**GRANT FUNDING OPPORTUNITY**

**California Clean Energy Planning Program**



**GFO-23-702 Addendum 5**

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

**State of California**

**California Energy Commission**

**June 2024**

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| --- | --- | --- | --- | --- | --- | --- |
| **Attachments**

| Attachment Number | Attachment Title  |
| --- | --- |
| 01 | Application Form ***(requires signature)*** |
| 02 | Agreement Terms and Conditions |

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The purpose of this addendum is to notify potential applicants of a change that has been made to GFO-23-702. The addendum clarifies the Solicitation Manual by deleting language that appears in [~~strikethrough~~] and within square brackets and adding language that appears in **bold underline**.

# I. Introduction

## Purpose of Solicitation

The California Energy Commission’s (CEC’s) Siting, Transmission, and Environmental Protection Division announces California Clean Energy Planning Program (CCEPP) and the availability of up to $1,550,000 in grant funds for this first-come, first-served grant solicitation. This solicitation has two purposes: 1) make $1,050,000 available to California Native American tribes for clean energy future planning as well as to better enable their participation in statewide clean energy and energy infrastructure planning activities and 2) make $500,000 available to local government entities to develop new or updated land use planning documents that support and advance the development of clean energy in their jurisdiction.

## Background

Senate Bill 100 (SB 100), the 100 Percent Clean Energy Act of 2018 (De León, Chapter 312, Statutes of 2018) establishes a target for renewable and zero-carbon resources to supply 100 percent of retail sales and electricity procured to serve all state agencies by 2045. SB 100 requires the CEC, California Public Utilities Commission (CPUC), and the California Air Resources Board (CARB) to develop and submit a joint-agency report to the legislature by January 1, 2021, and at least every four years thereafter.

The 2021 Senate Bill 100 Joint Agency Report[[1]](#footnote-2) stated that a significant, record-setting amount of new generation resources are needed in order to achieve SB 100’s high electrification future and economywide decarbonization goals. The report made several recommendations to support the implementation of SB 100 and inform long-term planning, one of which was directed toward the permitting and development of renewable and zero-carbon projects:

Identify and address bottlenecks in project permitting and development. Because SB 100 implementation is projected to require sustained record-setting construction rates, barriers to project development need to be addressed early and comprehensively. The CEC and CPUC should engage with stakeholders — including developers, utilities, balancing authorities, local governments, and community organizations — to better understand specific barriers and advance strategies to address them.[[2]](#footnote-3)

In support of this recommendation, Assembly Bill 128, the Budget Act of 2021 (Ting, Chapter 21, Statutes of 2021) included the following provision to support tribal participation in statewide interagency planning processes:

$1,550,000 shall be used to maximize local government and tribal participation in the statewide interagency planning process pursuant to Senate Bill 100 of the 2017–18 Regular Session (Chapter 312 of the Statutes of 2018), including but not limited to improving their capacity to advance the planning and permitting of new clean energy facilities and related infrastructure, to support the state reaching its goals set forth in Senate Bill 100 of the 2017–18 Regular Session. The funds shall be available for encumbrance or expenditure by the State Energy Resources Conservation and Development Commission until June 30, 2024, and shall be available for liquidation until June 30, 2026.[[3]](#footnote-4)

The funds appropriated by this provision in Assembly Bill 128 fund the California Clean Energy Planning Program (CCEPP) grants awarded under this solicitation.

In its Resolution Committing to Support California Tribal Energy Sovereignty (Resolution Number 23-0302-09), the Energy Commission resolved to work toward accomplishing the following goals:

* support tribal self-determination, self-government, and energy sovereignty;
* enhance tribal consultation and participation in decision-making related to clean energy planning and development in California;
* improve the protection of sacred sites, cultural resources, and access to ancestral lands;
* increase tribal access to federal and state energy funding opportunities;
* provide opportunities for economic diversification, career development; and investment in renewable energy for California tribes.[[4]](#footnote-5)

## Key Words/Terms

| **Word/Term** | **Definition** |
| --- | --- |
| Applicant | The entity that submits an application to this solicitation. |
| Application | An applicant’s written response to this solicitation. |
| Authorized Representative | The person signing the application form who has authority to enter into an agreement with the CEC.  |
| Awardee | An entity receiving an award under this solicitation. Also “Recipient”. |
| 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 (Pub. Resources Code, § 21073). |
| California Tribal Organization | A corporation, association, or group controlled, sanctioned, or chartered by a 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,* the person designated by the CEC to oversee the performance of an agreement resulting from this solicitation and to serve as the main point of contact for the Recipient. |
| CAO | Commission Agreement Officer |
| CEC | State Energy Resources Conservation and Development Commission or the California Energy Commission. |
| CCEPP | California Clean Energy Planning Program |
| Days | Days refers to calendar days. |
| Event | State renewable and clean energy planning events, such as attending and participating in CEC, California Public Utilities Commission, or California Air Resources Board SB 100-related activities, e.g., meetings, workshops, working groups, panels, focus groups, etc. |
| Local Government Entity | A California county or incorporated city or town. |
| NOPA | *Notice of Proposed Award,* a public notice by the CEC that identifies proposed award recipients. |
| Project Manager | The person designated by the applicant to oversee the project and to serve as the main point of contact for the CEC. |
| Project Partner | An entity or individual that contributes financially or otherwise to the project (e.g., match funding, provision of a test, demonstration or deployment site), and does not receive CEC funds.  |
| Recipient | An entity receiving an award under this solicitation. Also “Awardee.” |
| Solicitation | This entire document, including all attachments, exhibits, any addendum and written notices, and questions and answers (“solicitation” may be used interchangeably with “Grant Funding Opportunity”).  |
| State | State of California |
| Tribal Lands | Tribal lands are defined as:* Land which is located within the boundaries of an Indian reservation, pueblo, or rancheria.
* Land not located within the boundaries of an Indian reservation, pueblo or rancheria, the title to which is held:
	+ in trust by the United States for the benefit of an Indian tribe or an individual Indian
	+ by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States
	+ by a dependent Indian community
* Land held under a long-term land lease (as a minimum, for the useful life of the proposed project) by an Indian tribe.
* Lands held in fee simple (purchased or owned) by an Indian tribe.
 |

## Project Scope of Work

There are three categories of funding activities for the CCEPP program:

**Category 1. California Native American Tribes – Participation in Clean Energy Planning Events**

Category 1 funds efforts to improve the capacity of California Native American tribes to participate in the planning and permitting of new clean energy facilities and related infrastructure that support the State’s goals set forth in SB 100. Awardees would be reimbursed for their participation in State renewable and clean energy planning Events, such as attending and participating in CEC, CPUC, or CARB SB 100-related activities, e.g., meetings, workshops, working groups, panels, focus groups, etc.

Costs eligible for reimbursement are direct labor and fringe benefit costs for tribal members or staff of the tribe that participate in renewable and clean energy planning Events that occur between June 1, 2024, through March 1, 2026. Examples of qualified Events include attending and participating in SB 100-related meetings, workshops, working groups, panels, and focus groups, or be invited to participate in the Event by the CEC, CPUC, or CARB. Tribal leadership must identify the tribal members or staff of the tribe who will attend and participate in the Event prior to the Event to qualify for reimbursement. Tribal members or staff of the tribe will be reimbursed at a maximum rate of $50 per hour with a maximum of $15,000 per tribe. Activities eligible for reimbursement include Event preparation; travel time to and from Event from home, if attending in person; Event attendance and participation; and Event follow-up.

**Category 2. California Native American Tribes – Clean Energy Subject Matter Experts and Staff**

Category 2 funds efforts to support California Native American tribes’ energy sovereignty and participation in clean energy development decision-making in California. Examples of activities envisioned to be funded in Category 2 include clean energy potential studies, hiring experts to provide knowledge related to clean energy technologies and potential impacts, or compensating tribal staff for work to advance a tribe’s development of clean energy projects.

* **Category 2, Project Type 1. California Native American Tribes – Clean Energy Development Potential Studies**

Costs eligible for reimbursement are direct labor and fringe benefit costs associated with a tribe conducting a clean energy development potential study for tribal lands. Studies may be performed by qualified tribal staff or by qualified subject matter experts. Tribes will be reimbursed up to $200,000 per tribe.

* **Category 2, Project Type 2. California Native American Tribes – Subject matter experts with expertise related to clean energy technologies or their impacts**

Costs eligible for reimbursement are direct labor and fringe benefit costs associated with subject matter experts selected by the tribe to provide ongoing expertise related to clean energy technologies or their impacts to tribal lands. Tribes will be reimbursed up to $200,000 per tribe.

* **Category 2, Project Type 3. California Native American Tribes – Fund staff salaries and activities that advance the tribe’s development of clean energy projects**

Costs eligible for reimbursement are direct labor and fringe benefit costs associated with building tribal staff capacity to advance the development of clean energy projects or related infrastructure on tribal land. Tribes would be reimbursed up to $200,000 per tribe.

**Category 3. Clean Energy Planning Documents by Local Government Entities**

Costs eligible for reimbursement are direct labor and fringe benefit costs associated with supporting local government entity or subject matter experts in preparing clean energy-related planning documents for the local government entity, e.g., new or updates to general plan elements, zoning, action plans, policies, or ordinances that advance the development of clean energy; clean energy potential studies; or outreach and engagement of local communities. Local government entities would be reimbursed up to $100,000 per entity.

**Table 1. California Clean Energy Planning Program Funding Activities**

|  |  |  |
| --- | --- | --- |
| Funding Activity | Maximum Funding per Category\* | Maximum Funding Award Amount |
| Category 1. California Native American Tribes – Participation in Clean Energy Planning | $150,000 | $15,000 per tribe |
| Participation by California Native American tribes in renewable and clean energy planning events that occur between June 1, 2024, through March 1, 2026, e.g., attending and participating in SB 100-related events, such as meetings, workshops, working groups, panels, focus groups, etc. |  |  |
| Category 2. California Native American Tribes – Clean Energy Subject Matter Experts and Staff | $900,000 | $200,000 per tribe |
| Project Type 1. Subject matter experts selected by the California Native American tribe to conduct clean energy potential studies for tribal lands |  |  |
| Project Type 2. Subject matter experts selected by the California Native American tribe to provide the tribe with expertise related to clean energy technologies or their impacts |  |  |
| Project Type 3. California Native American tribes fund staff salaries for staff whose duties include advancing the tribe’s development of clean energy-related projects or related infrastructure.  |  |  |
| Category 3. Local government entities fund staff or subject matter expert(s) to develop clean energy planning documents for the local government entity, e.g., new or updates to general plan elements, zoning, action plans, policies, or ordinances that support the development of clean energy; clean energy potential studies; or outreach and engagement of local communities. | $500,000 | $100,000 per local government entity |

\* Note: The CEC reserves the right to reallocate funds between categories if by June 4, 2024, one or more categories of funding have not been fully subscribed.

1. **Statutory Funding Deadlines**

Funding through CCEPP is available for encumbrance (funding reservation) until June 30, 2024, and available for liquidation until June 30, 2026. However, due to administrative deadlines, **Recipients will have to complete all project activities, including final invoicing by March 30, 2026**.

1. **Budget Costs**

Allowable Costs **include only direct labor costs and fringe benefit costs** for the activities described above in Table 1.

Unallowable Costs include, but are not limited to:

* Any costs incurred or activities conducted prior to entering into a grant agreement with the Energy Commission or incurred after the grant agreement has ended.
* Any cost that is not a direct labor cost or fringe benefit cost.
* Unreasonable amounts or rates.
1. **Invoicing and Payment**
	* Payment is issued as reimbursement for eligible costs.
	* CAM will provide template invoice spreadsheet to Recipient.
	* The template invoice spreadsheet must identify the person’s name, job classification, hours worked, and billing rates (direct labor and fringe benefit rates) to be included as a reimbursable expense.
	* Rates submitted for reimbursement must reflect paid costs. Paid costs are expenses which the Recipient has already made payment.
		+ For invoicing, Recipient must submit paid invoices/receipts, or other supporting documentation for line-item expenses over $500.
		+ For expenses under $500, Recipients will have to retain documentation in case it is requested by CEC staff, such as part of an audit.

## Key Activities Schedule

Key activities, dates, and times for this solicitation and for agreements resulting from this solicitation are presented below. An addendum will be released if the dates change for activities that appear in **bold.**

| ACTIVITY | DATE | TIME[[5]](#footnote-6)  |
| --- | --- | --- |
| Solicitation Release | April 11, 2024 |  |
| **Pre-application Workshop** | **April 23, 2024** | **1:30 p.m.** |
| **First Day Applications May Be Submitted** | **May 7, 2024** | **8:00 a.m.** |
| **Last Day to Submit Applications for Category 2 and 3 Activities** | **June 3, 2024\*** | **11:59 p.m.** |
| **Last Day to Submit Applications for Category 1 Activities** | **June 13, 2024** | **11:59 p.m.** |
| Office Hours, for potential applicants to ask questions about the solicitation | Wednesday, May 1 and May 6, 2024. | 1:30-2:30 p.m. |
| Last Day to Submit Questions | May 6, 2024 | 11:59 p.m. |
| Questions and Answers Distributed (see F. Office Hours, and G. Questions, below) | **May 2 and 7, 2024 [~~Ongoing~~]** | ~~[TBD]~~ |
| Notice of Proposed Awards Posting Date | Ongoing **\*\*\*** |  |
| Energy Commission Approval of Applications | [~~Ongoing~~] **TBD** |  |
| Anticipated Agreement Start Date | [~~Ongoing\*\*~~] **TBD** |  |
| Agreement End Date (Deadline to Complete Project Activities including Submission of Final Invoice) | March 30, 2026 |  |

\* **Or until funds are exhausted**. Applicants are encouraged to apply as early as possible to ensure that CEC staff are able to review and award applications before the encumbrance deadline of **June 30, 2024.**

\*\* The CEC and Recipient must sign a grant agreement prior to Recipient incurring any reimbursable project costs. It is anticipated that agreements would not be signed any earlier than June 1, 2024.

**\*\*\* Due to the current uncertainty surrounding the State’s budget deficit, CEC staff is unable to post the Notice of Proposed Awards (NOPA) at this time. If and when CEC staff is able to post the NOPA, it will be posted to the** [**solicitation webpage**](https://www.energy.ca.gov/solicitations/2024-04/gfo-23-702-california-clean-energy-planning-program-first-come-first-served) **and applicants will be notified of their award status.**

## Pre-application Workshop and Office Hours

CEC staff will hold a Pre-application Workshop and Office Hours to answer questions about the solicitation and the application process at the dates and times listed above. Pre-application Workshop and Office Hours are mainly opportunities for applicants to ask questions that come up as they develop their applications. Participation in the Pre-application Workshop and Office Hours is optional.

**Zoom Instructions:** To join the Zoom meeting, go to <https://zoom.us/join> and enter the Meeting ID below and select “join from your browser.” Participants will then enter the meeting password listed below and their name. Participants will select the “Join” button.

**Meeting ID: 830 0243 7879**

**Meeting Password: 277314**

**Topic: California Clean Energy Planning Program**

**Telephone Access Only:**

Call 1-888-475-4499 (Toll Free) or 1-877-853-5257 (Toll Free). When prompted, enter the meeting number above. International callers may select a number from the Zoom International Dial-in Number List at: <https://energy.zoom.us/u/adjzKUXvoy>. To speak, dial \*9 to “raise your hand” and \*6 to mute/unmute your phone line.

**Access by Mobile Device:**

Download the Zoom application from the Zoom Download Center, 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 1-888-799-9666 ext. 2. You may also contact the CEC’s Public Advisor’s Office at publicadvisor@energy.ca.gov, or (916) 957-7910.

System Requirements: To determine whether your computer is compatible, visit:

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

If you have a disability and require assistance to participate, please contact Erica Rodriguez by e-mail at Erica.Rodriguez@energy.ca.gov at least five days in advance.

## Questions

During the solicitation process, questions can be asked during the Pre-application Workshop, during Office Hours, or questions can be directed to the Commission Agreement Officer (CAO) listed below:

Eilene Cary, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California, 95814

Telephone: (916) 776-0739

E-mail: Eilene.Cary@energy.ca.gov

The CAO can answer administrative questions directly to applicants. But if questions of a technical nature arise, the CAO may answer by publicly posting questions and answers in order to provide all applicants the information at the same time. If an applicant discovers a 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 may notify the CEC in writing via electronic mail and request modification or clarification of the solicitation. The CEC, at its discretion will provide modifications or clarifications by either an addendum to the solicitation or by written notice to all entities that requested the solicitation.

**Any verbal communication with a Commission employee or anyone else concerning this solicitation is not binding on the State and will in no way alter a specification, term, or condition of the solicitation. Therefore, all communication should be directed in writing via electronic mail to the assigned CAO.**

## Applicants’ Admonishment & Responsibility

This solicitation manual contains application requirements and instructions. Applicants are responsible for **carefully reading** the solicitation, asking appropriate questions in a timely manner, ensuring that all solicitation requirements are met, submitting all required responses in a complete manner by the required date and time, and **carefully rereading** the solicitation before submitting an application. In particular, please carefully read the **Application and Evaluation Criteria and** **Grounds for Rejection** in Part IV of this Solicitation Manual.

Applicants are solely responsible for the cost of developing applications. This cost cannot be charged to the State of California. **Applicants should not submit any confidential information in their applications. Applications that include confidential information will be rejected**. All submitted documents will become public records upon its inclusion on the ongoing posting of the Notice of Proposed Awards.

In addition to any other right reserved to it under this solicitation or that it otherwise has, if the CEC determines, in its sole and absolute discretion, that if an agreement is not being successfully executed with an applicant in a timely manner, the CEC may cancel a proposed award and award funds to another applicant, if applicable.

# II. Applicant Eligibility Requirements

## Eligibility

## Eligible applicants for Category 1 and 2 funding activities are any California Native American tribe or California Tribal Organization. For the purposes of this solicitation, a California Native American tribe is 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 (Pub. Resources Code, § 21073) and a California Tribal Organization is a corporation, association, or group controlled, sanctioned, or chartered by a California Native American Tribe that is subject to its laws, the laws of the State of California, or the laws of the United States.

### Tribes and tribal organizations awarded a grant under this solicitation will NOT be required to provide a waiver of sovereign immunity covering the scope of the grant agreement with CEC.

## Eligible applicants for Category 3 funding activities are any California county or incorporated city or town.

## First-Come, First-Served

Applications for grant funding will be processed on a first-come, first-served basis. A California Native American tribe (or California Tribal Organization for the same tribe) may only receive **one** award under Category 1 and **one** award under Category 2 under this solicitation. A California Native American tribe (or California Tribal Organization for the same tribe) may only submit one application at a time and can apply to one or both Categories in a single application. If a tribe (or tribal organization for the same tribe) submits multiple applications for one Category, the applicant will be asked to withdraw the additional application(s).

A county or incorporated city or town may only receive one award under Category 3 under this solicitation and may only submit one application at a time.

An applicant may withdraw their application at any time prior to the last day to submit applications and then submit a new application, but doing so could affect the order in which the application is processed since this is a first-come, first-served solicitation. If an applicant desires to withdraw an application, the applicant must contact the CAO in writing.

Prospective applicants are encouraged to submit a complete application as soon as possible as this is a first come-first served solicitation and funds are limited. Applications will be reviewed on a pass/no pass basis using criteria defined in Section IV of this solicitation manual. Passing applications will be placed in the funding queue. Applications in the funding queue are funded in order until all solicitation funds are exhausted or until the application deadline, whichever is first.

**NOTE**: Once an application is placed in the funding queue, the applicant will then be required to provide either of the following two documents. The document must be submitted before the CEC will sign and execute the grant agreement.

(1) a copy of an authorizing resolution from the tribe’s governing board or local government’s governing board or equivalent showing the applicant’s authority to enter into the grant agreement, or

(2) a copy of the law or document showing the applicant’s authority to enter into the grant agreement.

## Terms and Conditions

Each grant agreement resulting from this solicitation will include the terms and conditions shown in Attachment 2, which set forth the recipient’s rights and responsibilities. By signing the Application Form (Attachment 1), each applicant agrees to enter into an agreement with the CEC to conduct the proposed project according to the terms and conditions. Tribes entering into agreement with the CEC will NOT be required to provide a waiver of sovereign immunity covering the scope of the grant agreement.

Failure to agree to the terms and conditions by taking actions such as failing to sign the Application Form or indicating that acceptance is based on modification of the terms will result in **rejection** of the application. Applicants **must** **read** the terms and conditions carefully.The CEC reserves the right to modify the terms and conditionsprior to executing grant agreements.

# III. Application Organization and Submission Instructions

## Application Content

Below is a description of application materials. Completeness in submitting all required information is critical for timely approval and successful implementation.

Application Form (Attachment 1)

Attachment 1, the Grant Application Form, will be the scope of work for an awarded grant. This form requests basic information about the applicant and the project. The application includes an original form that includes all requested information. The application must be signed by an authorized representative of the applicant.

The Application Form collects information that will be used to develop and execute a grant agreement with the CEC. By signing this document, the applicant attests that all information provided is true and correct, and the applicant agrees to the terms and conditions of this solicitation (Attachment 2).

## Method For Delivery

The only method of submitting applications to this solicitation is the CEC Grant Solicitation System (GSS), available at: <https://gss.energy.ca.gov/>. This online tool allows applicants to submit their electronic documents to the CEC prior to the end date and time specified in this solicitation. Electronic files must be in Microsoft Word XP (.doc format) or newer and Excel Office Suite formats unless originally provided in the solicitation in another format. Attachments requiring signatures may be scanned and submitted in PDF format. Completed Budget Forms, (Attachment), must be in Excel format.

The deadline to submit grant applications through the CEC’s GSS is 11:59 p.m. on the last day to submit applications. The GSS system 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 can’t guarantee staff will be available for in-person consultation on the due date, so please plan accordingly.

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

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

# IV. Evaluation and Award Process

## Application Evaluation

Applications for grant funding will be evaluated and processed based on responses to the information requested in this solicitation on a first-come, first-served basis. Information collected in the Application Form (Attachment 1) will be evaluated on a pass/no pass basis as described in this Section IV. Prospective applicants are encouraged to submit a complete application as soon as possible after the first day applications can be submitted (shown in Section I.E Key Activities Schedule) as grants will be awarded on a first come-first served basis and funds are limited. Applications achieving a “no pass” mark will be reviewed by an Evaluation Committee for confirmation of that determination. If the Evaluation Committee confirms an application did not pass, the Applicant will be notified in writing.

Staff will continue accepting and evaluating applications until funding is exhausted or until the application submittal deadline, whichever is first. Eligible applicants may only receive one award per Category 1 and only one award per Category 2 (see section I.E) under this solicitation. A California Native American tribe (or California Tribal Organization for the same tribe) may only submit one application per Category 1 or Category 2 at a time. If a tribe (or tribal organization for the same tribe) submits multiple applications for one Category, the applicant will be asked to withdraw the additional application(s).

A county or incorporated city or town may only submit one application under Category 3 at a time.

An applicant may withdraw their application at any time prior to the last day to submit applications and then submit a new application, but doing so could affect the order in which the application is processed since this is a first-come, first-served solicitation. If an applicant desires to withdraw an application, the applicant must contact the CAO in writing.

 **Applications will be evaluated as follows:**

Applications will be submitted to the Evaluation Committee for review based on the Application and Evaluation Criteria in **Section E** of this Part.

* An application must achieve a “pass” in each section of the Application and Evaluation Criteria. If an application receives a “no pass” the Applicant will be notified in writing and will be allowed to submit a new application, if desired.
* Clarification Interviews: The Evaluation Committee may conduct optional interviews with applicants during the evaluation process to clarify and/or verify information submitted in the application.
* **All sections must receive a “pass” for the application to be approved for an award.**

Passing applications will be placed in the funding queue. Applications in the funding queue are funded in order until all solicitation funds are exhausted or until the application deadline, whichever is first.

## Notice of Proposed Award and Agreement Development

1. **Notice of Proposed Award**

Passing applications will be proposed for award.

* CEC staff will post a **Notice of Proposed Award (NOPA)** on an ongoing basis at its discretion thatincludes: (1) the proposed awardees, (2) the total funding amount; and (3) the amount of each award. The CEC will post the NOPA on its website at <https://www.energy.ca.gov/funding-opportunities/solicitations>, and send an email to the program list serve.
* **Debriefings:** Unsuccessful applicants may request a debriefing after the release of final the NOPA by contacting the Commission Agreement Officer listed in Part I via electronic mail. The final NOPA is the NOPA that shows all solicitation funds have been exhausted or is the NOPA released after the application deadline has passed. A request for debriefing must be received **no later than 30 calendar days** after the NOPA is released.
1. **Agreements**

Applications recommended for funding will be developed into a proposed grant agreement. Recipients may begin the project only after full execution of the grant agreement (i.e., signature by the Recipient and the CEC).

* **Agreement Development:** The Contracts, Grants, and Loans Office will send the Recipient a grant agreement for approval and signature. The agreement will include the Application Form (Attachment 1), which will become the agreement Scope of Work, and terms and conditions (Attachment 2) and will incorporate this solicitation and the application by reference. The CEC reserves the right to modify the award documents (including the terms and conditions) prior to executing any agreement.
* **Failure to Execute an Agreement:** If the CEC is unable to successfully execute an agreement with an applicant in a timely manner, it reserves the right to cancel the pending award and use the funds elsewhere, such as to fund the next eligible application.

## Grounds to Reject an Application or Cancel an Award

The CEC reserves the right to reject an application and/or to cancel an award for any reason, including any of the following:

* The proposed project is inconsistent with the enabling legislation for this solicitation, Assembly Bill 128 (Statutes of 2021); therefore, projects must be in alignment with SB 100’s renewable energy and zero-carbon resource policy.
* The application contains false or intentionally misleading statements or references that do not support an attribute or condition contended by the applicant.
* The application is intended to erroneously and fallaciously mislead the State in any way.
* The application does not comply or contains caveats that conflict with the solicitation, and the variation or deviation is material.
* The applicant has included a statement or otherwise indicated that it will not accept the terms and conditions, or that acceptance is based on modifications to the terms and conditions.
* The application contains confidential information or identifies any portion of the application as confidential.

## Miscellaneous

1. **Solicitation Cancellation and Amendment**

It is the policy of the CEC 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, the 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, including maximum funding award amounts;
* Amend this solicitation as needed; and/or
* Reject any or all applications received in response to this solicitation.

If the solicitation is amended, the CEC will post it on the CEC’s website at: <https://www.energy.ca.gov/funding-opportunities/solicitations>. The CEC will not reimburse applicants for application development expenses under any circumstances, including cancellation of the solicitation.

1. **Modification or Withdrawal of Application**

Applicants may withdraw or modify a submitted application before the deadline to submit applications by contacting the Commission Agreement Officer listed in Part I. Applications cannot be changed after the last day to submit applications.

1. **Confidentiality**

Though the entire evaluation process from receipt of applications up to the posting of the NOPA is confidential, **all submitted documents will become publicly available records** after the CEC posts applicant’s name on the ongoing NOPA or the solicitation is cancelled. **The CEC will not accept or retain applications that identify any portion as confidential.**

1. **Solicitation Errors**

If an applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation, the applicant should immediately notify the 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. The CEC will not be responsible for failure to correct errors.

1. **Immaterial Defect**

The CEC may waive any immaterial defect or deviation contained in an application. The CEC’s waiver will not modify the application or excuse the successful applicant from full compliance with solicitation requirements.

1. **Disposition of Applicant’s Documents**

Upon the posting of applicant’s name on the ongoing NOPA, its application and related materials submitted in response to this solicitation will become property of the State and publicly available records.

## Evaluation Criteria

Proposals will be evaluated based on the Evaluation Criteria below. **ALL items in the Evaluation Criteria must pass to be approved for a proposed award.**

**APPLICATION AND Evaluation CRITERIA**

**The Application Form (Attachment 1)** must respond to each criterion below. The responses must directly relate to the solicitation requirements and focus as stated in the solicitation.

| **Evaluation Criteria** | **Pass/No Pass** |
| --- | --- |
| 1. **Administrative Criteria**
* The application is received by the CEC by the due date and time specified in the “Key Activities Schedule” in Part I of this solicitation and is received in the required manner (e.g., by GSS system submission).
* The applicant is a California Native American tribe or California Tribal Organization, county, or incorporated city or town.
* The amount requested on the Application Form is no more than $15,000 for Category 1 projects, $200,000 for Category 2 projects, and $100,000 for Category 3 projects.
 |  |
| 1. **Complete Application**
* All required sections of the application form are complete, and all information provided is true and correct to the best knowledge of the applicant.
 |  |

1. <https://efiling.energy.ca.gov/EFiling/GetFile.aspx?tn=237167&DocumentContentId=70349> [↑](#footnote-ref-2)
2. Ibid, p. 17. [↑](#footnote-ref-3)
3. <https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB128> [↑](#footnote-ref-4)
4. <https://www.energy.ca.gov/sites/default/files/2023-02/Item_09_Tribal_Energy_Sovereignty_Resolution_ada.pdf> [↑](#footnote-ref-5)
5. Pacific Standard Time or Pacific Daylight Time, whichever is being observed. [↑](#footnote-ref-6)