**Questions and Answers**

**Zero-Emission School Bus Charging and Fueling Infrastructure Block Grant**

**GFO-23-605**

**December 13, 2023**

The following answers are based on California Energy Commission (CEC) staff’s interpretation of the questions received. It is the Applicant’s responsibility to review the solicitation and to determine whether their proposed project is eligible for funding by reviewing the Eligibility Requirements within the solicitation. The CEC cannot give advice as to whether a particular project is eligible for funding, because not all proposal details are known.

Unless indicated otherwise, all section numbers identified below are from the solicitation manual (for example, “Section II.B” refers to Section II.B of the solicitation manual).

**Administration**

**Q1. Can CEC provide an updated timeline for having administrator in place and ready for ZESBI?**

A1. Please refer to Section I.D Key Activities and Dates and Section II.B.1 Project Requirements. The block grant administrator selected through this solicitation will be required to design an incentive project that can be launched no later than May 2024.

**Q2. Can CEC provide links presented at the Pre-Application Workshop**

A2. Links provided at the workshop can be accessed from the [PowerPoint Presentation slides](https://www.energy.ca.gov/sites/default/files/2023-12/GFO-23-605_Pre-App_Workshop_School_Bus_Infrastructure_ada.pdf) (https://www.energy.ca.gov/sites/default/files/2023-12/GFO-23-605\_Pre-App\_Workshop\_School\_Bus\_Infrastructure\_ada.pdf) and are also listed below:

* [Grant Funding Opportunity Webpage](https://www.energy.ca.gov/solicitations/2023-11/gfo-23-605-zero-emission-school-bus-charging-and-fueling-infrastructure-block)
https://www.energy.ca.gov/solicitations/2023-11/gfo-23-605-zero-emission-school-bus-charging-and-fueling-infrastructure-block
* [Draft Guiding Principles SB 114](https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:13a25b54-a38e-3d15-b75b-b99c968aa457) https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:13a25b54-a38e-3d15-b75b-b99c968aa457
* [Zero-Emission School Bus and Infrastructure Program Webpage](https://www.energy.ca.gov/programs-and-topics/programs/zero-emission-school-bus-and-infrastructure-program) https://www.energy.ca.gov/programs-and-topics/programs/zero-emission-school-bus-and-infrastructure-program
* [ECAMS Resource Page](https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources)
https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources
* [ECAMS Login](https://ecams.energy.ca.gov/s/login)
https://ecams.energy.ca.gov/s/login
* [ECAMS User Registrastion Instruction Page](https://www.energy.ca.gov/media/7893) https://www.energy.ca.gov/media/7893
* [Guidance documents](https://www.energy.ca.gov/funding-opportunities/funding-resources) are available at https://www.energy.ca.gov/funding-opportunities/funding-resources under General Funding Information
* [Terms and Conditions](https://www.energy.ca.gov/media/7903)
https://www.energy.ca.gov/media/7903
* [Applying for a Solicitation guidance document](https://www.energy.ca.gov/media/7956) https://www.energy.ca.gov/media/7956

**Project Requirements**

**Q3. Is CEC intending to fund infrastructure projects that do not support CARB-funded school buses?**

A3. No. Senate Bill (SB) 114 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2023), which amended Section 121 of Assembly Bill 181 (Committee on Budget, Chapter 52, Statutes of 2022), appropriated $125,000,000 for the 2023-2024 fiscal year to the CEC to fund zero-emission school bus charging or fueling infrastructure and related activities, including, but not limited to, charging or fueling stations, equipment, site design, construction, and related infrastructure upgrades. The appropriation is intended to complement $375,000,000 appropriated to the California State Air Resources Board (CARB) for the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program (HVIP), which provides funding to replace internal combustion school buses owned by local educational agencies with new zero-emission school buses. The CEC will fund infrastructure projects that complement vehicles awarded through CARB’s HVIP program under SB 114.

**Q4. Is this block grant for programs above and beyond school bus infrastructure funded by Prop 98/SB 114? I.e. will the awarded implementer develop incentive projects for other vehicle segments?**

A4. No.

**Q5.** **Prop 98 requires having flexibility to fund low-emission renewable fuel school buses. Does CEC have a plan for this potential?**

A5. The incentive program will prioritize infrastructure for zero-emission school buses; however, the legislation does allow for flexibility in funding low-emission renewable fuel school bus infrastructure when a local educational agency provides sufficient information to demonstrate significant barriers to the adoption of zero-emission technology, and alternate approaches to decrease internal combustion vehicle use is not appropriate. The CEC will work with the awardee and CARB to develop requirements for this provision in the incentive program’s implementation manual.

**Q6. Is the CEC anticipating requiring a "standalone website" for this program or are they anticipating coordination with CARB for web presence?**

A6. The CEC is not requiring a “standalone website”. The requirement is to develop a user-friendly application portal in coordination with CARB’s third-party implementer.

**Q7.** **Would projects awarded under this incentive block grant be considered "public works projects" and therefore be subject to prevailing wage requirements? If so, would the third-party administrator be responsible for evaluating this compliance?**

A7. Please refer to page 25 of the [Terms and Conditions](https://www.energy.ca.gov/media/7903) under Public Works-Payment of Prevailing Wage. Projects that receive an award of public funds from the CEC might be considered public works under the California Labor Code. See Chapter 1 of Part 7 of Division 2 of the California Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000. Only the California Department of Industrial Relations (DIR) and courts of competent jurisdiction have jurisdiction to issue legally binding determinations that a project is or is not a public work.

 The Terms and Conditions state that the block grant administrator shall assume that the project is a public work and that payment of prevailing wages is required unless and until such time as the project is determined to not be a public work by the California Department of Industrial Relations or a court of competent jurisdiction. This same requirement applies to incentive projects awarded under the block grant.  The block grant administrator is therefore responsible for its own compliance with public works laws as well as ensuring that its subcontractors and incentive awardees also comply with applicable public works laws.

Therefore, the block grant administrator shall be fully responsible for complying with all California public works requirements including but not limited to payment of prevailing wage and must either:

1. Proceed on the assumption that the project(s) are public works and ensure that: (i) prevailing wages are paid; and (ii) the project(s) budget for labor reflects these prevailing wage requirements; and (iii) the project(s) comply with all other requirements of prevailing wage law including but not limited to keeping accurate payroll records, and complying with all working hour requirements and apprenticeship obligations;

or,

1. Timely obtain a legally binding determination from the Department of Industrial Relations or a court of competent jurisdiction before work begins on the project(s) that the proposed project(s) are not a public work.

**Q8. Do the requirements for Clean Transportation funding apply to the incentive funds being administered, or the administrative component**

**of the budget?**

A8**.** It is unclear what is meant by “the requirements for Clean Transportation funding”, so we are unable to give a definitive answer to this question.

**Q9. Is there a focus on Priority Populations for this block grant, or a minimum percentage of incentives that need to be administered in Priority Population geographies?**

A9. The incentive program will prioritize infrastructure awards that support the replacement of the oldest internal combustion buses in the state as well as grantees that are small and rural school districts and serve a high percentage of unduplicated pupils.

**Q10. Within the Scope of Work (SOW), the following language indicates which document controls in terms of precedence. Which document controls in case of discrepancies between the final Agreement and the Solicitation?**

**“In the event of any conflict or inconsistency between the terms of the Solicitation and the terms of the Recipient’s Application, the Solicitation shall control. In the event of any conflict or inconsistency between the Recipient’s Application and the terms of CEC’s Award, CEC’s Award shall control. Similarly, in the event of any conflict or inconsistency between the terms of this Agreement and the Recipient’s Application, the terms of this Agreement shall control.”**

A10. In the case of a conflict or inconsistency between the final Agreement and the Solicitation, the final Agreement shall control.

**Q11. Does the May launch target for this award apply to the start of the Design task or the Implementation task? Is there an anticipated date being targeted for opening of a funding window for LEAs?**

A11. The intent is to launch a joint application, in consultation with CARB, by May 2024. This joint application should be available to all local educational agencies to apply for new zero-emission school buses and infrastructure.

**Eligibility Requirements**

**Q12. As a regional nonprofit food bank with a vehicle fleet used for food procurement, delivery, and distribution, we are curious whether there may be a similar opportunity coming for nonprofit vehicle fleets in the future.**

A12. The purpose of this solicitation is to seek a block grant administrator to design and implement an incentive program to fund zero-emission school bus infrastructure projects for California local educational agencies. While this program may not fit your need, the California Air Resources Board awards zero-emission vehicle incentives and the CEC awards incentives for charging and fueling infrastructure for other vehicle sectors. For more information about CARB’s incentive project under [HVIP](https://californiahvip.org/) go to <https://californiahvip.org/> and CEC’s infrastructure incentive projects under [EnergIIZE](file:///C%3A%5CUsers%5Clwilliam.ENERGY%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CBTK6A6OL%5CEnergIIZE) go to https://www.energiize.org/.

**Q13.** **Can a School District in California apply to this grant?**

A13. The purpose of this solicitation is to seek a block grant administrator to design and implement an incentive program to fund zero-emission school bus infrastructure projects for California local educational agencies. Local educational agencies include California school districts with title for a school bus or school buses or that contract with a county office of education or private contractor for the maintenance and operation of its school buses. Assuming your school district meets those requirements, it may apply for funding from the Zero-Emission School Bus and Infrastructure Program once the incentive program has been launched.