Implementation**
	1. Describe the needs for the customer experience improvements to be addressed at each eligible hydrogen refueling station in the proposed project and explain why addressing these needs is important to successful long-term O&M.
	2. Describe the tasks to be undertaken in the project to address the needs identified above and how these tasks will result in the greatest customer experience improvements.
	3. Define metric(s) to quantifiably measure the effectiveness of the project’s tasks, explain how the metrics will enable verification of improved station reliability and customer experience, identify the data necessary to calculate the metrics, and determine the personnel responsible and the methods that they will use for collecting the data. Examples of possible metrics are provided in Section II.B. Project Requirements.
	4. Explain how the proposed project will result in customer service benefits for the entire open retail hydrogen refueling station network.
	5. Describe commitment to operate the proposed project’s hydrogen refueling stations for longer than that required by this solicitation.
2. **Project Readiness**
	1. Describe readiness to move forward with the project tasks and identify the necessary personnel or project partners to carry out the project.
	2. Describe the project tasks and clearly convey a strategy for improving station O&M and customer service.
	3. Describe the project schedule and how it is aggressive but achievable and will result in timely benefits to customers.
3. **Economic and Environmental Benefits, and Sustainability**
	1. Describe how the expected benefits to customer experience and station reliability will be sustainable well into the future, after project completion.
	2. Describe how the project will benefit disadvantaged communities and low-income communities, and workers within those communities, in accordance with [CalEnviroScreen Tool](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40), https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.
	3. Describe how the proposed project will result in a higher benefit-cost score in terms of tons of carbon dioxide-equivalent (CO2e) reduced per dollar of CEC investment for the proposed project term than would be achievable under status-quo O&M.
	4. Describe how the carbon intensity of the hydrogen dispensed at the station will be minimized during ongoing station operations.
4. **Project Budget**
	1. Explain how the operational benefits to customers per dollar of CEC investment are high.
	2. Describe how the Applicant will track those operation benefits per dollar of CEC investment through quantitative metrics.
5. **Team Experience and Qualifications**
	1. Explain the project team’s qualifications, commitment, and approach to providing excellent customer service to FCEV drivers.
	2. Explain 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. Identify, as much as possible by name, all key personnel assigned to the project, including the project manager, and clearly describe their individual areas of responsibility in relation to the tasks described in the proposed Scope of Work.
	4. Demonstrate 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:
		1. Adherence to schedule and due dates.
		2. Effective and timely issue resolution.
		3. Quality of deliverables.
		4. Objectives of past projects have been attained.
		5. Honest, timely, and professional communication with staff from the funding entity.
		6. Effective coordination with project partners, subcontractors, and other stakeholders.
		7. Timely and accurate invoicing.
6. **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 CEC 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:

1. **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>.
2. **Option 2: Upload all budgets (Prime 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.
	* + 1. 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).
			2. The information provided in these forms will not be kept confidential.
			3. 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.
			4. 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.
			5. 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.
			6. 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.
			7. 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.
		2. 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 submit a letter stating their commitment to meet the O&M operating period required for this solicitation, and a match funding commitment letter from each entity that is committing to providing match funding. 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 for the project.

* 1. **Commitment to Operating Stations:** The Applicant must submit a letter of commitment to operate each eligible hydrogen refueling station included in its application for a minimum of four (4) years after the execution date of an agreement resulting from this solicitation as stated under Section II.B. Project Requirements. Each station must be operated consistent with the Minimum Technical Requirements for open retail hydrogen refueling stations as specified in the solicitation under which the station received capital expenditure support from the CEC, if applicable. If the current lease agreement for an eligible hydrogen refueling station’s property is valid for less than the required four years, the Applicant must commit to operating that station until the current lease ends and make a good faith effort to extend the lease to continue operation for the full four years. The Applicant must explain any such lease agreement limitations in the commitment letter.
	2. **Key Project Partners (if applicable):** Key project partners identified in the application must provide letters demonstrating their commitment or support to the proposed project and their ability to fulfill their identified roles.
	3. **Third-party Match Share Contributors Letters of Commitment (if applicable):** Any third-party 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.
	4. **Letters of Support (optional):** Applicants are encouraged to submit letter(s) of support that substantiate the estimated demand and/or the potential benefits of the proposed project. Third-party letters of support can be provided by, but are not limited to: air districts, state or federal agencies, local safety officials, potential users of the proposed project, and any other relevant organizations.
1. **CEQA Worksheet (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 application.

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

1. **Localized Health Impacts Information Form (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.

1. **Proof of Hydrogen Refueling Station Eligibility**

Applicants must submit proof that each hydrogen refueling station included in their application are eligible hydrogen refueling stations per the definition in Section II.B. Project Requirements: each station must be listed as “Retail: Open” or “Retail: Unavailable,” on the [Hydrogen Fuel Cell Partnership Station Map](https://h2fcp.org/stationmap) at https://h2fcp.org/stationmap at the time of application submittal (excluding the Mountain View station). Applicants must take a screen shot of each included station’s listing on the Hydrogen Fuel Cell Partnership Station Map showing either Retail: Open or Retail: Unavailable status. The screen shots must show the date taken, and that date must be between the solicitation release date and the deadline to submit applications, which are listed in the table in Section I.D. Key Activities and Dates.

# IV. Evaluation Process and Criteria

## Application Evaluation

This section explains how the applications will be evaluated.

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

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

* 1. **Screening Criteria**

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

* 1. **Administrative Screening Criteria**

|  |  |
| --- | --- |
| **ADMINISTRATIVE Screening Criteria** *The Application must pass ALL administrative screening criteria.* | **Pass/Fail** |
| 1. The application is received by the due date and time specified in the “Key Activities and Dates” 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, if any.
	5. The Applicant passes the past performance screening criterion.
	6. **Applicant’s Past Performance Screening Criterion (Pass/Fail)**

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

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

* Agreement was terminated with cause.
* CEC filed litigation against the Applicant.
* Severe audit findings are not resolved to CEC’s satisfaction. Severe audit findings may include but 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% 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 e-mailing 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** |
| --- | --- |
| **Project Implementation**Applications will be evaluated on the degree to which:* The Applicant demonstrates the needs for the customer experience improvements to be addressed at each eligible hydrogen refueling station in the proposed project and why addressing these needs is important to successful long-term O&M.
* The tasks to be undertaken in the project address the needs identified above and result in the greatest customer experience improvements.
* Metric(s) to quantifiably measure the effectiveness of the project’s tasks are well defined, the metrics will enable verification of improved station reliability and customer service, the data necessary to calculate the metrics are identified, and the personnel responsible and the methods that they will use for collecting the data are determined.
* The proposed project will result in customer service benefits for the entire open retail hydrogen refueling station network.
* The Applicant commits to the operation of the proposed project’s hydrogen refueling stations for longer than that required by this solicitation.
 | 45 |
| **Project Readiness**Applications will be evaluated on the degree to which:* The Applicant is ready to move forward with the project tasks, with the necessary personnel or project partners identified to carry out the project.
* The Applicant has prepared detailed tasks in the Scope of Work that clearly convey a strategy for improving station O&M and customer service.
* The Schedule of Products and Due dates is aggressive but achievable and will result in timely benefits to customers.
 | 20 |
| **Economic and Environmental Benefits, and Sustainability**Applications will be evaluated on the degree to which:* The expected benefits to customer experience and station reliability will be sustainable well into the future, after project completion.
* The project will benefit disadvantaged communities and low-income communities, and workers within those communities, in accordance with the [CalEnviroScreen Tool](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40), https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.
* The proposed project will result in a higher benefit-cost score in terms of tons of carbon dioxide-equivalent (CO2e) reduced per dollar of CEC investment for the proposed project term than would be achievable under status-quo O&M.
* The carbon intensity of the hydrogen dispensed at the station will be minimized during ongoing station operations.
 | 15 |
| **Project Budget**Applications will be evaluated on the degree to which:* Operational benefits to customers per dollar of CEC investment are high.
* The Applicant will track those operational benefits per dollar of CEC investment through quantitative metrics.
 | 10 |
| **Team Experience and Qualifications**Applications will be evaluated on the degree to which:* The Applicant’s qualifications, commitment, and approach will result in providing excellent customer service to FCEV drivers.
* 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 Applicant identifies, by name, all key personnel assigned to the project, including the project manager, and clearly demonstrates their individual areas of responsibility in relation to the tasks described in the proposed Scope of Work.
* The Applicant and team have demonstrated exceptional administrative and technical performance under existing or prior funding agreements (CEC and/or other public agencies), if the Applicant worked on such projects, including:
* Adherence to schedule 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, subcontractors, and other stakeholders.
* Timely and accurate invoicing.
 | 10 |
| **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 Implementation 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** |
| --- | --- |
| AB | Assembly Bill |
| Applicant | Respondent to this solicitation |
| Application | Formal written response to this document from Applicant |
| CAM | Commission Agreement Manager |
| CAO | Commission Agreement Officer |
| CEC | California Energy Commission |
| CEQA | California Environmental Quality Act |
| FCEV | Fuel cell electric vehicle |
| GAAP | Generally Accepted Accounting Principles |
| O&M | Operations and maintenance |
| Solicitation | Grant Funding Opportunity, which refers to this entire solicitation document and all its attachments and exhibits |
| State | State of California |

## Cost of Developing Application

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

## Confidential Information

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

## Solicitation Cancellation and Amendments

It is CEC’s policy not to solicit applications unless there is a bona fide intention to award an agreement. However, if it is in the State’s best interest, CEC reserves the right, in addition to any other rights it has, to do any of the following:

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

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

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