November 22, 2023

**GFO-23-602**

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

**Addendum 2**

The purpose of this addendum is to notify potential applicants of changes that have been made to GFO-23-602.

The addendum includes revisions to the Solicitation Manual. Added language appears in **bold underline**, and deleted language appears in [~~strikethrough~~] and within square brackets.

1. Attachment 13 is replaced by Special Terms and Conditions for California Native American Tribes and California Tribal Organizations Serving California Native American Tribes with Sovereign Immunity

**Solicitation Manual**

2.

|  |
| --- |
| Attachments |
|  |  |
| 1 | Scope of Work Template |
| 2 | Scope of Work Instructions |
| 3 | Schedule of Products and Due Dates |
| 4 | Budget Forms |
| 5 | Contact List |
| 6 | California Environmental Quality Act (CEQA) Worksheet |
| 7 | Localized Health Impacts Information  |
| 8 | Past Performance Reference Form |
| 9101112 | Applicant DeclarationNREL Data Collection ToolOpen Retail Attestation FormSB 671 Draft Corridors |
| 13 | 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 |
| 14 | Renewable Hydrogen Report |

1. **Section I.D 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 |

1. **Section II.A APPLICANT REQUIREMENTS**
2. **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.
6. **Section V.A. Definition of Key Words**

|  |  |
| --- | --- |
| **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 |

**Brad Worster**

**Commission Agreement Officer**