**Questions and Answers Document**

# **Disclaimer**

The purpose of this document is to provide answers to questions for the grant funding opportunity **GFO-24-701**. The following answers are based on California Energy Commission (CEC) staff’s interpretation of the questions received during the pre-application workshop held on October 16, 2024, and those submitted in writing prior to the deadline of October 22, 2024. It is the Applicant’s responsibility to review the purpose of the Solicitation Manual and to determine whether their proposed project is eligible for funding by reviewing the Eligibility Requirements within the Solicitation Manual. The CEC cannot give definitive advice as to whether a particular project is eligible for funding, because not all proposal details are known.

As stated in the Solicitation Manual, the overall goal of this solicitation is to invest in the planning and design for multiple waterfront facility sites to support offshore wind infrastructure improvements. These improvements, once made, will advance the capabilities of California ports, harbors, and other waterfront facilities to support the buildout of offshore wind facilities and maximize the economic and environmental benefits of an offshore wind industry in California.

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# **General/Administrative**

1. Does the Project Manager need to be a member of the recipient entity, or can that role reside within a major subrecipient or another subrecipient/vendor?

**A1:** No, the solicitation does not restrict the affiliation of the Project Manager. The Project Manager is the person designated by the applicant to oversee the project and to serve as the main point of contact for the CEC. Potentially, the Project Manager could be an employee from a major subrecipient or another subrecipient or vendor. Additionally, in some instances, the Project Manager may be the same person as the Principal Investigator.

For informational purposes, the CEC has experience with other grants not having the Project Manager be an employee or officer of the Recipient; and therefore, not being able to wield the contractual power of the Recipient over the subrecipients and vendors. In our experience, this may or may not impede successful and timely project completion. To help us score the proposals, we encourage bidders to be clear in the Project Narrative (Attachment 3) and in the Project Team Form (Attachment 4) with whom (may be more than one person) authority *actually* resides over the team, the work, and the budgets.

1. Is a principal investigator required for port development grants?

**A2:** No, the Principal Investigator role is not required for port development grants. The Principal Investigator is the technical lead for the applicant’s project, who is responsible for overseeing the project; in some instances, the Principal Investigator and Project Manager may be the same person. To help us score proposals, we encourage bidders to be clear in the Project Narrative (Attachment 3) and in the Project Team Form (Attachment 4) with whom (may be more than one person) the technical lead is and what makes them qualified.

1. Project team form – Is this to include intended consultants who might work on the project? If these services have not yet been procured, can they be indicated as placeholders?

**A3:** Yes, the form should include intended consultants. The Project Team Form (Attachment 4) should include any known applicant’s, subrecipient’s and/or sub-subrecipient’s key personnel assigned to the project. “Key personnel” is defined broadly as individuals who are critical to the project due to their experience, knowledge, and/or capabilities. If a consultant to be hired by the applicant, a subrecipient or a sub-subrecipient, is not known at the time of the application submittal, please refer to the solicitation documents, including the Offshore Wind Energy Waterfront Facilities Improvement Program (Offshore Wind Program) Terms and Conditions, Section 6, Amendments, for more information on the CEC’s requirements to add new key personnel to an executed grant agreement resulting from this solicitation.

1. Can the CEC clarify whether an applicant’s Project Team (pg. 24 of the Solicitation Manual) needs to include specifically identified project team members (with accompanying two-page resumes) for every sub-recipient or just Major sub-recipients? For example, if an applicant was proposing to provide small amounts of funding (e.g., $2,000-20,000) to certain community group subrecipients to support their ability to engage in stakeholder engagement work, would a representative from each of those community groups need to be listed in the Project Team?

**A4:** It depends. The CEC Evaluation Committee needs to understand how the CEC grant funds will be used. A Project Team Form could be submitted for the individuals in the provided example. However, all key personnel assigned to the project should be included in the Project Team Form. The solicitation manual defines “Key Personnel” as individuals that are critical to the project due to their experience, knowledge, and/or capabilities. The description of the Project Team Form on page 24 of the Solicitation Manual and the Project Team Form (Attachment 4) explain that the form should identify by name all key personnelassigned to the project, including the personnel that are employed by the applicant, a subrecipient or sub-subrecipient, the project manager and principal investigator (if applicable), and individuals employed by any major subrecipient (a major subrecipient is a subrecipient receiving $100,000 or more of Commission funds).

1. What is the CEC looking for out of the Technical Advisory Committees for these infrastructure projects (included as a required product in the scope of work)?

**A5:** Please refer to Subtasks 1.11-1.13 of the Scope of Work Template (Attachment 8) (Pages 13 through 16) for information about the Technical Advisory Committee (TAC). This portion of the Scope of Work template should not be changed by the applicant and is standard language that will be included in all proposed final agreements. Additionally, Subtask 1.11 of the Scope of Work template describes the types of individuals and includes a list of likely organizations that might serve on a TAC for a project. The TAC will be established after an agreement resulting from this solicitation is executed.

1. What anticipated start date should we include in our project schedules (i.e.: April '25)?

**A6:** At this time, the anticipated agreement start date is scheduled for May 2025, and the CEC reserves the right to amend this date as needed. Applicants should use the dates in the Key Activities Schedule found on pages 10 and 11 in the solicitation manual and all proposed start dates should be the same as the date shown for Anticipated Agreement Start Date.

1. Can the project activities related but outside of the project scope be started prior to the agreement? Can project activities within the scope be started after Notice of Proposed Award, but before agreement, if the recipient does so at its own risk?

**A7:** If project means an action where the grant is just a subset of the overall action, then be aware there may be CEQA implications of starting before CEQA findings have been made by the appropriate jurisdiction. If referring only to the grant-funded Scope of Work, “project activities related but outside of the project scope” would not be grant “project” activities. The rest of the response below may be more helpful.

Regarding the second question, pages 28 and 29 of the solicitation manual state that: Applications recommended for funding in a NOPA will be developed into a proposed grant agreement to be considered at a CEC Business Meeting. Grant recipients may begin the project only after full execution of the grant agreement (i.e., approval at a CEC business meeting and signature by the grant recipient and the CEC).” This is in part so that the grant agreement’s terms and conditions apply to ALL work done under the Scope of Work.

Costs incurred before the start of the agreement are not allowable costs under the grant and would not be reimbursed. CEC disburses grant funds in arrears after receiving invoices for costs incurred within the agreement term.

Additionally, see the Terms and Conditions on the solicitation webpage, which state: “All reimbursable work and expenditure of funds (CEC-reimbursed and/or match share) must occur within the Agreement term specified on the CEC-146 form. The CEC cannot authorize any payments until all parties sign this Agreement.” The costs for which the recipient may be reimbursed under the grant agreement include all actual costs, direct and indirect, as identified in the Budget Form (Attachment 6), and incurred in the performance of the work identified in the Scope of Work (Attachment 8).

1. Within the project budget, can line items for vendor-delivered scopes be applicant estimates or do numbers need to be based on specific vendor quotes?

**A8:** Line items for goods and services to be supplied by vendors may be based on applicant estimates or specific vendor quotes. The CEC encourages Recipients to conduct competitive bidding or selection processes for vendor contributions to the project. Thus, we do not expect the applicant to have completed all these selection processes prior to submitting an application to the CEC. This is particularly true where a vendor is “To Be Determined.”

1. Many applicants will also be applying for the DOE-EERE grant as well as NOWRDC grant. Should we detail those in our CEC application? Are you looking for an explanation of how these will be complementary rather than overlapping?

**A9:** The question is not specific enough about the two funding sources being discussed. In responding to GFO-24-701, applicants should propose projects that respond to the solicitation requirements, and if there are initiatives, including publicly-funded programs, that relate to the proposed project the applicant thinks are important for the Evaluation Committee and CEC to be aware of, those should be described in the application.

However, please note that, under this solicitation, match funds do not include future/contingent awards from other entities (public or private). Consequently, if an applicant has applied for funding from public or private entities but has not yet been successfully awarded funding at the time of submitting an application for this funding opportunity, then such future/contingent award(s) cannot count toward the applicant’s match fund.

1. Are the outputs of the work funded by the grant (e.g., technical task products) public documents? Can information in these products be protected if it is considered confidential or proprietary? For example, making public a detailed view of a project’s estimated cost structure, could have a detrimental impact on the ability for that project to get competitive pricing in future vendor negotiations/procurement.

**A10:** The question appears to be about “Products” as defined in the Offshore Wind Program Terms and Conditions (Exhibit C), Section 5: “‘Products’ are any tangible item specified for delivery to the CEC in the Scope of Work, such as reports and summaries.” Thus, Products do not refer to equipment or technology created under the grant, if any.

Products created under the grant, such as memoranda, reports, plans, and other deliverables, are public documents subject to California Public Records Act disclosure by the CEC. Referring back to the question, “information in these products” *may be able to* “be protected if it is considered confidential or proprietary” through the CEC’s confidential information regulatory process. See Exhibit C, Terms and Conditions, Section 18, “Confidential Recipient Information” for further information about this process.

Just for clarity, **as far as the application documents themselves**, as mentioned in the solicitation (see Solicitation Manual, Section IV.D.3. Confidentiality, page 30), 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** and property of the State after the CEC posts the NOPA or the solicitation is cancelled. **The CEC will not accept or retain applications that identify any portion as confidential unless the applicant clarifies in writing that marking the material as confidential was a mistake and the material can be made public.**

1. Applicants wishing to have some information contained within their application designated as confidential by the CEC before the grant agreement effective date should refer to the Offshore Wind Program Terms and Conditions, Section 18. Confidential Recipient Information, for more information. Would the CEC consider classifying certain work products as 'confidential' if justification can be made these products should be considered trade secret? Would the consideration be different if the work product was funded by match funds vs. CEC funds?

**A11:** See answer A10. Regarding funding of the Product by CEC or match funds, that is not relevant to A10; both funding sources fall under A10.

## **Funding**

1. Are grant application budgets required to total at $2 million, or can a project budget exceed this threshold?

**A12:** The maximum available funding amount for each Category is listed in Solicitation Manual, Section I.D. Funding, page 10. This is the maximum amount of CEC funds that can be requested by an applicant for each category. Applicants should be aware that the CEC released Addendum-01 for this solicitation on November 8, 2024, increasing the maximum funding amount for Category 1 applications from $2 million to $3 million. The maximum CEC-funding amounts do not include the applicant’s match funding (optional under this solicitation), so the total expected cost of a project could exceed the maximum available funding threshold in the CEC-reimbursable budget. In other words, if the applicant obtains the maximum funding available for the project category and if it includes match funding, then the total project cost for a Category 1 project could be more than $3 million, **but no more than $3 million in CEC funds**. If a proposed project includes match funds, such funds must also be included in the proposal budget. Such promised match funds will be a CEC-enforceable part of the grant agreement.

1. In Section III.C.6.5, can the CEC confirm whether CEC funds cannot be used for any permitting costs or whether they cannot be used for costs associated with permitting the specific scope of work funded by the CEC. For example, could CEC grant funding be used for the environmental studies and professional services needed to prepare a permit package for the construction of a waterfront facility infrastructure development project (as is typically expected when progressing a project to 15% or 30% design completion)? In this instance, no permits would be required to execute the scope of work, but the scope of work would entail permit preparation.

**A13:** Funds cannot be used for permits required to execute the grant’s Scope of Work, but can be used where the Scope of Work includes such activities as preparing environmental studies and professional services to prepare permit applications for activities ***outside* the grant project’s Scope of Work, such as for a future, potential, physical project**. Public Resources Code (PRC) section 25666(c)4 allows the CEC to fund “[p]reliminary engineering and environmental review work, including taking actions and preparing material to comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000)) or federal environmental laws.” In addition, PRC section 25666(c)(1) includes “planning, feasibility analysis, business case development, environmental analyses, engineering and design work, and other offshore wind energy related planning and development activities.”

Please keep in mind that CEQA law prohibits “piecemealing” of a project. Piecemealing means dividing up a large project into such small pieces for CEQA review that none seem to have significant environmental impacts; whereas, the project considered as one could have such impacts.

Even if the CEQA lead agency has only a ministerial decision to make, the CEC has a CEQA discretionary decision to make just in approving funding for the grant (which may be exempt from CEQA depending on the proposed activities and applicable law).

Under CEQA, an agency must consider “the whole of an action.” So, in your application, please be very clear to distinguish between the grant Scope of Work “grant project” and a larger, envisioned, potential port infrastructure project. This is not legal advice to anyone reading this; however, it may help a bidder to become familiar with California Code of Regulations, title 14, section 15262, “Feasibility and Planning Studies,” providing, “A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.”

The CEC ***may*** rely upon this CEQA exemption in its decision-making, if the grant project fits the above facts. The CEC may be able to use other types of CEQA exemptions, or perhaps, none will apply to the grant project. This paragraph is ***not*** a guarantee or promise in any way of how the CEC will evaluate a given application or proposed grant project under CEQA.

1. What is an example of an acceptable strategy for replacing funds if they are significantly reduced or lost?

**A14:** It is not clear to which funds this question is referring. Whether it is referencing Scoring Criteria 2(d) (page 36 of the solicitation manual) or referring to the text in the manual regarding commitment letters for match funds (Section I.K. Match Funding, pages 18-19 and 27), applicants should describe the strategy that meets the requirements of the GFO.

An acceptable strategy, for example, for losing a key partner who promised match dollars, could be that the applicant will make up for the lost match dollars with the applicant’s own cash-on-hand or other currently-owned liquid assets.

1. Does 100% match mean I request $5M from CEC and commit $5M of cost share for a $10M total project?

**A15:** The Preference Points in Scoring Criteria 8- Match Funds describe that additional points will be awarded to applications that include match funding (i.e., cash match and/or in-kind match). Additional points will be awarded based on the percentage of total match (cash + in-kind) to the amount of CEC funds requested as included on the Proposal Budget.

Assuming that the match funds meet the “Match Funding” requirements described in the Solicitation Manual, Section I.K, Match Funding, pages 18 and19 and that the funds are listed in the Proposal Budget, then the example provided in the question would mean the applicant is proposing 100% Match Funds and would obtain 5 additional points to their application’s score.

1. There is a contract provision designated as “[RESERVED]” (p. 34 of the pdf). Can you explain what if anything will be inserted/added there?

**A16:** The Terms and Conditions for the GFO were developed from a CEC terms template, and the placeholder is there so that the sections do not have to be renumbered (or the document re-written) when the template is used to create terms for a different CEC program or solicitation (and resulting agreements). The CEC does not plan to insert anything where [RESERVED] appears in the terms posted for this solicitation at this time.

However, the CEC does reserve the right to change the terms and conditions prior to agreement execution. For example, if new legislation requires, the CEC may need to alter its terms. Or CEC policy may change on a particular item.

The applicant will be provided an opportunity to again review the terms and conditions prior to being asked to sign the grant agreement. Further terms changes after that would be amendments to the agreement for both parties to consider and execute.

1. Please clarify – for match share percentages – is $5m grant request combined with $5M recipient cost share for a total of $10M considered a 100% match?

**A17:** See answer A15.

1. If a 'subrecipient' is only budgeted match funds (let's say over $100K) are they still required to complete a budget form? Or does the budget category guidance saying it’s only required for 'major' subs receiving more than $100K of CEC funds apply?

**A18:** The requirement to provide a full budget applies to the prime recipient, and major subrecipients receiving $100,000 or more of Energy Commission funds. Subrecipients who are budgeted for match funds only (even for more than $100,000) are not required to submit their own budget.

1. Cost-Share question: May an applicant submit a commitment letter for the cost-share (either cash or in-kind) that identifies cash or in-kind contribution that the applicant commits to the project and injects into the project after its reached operation and is derived from the revenues of the operational phase of its project? For example, the Grant Agreement period is for 4 years. Applicant reaches operation and is generating revenue by year 3 of the agreement period, in year 4 Applicant makes a cost-share contribution using revenue (cash) or in-kind originating from the revenues the project is generating in year 4?

**A19:** “Match funds must be spent only during the agreement term, either before or concurrently with CEC funds or in accordance with an approved Match Fund Spending Plan.” (Solicitation Manual, page 18.) A back-loaded match spending plan, as suggested in the question, is not allowed and is not consistent with the manual. Also, the application must be clear up front on whether the match will be cash or in-kind, or exactly what combination of those it will be. It is not a choice to make late in the grant agreement execution, depending on whether and how revenues arrive in year four, for example.

Match funds also must be reported in invoices submitted to the CEC. Please refer to Solicitation Manual, Section I.K. Match Funding, pages 18-19, for more information.

1. Can funds for grant match be applied for and used for a smaller project within a project area that supports OSW, while the Cat 1 application is for a larger, more comprehensive project?

**A20:** We interpret the question as meaning spending match on some other activity that would support eventual OSW development at the port. No. All CEC funds requested, and Match Funding promised should be captured within the proposed budget and proposed Scope of Work for the proposed grant project. See also, answer A19.

1. What qualifies as proof of funds for matching funds commitment letters?

**A21:** Applicants must submit a match funding commitment letter from each entity or individual, including applicant, subrecipients, sub-subrecipients, and vendors, that is committing to providing match funding to the project. Each commitment letter must be signed by an authorized representative of the entity or by the individual that is making the commitment. The letter must: (1) identify the source(s) of the funds; (2) justify the dollar value claimed; (3) provide an unqualified (i.e., without reservation or limitation) commitment that guarantees the availability of the funds for the project; and (4) provide a strategy for replacing the funds if they are significantly reduced or lost. Please see Commitment and Support Letters Form Attachment (Attachment 10). Commitment letters must be submitted with the application to be considered. Please refer to Solicitation Manual, Section I.K. Match Funding, pages 18-19, and Solicitation Manual, Section III.C.10. Commitment and Support Letter Form (Attachment 10), page 27, for more information.

1. Can Category III funding be used to cover grant match on a grant that has already been received?

**A22:** The question is unclear. Our best answer is “No.” This solicitation aims to fund Category I and Category II projects only. Category III is not a distinct category that this solicitation will fund See manual pages 3, 7 and 8.

1. Please provide insight into the process that would occur if the CEC elected to only fund only a portion of a grant application. In other words, what process will occur if the CEC chooses to provide funding for only some elements of a proposal and not others? For example, would CEC cut out certain tasks without consulting the applicant, or would the CEC engage with the applicant to revise the proposal to better meet CEC’s goals/budget?

**A23:** The CEC reserves the right to reduce funding to an amount deemed appropriate, for any reason, including if the budgeted funds do not provide full funding for passing-grade agreements. In this event, the Recipient and Commission Agreement Manager (CAM) will attempt to reach agreement on a reduced scope of work commensurate with available funding. If the Recipient and CAM cannot reach agreement, the CEC may deny the award. Please see Solicitation Manual, Section I.D.2, Change in Funding Amount, page 10.

1. Given the larger number of non-staging and integration ports, and the high cost of these projects, can the CEC reallocate more funding to Category I applicants?

**A24:** The CEC released Addendum-01 on November 8, 2024, which increases the total available funding for Category I from $6.75 million to $7.75 million and maximum amount for a Category application to $3 million.

1. Why are the vast majority (81%) of solicitation funds allocated to category 2 if the solicitation seeks to seed a multi-port development strategy which seems aligned with category 1? This seems to bias most of the solicitation funding towards a couple larger, leading ports.

**A25:** See answer A24.

## **Definitions**

1. In the main solicitation manual, it seems that often the document uses the word “project” to mean the specific scope of activities funded by CEC grant funding. However, there are some places where the word “project” seems to imply the broader waterfront infrastructure development project (developed at full scale) which is being contemplated by the scope of work activities (e.g., Scoring Criteria 3.e on page 37). Could the CEC clarify any instance in the Solicitation Manual or other application documents where the word project means the broader waterfront infrastructure development project and not the specific activities funded by the CEC in the scope of work?

**A26:** The word “project” primarily refers to the proposed grant project submitted by the applicant in response to the solicitation. The solicitation is seeking applications for planning, so inherently there will be instances in which the word “project” refers to the future waterfront infrastructure project being planned. Applicants are encouraged to be mindful of the context within the solicitation to interpret the word “project” and very clear to distinguish between the grant Scope of Work “grant project” and a larger, envisioned, potential waterfront infrastructure project. The Evaluation Committee will use the Scoring Criteria in the solicitation manual to score applications, and applicants should be precise in their application to describe how their proposed planning project supports the project being planned for.

See also, answer A13.

1. Can CEC clarify the term “retrofit?” Do funds have to be used to retrofit a specific piece of infrastructure/property in the strict sense, or can this term be interpreted more broadly in terms of “retrofitting” the purpose of a harbor/bay to support OSW?

**A27:** The term “retrofit” may also be interpreted broadly regarding repurposing a harbor or bay for OSW support. For Category I “activities support developing individual or regional retrofit concepts” and Category II “activities may support a range of advanced planning for retrofit activities to support deployment of offshore wind energy,” as described in the Solicitation Manual, Section I.C.1. Funding Categories, page 7. Applicants applying to either category should propose planning projects for retrofit activities that best fit the needs of the applicant and meet the solicitation requirements.

## **Error in Solicitation**

1. In the solicitation manual, on page 39 of 40, the Minimum Passing Score of 52.50/75 points for criteria 1-5 is outlined, however the total possible points for criteria 1-5 equals 85. The total possible points for criteria 1-4 equals 75. Can you please clarify if the minimum passing score is for criteria 1-4 or 1-5?

**A28:** There is a typo on Page 39 of the Solicitation Manual. The minimum passing score of 70% or 52.50 points applies to Scoring Criteria 1-4. See Addendum-01 published on November 8, 2024, posted with correction.

# **Technical**

## **Eligibility**

1. Which of the following are eligible activities that can be funded through this grant? Are any of the following not eligible?

* Land acquisition (purchase) of sites where habitat restoration will be conducted and that are statutorily required to implement an offshore wind port project.
* Design of habitat restoration/mitigation of sites where habitat restoration will be conducted and that are statutorily required to implement an offshore wind port project.
* Permitting of habitat restoration/mitigation of sites where habitat restoration will be conducted and that are statutorily required to implement an offshore wind port project.
* Design/permitting of other forms of mitigation built into an offshore wind port project.
* Electric and/or clean energy vehicles/equipment that will be used for providing tours of an offshore wind port such as:
  + Purchase of an electric car that will be used for public and stakeholder tours of an offshore wind port project site through the project development timeline.
  + Installation of an electrical vehicle charging station for above vehicle.
  + Upgrades to the emission system of a boat vessel that is used for public and stakeholder tours of an offshore wind port site through the project development timeline.
* Funding for public educational boat tours of an offshore wind port project site on a privately operated (chartered) vessel.
* Contribution to an existing grant program administered by the Port that provides competitive grants for community and Tribal-based projects that mitigate/compensate for project impacts and that have community benefits such as new waterfront infrastructure, trails, or community centers.

**A29:** It is the Applicant’s responsibility to review the Solicitation Manual and to determine whether they think their proposed project is eligible for funding under this solicitation by reviewing the Eligibility Requirements within the solicitation manual. The CEC cannot give definitive advice as to whether a particular project is eligible for funding, because not all application details are known. Applicants should also closely review the Terms and Conditions for the solicitation posted on the solicitation webpage.

## **CEQA**

1. Is the CEQA Compliance Form (Att 7) only required for Cat II funding applications?

**A30:** All applicants are required to submit a completed California Environmental Quality Act (CEQA) Compliance Form (Attachment 7) with their application. See Solicitation Manual, IV.C.7, California Environmental Quality Act (CEQA) Compliance Form (Attachment 7), page 26: “The form will also help applicants to determine CEQA compliance obligations by identifying which proposed activities may be exempt from CEQA and which activities may require additional environmental review. If proposed activities are exempt from CEQA (such as paper studies), the worksheet will help to identify and document this. This form must be completed regardless of whether the proposed activities are considered a “project” under CEQA.”

1. Channel Wind is developing an advanced project for staging and integration that will accelerate the timelines and create fewer negative impacts.  We had no prior knowledge of the Cat 2 requirement for a notice of presentation (NOP) for CEQA that had to be in place last February 2024.  How can an eligibility requirement be listed that has already expired? Is that NOP a strict guideline? Can we get a waiver OR be given time to get that done? It is worth mentioning that Eli and others at CEC have known about our staging and integration floating technology from as early as Dec 2022 via public docket comments and face to face zoom meetings. Our technology will bring the timeline forward much sooner than the other infrastructure projects being proposed. I hope CEC finds that to be helpful and important to our shared goals.

**A31:** The February 29, 2024, deadline was removed from the solicitation manual through an Addendum-01 to the solicitation manual published on November 8, 2024.See updated language in Solicitation Manual I.C. 1 Funding Categories - Category II Activities, page 7, and II.A.1. Eligibility – Category II.

1. Thank you, Mr. Harland and others, for putting this great workshop together. This is exciting to see offshore wind taking off and getting the funding where it needs to go in these important endeavors. So quick question. We've got an advanced project for staging integration here at Channel Wind. and we had no prior knowledge of the notice of presentation for CEQA. So, we don't meet that. And just wonder if that's a very strict guideline. And then second question, if not, can the allegation of funding change for category? 1 and 2. Thank you. Yeah, it has to do with a Category 2. Requirement for the notice of presentation to CEQA. We didn't have any advance notice that we had to get that in by February of this year. And so, we're not, you know, in compliance with that, and wondering if that is a strict guideline for an advanced project, we have a staging and integration project, as you might know from the public comments we put into AB 525.

**A32:** The February 29, 2024, deadline was removed from the solicitation manual, and the allocation of funding between Category I and Category II was modified through an Addendum-01 to the solicitation manual published on November 8, 2024. For more information, see answers A12, A24 and A30.

1. We’ll see[k] kind of professional guidance on this but wanted to ask a question around the CEQA review process, as it relates specifically to CEC. I was wondering if you could confirm that CEC CEQA review obligations would not be triggered if work that's related, but not included in the funded scope of work would otherwise trigger a CEQA action? So, for example, let's say that completing a 15% design package was included in a project scope, and that is a purely paper exercise, and therefore categorically excluded from CEQA. However, if kind of simultaneously using non-CEC funds, there's also, for example, geotech[-nical] work going on, and insights from that geotech[-nical] workflow back into the 15% design. We just want to make sure that as long as we're not funding anything that could potentially trigger CEQA using CEC funds, we would not be triggering the CEC’s review obligations as a responsible agency.

**A33**: The CEC cannot confirm those assertions. As the question mentioned “professional guidance,” we agree that a bidder obtaining the advice of its own qualified environmental consultant and/or environmental and land use attorney is advisable.

See answer A30.

Without more detailed project information, the CEC cannot make a preliminary determination about CEQA in regards to the example in the question. However, applicants should be aware of the responsibilities of CEQA lead agencies to consider the “whole of an action,” and that no piecemealing is allowed when assessing a project under CEQA. See also answer A13.

Additionally, CEC funds available under this solicitation have encumbrance deadlines as early as June 30, 2025. This means that the CEC must approve proposed awards at a business meeting (usually held monthly) prior to June 30, 2025, to avoid expiration of the funds. Prior to approval and encumbrance, the CEC must comply with CEQA and other requirements. To comply with CEQA, the CEC must have CEQA-related information from applicants and sometimes other entities, such as local governments, in a timely manner. Applicants are strongly encouraged to propose projects that likely fall under a statutory or categorical exemption, or a project for which another state agency or local jurisdiction has already completed its environmental review and adopted CEQA findings that the project will cause no significant effect on the environment.

1. Because the solicitation states the CEC’s environmental review of funded projects must be concluded by June 30, 2025, a project as defined by the applicant cannot require full environmental review unless this work has already advanced considerably. Page 13 of the Solicitation Manual defines this narrowly as follows: “Example 2: If the proposed work is part of a larger project for which a detailed environmental analysis has been or will be prepared by another state agency or local jurisdiction, the CEC’s review may be delayed as a result of waiting for a supplemental or initial analysis, respectively, from the other agency.” If this were interpreted literally, it could prevent California ports from applying in Category 1 for any project related to infrastructure development. My question is this: Can a Category 1 applicant define the planning and analysis phase as a stand-alone “project” that will not require environmental review, with the following phases of site preparation, construction, and operations defined as a separate “project” outside the scope of the grant? If not, how can this apparent Catch-22 be resolved?

**A34:** See answer A13.

In the example provided above, the applicant could tailor the **grant project** in a way that would likely fall under a statutory or categorical CEQA exemption, so that if presented for an award to the CEC at a business meeting, the discretionary approval being considered would be to fund “planning and analysis” but not “site preparation, construction, and operations.” Also, see answer A33. Lastly, to clarify, the funds for this solicitation expire on June 30, 2025, which means that they must be encumbered on or before this date.

1. Related to the previous question: The solicitation states that the CEC must conduct an environmental review of funded projects, yet on p. 7, it states that environmental review by the applicant can be funded: “Category I activities may include planning, feasibility analysis, business case development, environmental analyses, engineering and design work, and other offshore wind energy related planning activities.” My question is this: Can a Category 1 applicant seek funding for environmental analyses to be conducted under a different “project,” i.e. for the infrastructure work phase that is not part of the application’s scope of work?

**A35:** See answers A13, A33, and A34.

1. Can CEC confirm that its CEQA review obligations will not be triggered if work that is related, but not included in the funded Scope of Work, would trigger CEQA actions. For example, let’s assume that completing 15% engineering design is included in a project’s Scope of Work and is considered a paper exercise and therefore would not by itself trigger any CEC CEQA actions. However, let’s also assume that in-ground geotechnical evaluation is completed around the same time, not using any CEC funds, and that the 15% design incorporates findings from the geotechnical evaluation. Would such a hypothetical scenario trigger a CEC CEQA obligation?

**A36:** See answer A33.

## **Port Type**

1. The solicitation emphasizes funding for Staging and Integration projects. Will Operations & Maintenance projects be considered equally, or only if there aren’t enough Staging and Integration projects submitted?

**A37:** As per Solicitation Manual, Section I.C.1., Funding Categories, page 7 the projects funded out of this solicitation will support the most immediate planning and design needs for developing offshore wind infrastructure, especially for the staging and integration of floating offshore wind components. Category II projects are required to support planning for staging and integration. No such limit on offshore wind port activity type is included for Category I applicants.

1. "Support staging and integration" - can a manufacturing port be considered as supporting staging and integration in that it is providing materials for final assembly?

**A38:** See Category II Activities description as updated through Addendum-01 published on November 8, 2024 (See Solicitation Manual, Section I.C., 1 Funding Categories Category II Activities, page 7). Category II activities aim to support the most immediate needs of the offshore wind industry in California (i.e. staging and integration activities). Applicants should demonstrate in their applications how their proposed project would support staging and integration activities.

## **Site Control**

1. What forms of documentation are sufficient to demonstrate site control?

**A39:** As per Solicitation Manual, Section II.A.1., Eligibility, page 20, Applicants

must provide to the CEC proof of having site control by submitting adequate

documentation of site control and possession. Documentation of site control and possession may include, but is not limited to, an executed lease for the land on which the project will take place.

Further, applicants must submit a site commitment letter signed by an authorized representative of the proposed project site. This type of letter would likely meet the requirement to demonstrate site control. See Solicitation Manual, Section III.C.10. Commitment and Support Letter Form (Attachment 10), page 27, and Attachment 10 (Commitment and Support Letters) for more information about the requirements for commitment letters.

1. Can the CEC provide additional examples of what documents would be considered acceptable for establishing site control (pg. 20 of the Solicitation Manual)? For example, would a Letter of Intent or an Exclusive Right to Negotiate qualify as a site control document?

**A40:** See answer A39. An Exclusive Right to Negotiate would seem to be acceptable, but without looking at the document, we cannot give a definitive answer. It is unclear what is meant by a Letter of Intent, as that can mean many different types of letters.

1. Why is site control required for Category 1 projects if the goal of the solicitation is to ‘Seed a multi-port development strategy’ and Category 1 is largely focused on planning, feasibility, and business case development? Normally, site control is secured after feasibility has been proven.

**A41:** See answers A39 and A27. The solicitation is seeking applications for projects that will assess and plan for possible site-specific improvements to waterfront facilities to support offshore wind development. To carry this out, applicants must have a site commitment letter signed by an authorized representative of the proposed site that is being assessed and planned for potential improvements. Applicants themselves are not required to own the rights to use the site, but the site commitment letter from the entity with site control should include a commitment that the applicant of the proposed project will have the necessary access to the site to carry out the proposed project.

1. Please provide clarity regarding which forms of documents will satisfy the requirement for "site control." For instance, could a "Letter of Intent" (LOI) suffice?

**A42:** See answers A39 and A40.

1. Can funds from this grant program be used for site acquisition? For instance, for the purchase of mitigation sites.

**A43:** No, the use of grant funds to acquire a project site would be considered outside the scope of this solicitation. The overall goal of this solicitation is to invest in the planning and design for multiple waterfront facility sites to support offshore wind infrastructure improvements, as stated in Solicitation Manual, Section I.C., Project Focus, page 6. Additionally, to be considered an eligible applicant under this solicitation, applicants must provide to the CEC proof of having site control by submitting adequate documentation of site control and possession, as stated in Solicitation Manual, Section II.A., Eligibility, page 20.

1. In terms of eligibility, if I am an Econ or business faculty member, what would be the best way for me to be eligible? Should I try to partner with a port facility?

**A44:** Eligible applicants under this solicitation are California port authorities, port operators, port commissions, and their respective authorized agents, other California waterfront facilities, and other entities that demonstrate a commitment to California offshore wind energy investments and are partnered with a California waterfront facility. Additionally, applicants must provide to the CEC proof of having site control by submitting adequate documentation of site control and possession, in Solicitation Manual, Section II.A., Eligibility, page 20. In the example asked in the question, a potential idea for a faculty member is being a partner with or a subrecipient to a California waterfront facility that has site control and is considered an eligible applicant. That possibility may not be the only possibility.

1. How should applicants that are proposing to use the funds to identify a specific final port site within a harbor/bay handle site-level commitments and the requirements to provide parcel-level information? For example, Attachment 10 states that: “The applicant must include a site commitment letter signed by an authorized representative of the proposed project site. The letter should: (1) identify the location of the site (street address, parcel number, tract map, plot map, etc.) which must be consistent with Attachment 8; and (2) unconditionally commits to providing the site for the proposed activities if recipient is awarded a CEC grant.” We would note that these requirements could be difficult to meet if a final site has not yet been selected at the time of the grant application. Further, we want to highlight that given Category I grant funds are meant to support the development of concepts for projects (which is an inherently early-stage development activity) it may be difficult for entities to “unconditionally commit to providing the site for the proposed activities if recipient is awarded a CEC grant.” What happens if the funded studies identify a fatal flaw in the eventual development project that cannot be overcome? Does the site commitment only extend to the activities funded by the CEC (e.g., only those narrowly included in the scope or work and not the full development project)?

**A45:** If a specific site within a larger port facility is not known, applicants should explain so in their proposed application and the site commitment letter(s) should demonstrate that the entity or entities with control of the site or sites under consideration (all of them) that will be evaluated as part of the proposed project is committed to the proposed project. Site commitment is only required for grant project activities being proposed in response to the solicitation.

Given the limited amount of funding available in this solicitation, we do not wish to fund planning studies for areas that are not and may never be committed.

1. My question is around site control. You know, it very much seems like the solicitation is focused on a multi-port strategy and seeding. Those future investments and plans and normally site control, especially for small businesses, is not obtained until after we can assess the feasibility of the project. So, in our case, for example, we may not be able to apply if we don't have site control of the site of interest. So, I wanted to better understand why site control is required for Category I projects, and whether that is a requirement that can be removed from the solicitation as an amendment.

**A46:** Site control is required for both Category I and II projects. Site control must be demonstrated with a site commitment letter signed by an authorized representative of the proposed project site. Category I applicants may apply for regional projects (i.e. multiple proposed sites) and must demonstrate site control for each site proposed. See Solicitation Manual, Section II.A.1, Eligibility, page 20 for more information.

1. My question is about eligibility. So as a university entity or a business faculty, my understanding is that you're not eligible to just apply as a university, but you have to partner with the actual port facility, especially for Category 2. But is that the same with category one [1] as well?

**A47:** For both Category I and Category II project applications, eligible applicants are California port authorities, port operators, port commissions, and their respective authorized agents, other California waterfront facilities, and other entities that demonstrate a commitment to California offshore wind energy investments and are partnered with a California waterfront facility.

A university entity or business faculty could potentially qualify as an eligible applicant under the solicitation if (1) it demonstrates a commitment to California offshore wind energy investments, and (2) it partners with a California waterfront facility.

Further, an eligible applicant should be aware that they must demonstrate site control of the proposed project site by submitting adequate documentation of site control and possession. Documentation of site control and possession may include, but is not limited to, an executed lease for the land on which the project will take place. Further, applicants must submit a site commitment letter signed by an authorized representative of the proposed project site. This type of letter would likely meet the requirement to demonstrate site control.

## **Emission Reduction Analysis**

1. With applications for planning focused scopes, is there an emission reduction analysis requirement?

**A48:** Yes, any estimates of energy savings or greenhouse gas (GHG) impacts included in the Project Narrative should be calculated as specified in Attachment 13 (the References for Calculating Energy End-Use and GHG Emissions form), to the extent that the references apply to the proposed project. The key here is “to the extent that the references apply to the proposed project.” Please refer to Solicitation Manual, Section III.C.13, References for Calculating Energy End-Use and GHG Emissions (Attachment 13), page 28, and Attachment 13 (References for Calculating Energy End-Use and GHG Emissions) for additional information. (When one opens the document, it says Attachment 12 at the top. This is a typo.)

1. Is Attachment 13 to be used as a reference for GHG reduction calculations or does attachment 13 need to be submitted? Are GHG emission reductions calculation submission required for all projects? What projects are required to provide GHG emission reduction calculations?

**A49:** See answer A48. Any estimates of energy savings or GHG impacts included in the Project Narrative should be calculated as specified in Attachment 13 (References for Calculating Energy End-Use and GHG Emissions). Attachment 13 is meant to be used as a reference document by applicants to help them fill out their application and does not need to be submitted as a separate document.

1. Are GHG Emission reductions required for port infrastructure retrofits? Do the reductions need to be in comparison to the current state today (which may be no economic activity) or can they be in relation to the proposed project using standard industry equipment instead of clean equipment?

**A50:** See answers A48 and A49. Additionally, applicants should include their proposed Project Activities as required in the solicitation manual and which will be scored by the Evaluation Committee using the Scoring Criteria. The GHG emissions reduction strategy should be a part of the proposed planning project for both the construction of and eventual operation of the waterfront facility. Without more detailed project information, the CEC cannot make a preliminary determination about what an applicant should propose for a particular emissions reduction strategy. There could be instances where an emissions reduction strategy includes assessing both scenarios asked in the question. Also, the solicitation manual includes requirements for planning to address air emissions which include more categories than GHG emissions.

1. Kind of wanted to try to understand the CEC's thinking on a couple of features that are included in the application.

One on the greenhouse gas emissions reductions analysis. You know most of the projects that presumably would fit into either Category I or Category II would be kind of net new economic activity for the State, which I believe is the goal could you just comment on like, how, if we're thinking about greenhouse gas emissions, reductions, how we would think about the baseline for that like, is it a similar project that would be using more conventional fossil fuel sorts of technology or is it kind of the current state today? I just think it's an interesting kind of conceptual question in terms of how we think about greenhouse gas emissions from new infrastructure development.

You mentioned that these materials have been used in other sorts of use cases for clean energy grant making. Wondering if you could comment on the reference for principal investigator? There's reference to a kind of a technical advisory committee. Could you just kind of speak to how those might play into more of an infrastructure project as opposed to a technology development project and what the CEC is looking for out of those? Not sure if, for example, a principal investigator would make sense in in this context or not.

**A51:** See answers A48 and A50 in response to the first part of the question regarding greenhouse gas emissions reductions analysis.

See answer A2 (about principal investigator) and answer A5 (about TAC) in response to the second part of the question.

## **Community**

1. Is there going to be a system of community buy in for these projects? Or are you approving projects before the locals have a choice?

**A52:** The planning projects funded under this solicitation are required to include a community engagement strategy. As per the Solicitation Manual, applicants are required, in the Project Narrative, to develop and implement a community engagement strategy as a part of their planning project. See Solicitation Manual, Section 1.C, Project Activities, pages 8-10 for more information.

1. Can planning for multi-family housing adjacent to ports be considered? Housing will be extremely important for increased construction staff working on new facilities as well as many current and developing ports do not have sufficient housing for both the construction personnel for building facilities or to house the staff that will perform the assembly and O&M of offshore wind systems and support ships.

**A53:** Applicants should be mindful of the purpose of the solicitation, which is to fund projects that will plan for offshore wind energy infrastructure improvements that advance the capabilities of California waterfront facilities to support the development and operation of floating offshore wind projects.

Also see answer A29.

1. Do we need a local community-based organization to develop the community engagement strategy?

**A54:** As described in Solicitation Manual, Section I.C., Project Activities, applicants are required to propose a community engagement strategy in their Project Narrative. The task must describe how the applicant will identify and engage with communities to receive input from communities on a community engagement strategy for the project. Applicants should propose a community engagement strategy that fits the needs of their projects. All of the Project Activities should be included in the Project Narrative and explain how the Scope of Work, Project Schedule, and Proposal Budget incorporate those activities.

In addition to the community engagement strategy described above, Category II applicants are required as part of the community engagement strategy and California Native American Tribes engagement and consultation strategy, to include tasks describing how the applicant will work with identified communities and tribes to inform actionable steps to create community and tribal benefits, including, but not limited to agreements with communities and tribes that commit to such benefits. The project must allocate appropriate funding for community-based organizations and California Native American Tribes and/or California Tribal Organizations in the Proposal Budget (Attachment 6). Projects are recommended to allocate a minimum 3 percent of CEC reimbursable funds to local communities, including to a community-based organization for their capacity to participate in project planning and a minimum of 3 percent of CEC reimbursable funds to California Native American Tribes and/or California Tribal Organizations for their capacity to participate in project planning.

Applicants should address Section I.C. Project Activities as described in Scoring Criteria 1.f, 2.h., 3.h., 5.a. in the solicitation manual.

Also, see answer A52.

## **Scoring Criteria**

1. For scoring criteria 2g (pg. 37 of the Solicitation Manual): please confirm that if a project’s scope is structured in a way that all funded activities are statutorily or categorically exempt from CEQA actions, then no additional information documenting progress towards achieving compliance is required. Alternatively, please confirm whether the project narrative should describe how proposed project activities would prepare a project for CEQA compliance even if the funded activities themselves would not trigger any CEQA actions.

**A55:** No, we are not confirming the proposition in the first sentence. It will be the role of the CEQA Lead Agency (which in the case of a public authority port, is most likely the port - which may also be the grant applicant) to evaluate applicability of CEQA exemptions.

For the purposes of the grant application, it is the applicant’s responsibility to estimate whether an applicant’s proposed project would be statutorily or categorically exempt from CEQA, and whether it thinks additional information documenting progress towards achieving CEQA compliance is required in the application or not. The applicant may need CEQA findings from the CEQA Lead Agency to make its exemption argument.

Likely as a Responsible Agency under CEQA, the CEC has a duty to independently evaluate (and may rely in part on the Lead Agency’s findings) whether potential approval of the “grant project” (not necessarily a future, potential development project) requires additional CEQA-related information. As noted in the Solicitation Manual, Scoring Criteria 2.g assesses the progress of the applicant’s proposed project towards achieving compliance with CEQA as presented on required CEQA compliance forms.

Applicants are encouraged to review the descriptions of CEQA compliance requirements in the solicitation documents. The California Environmental Quality Act (CEQA) Compliance Form (Attachment 7) must be completed regardless of whether the proposed grant activities are considered a “project” under CEQA and, further, if proposed activities are exempt from CEQA (such as paper studies), the worksheet will help to identify and document this. See Solicitation Manual, IV.C.7, California Environmental Quality Act (CEQA) Compliance Form (Attachment 7), page 26, and Attachment 7 (California Environmental Quality Act (CEQA) Compliance Form) for more information.

1. Can the CEC confirm that, for the sake of clarity, that any reference to project benefits in Scoring Section 3 (pg. 37 of the Solicitation Manual) are meant to speak to the benefits of the broader contemplated waterfront infrastructure development effort and not the benefits of the narrowly defined scope of work funded by CEC.

**A56:** Reference to project benefits can be for the project benefits expected as a direct result of the proposed grant project (e.g., planning project) as well as the potential benefits expected if a future, potential development project is part of the concept. It is the responsibility of the applicant to propose and clearly describe how the proposed grant project would create benefits in California.

1. For scoring criteria 3c (pg. 37 of the Solicitation Manual): can the CEC clarify whether it requires applicants to include the expected financial performance of the project when developed at scale as part of the application material, or if that information should be an output of the proposed project activities as defined in the first bullet of section I.C.2.

**A57:** Scoring Criteria 3.c. encompasses identifying the expected financial performance (e.g. payback period, ROI) of a future, potential development project when developed at scale, which admittedly may be fairly rough at the grant application stage, and which could be further refined as part of the Scope of Work. Applicants should consider this Scoring Criteria in relation to Solicitation Manual, Section I.C.2, Project Activities.

In their Project Narrative, applicants should address the Scoring Criteria (including Scoring Criteria 3.c.) and explain how the Scope of Work, Project Schedule and Proposal Budget meet the requirements laid out in Solicitation Manual, Section I.C.2. Among others, the Scope of Work, Project Schedule, and Proposal Budget must include tasks or subtasks that incorporate activities required in Section I.C.2. including preparing a cost estimate for developing a final project. The cost estimate should be prepared so that it can be used as a basis for determining the revenue required to recover the project costs, including financing costs.

1. Can the CEC please clarify what scoring criteria 3d (pg. 37 of the Solicitation Manual) means? Specifically, are there examples of the types of “specific opportunities” that the CEC can provide?

**A58:** Scoring Criteria 3d encompasses identifying the specific opportunities which the project intends to leverage to reach full-scale (e.g. fully developed project). Applicants should identify opportunities that their proposed planning project would investigate to help develop actual infrastructure improvements in the future. There is no single example as all applications are considered unique, though opportunities such as financing, federal funding, lessons learned, potential concurrent developments that could complement, could all be opportunities that are leveraged to eventually reach full-scale.

1. Can the CEC please clarify whether applications need to estimate onsite GHG and emissions reductions for proposed redeveloped waterfront facilities infrastructure development projects? Scoring criteria 3k seems to imply that reductions will factor into the evaluation of proposals. We would note, however, that all offshore wind port activities in the State of California will be net-new economic activity and when looked at through the strict lens of “onsite” emissions, all projects are likely to increase emissions in the short-term (albeit on a limited basis if designed and executed well). Should such analysis take into account the broader reduction of emissions that will occur as a result of enabling clean energy generation through offshore wind projects? Are there other ways that the CEC would like applicants to consider this sort of emissions reductions analyses?

**A59:** Scoring Criteria 3k encompasses estimates of onsite reductions of the emissions of greenhouse gases and criteria air pollutants that will occur as a direct result of CEC funds. Applicants should consider this Scoring Criteria in relation to Solicitation Manual, Section I.C.2, Project Activities.

In the Project Narrative, the applicant should address the Scoring Criteria (including Scoring Criteria 3.k.) and explain how the Scope of Work, Project Schedule and Proposal Budget meet the requirements laid out in Solicitation Manual, Section I.C.2. Among others, the Scope of Work, Project Schedule, and Proposal Budget must include tasks or subtasks that incorporate activities required in Section I.C.2. including developing an emissions reduction strategy, including how the applicant plans to manage emissions during future construction and from the fully developed project. This task or sub-task should include a feasibility analysis of achieving net zero emissions and/or how this project fits into a broader emissions-reduction strategy for the proposed site. Further, Public Resources Code section 25660.2(e) requires the CEC to report for all of the Clean Energy Programs the “Estimated onsite reductions of the emissions of greenhouse gases and criteria air pollutants that occurred as a direct result of the program.”

1. From the scoring matrix: what is an “enhancing feature, method, or approach that exceeds base expectation”? What is a creative approach / exceptional solution?

**A60:** By its inherent nature, the CEC cannot forecast what applicants might propose to achieve “exceeding basic expectation.” The Scoring Scale is what the Evaluation Committee will use to score applications in Stage Two of the application review process using the Scoring Criteria in the solicitation manual.

1. In Attachment 8, the Scope of Work template, in the Example Technical Task provided on pg. 17-18, the CEC indicates that a CAM would be reviewing and providing feedback on, for example, 15% and 30% design packages. We assume that this sort of review would be only as to level of completeness as opposed to providing engineering or technical input? If not, can the CEC share perspectives on what sorts of review and input it anticipates providing on technical engineering documents funded by CEC grant monies?

**A61:** Do not assume the review will be only as to a level of completeness. As described in the Scope of Work Template (Attachment 8), page 4, the Recipient shall submit all draft products to the CAM for review and comment in accordance with the Project Schedule (Part V). The CAM will review the products and may provide comments, including comments of technical, engineering, economic, and administrative natures.