**GRANT FUNDING OPPORTUNITY**

**Clean Transportation Program**

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

**Depot Charging and Hydrogen Refueling Infrastructure for Zero-Emission Medium- and Heavy-Duty On-Road, Off-Road, and Specialty Vehicles**

**ADDENDUM 02**



GFO-24-612

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

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

State of California

California Energy Commission

April 2025

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# I. Introduction

## Purpose of Solicitation

This is a competitive grant solicitation. The California Energy Commission’s (CEC’s) Clean Transportation Program announces the availability of up to $20 million in grant funds for projects that will fund the deployment of depot charging and hydrogen refueling infrastructure for zero-emission medium- and heavy-duty (MDHD) on-road, off-road, and specialty vehicles.

## Background

Assembly Bill (AB) 118 (Nuñez, Chapter 750, Statutes of 2007), created the Clean Transportation Program. The statute authorizes the CEC to develop and deploy alternative and renewable fuels and advanced transportation technologies to help attain the state’s climate change and clean air goals. AB 126 (Reyes, Chapter 319, Statutes of 2023) reauthorized the funding program through July 1, 2035 and focused the program on zero-emission transportation.

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

* Develop and deploy zero-emission technology and fuels in the marketplace.
* Produce alternative and renewable low-carbon fuels in California.
* Deploy zero-emission fueling infrastructure, fueling stations, and equipment.
* Establish workforce training programs and conduct public outreach on the benefits of alternative transportation fuels and vehicle technologies.

The Budget Act of 2023 (Chapter 189, Statutes of 2023), as amended by SB 109 (Chapter 36, Statutes of 2024) and AB 158 (Chapter 996, Statutes of 2024) appropriated funding from the Greenhouse Gas Reduction Fund (GGRF) to support infrastructure deployments for zero-emission light-duty and MDHD vehicles. This program is part of California Climate Investments, a statewide initiative that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment — particularly in disadvantaged communities.

## Commitment to Diversity

The CEC is committed to ensuring that participation in its programs and funding opportunities reflects the rich and diverse characteristics of California and its people. To meet this commitment, CEC staff conducts activities to:

* Ensure potential new applicants throughout the state are aware of CEC’s programs and the funding opportunities.
* Encourage greater participation by underrepresented groups including disabled veteran-, women-, minority-, and lesbian, gay, bisexual, transgender, and queer (LGBTQ)-owned businesses.
* Assist applicants in understanding how to apply for funding from CEC’s programs.

## Key Activities and Dates

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

| **ACTIVITY** | **ACTION DATE** |
| --- | --- |
| Solicitation Release | March 28, 2025 |
| Pre-Application Workshop\*  | [~~April 28, 2025~~] **May 12, 2025** |
| Deadline for Written Questions\* | [~~May 5, 2025~~] **May 19, 2025** |
| Anticipated Distribution of Questions/Answers | Week of [~~May 26, 2025~~]**June 9, 2025** |
| Support for Application Submission in the Energy Commission Agreement Management System (ECAMS) until 5:00 p.m. | **Ongoing until [**~~July 18, 2025~~**]** **August 1, 2025** |
| **Deadline to Submit Applications by 11:59 p.m.\*** | **[**~~July 18, 2025~~**]** **August 1, 2025** |
| Anticipated Notice of Proposed Awards Posting  | Week of [~~September 22, 2025~~] **October 6, 2025** |
| Anticipated CEC Business Meeting  | [~~December 2025/January 2026~~] **January/February 2026** |

## How Award Is Determined

Applicants passing administrative and technical screening will compete based on evaluation criteria and will be scored and ranked based on those criteria. Applicants obtaining at least the minimum passing score in each Funding Category (see Section I.G.) will be recommended for funding in ranked order until all funds available in each Funding Category are exhausted. If there are insufficient passing applications in either Funding Category, CEC may shift funds to the other Funding Category. Unless CEC exercises any of its other rights regarding this solicitation (e.g., to cancel the solicitation or reduce funding), applications obtaining at least the minimum passing score will be recommended for funding in ranked order in each Funding Category until all funds available under this solicitation are exhausted.

If the funds available under this solicitation are insufficient to fully fund a grant proposal, CEC reserves the right to recommend partially funding that proposal. In this event, the proposed Applicant/Awardee and Commission Agreement Manager (CAM) shall meet and attempt to reach agreement on a reduced scope of work commensurate with the level of available funding.

## Availability of Funds

A total of $20 million is available for awards under this solicitation. CEC, at its sole discretion, reserves the right to increase or decrease the amount of funds available under this solicitation.

## Funding Categories

This solicitation offers funding under two categories:

**Category A** – Available to fund infrastructure for fleets owned and operated by California public entities such as cities, counties, and/or other eligible local government entities. See section II.A.1 for further detail on eligibility. $10 million of the available funds is dedicated to Category A.

**Category B** – Available to fund infrastructure for fleets owned and operated by California state government agencies, United States federal government agencies, transit agencies, local educational agencies, private entities, and/or public entities defined in Category A. $10 million of the available funds is dedicated to Category B.

Applications obtaining at least the minimum passing score will be recommended for funding in ranked order until all funds available under each category are exhausted. If there is a potential partial award in either Funding Category, the CEC may choose not to fund it, partially fund it, or add funds to fully fund it. The CEC reserves the right to reallocate the amount of funds dedicated to each Funding Category under this solicitation and/or add funds to either Funding Category and is not required to add funds to both Funding Categories equally. If electing to add more funds to the solicitation, the CEC is not required to add funds to the Funding Category with the higher scoring non-funded applications.

## Maximum Award Amounts

The maximum award amounts for each funding category is shown in the table below.

| **Funding Category**  | **Maximum Award Amount**  | **Total Funding Available** | **Match Share Requirement** |
| --- | --- | --- | --- |
| Category A  | Up to $2.5 million for infrastructure to support conversion of a single eligible public entity fleetUp to $5.0 million for shared infrastructure to support conversion of two or more eligible public entity fleets | $10 million | 25 percent of total allowable project costs (50 percent of the match share must be cash match) |
| Category B  | Up to $5.0 million for shared infrastructure to support conversion of two or more eligible entity fleets | $10 million | 50 percent of total allowable project costs(50 percent of the match share must be cash match) |

* Infrastructure to support fleets owned and operated by California state government agencies, United States federal government agencies, transit agencies, local educational agencies, and/or private entities is not eligible for Category A funding but may apply under Category B.
* Applicants in both categories are encouraged to apply as a group to share charging/refueling infrastructure with neighboring entities. Given the relatively small size of many MDHD zero-emission vehicle (ZEV) fleets, shared infrastructure can help justify installation and operational costs. (Note: An application involving multiple entities must be submitted by a single prime applicant with other entities listed as project partners.)

## Maximum Number of Applications

Applicants are only eligible to submit one application under this solicitation.

## Pre-Application Workshop

There will be one Pre-Application Workshop; participation in this meeting is optional but encouraged. The Pre-Application Workshop will be held remotely through Zoom at the date, time and location listed below. Please call the Commission Agreement Officer (CAO) listed below or refer to [CEC's solicitation information website](https://www.energy.ca.gov/funding-opportunities/solicitations) at https://www.energy.ca.gov/funding-opportunities/solicitations to confirm the date and time.

**[~~April 28~~] May 12, 2025**

9:00 am to 11:00 am

Via Zoom

## Participation Through Zoom

Zoom is the CEC's online meeting service. When attending remotely, presentations will appear on your computer/laptop/mobile device screen, and audio may be heard via the device or telephone. Please be aware that the Zoom meeting will be recorded.

**Zoom Instructions:**

To join this workshop, go to Zoom at: <https://energy.zoom.us/j/89064181231?pwd=nIDquEACKyqBM5kbIlru4awsP5TRwa.1>

. You may also access the workshop by going to the [Zoom webpage](https://join.zoom.us) at https://join.zoom.us and enter the unique meeting ID and password below:

**Meeting ID:** 890 6418 1231

**Meeting Password:**  732000

**Topic:** Depot Charging and Hydrogen Refueling Infrastructure for Zero-Emission Medium- and Heavy-Duty On-Road, Off-Road, and Specialty Vehicles Pre-Application Workshop

**Telephone Access Only:**

Call (888) 853-5257 or (888) 475-4499 (toll-free). When prompted, enter the unique meeting ID number above. To comment over the telephone, dial \*9 to “raise your hand” and \*6 to mute/unmute your phone line.

**Access by Mobile Device:**

Download the application from the [Zoom Download Center](https://energy.zoom.us/download) at https://energy.zoom.us/download.

**Technical Support:**

For assistance with problems or questions about joining or attending the meeting, please call Zoom technical support at (888) 799-9666 ext. 2, or you may contact the CEC’s Public Advisor’s Office at publicadvisor@energy.ca.gov, or (916) 957-7910.

To determine whether your computer is compatible with Zoom, visit: [this website](../this%20website): <https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux>.

## Questions

During the solicitation process, for questions only related to submission of applications in ECAMS, please contact ECAMS.SalesforceSupport@energy.ca.gov. By contacting this email address, Applicants will be able to access a team of technical assistants who can answer questions about application submission. Please also see Section III for additional information about ECAMS.

Applicants may ask questions at the Pre-Application Workshop and may submit written questions via e-mail to the CAO listed in the following section. However, all technical questions must be received by the deadline listed in the “Key Activities and Dates” table above. Questions received after the deadline may be answered at the CEC's discretion. Non-technical questions (e.g., questions concerning application format requirements or attachment instructions) may be submitted to the CAO at any time prior to 5:00 p.m. of the application deadline date. Similarly, questions related to submission of applications in ECAMS may be submitted to ECAMS.SalesforceSupport@energy.ca.gov at any time prior to 5:00 p.m. of the application deadline date.

The question-and-answer set will be posted on the [CEC’s solicitation information website](http://www.energy.ca.gov/contracts/index.html) at www.energy.ca.gov/funding-opportunities/solicitations.

Any verbal communication with a CEC employee concerning this solicitation is not binding on the State and shall in no way alter a specification, term, or condition of the solicitation. All communication must be directed in writing to the CAO assigned to the solicitation.

## Contact Information

Brad Worster, Commission Agreement Officer

California Energy Commission

715 P Street, MS-1

Sacramento, California 95814

E-mail: Brad.Worster@energy.ca.gov

## Reference Documents

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

* [2024-2025 Investment Plan Update for the Clean Transportation Program Lead Commissioner Report (CEC-600-2024-047)](https://efiling.energy.ca.gov/GetDocument.aspx?tn=260290&DocumentContentId=96508) https://efiling.energy.ca.gov/GetDocument.aspx?tn=260290&DocumentContentId=96508
* California Department of Food and Agriculture, Division of Measurement Standards [Zero-Emission Vehicle Projects](https://www.cdfa.ca.gov/dms/programs/zevfuels/). <https://www.cdfa.ca.gov/dms/programs/zevfuels/>
* California Climate Investments – Priority Populations. [Priority Populations Resources — California Climate Investments](https://www.caclimateinvestments.ca.gov/resource-portal-priority-populations/#map) https://www.caclimateinvestments.ca.gov/resource-portal-priority-populations.
* [CalEnviroScreen](https://oehha.ca.gov/calenviroscreen)
https://oehha.ca.gov/calenviroscreen.
* California Environmental Protection Agency. [Final Designation of Disadvantaged Communities.](https://calepa.ca.gov/wp-content/uploads/sites/6/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng.a.hp_-1.pdf)
https://calepa.ca.gov/wp-content/uploads/sites/6/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng.a.hp\_-1.pdf
* California Air Resources Board. [Senate Bill 350 Low-Income Barriers Study, Part B: Overcoming Barriers to Clean Transportation Access for Low-Income Residents.](https://ww2.arb.ca.gov/resources/documents/carb-barriers-report-final-guidance-document.) https://ww2.arb.ca.gov/resources/documents/carb-barriers-report-final-guidance-document.
* [Energy Commission Agreement Management System (ECAMS)](https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources) https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources.

# II. Eligibility Requirements

## Applicant Requirements

1. **Eligibility**

This solicitation is open to all public and private entities, California Native American Tribes, and California Tribal Organizations serving California Native American Tribes, except for investor-owned utilities.

* **For Category A,** applicants must be installing infrastructure for fleets owned and operated by one or more of the following public entities in California:
	+ County governments, city governments, or tribal governments
	+ Special districts (e.g., water utility districts, sewer utility districts, sanitation districts, air districts, publicly owned utilities)
* **For Category B,** applicants must be installing shared infrastructure for fleets owned and operated by two or more of the following entities in California:
	+ California state government agencies
	+ Public colleges or public universities
	+ United States federal government agencies
	+ Transit agencies
	+ Local educational agencies (See Section V.A. Definition of Key Words)
	+ Private entities
	+ Eligible entities for Category A

Ineligible applicants include investor-owned utilities.

1. **Terms and Conditions**

Each grant agreement resulting from this solicitation will include terms and conditions that set forth the grant recipient’s rights and responsibilities. By providing the authorizations and certifications required under this solicitation, each Applicant agrees to enter into an agreement, if awarded, with the CEC to conduct the proposed project according to the terms and conditions that correspond to its organization, without negotiation: (1) University of California and California State University terms and conditions; (2) United States Department of Energy terms and conditions; or (3) standard terms and conditions.

In addition to the applicable terms and conditions listed above, the following terms and conditions may apply to the Applicant: Special Terms and Conditions for California Native American Tribes and California Tribal Organizations serving California Native American Tribes with Sovereign Immunity, in addition to the standard terms and conditions; the Special Terms and Conditions on Insolvency, Bankruptcy, or Receivership; Greenhouse Gas Reduction Fund Special Terms and Conditions; and any other special terms and conditions required by the CEC. The Greenhouse Gas Reduction Fund Special Terms and Conditions are included as Attachment 18, and all other standard terms and conditions are located at [CEC's funding resources website](https://www.energy.ca.gov/funding-opportunities/funding-resources) at <https://www.energy.ca.gov/funding-opportunities/funding-resources>.

Failure to agree to the terms and conditions by taking actions such as failing to provide the required authorizations and certifications or indicating that acceptance is based on modification of the terms may result in rejection of the application. Applicants must read the terms and conditions carefully. CEC reserves the right to modify the terms and conditions prior to executing grant agreements.

If a California Native American Tribe (Tribe) or a California Tribal Organization serving a California Native American Tribe (Tribal Organization) with sovereign immunity is listed as a proposed awardee in the Notice of Proposed Awards (NOPA), before bringing the proposed award to a Business Meeting, CEC staff must receive (a) resolution(s) or other authorizing document(s) by the governing body of the Tribe or Tribal Organization which:

i. Authorizes the Tribe or Tribal Organization to enter into the proposed agreement, including accepting the Special Terms and Conditions for California Native American Tribes and California Tribal Organizations Serving California Native American Tribes with Sovereign Immunity, including the Limited Waiver of Sovereign Immunity and Consent to Jurisdiction (see Attachment 17); and

ii. Approves a limited waiver of tribal sovereign immunity, to the extent that any such sovereign immunity exists, for any and all claims by the CEC that may arise relating to this Agreement and any remedies therefore under the laws of the state of California and the laws of the United States of America; and

iii. Consents to personal jurisdiction over the Tribe or Tribal Organization, and consents to venue in any court of the State of California and any federal court sitting in the State of California; and waives any and all claim that the Tribe or Tribal Organization may have, including without limitation that such court is an inconvenient forum, for the purposes of any proceeding related to this Agreement; and, with respect to a proceeding in a court of the State of California or a federal court sitting in the State of California, any requirement that tribal remedies must be exhausted; and

iv. Delegates authority to execute the proposed agreement to an appropriate individual.

The above requirements may be provided in one or more documents. The document(s) will be included as an exhibit to the resulting grant agreement.

**Delay in award.** Any delay in the Tribe or California Tribal Organization’s ability to provide the documentation specified in sections (i)-(iv) above may result in delayed award of the grant agreement.

**Reservation of right to cancel proposed award.** Funds available under this solicitation have encumbrance deadlines which the CEC must meet in order to avoid expiration of the funds. In addition to any other rights reserved to it under this solicitation or that it otherwise has, the CEC reserves the right to cancel a proposed award if it determines, in its sole and absolute discretion, that the documentation described in sections (i)-(iv) above would likely not be provided prior to an encumbrance deadline, and that the CEC’s ability to meet its encumbrance deadline may thereby be jeopardized. In this instance, the CEC may cancel the proposed award and award funds to the next highest scoring applicant in the applicable Funding Category.

1. **California Secretary of State Registration**

All corporations, limited liability companies (LLCs), limited partnerships (LPs) and limited liability partnerships (LLPs) that conduct intrastate business in California are required to be registered and in good standing with the California Secretary of State prior to its project being recommended for approval at a CEC Business Meeting. If not currently registered with the California Secretary of State, Applicants and project team members (e.g., subrecipients and even match fund partners) are encouraged to contact the Secretary of State’s Office as soon as possible to avoid potential delays in beginning the proposed project(s) (should the application be proposed for funding).

For more information, contact the Secretary of State’s Office via the Secretary of State Office’s website at www.sos.ca.gov. Sole proprietors using a fictitious business name must be registered with the appropriate county and provide evidence of registration to CEC prior to their project being recommended for approval at a CEC Business Meeting.

## Project Requirements

1. Eligible Projects

All proposed projects must include the installation of new electric vehicle (EV) charging or hydrogen refueling infrastructure for zero-emission MDHD on-road, off-road, and/or specialty vehicles. Applicants may submit an application for either charging infrastructure for MDHD on-road, off-road, and/or specialty battery electric vehicles (BEVs) or hydrogen refueling infrastructure for MDHD on-road, off-road, and/or specialty fuel cell electric vehicles (FCEVs).

For the purposes of this solicitation, off-road applications include vehicles or equipment that do not perform their primary operations on a road or highway. “Off-road” may include, but is not limited to, cargo-handling equipment, yard tractors, as well as marine, rail, or aviation. A specialty vehicle is a vehicle that performs a specific function beyond general transportation. Examples include: construction equipment, industrial equipment, agricultural equipment, street sweepers, refuse trucks, and fire trucks.

For the purposes of this solicitation, MDHD vehicles are defined as Class 2b through 8 vehicles.

1. Infrastructure Development Requirements

For charging infrastructure for MDHD electric vehicles (EVs):

* If applying for Funding Category A for conversion of a single public entity fleet, at least 10 Level 2 and/or direct current fast charging (DCFC) ports for simultaneous charging must be installed.
* If applying for Funding Category A for conversion of two or more public entity fleets and requesting more than $2.5 million, at least 20 Level 2 and/or DCFC ports for simultaneous charging must be installed.
* If applying for Funding Category B, at least 20 Level 2 and/or DCFC ports for simultaneous charging must be installed.
* Each port must be capable of 80 Amps and at least 16.6 kW. If installing DCFC, the charging stations are strongly encouraged to have 480 V 3-phase power available and adequate transformer capacity to serve the DCFCs.
* **Optional:** Applicants are encouraged to use Automated Load Management (ALM), which is not a requirement for this solicitation, to minimize the cost of installation.

For hydrogen refueling infrastructure for MDHD fuel cell electric vehicles (FCEVs):

* If applying for Funding Category A for conversion of a single public entity fleet, at least one MDHD hydrogen 350-bar or 700-bar refueling position, whichever is compatible with FCEVs that the Applicant plans to use, must be installed.
* If applying for Funding Category A for conversion of two or more public entity fleets and requesting more than $2.5 million, at least two MDHD hydrogen 350-bar or 700-bar refueling positions, whichever is compatible with FCEVs that the Applicant plans to use, for simultaneous refueling, must be installed .
* If applying for Funding Category B, at least two MDHD hydrogen 350-bar or 700-bar refueling positions, whichever is compatible with FCEVs that the Applicant plans to use, for simultaneous refueling, must be installed.

The minimum number of charging ports and hydrogen refueling positions are summarized in the table below.

| **Funding Category** | **Infrastructure Requirement** |
| --- | --- |
| Category A | At least 10 charging ports or 1 hydrogen refueling position for conversion of a single eligible public entity fleetAt least 20 charging ports or 2 hydrogen refueling positions for conversion of two or more eligible public entity fleets requesting more than $2.5 million |
| Category B | At least 20 charging ports or 2 hydrogen refueling positions for conversation of two or more eligible fleets |

For both charging and hydrogen refueling infrastructure:

* Applicants may submit an application for either charging infrastructure for MDHD on-road, off-road, and/or specialty BEVs or hydrogen refueling infrastructure for MDHD on-road, off-road, and/or specialty FCEVs. Each application must clearly identify which technology type the proposed project will principally address. If the project includes both charging and hydrogen refueling infrastructure, only the technology type identified as the principal technology in the application will be eligible to receive CEC reimbursement. The secondary technology type that is not eligible to receive CEC reimbursement may be used as match and would not be required to install the minimum infrastructure requirements listed in the table above.
* Applicants must identify whether the proposed project will focus on Funding Category A (above or below $2.5 million) or Funding Category B.
* Proposed projects to upgrade existing EV charging or hydrogen refueling stations are not eligible for this solicitation. However, projects that expand existing stations, such as installing additional equipment rather than replacing, are eligible.
* Proposed projects must meet the Requirements for Electric Vehicle Charging Stations or Requirements for Hydrogen Refueling Stations described in Section II.C and/or D, whichever is applicable to the technology being proposed in the application.
* The Applicant or a key project partner must operate each proposed station for a minimum of six (6) years. If the current site control agreement for the proposed project location is valid for less than the required six years, the Applicant must commit to operating that station until the current site control agreement ends and make a good faith effort to extend the site control agreement to continue operation for the full six years. If an Applicant does not meet the full six-year commitment, or if the Applicant closes the station shortly after six years without good cause, the CEC may seek repayment of grant funds. Applicants must submit a commitment letter as described in Section III.D. Application Content, to confirm their commitment to operate the proposed charging or refueling infrastructure included in the application per the applicable Minimum Technical Requirements and explain any site control agreement limitations.
* The Applicant shall contact the vehicle manufacturer(s) to determine the right size of the infrastructure to propose in the application. The discussion should include, but not be limited to, the size(s) of the ZEVs that will use the proposed infrastructure, the duty cycle of the ZEVs, and how fast the Applicant wants to charge/refuel the ZEVs. The Applicant must provide to the CEC proof of having this contact by submitting in its application project narrative (Attachment 1), including date, names of the manufacturer representatives, a summary of the discussion, and the sizing of the proposed infrastructure based on the discussion. If the Applicant already owns the same type of ZEVs and infrastructure, the Applicant may submit information that shows how the existing infrastructure meets the duty cycle of the ZEVs and certify that the planned ZEVs and infrastructure will be the same.
* All equipment must be able to withstand extreme weather conditions associated with the deployment area, including extreme temperature, flooding, heavy rains, and high winds, and display screens are protected from malfunctions due to condensation and any local area weather conditions.
* A project that receives incentive funding from another CEC grant funding opportunity or block grant incentive project for the same project work described in the application is not eligible for this GFO.
1. Data Collection

Applications that result in proposed awards and executed agreements will be required to collect data from the project and perform recordkeeping and reporting on operations and reliability as specified in the Scope of Work (Attachment 2). Applicants should familiarize themselves with these requirements and ensure they have systems in place to comply.

1. Letter of Intent to Place a Purchase Order

To ensure that the infrastructure funded under this solicitation will be utilized, Applicants for this solicitation must submit a Letter of Intent to Place a Purchase Order (Attachment 14) within 30 days of a Notice of Proposed Awards (NOPA) release. The letter must specify the type(s) and number(s) of ZEVs to be procured and justify the need for the proposed infrastructure. If an Applicant cannot place a purchase order within 30 days of a NOPA release, the CEC reserves the right, in addition to any other rights it has, to offer funding to the next highest scored eligible Applicant in the same Funding Category on the NOPA list.

Applicants who already own ZEVs or have recently placed a purchase order for ZEVs that will use the proposed infrastructure must submit a letter stating the type(s) and number(s) of ZEVs and explaining the need for the new infrastructure instead of a Letter of Intent to Place a Purchase Order.

## Requirements for Electric Vehicle Charging Stations

All electric vehicle charging stations funded under this solicitation shall, at a minimum, meet and adhere to each of the following Minimum Technical Requirements for Electric Vehicle Charging Stations during station operation.

All of the following Minimum Technical Requirements for Electric Vehicle Charging Stations shall be met at the exact station address approved by the CEC.

* 1. The charging port must be Energy Star certified and listed on the [Energy Star Product Finder Page](https://www.energystar.gov/productfinder/product/certified-evse/results). It does not have to be certified at the time of submitting the proposal but must be certified prior to submitting an invoice that seeks repayment for the chargers. Chargers over 350 kW are not required to be Energy Star certified.
	2. The charging port must conform to ISO 15118-3, and hardware must be capable of implementing ISO 15118-2.
	3. Conformance testing for charger software and hardware should follow ISO 15118-4 and 15118-5, respectively.
	4. The charging ports must be designed to remotely and securely switch Open Charge Point Protocol (OCPP) network providers without any changes in hardware or physical site visits.
	5. Each charging port must be covered by and included in a networking agreement for at least six (6) years.
	6. The charging equipment must be certified by an Occupational Safety and Health Administration Nationally Recognized Testing Laboratory.
	7. Optional: The station point of sale (POS) system wirelessly transmit, receive, and process near-field communications (NFC) to process the signals from contactless cards or mobile devices, i.e., “smart phones,” or accept payment through a mobile application.
	8. The station’s charging components are installed.
	9. The station has an energized utility connection and source of system power.
	10. If renewable distributed energy resources (DERs) and/or renewable energy generation equipment are included in the project, 100% of the fuel utilized must be renewable and emissions testing data must be submitted to the CEC as described in the SOW.
	11. The station has received all required state, local, county, and city permits to build and operate.
	12. The station has a guard or cover installed over the station emergency shutdown system switch(es).

All electric vehicle charging projects must also:

* + - Facilitate vehicle-charger interoperability. Eligible charging equipment shall utilize charging connectors and/or charging interfaces that are compatible for use with MDHD vehicles sold by multiple original automotive equipment manufacturers for widespread use across California and North America. Such connectors/interfaces may include but are not limited to SAE J1772 CCS1, SAE J3105 or others.
* Leverage open standards-based network communications. Each individual EVSE or charger shall be capable of open standards-based communications with an electric vehicle service provider (EVSP), local fleet energy management system (EMS), or utility. All charger models shall be capable of connecting to a charging station management system using OCPP 2.0.1 or later. This requirement is intended to prepare deployments for compliance with upcoming charger reliability regulations under AB 2061. These communications should enable remote monitoring and help maintain reliable equipment operations. These functions and their associated design include:
	+ Network connectivity (one of the following):
		- IEEE 802.11n for high-bandwidth wireless networking
		- IEEE 802.3 for Ethernet for local- or wide- area network applications
	+ Ability to receive remote software updates, real-time protocol translation, encryption, and decryption:
		- Internet Protocol (IP)-based processor must support multiple protocols
		- Compliant with Transmission Control Protocol (TCP)/IP and IPv6

To encourage customer choice, these network communication standards may include but are not limited to OCPP version 2.0.1 or later, Open Automated Demand Response (OpenADR, IEC 62746-10-1 ED1), or those outlined by the Smart Grid Interoperability Panel (SGIP) Catalog of Standards, the NIST Smart Grid Framework, the American National Standards Institute (ANSI), or other well-established international standards organizations such as the International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), International Telecommunication Union (ITU), Institute for Electrical and Electronics Engineers (IEEE), or Internet Engineering Task Force (IETF).

* Be capable of managing charging costs and supporting grid reliability. Eligible charging equipment shall, leveraging the open standards-based network communications described above, be capable of receiving energy management signals (such as hourly prices or direct load controls) from an EVSP, EMS, or utility. Eligible charging equipment shall be capable of automatically adjusting charging load in consideration of the energy management signal, subject to the constraints of driver preferences, and vehicle energy and operational schedule requirements.
* Optionally, be capable of bidirectional power flow. Eligible equipment shall be capable of facilitating and metering bidirectional or reverse power flow between the vehicle and the grid. Communications between the charger and other electrical control signals (for example, those of a utility, islanded load, or building) are not specifically defined to allow for project-specific implementation.

Other EV Charging Project Requirements:

**Requirements for Charging Equipment Pursuant to AB 2061 (Chapter 345, Statutes of 2022).**In addition to the other requirements set forth in this solicitation, the terms and conditions applicable to the Applicant and the law, electric vehicle chargers and charging stations must comply with recordkeeping and reporting standards which CEC is currently in the process of developing. As background, [AB 2061](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fleginfo.legislature.ca.gov%2Ffaces%2FbillNavClient.xhtml%3Fbill_id%3D202120220AB2061&data=05%7C01%7C%7C42d6b61b96eb4134116008daf00cb71d%7Cac3a124413f44ef68d1bbaa27148194e%7C0%7C0%7C638086234657292031%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=%2FjFT6dJ0RhiGO8Tn%2FRwBEe99Xyouv9b4PvmPOJQLU5c%3D&reserved=0) (Ting, Chapter 345, Statutes of 2022) and Cal. Pub. Resources Code sect. 25231.5 require the CEC, in consultation with the CPUC, to develop recordkeeping and reporting standards for EV chargers and charging stations. CEC is working to develop regulations in compliance with AB 2061. Other requirements, including but not limited to uptime and operation and maintenance requirements, may also be adopted by regulation. Once these regulations are finalized, chargers installed under agreements resulting from this solicitation will need to comply with the new regulations. Applicants to this solicitation must be prepared to comply with any new or updated regulations, even if the regulations are not in existence at the time of application to this solicitation.

**Agreements funding electric vehicle charging infrastructure and equipment:** AB 841 (Ting, Chapter 372, Statutes of 2020) added Public Utilities Code (PUC) section 740.20, which requires Electric Vehicle Infrastructure Training Program (EVITP) certification to install electric vehicle charging infrastructure and equipment for work performed on or after January 1, 2022, subject to certain exceptions.

Therefore, applying PUC 740.20 EVITP requirements to the grant agreement means that all electric vehicle charging infrastructure and equipment located on the customer side of the electrical meter shall be installed by a contractor with the appropriate license classification, as determined by the Contractors’ State License Board, and at least one electrician on each crew, at any given time, who holds an EVITP certification. Projects that include installation of a charging port supplying 25 kilowatts or more to a vehicle must have at least 25 percent of the total electricians working on the crew for the project, at any given time, who hold EVITP certification. One member of each crew may be both the contractor and an EVITP certified electrician. The requirements stated in this paragraph do not apply to any of the following:

(1) Electric vehicle charging infrastructure installed by employees of an electrical corporation or local publicly owned electric utility.

(2) Electric vehicle charging infrastructure funded by moneys derived from credits generated from the Low Carbon Fuel Standard Program (Subarticle 7 (commencing with Section 95480) of Article 4 of Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations).

(3) Single-family home residential electric vehicle chargers that can use an existing 208/240-volt outlet.

**Compliance with California EVSE Commercial Device Requirements:** All electric vehicle supply equipment (EVSE) installed for commercial[[1]](#footnote-2) use shall have a type approval certificate issued through the California Type Evaluation Program (CTEP) administered by the California Department of Food and Agriculture (CDFA) Division of Measurement Standards (DMS) or Certificate of Conformance issued by the National Type Evaluation Program (NTEP) administered through the National Conference on Weights and Measures (NCWM). California accepts NTEP certificates so long as the device also meets CCR Title 4, Section 4002.11.

Unless otherwise updated by the CDFA DMS, any installation, repair, or maintenance on commercial EVSE must be performed by a Registered Service Agency (RSA) and after the device is placed in service, the RSA must report this information to the county within 24 hours. Device owners are responsible for registering their device with the county.

## Requirements for Hydrogen Refueling Stations

All hydrogen refueling stations funded under this solicitation shall, at a minimum, meet and adhere to each of the following Minimum Technical Requirements for Hydrogen Refueling Stations during station operation.

All of the following Minimum Technical Requirements for Hydrogen Refueling Stations shall be met at the exact station address approved by the CEC.

* + - 1. The hydrogen refueling station shall dispense hydrogen that meets California Code of Regulations (CCR), Title 4 Business Regulations, Division 9, Chapter 6 Automotive Products Specifications, Article 8, Hydrogen Fuel Sections 4180 and 4181, which adopts SAE International J2719 Hydrogen Fuel Quality for Fuel Cell Vehicles.
		- Hydrogen quality tests shall be taken at each dispenser at the hydrogen refueling station every six months, at minimum.
		- The hydrogen quality shall be tested at each dispenser at the station each time the hydrogen lines are either exposed or potentially exposed to contamination due to maintenance or other activities.
		- The station operator shall report the date of each hydrogen quality test at each dispenser at the station and any special condition(s) and submit the results to the CAM.
1. All hydrogen dispensers used at hydrogen refueling stations shall meet CCR, Title 4, Division 9, Chapter 1, Article 1, Section 4002.9 Hydrogen Gas-Measuring Devices (3.39). The hydrogen dispensers used at hydrogen refueling stations shall comply with the most current version of the Uniform Regulation for the Method of Sale of Commodities Section 2.32 as published in U.S. Department of Commerce, National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality.
2. Should the Applicant opt to include H35, each H35 fueling position of the hydrogen refueling station shall conform to the most recent published version of SAE International J2601 (fueling protocols) at H35.

If a proposed station will provide purpose-built infrastructure for commercial fuel cell vehicle fleets or fuel cell transit buses with compressed hydrogen storage systems (CHSS) that exceed 10 kilograms the station developer shall conform to the most recent version of SAE International J2601 that covers the relevant CHSS. If SAE International J2601 does not cover the CHSS, the station developer must self-certify conformance to a defined fueling protocol that they describe to the CEC. Fueling of commercial fuel cell vehicle fleets or fuel cell transit buses shall not diminish the light duty customer experience.

The compliance of the hydrogen refueling station with SAE International J2601 shall be verified using the most recent version of ANSI/CSA Group HGV 4.3 (test methods for hydrogen fueling parameter evaluation) by working with State of California employees who use the U.S. Department of Energy Hydrogen Station Equipment Performance (HyStEP) device or a functionally equivalent hydrogen station test apparatus, or a third party tester that uses a functionally equivalent hydrogen station test apparatus.

CDFA DMS is developing regulatory language to require a station evaluation process for verifying conformance to SAE J2601 for all stations regardless of funding. The ability for a third party to perform this evaluation is one of the topics being considered. Recipients could be required to pay a fee to the State of California or a third party for station testing.

Should HyStEP, or a functionally equivalent test apparatus, be unavailable, the station developer shall evaluate a hydrogen refueling station for compliance with SAE International J2601 using best practices with the automobile original equipment manufacturers (OEMs). State of California employees and the automobile OEMs shall have access to the data generated and collected when evaluating a station with HyStEP, a functionally equivalent test apparatus, or using best practices with OEMs.

1. The hydrogen refueling station design and operation shall conform to the most recent version of ANSI/CSA HGV 4.9 (hydrogen refueling stations).
2. The hydrogen refueling station shall conform to the most recent version of SAE International J2799 (station communications), verified through the most recent version of CSA HGV 4.3 or an equivalently accepted industry standard.
3. The hydrogen refueling station shall conform to the fueling connectors, nozzles, and receptacle requirements in the most recent version of either SAE International J2600 or ISO 17268 Note: Fast fills, (up to 7.2kg/min) require a different nozzle with a different standard (ISO 27268:2012) and are permitted for heavy duty vehicles only. The hydrogen refueling station should use applicable standards that are compatible with the FCEVs that will use the station.
4. The hydrogen refueling station components shall be installed and the station shall have a hydrogen fuel supply and a hydrogen supply and delivery agreement from a hydrogen production plant (on or off-site), with available capacity, and a second supply agreement as backup.
5. The hydrogen refueling station shall have a guard or cover installed over the emergency shutdown system switch(es) to prevent unintentional station shutdown.
6. The hydrogen refueling station conforms to National Fire Protection Association (NFPA) 2.
7. The hydrogen refueling station conforms to one or more of the following fueling protocols or an equivalently accepted industry standard:
	* J2601 – 1 Category D (greater than 10 kg tank sizes)
	* J2601 – 2 HD fueling
	* J2601 – 4 Ambient Temperature refueling
	* J2601 – 5 MC Method for HD fueling
	* JPEC-S 0003 Japanese Bus fueling protocol
8. The hydrogen refueling station conforms with the American National Standards Institute (ANSI) Standards:
	* Hydrogen Gas Vehicle (HGV) 2-2021
	* HGV 4.1
	* G 095A
	* HPRD 1:21
	* HGV 3.1
	* CGA S1.1
9. The hydrogen refueling station conforms with the ISO Standards:
	* 19880-3
	* 19880-4
	* 19880-5
	* 19880-6
10. The hydrogen refueling station conforms with the California Building Codes:
	* California Building Code, Part 2, Title 24
	* California Electrical Code, Part 3, Title 24
	* California Energy Code, Part 6, Title 24
	* California Fire Code, Part 9, Title 2
11. The hydrogen refueling station conforms with CDFA DMS Testing Standards:
	* Handbook 44 Section 3.34
	* Handbook 44 Section 3.39
	* NIST Handbook 130
12. The station has an energized utility connection and source of system power.
13. The station has received all required state, local, county, and city permits to build and operate.

Other Hydrogen Refueling Project Requirements:

* + **Priority Populations:** At least 50% of the locations in the application must directly benefit or serve residents of disadvantaged and low-income communities and low-income Californians in accordance with the map provided at [Priority Populations — California Climate Investments](https://www.caclimateinvestments.ca.gov/priority-populations) https://www.caclimateinvestments.ca.gov/priority-populations.
	+ **Reliability Requirement:** Applicants shall commit to achieving 95% uptime at each eligible hydrogen refueling station included in their application if awarded under this solicitation. For the purposes of this solicitation, uptime shall be calculated as a quarterly average percentage and defined as (the total hours the station is available over the quarter / the total possible hours of operation over the quarter) X 100.

For example, if a station is open 24 hours per day and there are 92 days in a quarter, the total possible hours of operation in the quarter are 2,208. If a station is down for the entirety of 3 days (72 hours) and down for 2 hours on 8 days (16 hours) and 4 hours on 5 days (20 hours) over the quarter, the total hours of downtime are 108 and total hours the station is available are 2,100. Per the formula, the quarterly average uptime is (2,100/2,208) \* 100% = 95.1%.

* + - **Hydrogen Safety Plan:** Applicants shall commit to developing a Hydrogen Safety Plan for the proposed project that addresses the hydrogen refueling infrastructure. Applicants shall also commit to participate in an early design review by the Pacific Northwest National Laboratory’s (PNNL) [Center for Hydrogen Safety’s Hydrogen Safety Panel (HSP](https://h2tools.org/hsp#utilizing_the_hsp)) and work with the HSP on any safety related incidents. Applicants are recommended to meet with a representative of the HSP prior to submitting their application to establish a common understanding of the Hydrogen Safety Plan and design review requirements.

 If awarded under this solicitation, the Recipient’s agreement will require a Hydrogen Safety Plan for each proposed hydrogen refueling station design to demonstrate that hydrogen safety has been adequately incorporated into project planning and execution. The Hydrogen Safety Plan will be a subtask under one of the technical tasks in the Scope of Work (Attachment 2) and shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 4).

 The Recipient must prepare (a) Hydrogen Safety Plan for the PNNL Hydrogen Safety Panel (HSP) to review. Information on the HSP is at https://h2tools.org/hsp. It is up to the Recipient to work directly with the PNNL HSP to submit the preliminary Hydrogen Safety Plan to the PNNL HSP. If the Recipient wishes the plan to be kept confidential by the PNNL HSP, it is up to the Recipient to work with the PNNL HSP to achieve that. The Hydrogen Safety Plan is expected to address all of the elements identified in the most recent version of public guidelines titled [Safety Planning for Hydrogen and Fuel Cell Projects](https://h2tools.org/sites/default/files/Safety_Planning_for_Hydrogen_and_Fuel_Cell_Projects.pdf), available at:

 <https://h2tools.org/sites/default/files/Safety_Planning_for_Hydrogen_and_Fuel_Cell_Projects.pdf>.

 The HSP will assess the plan to this guidance document.

The Recipient shall include the following in the Hydrogen Safety Plan:

1. A detailed description about how the Recipient will adhere to the most recent [public guidelines](https://h2tools.org/sites/default/files/Safety_Planning_for_Hydrogen_and_Fuel_Cell_Projects.pdf) throughout the life of all of the stations. Should the Recipient’s adherence with the public guidelines or its Hydrogen Safety Plan lapse, without limitation to any other rights, the CEC reserves the right to cancel the Recipient’s agreement funded by this solicitation.
2. A detailed description about how the Recipient will conform to the NFPA 2, Hydrogen Technologies Code 2020 edition. Should a locale accept NFPA 2, Hydrogen Technologies Code 2023 instead, the Recipient shall so state and shall conform to the 2023 edition. Regardless of which edition is used, any alternative means and methods should be identified and described. Should the Recipient’s compliance lapse, without limitation to any other rights, the CEC reserves the right to cancel the Recipient’s agreement funded by this solicitation.
3. A detailed description about how the Recipient will provide ongoing safety training for station personnel from each station’s initial operation through retraining over the life of each station. Should the training lapse, without limitation to any other rights, the CEC reserves the right to cancel the Recipient’s agreement funded by this solicitation.

The PNNL HSP will forward their non-confidential assessment of the preliminary Hydrogen Safety Plan to the CEC and the Recipient. The Recipient shall prepare a final Hydrogen Safety Plan following the PNNL HSP assessment. As with the preliminary Hydrogen Safety Plan, it is up to the Recipient to work directly with the PNNL HSP to submit the Recipient’s final Hydrogen Safety Plan to the PNNL HSP. If the Recipient wishes the plan to be kept confidential by the PNNL HSP, it is up to the Recipient to work with the PNNL HSP to achieve that.

Should the Recipient opt to not accept all of the comments from the PNNL HSP assessment, the Recipient shall provide an explanation of their rationale to the CEC.

These activities shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 4).

* + - **Hydrogen Refueling Station Design Review:** If awarded under this solicitation, the Recipient shall commit to participate in a hydrogen refueling station design for each station in the project with the PNNL HSP. The station design reviews shall occur before the Recipient submits the design plans to the AHJ for plan check or at a time agreed to by the HSP (e.g., after the incorporation of design features reflecting/implementing a completed preliminary hazard analysis). Participating in these station design reviews will be a subtask under one of the technical tasks in the Scope of Work (Attachment 2) and shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 4).

Participating in HSP design reviews will be a mandatory technical task and shall be completed by the dates specified in the Schedule of Products and Due Dates. Should the Recipient cease participating in design reviews, without limitation to any other rights, the CEC reserves the right to cancel any agreement funded by this solicitation.

* + - **Inspections:** If awarded under this solicitation, the Recipient shall participate in an in-person review of a representative set of stations reflecting the common station design, and any stations that the CEC designates in the project with the PNNL HSP. The in-person inspection shall occur when the station has been operational for between 6 and 12 months. Participating in the in-person inspection will be a subtask under one of the technical tasks in the Scope of Work (Attachment 2) and shall be completed by the dates specified in the Schedule of Products and Due Dates (Attachment 4).
		- **Reporting Safety Incidents:** The stations proposed by the Applicant shall conform to the California Health and Safety Code Section 25510(a). Recipients of funding under this solicitation shall submit report(s) of any unintended hydrogen releases to the [Certified Unified Program Agency (CUPA)](http://cersapps.calepa.ca.gov/Public/Directory), <http://cersapps.calepa.ca.gov/Public/Directory>.

Recipients of funding under this solicitation shall notify the CEC, in writing, of any safety incidents, by sending the same reports as were sent to the CUPA to the CEC. The Recipient shall also report safety incidents using the NREL Data Collection Tool (Attachment 15).

Recipients of funding under this solicitation shall include the PNNL HSP in any fact-finding or investigation of any safety incident.

Should the Recipient not follow the requirements for reporting safety incidents, the CEC, without limitation of any other rights, reserves the right to cancel the Recipient’s agreement funded by this solicitation.

* + - **Renewable Hydrogen Requirements:** The hydrogen refueling station(s) funded under this solicitation shall dispense renewable hydrogen to comply with the requirements specified in the [CARB LCFS regulation](https://ww2.arb.ca.gov/sites/default/files/2020-07/2020_lcfs_fro_oal-approved_unofficial_06302020.pdf), found at https://ww2.arb.ca.gov/sites/default/files/2020-07/2020\_lcfs\_fro\_oal-approved\_unofficial\_06302020.pdf, of CCR Title 17, Division 3, Chapter 1, Subchapter 10, Article 4, Subarticle 7, Sections:
* §95481(a) “Definitions - Renewable Hydrogen” and
* §95486.2(a)(4)(F) “Hydrogen Refueling Infrastructure (HRI) Pathways – Requirements to Generate HRI Credits.”

Once the station becomes operational, Recipients shall report on hydrogen dispensed using the Renewable Hydrogen Report (Attachment 16). This form must be completed on a quarterly basis, including but not limited to information about feedstock used and if the renewable content is directly used in the fuel or indirectly used via the book-and-claim process of LCFS.

## Eligible Project Costs

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

* For Electric Vehicle Charging Infrastructure (CEC reimbursement or match share):
	+ Electric vehicle charging station equipment
	+ Transformers
	+ Electric panels
	+ Conduit
	+ Wiring
	+ Meters
	+ Installation costs
	+ Utility service upgrades
	+ Planning and engineering design
	+ Demand management equipment
	+ Commissioning
	+ Project management
	+ Electric vehicle charging infrastructure workforce development and training
	+ Engagement and outreach

Applicants can review the EnergIIZE [Technology Catalog](https://www.energiize.org/infrastructure?section=infrastructure.more-details.technology) for a list of commercially-available electric vehicle charging infrastructure technologies that qualify as eligible costs, found at <https://www.energiize.org/infrastructure?section=infrastructure.more-details.technology>.

* For Electric Vehicle Charging Infrastructure (match share only):
	+ Warranties for term of the agreement
	+ Network agreement with network provider
	+ Make-ready equipment
	+ Permitting, insurance, land purchases, and land leases
	+ Mobile chargers
	+ Temporary power solutions, such as 100 percent renewable linear generators
	+ ZEVs applicable to the proposed project
	+ Equipment maintenance for the term of the agreement
	+ Tests for regulatory compliance
* For Hydrogen Refueling Infrastructure (CEC reimbursement or match share):
	+ Compressors
	+ Dispenser with hose and nozzles
	+ High pressure hydrogen storage tubes and liquid storage tanks
	+ Shipping
	+ Installation costs
	+ Planning and engineering design
	+ Commissioning
	+ Servicing
	+ Project management
	+ Hydrogen refueling infrastructure workforce development and training
	+ Engagement and outreach
* For Hydrogen Refueling Infrastructure (match share only):
	+ Warranties for the term of the agreement
	+ Make-ready equipment
	+ Renewable hydrogen production equipment
	+ Permitting, insurance, land purchases, and land leases
	+ Mobile refuelers
	+ ZEVs applicable to the proposed project
	+ Equipment maintenance for term of the agreement
	+ Tests for regulatory compliance

For both electric charging infrastructure and hydrogen refueling infrastructure projects, eligible reimbursable costs for project management, engagement and outreach, and workforce development and training may not exceed a combined total of 7.5% of total CEC grant funds.

* If both technologies are installed at the station(s), the technology category that is not receiving CEC funds may be used as match. For example, if the Applicant submits a charging project, if hydrogen dispensers are included with that project, they may be eligible as match.
* Commercially available energy storage, renewable DERs, and/or renewable energy generation equipment such as photovoltaic solar panels separately metered for electric charging or hydrogen refueling. Renewable DERs and renewable energy generation equipment must use 100% renewable fuel. For example, a linear generator may use 100% renewable natural gas, 100% renewable hydrogen, or a combination of both totaling 100% renewable fuel.[[2]](#footnote-3)
* Costs incurred for the following are **ineligible** for reimbursement and match share cost. This is not an exhaustive list:
	+ Fuel, including the cost of transporting fuel to station
	+ Off-site fueling infrastructure
	+ Cost of electricity/power
	+ Vehicle-related expenses (for example, costs for vehicle parts, labor for vehicle repairs, etc.)
	+ Market, literature, or technology surveys, or meta-analysis studies
	+ Research and development
	+ Marketing and promotional activities
	+ Software development
	+ Lab-scale research and validation
	+ Proof of concepts, functions, and prototype development
	+ Nonrenewable DERs, such as generators that use nonrenewable fossil fuels
	+ Distribution grid or other equipment costs that are otherwise covered by programs or tariff rules of the electric utilities
	+ Projects that are mandated by any local, regional, state, or federal law, rule, or regulation
	+ Projects that help the Applicant meet a performance requirement mandated by local, regional, state, or federal law, rule, or regulation
	+ Paper studies or research projects (e.g., a study which assess the cost and feasibility of charging/refueling station installations along certain corridors)
	+ Signage
	+ Compressed natural gas (CNG) fueling infrastructure or any fueling infrastructure used to support vehicles other than battery electric or fuel cell electric vehicles.

***NOTE: Costs incurred prior to executing an agreement will not be reimbursed by the CEC.***

## Match Funding Requirements

1. **Total Match Share Requirement**

For this solicitation, Applications must include:

* Funding Category A: a minimum 25 percent total match share of the total allowable project costs for this solicitation
* Funding Category B: a minimum 50 percent total match share of the total allowable project costs for this solicitation

“Match funding” or “match share” means cash or in-kind (non-cash) contributions provided by the Applicant/Recipient, subrecipients, or other parties that will be used in performance of the proposed project. Match share percentage is calculated by dividing the total match share contributions by the total allowable project cost. “Total allowable project cost” is the sum of the CEC’s reimbursable share and Recipient’s match share of the project costs. Match share expenditures have the following requirements:

1. Total match share must conform to the “Cash Match Share Requirement” contained in this solicitation.
2. All match share expenditures must conform to the terms and conditions of this solicitation and the resulting grant agreement.
3. Applicants must disclose the source and provide verification and documentation for the match share funding committed to the project. For any match share committed by a third party (i.e., other than match share committed by the Applicant), Applicants must submit a letter of commitment from each match share partner identifying the source(s) and availability of match funding.
4. During the term of the grant agreement, Recipients will be required to document and verify all match share expenditures through invoices submitted to CEC.
5. Match share funding may be in the form of cash or in-kind contributions such as donated labor hours, equipment, facilities, and other property.
6. Equipment, facilities, and property may count as match funds as long as the value of the contribution is based on documented market values or book values, prorated for its use in the project, and depreciated or amortized over the term of the project using generally accepted accounting principles (GAAP).
7. Match share expenditures (cash and/or in-kind) must be documented, reasonable, allowable, and allocable to the project as determined by CEC.
8. For agreements funded with Clean Transportation Program funds, match share expenditures are allowable under an agreement only if they are incurred after CEC notifies the Applicant that its project has been proposed for an award through the release of a Notice of Proposed Awards (NOPA). Match expenditures incurred after the release of a NOPA but prior to the execution of an agreement are made at the Applicant’s own risk. For agreements funded with GGRF funds, match share expenditures are allowable under an agreement only if they are incurred after the agreement is fully executed with the CEC. CEC is not liable for Applicant’s match share costs if the grant is not approved, if approval is delayed, or if the match share expenditure is not allowable under the terms and conditions of the grant or this solicitation. Please note that non-match expenditures incurred prior to agreement execution are not reimbursable from CEC funds.
9. **Cash Match Share Requirement**

Applications must include a minimum 50 percent ***cash*** match share for this solicitation.

* For Funding Category A, because the match share requirement is 25 percent of total allowable project costs, 12.5 percent of total allowable project costs must be cash match share.
* For Funding Category B, because the match share requirement is 50 percent of total allowable project costs, 25 percent of total allowable project costs must be cash match share.

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

A table providing examples of how to calculate total match share and cash match share is included below.

Funding Category A

|  |  |  |  |
| --- | --- | --- | --- |
| **Total Project Funds** | **CEC Funds Requested** | **Minimum Match Required per the Solicitation** | **Minimum Cash Match Required** |
| $3,000,000 | $2,250,000 | $750,000 | $375,000 |
| $3,333,333 | $2,500,000 | $833,333 | $416,666 |
| $6,000,000 | $4,500,000 | $1,500,000 | $750,000 |
| $6,666,667 | $5,000,000 | $1,666,667 | $833,333 |

Funding Category B

|  |  |  |  |
| --- | --- | --- | --- |
| **Total Project Funds** | **CEC Funds Requested** | **Minimum Match Required per the Solicitation** | **Minimum Cash Match Required** |
| $4,500,000 | $2,250,000 | $2,250,000 | $1,125,000 |
| $5,000,000 | $2,500,000 | $2,500,000 | $1,250,000 |
| $9,000,000 | $4,500,000 | $4,500,000 | $2,250,000 |
| $10,000,000 | $5,000,000 | $5,000,000 | $2,500,000 |

1. **In-Kind Match Share**

The balance of the total match share requirement beyond the cash match share requirement (if any) may be met through in-kind match share contributions.

In-kind match share contributions are: 1) non-cash contributions provided by the Applicant; 2) cash or non-cash contributions provided by subrecipients; and 3) cash or non-cash contributions provided by other third parties. Applicant in-kind match share can be in the form of volunteer labor, real property, existing equipment, existing supplies, services provided by a third-party or subcontract, and other expendable property. The value of in-kind match is based on the fair market value of the goods and services provided at the time it is claimed as match. In-kind match share must be included in the agreement budget and supported with appropriate documentation. Cost allocations must be reasonable and allocable to the proposed project.

1. **Match Share Restrictions**
2. ***Other Sources of CEC Funding*** – Other sources of CEC funding may not be claimed as match share. This includes block grants funded by the CEC.
3. ***Property Not Owned by the Applicant*** – Donated property may be claimed as match based on the fair market value of renting or leasing the property. Fair market value is based on rental costs of comparable property (if any), market conditions in the area, alternatives available and the type, life expectancy, condition, and value of the property.
4. ***Existing Property Owned by the Grant Recipient*** – Applicants may use the property’s depreciation expense as a method to allocate the value of the property to the project. Valuation will need to be documented to support the initial acquisition costs as well as the method of depreciation.
5. ***Valuation of Land*** –Land cannot be depreciated. If the value of land is claimed as match, the Applicant must provide documentation to support a fair market value for the use of the land (i.e., rent or lease cost) for the time period it is used. Appraised value of land cannot be used since this represents the full value of the land if it is sold which includes value beyond the term of the proposed project.
6. ***Property Owned by a Related Party*** –Related parties are individuals or other entities that are able to control or substantially influence the actions of the Applicant and includes spouses, board members, family members of principals or employees of the Applicant as well as property owned by principals/employees of the Applicant. Because an agreement between an Applicant and a related party is a “less than arms-length” transaction, Applicants must disclose the relationship between the Applicant and the related party and be able to support the fair market value of property that is claimed as match.

If CEC funds are used to reimburse lease/rental payments for property owned by a related party, the Applicant can only claim the ***lesser*** of fair market value or actual lease payments, regardless of lease agreement terms.

1. ***Prorated Value of Property*** – The allowable claimed value of property must be prorated based on the percentage the property is used for the proposed project. For example, if only half of a building is being used for the proposed project, then only 50% of the monthly fair market value of the entire building can be claimed as match while the building is being used for the project.
2. ***Documentation*** – If selected for an award, all claimed match share expenditures must be adequately documented to CEC during the agreement invoicing process which may include but is not limited to: the fair market value of existing property, methodology to allocate existing property on a prorated basis, lease agreements, and other appropriate documentation.

## Unallowable Costs (Reimbursable or Match Share)

For an item of cost to be allowable for reimbursement with CEC funds or as match share expenditure, it must be included in the executed agreement budget and allowable per the terms and conditions of the resulting agreement. The following are examples of unallowable costs under an agreement resulting from this solicitation. This list is not comprehensive and additional items of cost may be unallowable in accordance with the agreement terms and conditions.

1. ***Forgone Profit*** – For example, if a company usually charges 10% profit but only charges 4% to CEC the unclaimed difference is not an allowable item of cost.
2. ***Forgone Rent*** – For example, rent that is not paid is not an allowable item of cost.
3. ***Discounted or Refunded Equipment Costs*** – For example, a claim that equipment costs $10,000 but the grant recipient only pays $6,000 due to some “special” discount. The difference of $4,000 is not an allowable match share expense. Another example is if the grant recipient actually pays $10,000 but the vendor refunds $4,000 – only the net $6,000 is an allowable item of cost.
4. ***Forgone Salary, Fringe, Indirect or Other Types of Cost*** – For example, a person normally charges or is paid $100 per hour, but will only charge $50 per hour towards the CEC award. Only actual costs incurred and paid to the employee are allowable. Therefore, if an employee is ***actually*** paid $100 per hour and CEC only reimburses at $40 per hour, then the unreimbursed $60 per hour is an allowable match share cost because this is an actual payment as opposed to a forgone salary amount. Volunteer labor (i.e., labor from a person who does not receive any compensation for their labor) may be an allowable in-kind match share expense if the value of the labor is reasonable and justified.
5. ***Utility Provided Electrical Upgrades and Funding***-– For example, expenses that are already paid or to be paid for through a utility program, tariff, or other ratepayer funding is not an allowable item of cost. This includes ratepayer funded enrollment incentives.
6. ***Compliance with Local, Regional, State, or Federal Law, Rule or Regulation*** - For example, expenses associated with ensuring compliance with state or federal building codes, including provisions of the California Green Building Standards Code requiring the installation of a minimum amount of electric vehicle supply equipment, Electric Vehicle Capable, or Electric Vehicle Ready parking spaces, is not an allowable item of cost.

# III. Application Format, Required Documents, and Delivery

## Required Format for an Application

This section contains the format requirements and instructions on how to submit an application. The format is prescribed to assist the Applicant in meeting State requirements and to enable CEC to evaluate each application uniformly and fairly. Applicants must follow all application format instructions, answer all questions, and supply all requested information.

All applications submitted under this solicitation must be typed or printed using a standard 11-point font, single-spaced and a blank line between paragraphs. Pages must be numbered, and sections titled.

## Method for Delivery

The method of delivery for this solicitation is the [Energy Commission Agreement Management System (ECAMS)](https://ecams.energy.ca.gov/s/login/), available at https://ecams.energy.ca.gov/.

Information about ECAMS will be provided at the Pre-Application Workshop. Information about how to register for an ECAMS account and guidance on how to apply through the system is available at <https://www.energy.ca.gov/funding-opportunities/funding-resources> under General Funding Information.

The CEC is providing a team of technical assistants to support Applicants with this process. Please emailECAMS.SalesforceSupport@energy.ca.gov for support.

ECAMS allows Applicants to complete and submit their application to the CEC prior to the date and time specified in this solicitation. Files uploaded to the system must be in Microsoft Word (.doc format) and Excel Office Suite formats unless originally provided in the solicitation in another format. PDF format is acceptable. The completed Proposal Budget Template, Attachment 5, must be in Excel format.

The deadline to submit grant applications through ECAMS is **11:59 p.m**. ECAMS automatically closes at 11:59 p.m. If the full submittal process has not been completed before 11:59 p.m., your application will not be considered. NO EXCEPTIONS will be entertained.

The CEC strongly encourages Applicants to upload and submit all applications by 5:00 p.m. because CEC staff will not be available after 5:00 p.m. or on weekends to assist with the upload process. And please note that while we endeavor to assist all would-be Applicants, we cannot guarantee staff will be available for consultation on the due date, so please plan accordingly.

Please give yourself ample time to complete all steps of the submission process: do not wait until right before the deadline to begin the process. Due to factors outside the CEC’s control and unrelated to ECAMS, upload times may be much longer than expected. For example, some past Applicants experienced unexpected issues on their end, causing long delays that prevented timely submission. They spent significant time and resources on applications the CEC will not consider.

Please plan accordingly. First time users must register as a new user to access the system. There will be two types of user accounts to establish: 1) An organizational account, for the entity applying to the solicitation; and 2) user accounts for individuals who will be submitting the application on behalf of the organization.

Applicants will be required to upload all attachments marked “required” in the system in order for the application to be submitted.

## Page Limitations

The total number of pages for an Application’s Project Narrative is limited to 20 pages. The table of contents does not count towards this page limitation.

## Application Content

Items listed below are required as part of the application package. Failure to provide any items may result in disqualification of the application. Attachment requirements are expanded and explained below in this section and in the attachments themselves. Note that Letters of Support (Attachment 9) are optional.

| **Item** | **Attachment Number** |
| --- | --- |
| Project Narrative | Attachment 1 |
| Scope of Work | Attachment 2 |
| Schedule of Products and Due Dates | Attachment 4 |
| Budget Forms | Attachment 5 |
| Resumes | Attachment 6 |
| Contact List | Attachment 7 |
| Letters of Commitment  | Attachment 8 |
| Letters of Support (optional)  | Attachment 9 |
| CEQA Worksheet | Attachment 10 |
| Localized Health Impacts Information Form | Attachment 11 |
| Past Performance Reference Form(s) | Attachment 12 |
| Applicant Declaration | Attachment 13 |
| Letter of Intent to Place a Purchase Order | Attachment 14 |
| Evaluation Criteria for Priority Populations | Attachment 19 |

1. **Applicant Certifications**

***ECAMS will require Applicants to provide the required authorizations and certifications listed below prior to final submission of their application:***

All Applicants must certify under penalty of perjury under the laws of the State of California that:

* I am authorized to submit this application on behalf of the Applicant.
* I authorize the CEC to make any inquiries necessary to verify the information presented in this application.
* I authorize the CEC to obtain business credit reports and make any inquiries necessary to verify and evaluate the financial condition of the Applicant.
* I have read and understand the terms and conditions contained in this solicitation. I accept the terms and conditions contained in this solicitation on behalf of the Applicant and the Applicant is willing to enter into an agreement with the CEC to conduct the proposed project according to the terms and conditions without negotiation.
* I certify that (1) this application does not contain any confidential or proprietary information, or (2) if confidential information is allowed under the solicitation it has been properly identified.
* I certify under penalty of perjury under the laws of the State of California that, to the best of my knowledge, the information contained in this application is correct and complete.
* I am authorized to agree to the above certifications on behalf of the Applicant.
1. **Project Narrative (Attachment 1)**

The Project Narrative must include a table of contents (which will not count towards the page limitations) and a detailed description of the proposed project, its operational goals and objectives, and an explanation of how these will be implemented through the tasks described in the Scope of Work.

The project description must identify the fleet(s) that the infrastructure will serve and include the project location, what zero-emission equipment/vehicles will be supported by the proposed infrastructure, proposed number of chargers or hydrogen refueling dispensers, number of charging ports or hydrogen refueling nozzles, power level of each charging port or the dispensing pressure level of each hydrogen refueling nozzle, and the types of chargers or dispensers to be installed. The project description must also include a table summarizing the numbers of chargers or hydrogen refueling dispensers proposed, what fleet(s) or equipment the chargers are supporting, and the costs of the chargers. The project description must also state any existing infrastructure located on site.

The Project Narrative must also include proof of contacting the vehicle manufacturer(s) as required in the Section II.B.2. Infrastructure Development Requirements.

Applicants must address each of the scoring criteria described in this solicitation by providing sufficient, unambiguous detail so that the evaluation team will be able to evaluate the application against each scoring criterion.

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

1. **Team Experience and Qualifications**
	1. Describe how the project team’s qualifications (including relevant expertise, experience, and skill sets) are suitable to the tasks described in the proposed Scope of Work.
	2. Demonstrate that the project team has the ability to meet deadlines and complete milestones for the proposed project.
	3. Describe how the project team has verifiable experience working with authorities having jurisdiction (AHJs) and utility personnel to overcome permitting and planning barriers.
	4. Provide examples of how the Applicant and project team have demonstrated exceptional administrative and technical performance under existing or prior funding agreements (CEC and/or other public agencies), if the Applicant or project team worked on such projects, including:
* Adherence to schedules and due dates.
* Effective and timely issue resolution.
* Quality of deliverables.
* Objectives of past projects have been attained.
* Honest, timely, and professional communication with staff from the funding entity.
* Effective coordination with project partners, subrecipients, vendors, and other stakeholders.
* Timely and accurate invoicing.
1. **Project Readiness/Implementation**
	1. Include information about the permitting required for the project and whether or not the permitting has been completed. If the permitting has not been completed, applications must include a permitting schedule that ensures the successful project completion within the timeframes specified in this solicitation, as well as discuss the results of communications or in-person meetings AHJs over the project.
	2. Include information documenting progress towards achieving compliance under the California Environmental Quality Act (CEQA). If CEQA compliance has not been obtained, applications must include a schedule to complete CEQA activities for the proposed project, as well as discuss the results of communications or in-person meetings with the Lead Agency.
	3. Describe the proposed project site and document site control. Site control includes, but is not limited to leases, ownership, or access rights.
	4. Describe the estimated timeline for obtaining charging/refueling equipment needed for the proposed project. Include details on how this process will be minimized.
	5. Describe the estimated timeline for charger or hydrogen refueling dispenser installation and commissioning. Include details on how this process can be expedited.
	6. Describe how the proposed project will coordinate with the respective utility provider for utility connection and how the Applicant will minimize time to energize the sites.
	7. Describe a clear and realistic timeline for when MDHD ZEVs will be in operation to utilize the installed infrastructure. Include realistic and reasonable strategies to expedite this timeline.
	8. Describe how the tasks in the Scope of Work and the dates in the project schedule are complete, sequential, and will lead to successful and scheduled completion of the project.
	9. Describe planned community outreach, including educational efforts to explain the proposed project to the public and outreach and discussions with fire marshals (if applicable).
	10. Identify major risks and barriers to successful project completion and how they are mitigated.
	11. Describe how the proposed infrastructure (power level, the number of ports/refueling positions, capacity, etc.) is appropriate and justified for the duty cycle of MDHD ZEVs that will use the infrastructure. (Refer to Section II.B.2).
2. **Project Budget**
	1. Discuss how the proposed budget implements cost-saving strategies that reduce the amount of CEC funding necessary for project completion.
	2. Describe how administrative and overhead expenses are minimized.
	3. Discuss how the proposed project cost effectively reduces greenhouse gas (GHG) emissions. Calculate dollars of CEC funding divided by the amount of GHGs reduced annually.
	4. Describe the proposed match funding commitments supported by verifiable documentation (attach letter of commitment separately). Include information documenting the source, type, availability, and amount of match share funds committed to the proposed project.
	5. Include rationale as to why state funds are necessary for the proposed project and identify why the proposed use of state funds is crucial to project success.
3. **Economic, Social, and Environmental Benefits**
	1. Explain how the proposed project will support decarbonizing MDHD on-road, off-road, and/or specialty vehicles.
	2. Describe plans to continue operation of the installed infrastructure beyond the six-year period required by this solicitation.
	3. Provide the total weight of CO2 displaced in metric tons resulting from the proposed project on an annual basis and substantiate calculations.
	4. Provide the source and carbon intensity of the project’s dispensed fuel in grams of CO2-equivalent per megajoule (gCO2e/MJ). Fuel dispensed must be calculated on an annual basis using a method that conforms to the California Air Resources Board’s (CARB’s) Low Carbon Fuel Standard (LCFS). Provide assumptions and calculations to substantiate claimed carbon intensities. The CARB [calculation methodology guidance](https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard/lcfs-guidance-documents-user-guides-and-faqs) is available at: <https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard/lcfs-guidance-documents-user-guides-and-faqs>.

If the carbon intensity pathway of the proposed project has already been calculated through CARB’s LCFS process, Applicant must so state and provide the carbon intensity of the project’s fuel and the pathway identifier(s) from the Low Carbon Fuel Standard [Reporting Tool and Credit Bank & Transfer System](https://ssl.arb.ca.gov/lcfsrt/Login.aspx) (LRT-CBTS) (<https://ssl.arb.ca.gov/lcfsrt/Login.aspx>), in lieu of the above.

For hydrogen projects, calculate and present the carbon intensity of the hydrogen fuel to be dispensed at the proposed station(s), measured well-to-gate, consistent with the clean hydrogen federal tax credit created by Section 45V of Title 26 of the United States Code.

* 1. Provide the estimated utilization rates of infrastructure on a daily and annual basis and substantiate calculations. Assumptions and calculations should include number of ZEV utilizing infrastructure per day, average charging time, and average power utilized per sessions. For hydrogen refueling stations, provide average refueling time for an average fill.
	2. If located in a community with a priority population, describe how these communities will benefit from the project and if project will displace current sources of emissions. Describe how benefits to these communities will be evaluated. (NOTE: For hydrogen refueling stations, 50% of allocated funds shall directly benefit or serve residents of low-income communities and disadvantaged communities as defined by CalEnviroScreen.)
	3. Describe how the proposed infrastructure for the proposed project will incorporate a plan for resiliency in order to carry out the goals of the project during an emergency.
	4. Describe how the proposed project will engage regional community-based organizations, community leaders, and potentially affected local residents in the planning process and education on the benefits of ZEV transportation.
	5. Describe how the proposed project will expand certified businesses and California supply chains for California-based businesses, result in high-quality jobs in terms of compensation, duration, and related project payroll, and increase state and local tax revenues.
1. **Scope of Work (Attachment 2)**

Applicants must include a completed Scope of Work utilizing the template contained in Attachment 2. Instructions for completing the Scope of Work as well as a sample are included in Attachment 3. The description of activities proposed in the Project Narrative must conform to the tasks described in the Scope of Work. Electronic files for the Scope of Work must be in MS Word.

Applicants must present a comprehensive and credible Scope of Work which includes (presented in a logical manner) comprehensive and sequential tasks, products resulting from the individual tasks, and how the tasks are related to or are dependent on each other.

1. **Schedule of Products and Due Dates (Attachment 4)**

Applicants must include a completed Schedule of Products and Due Dates. All work must be scheduled for completion by no later than June 30, 2029, to allow timely processing of final invoices before the liquidation date of CEC funds. Instructions for the Schedule of Products and Due Dates are included in Attachment 4. The Schedule of Products and Due Dates must be in MS Excel.

1. **Budget Forms (Attachment 5)**

Because this solicitation is utilizing ECAMS for submitting applications, Applicants have two options for uploading a budget:

1. **Option 1: Prime Applicant’s budget is both keyed directly into ECAMS and uploaded as an MS Excel attachment; Major Subrecipient(s) budgets are uploaded as MS Excel attachments.** ECAMS allows Applicants to build the Prime Applicant’s budget directly into the system. At this time, there is no way to input major subrecipient budgets directly into the system. Instructions for inputting budget items into ECAMS are included at <https://www.energy.ca.gov/media/7956>.
2. **Option 2: Upload all budgets (Prime and Major Subrecipients) as MS Excel attachments** and leave the ECAMS budget sections blank in ECAMS.

The Applicant must submit information on ***all*** tabs of the budget forms. The salaries, rates, and other costs entered must reflect the salaries, rates, and other costs the Applicant would include if selected as a grant recipient. A separate set of complete budget forms is required for the Applicant and for each subaward containing $100,000 or more of CEC funds.

* + 1. Detailed instructions for completing these forms are included at the beginning of Attachment 5.
			1. Rates and job descriptions shown must reflect rates and job descriptions charged under an agreement resulting from this solicitation. The salaries, rates, and other costs entered on these forms become a part of the final agreement. The entire term of the agreement and projected rate increases must be considered when preparing the budget. Unless a federally approved indirect rate is used, indirect rates proposed are considered capped and shall not change during the term of the agreement. The grant recipient shall only be reimbursed for their actual rates up to the indirect rate cap. A description of available indirect rate options is available on the [ECAMS Resources webpage](https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources) under [Budget Category Guidance](https://www.energy.ca.gov/funding-opportunities/funding-resources/ecams-resources/budget-category-guidance?auHash=cEItgat6JNbO9BFGeVqe4E5T6koCOgTaqliFX6bmwtg) for indirect rates. Unlike indirect rates, the rates for Direct Labor and Fringe Benefits are treated as estimates; a grant recipient can invoice at higher rates as long as it is only invoicing for actual expenditures it has made. The hourly or monthly rates provided shall be unloaded (before fringe benefits or indirect costs).
			2. The information provided in these forms will not be kept confidential.
			3. All reimbursable expenditures must be expended within the approved term of the grant agreement. Expenditures may be counted as match share only after CEC notifies the Applicant that its project has been proposed for an award through the release of a Notice of Proposed Awards (NOPA). However, match expenditures incurred after release of the NOPA but prior to the execution of a grant agreement are made solely at the Applicant’s own risk.
			4. Applicants must budget for the expenses of a Kick-off Meeting, at least one (1) Critical Project Review meeting, and a Final meeting. Meetings may be conducted at the CEC or remotely, as determined by the CAM.
			5. Applicants must budget for permits, insurance, etc. CEC will not reimburse expenditures for permitting or insurance. However, these expenditures can be included as match share expenditure.
			6. Applicants must budget for the preparation and submission of quarterly progress reports during the term of the agreement, and a Final Report. Instructions for preparing the Final Report will be provided to Applicants that are proposed for funding.
			7. The purchase of equipment (defined as items with a unit cost greater than $5,000 and a useful life of greater than one year) with CEC funds will require disposition of purchased equipment at the end of the project. Typically, grant recipients may continue to utilize equipment purchased with CEC funds as long as the use is consistent with the intent of the original agreement. There are no disposition requirements for equipment purchased with match share funding.
		2. The Budget must reflect estimates for actual costs to be incurred during the approved term of the agreement. CEC can only approve and reimburse for actual costs that are properly documented in accordance with the grant agreement terms and conditions.
		3. Current policy dictates that Applicants shall NOT budget for, and CANNOT be reimbursed for, more than their actual allowable expenses (i.e., the budget cannot include profit, fees, or markups) under the agreement. Subrecipients (all tiers) are allowed to include up to a maximum total of 10% profit, fees or mark-ups on their own actual allowable expenses less any expenses budgeted to sub-subrecipients (i.e., profit, fees and markups are not allowed on lower tier subrecipient expenses). For example, if a subrecipient has $100,000 in actual allowable costs but has budgeted $20,000 to a sub-subrecipient, then the subrecipient can only include up to 10% profit on $80,000 ($100,000 minus $20,000). See terms and conditions for additional restrictions and requirements.

IMPORTANT – Payment of Prevailing Wage: Applicants must read and pay particular attention to the terms and conditions section related to Public Works and payment of Prevailing Wages. Prevailing wage rates can be significantly higher than non-prevailing wage rates. Failure to pay legally required prevailing wage rates can result in substantial damages and financial penalties, termination of the grant agreement, disruption of projects, and other complications.

1. **Resumes (Attachment 6)**

Applicants must include resumes for key personnel identified in the proposal. “Key personnel” are individuals that are critical to the project due to their experience, knowledge, and/or capabilities. Resumes are limited to a maximum of 2 pages each.

1. **Contact List (Attachment 7)**

Applicants must include a completed Contact List by including the appropriate points of contact for the Applicant. CEC will complete the CEC points of contact during agreement development.

1. **Letters of Commitment (Attachment 8)**

Applicants must submit a match funding commitment letter from each entity that is committing to providing match funding. A commitment letter commits an entity or individual to providing the service or funding described in the letter. Letters are limited to two-pages each.

* 1. **Key Project Partners:** Key project partners identified in the application must provide letters demonstrating their ability to fulfill their identified roles.
	2. **Match Share Contributors Letters of Commitment:** Any match share contributors (including the Applicant and/or a third-party) must identify the intended amount of match that will be committed to the project, the funding source(s), and state that the match share contributor will provide the identified match funding. Letters of commitment from match share contributors must contain a telephone number and email address to allow CEC to contact the match share partner or representative to confirm their authority to commit matching funds to the proposed project.
1. **Letters of Support (Attachment 9 - optional)**

Applicants are encouraged to submit letter(s) of support that substantiate the estimated demand and/or the potential benefits of the proposed project. Third-party letters of support can be provided by, but are not limited to: air districts, state or federal agencies, local safety officials, potential users of the proposed project, and any other relevant organizations. Letters are limited to two-pages each.

1. **CEQA Worksheet (Attachment 10)**

Applicants must include a completed CEQA Worksheet. CEC requires this information to assist it in making its own determination under the California Environmental Quality Act (Public Resources Code Section §§ 21000 et seq).

Applicants must complete the detailed CEQA Worksheet and submit it with their application. This worksheet will help Applicants and CEC to determine CEQA compliance obligations by identifying which projects may require more extensive CEQA review. Failure to complete the worksheet may lead to disqualification of the application.

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

1. **Additional Requirements**
* Time is of the essence. Funds available under this solicitation have encumbrance deadlines and the CEC must approve proposed awards at a business meeting (usually held monthly) prior to those deadlines, in order to avoid expiration of the funds. Prior to approval and encumbrance, the CEC must comply with CEQA. 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. Unfortunately, even with this information, the CEC may not be able to complete its CEQA review prior to the encumbrance deadline for every project. For example, if a project requires an Environmental Impact Report, the process to complete it can take many months. For these reasons, it is critical that Applicants organize project proposals in a manner that minimizes the time required for the CEC to comply with CEQA and provide all CEQA-related information to the CEC in a timely manner such that the CEC is able to complete its review in time for it to meet its encumbrance deadline.
* Reservation of right to cancel proposed award. 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 the CEQA review associated with a proposed project would not likely be completed prior to the encumbrance deadline, and that the CEC’s ability to meet its encumbrance deadline may thereby be jeopardized, the CEC may cancel a proposed award and award funds to the next highest scoring Applicant in the same Funding Category, regardless of the originally proposed Applicant’s diligence in submitting information and materials for CEQA review.

Examples of situations that may arise related to CEQA review include but are not limited to:

* + - Example 1: If another state agency or local jurisdiction, such as a city or county, must take the role of lead agency under CEQA, the CEC’s review may be delayed while waiting for a determination from the lead agency.
		- 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.
		- Example 3: If the nature of the proposed work is such that a project is not categorically or otherwise exempt from the requirements of CEQA, and an initial study or other detailed environmental analysis appears to be necessary, the CEC’s review, or the lead agency’s review, may take longer than the time available to encumber the funds. If an initial study or environmental impact report has already been completed by another state agency or a local jurisdiction, serving as the lead agency, the Applicant must ensure that such an analysis covers the work in the proposed project, or must obtain a revised analysis and determination from the lead agency reviewing the proposed project.
		- Example 4: If the proposed project clearly falls under a statutory or categorical exemption or is a project for which another state agency or local jurisdiction has already adopted a CEQA finding that the project will cause no significant effect on the environment, the project will likely have greater success in attaining rapid completion of CEQA requirements.

The above examples are not exhaustive of instances in which the CEC may or may not be able to comply with CEQA within the encumbrance deadline and are only provided as further clarification for potential applicants. Please plan project proposals accordingly.

1. **Localized Health Impacts Information Form (Attachment 11)**

Applicants must complete and submit a Localized Health Impacts Information Form. CEC requires this information to assist in developing and publishing a localized health impact report.

1. **Past Performance Reference Form(s) (Attachment 12)**

Applicants must complete and submit a separate Past Performance Reference Form for each CEC agreement (e.g., contract, grant or loan) received by the Applicant in the last 10 years, including ongoing agreements, and the 5 most recent agreements with other public agencies within the past 10 years.

1. **Applicant Declaration (Attachment 13)**

This form requests the Applicant declare that they: are not delinquent on taxes nor suspended by the California Franchise Tax Board; are not being sued by any public agency or entity; are in compliance with the terms of all settlement agreements, if any, entered into with the CEC or another public agency or entity; are in compliance with all judgments, if any, issued against the Applicant in any matter to which the CEC or another public agency or entity is a party; are complying with any demand letter made on the Applicant by the CEC or another public agency or entity; and are not in active litigation with the CEC regarding the Applicant’s actions under a current or past contract, grant, or loan with the CEC. The declaration must be signed under penalty of perjury by an authorized representative of the Applicant’s organization.

1. **Letter of Intent to Place a Purchase Order (Attachment 14)**

Applicants must submit a letter of intent to place a purchase order within 30 days of a NOPA release. The letter must specify the type(s) and number(s) of ZEVs to be procured and justify the need for the proposed infrastructure. If an Applicant cannot place a purchase order within 30 days of a NOPA release, the CEC reserves the right, in addition to any other right it has, to offer funding to the next highest-scored eligible Applicant in the same Funding Category on the NOPA list.

Applicants who already own ZEVs or have recently placed a purchase order for ZEVs that will use the proposed infrastructure must submit a letter stating the type(s) and number(s) of ZEVs and explaining the need for the new infrastructure instead of a Letter of Intent to Place a Purchase Order.

1. **Evaluation Criteria for Priority Populations Form (Attachment 19)**

Applicants must complete and submit an Evaluation Criteria for Priority Populations Form.

# IV. Evaluation Process and Criteria

## Application Evaluation

Applications will be evaluated and scored based on the responses to the information requested in this solicitation and on any other information available such as past performance of CEC agreements.[[3]](#footnote-4) The entire evaluation process from receipt of applications to posting of the Notice of Proposed Award is confidential.

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

* 1. **Screening Criteria**

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

* 1. **Administrative Screening Criteria**

| **ADMINISTRATIVE Screening Criteria**  | **Pass/Fail** |
| --- | --- |
| 1. The application is received by the CEC by the due date and time specified in the “Key Activities Schedule” in Section I of this solicitation.
 | [ ]  Pass [ ]  Fail |
| 1. The Applicant has not included a statement that is contrary to the required authorizations and certifications when submitting in ECAMS.
 | [ ]  Pass [ ]  Fail |

* 1. **Technical Screening Criteria**

| **Technical Screening Criteria** | **Pass/Fail**  |
| --- | --- |
| 1. The Applicant is an eligible Applicant.
 | [ ]  Pass [ ]  Fail |
| 1. The project is an eligible project.
 | [ ]  Pass [ ]  Fail |
| 1. The project meets the minimum match share requirement.
 | [ ]  Pass [ ]  Fail |
| 1. The Applicant passes the past performance screening criterion.
 | [ ]  Pass [ ]  Fail |

* 1. **Applicant’s Past Performance Screening Criterion (Pass/Fail)**

An Applicant may be disqualified under this solicitation due to severe performance issues under one or more prior or active CEC agreement(s) within the last 10 years. For the purposes of this screening criterion an Applicant is defined as either (a) an entity, principal investigator, or lead individual acting on behalf of themselves, that received funds from the CEC (e.g. a contract, grant, or loan) and entered into an agreement(s) with the CEC; or (b) an entity, principal investigator, or lead individual that received a CEC-funded incentive. Any Applicant that does not have an active or prior agreement and has not received a CEC-funded incentive equates to no severe performance issues and therefore would pass this screening criterion.

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

* + Agreement was terminated with cause.
	+ CEC filed litigation against the Applicant.
	+ Severe audit findings are not resolved to CEC’s satisfaction. Severe audit findings may include but are not limited to: incomplete or unsatisfactory deliverables; grant funds used inappropriately (i.e., other than as represented); or questioned costs.
	+ Project objectives were not met.
	+ Significant delays in project completion resulting in delayed benefits for California. Project completion delays of one year or more from the originally proposed project schedule and caused by factors within the Applicant’s control may be considered significant.
	+ Deliverables were not submitted to the CEC or were of poor quality. For example, Applicant delivered poorly written reports that required significant rework by staff prior to acceptance or publication.
	+ Demonstrated poor or delayed communication when significant issues or setbacks were experienced that materially and negatively impacted the project. For example, delays in informing the CEC when the Applicant experiences loss of a key project partner or site control may be considered significant.
	1. **Grounds to Reject an Application or Cancel an Award**

In addition to the Screening Criteria identified within this solicitation, CEC reserves the right to reject an application and/or cancel an award for reasons including, but not limited to the following:

1. The application contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Applicant.
2. The application is intended to erroneously and fallaciously mislead the State in its evaluation of the application and the attribute, condition, or capability is a requirement of this solicitation.
3. The application does not comply or contains caveats that conflict with the solicitation and the variation or deviation is material or it is otherwise non-responsive.
4. The CEC, in its sole discretion, determines the Applicant’s financial condition may materially impact its ability to complete the proposed project.
	1. **Technical Evaluation**

Applications passing all screening criteria will be submitted to the Evaluation Committee to review and score based on the Evaluation Criteria using the Scoring Scale described below.

The Evaluation Committee reserves the right to schedule a clarification interview with an Applicant to clarify and/or verify information submitted in the application. However, these interviews may not be used to change or add to the contents of the original application. Applicants will not be reimbursed for time spent answering clarifying questions.

The total score for each application will be the average of the combined scores of all Evaluation Committee members. A minimum score of 70 percent is required for the application to be eligible for funding.

CEC will recommend awards to the highest ranked projects (according to final overall application score) until available funding under this solicitation has been exhausted.

## Notice of Proposed Awards

The results of the evaluation will be posted in a Notice of Proposed Awards (NOPA) and will include (1) the total proposed funding amount; (2) the rank order of Applicants; and (3) the amount of each proposed award. CEC will publish the NOPA on the CEC’s website.

## Debriefings

Applicants that are not proposed for funding may request a debriefing after the release of the NOPA by e-mailing the CAO listed in Part I. A request for debriefing should be received no later than 15 calendar days after the NOPA is released.

## Scoring Scale

Using this Scoring Scale, the Evaluation Committee will give a score for each criterion described in the Evaluation Criteria.

| **% of Possible Points** | **Interpretation** | **Explanation for Percentage Points**  |
| --- | --- | --- |
| 0% | Not Responsive | Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 10-30% | Minimally Responsive | Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable. |
| 40-60% | Inadequate | Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution. |
| 70% | Adequate | Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable. |
| 75% | Between Adequate and Good | Response better than adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable. |
| 80% | Good | Response fully addresses the requirements being scored with a good degree of confidence in the Applicant’s response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable. |
| 85% | Between Good and Excellent | Response fully addresses the requirements being scored with a better than good degree of confidence in the Applicant’s response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable. |
| 90% | Excellent | Response fully addresses the requirements being scored with a high degree of confidence in the Applicant’s response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations. |
| 95% | Between Excellent and Exceptional | Response fully addresses the requirements being scored with a better than excellent degree of confidence in the Applicant’s response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations. |
| 100% | Exceptional | All requirements are addressed with the highest degree of confidence in the Applicant’s response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution. |

## Evaluation Criteria

| **Criterion** | **Possible Points** |
| --- | --- |
| **Team Experience and Qualifications**Applications will be evaluated on the degree to which:* The project team’s qualifications (including relevant expertise, experience, and skill sets) are suitable to the tasks described in the proposed Scope of Work.
* The project team demonstrates the ability to meet deadlines and complete milestones for the proposed project.
* The project team has verifiable experience working with AHJ and utility personnel to overcome permitting and planning barriers.
* The Applicant and project team have demonstrated exceptional administrative and technical performance under existing or prior funding agreements (CEC and/or other public agencies), if the Applicant or project team worked on such projects, including:
* Adherence to schedules and due dates.
* Effective and timely issue resolution.
* Quality of deliverables.
* Objectives of past projects have been attained.
* Honest, timely, and professional communication with staff from the funding entity.
* Effective coordination with project partners, subrecipients, vendors, and other stakeholders.
* Timely and accurate invoicing.
 | 15 |
| **Project Readiness/Implementation**Applications will be evaluated on the degree to which:* Required permitting for the proposed project has been completed.
* The project has achieved compliance under the CEQA.
* Site control is secured.
* The estimated timeline for obtaining charging/refueling equipment needed for the proposed project is minimized.
* The estimated timeline for charger or hydrogen refueling dispenser installation and commissioning is expedited.
* The estimated timeline to energize the site is minimized.
* The timeline for when MDHD ZEVs will be in operation to utilize the installed infrastructure is clear and realistic. Strategies to expedite this timeline are realistic and reasonable.
* The tasks in the Scope of Work contribute to the successful and timely completion of the proposed project.
* Planned community outreach is appropriate and comprehensive and contributes to the overall success of the proposed project.
* Major risks and barriers to successful project completion are identified and mitigated.
* The proposed infrastructure (power level, the number of ports/refueling positions, capacity, etc.) is appropriate and justified for the duty cycle of MDHD ZEVs that will use the infrastructure.
 | 40 |
| **Project Budget**Applications will be evaluated on the degree to which:* The proposed budget implements cost-saving strategies that reduce the amount of CEC funding necessary for project completion.
* Administrative and overhead expenses are minimized.
* The proposed project cost effectively reduces GHG emissions.
* The proposed match funding commitments are documented and verifiable.
* The Applicant demonstrates the need for state funding for the proposed project.
 | 20 |
| **Economic, Social, and Environmental Benefits**Applications will be evaluated on the degree to which:* The proposed project will support decarbonizing MDHD on-road, off-road, and/or specialty vehicles.
* The plans to continue operation of the installed infrastructure are reasonable and go beyond the six-year period required by this solicitation.
* The proposed project reduces total GHG emissions (metric tons).
* The proposed project reduces carbon intensity relative to the relevant fossil fuel baseline as measured in gCO2e/MJ.
* The infrastructure installed under the proposed project will be utilized by MDHD ZEVs.
* The proposed project provides air quality benefits, as well as health and safety, access, education, financial benefits, economic development, and consumer protection to California’s priority populations or adjacent communities.
* The proposed project addresses resiliency in order to carry out the goals of the project during an emergency.
* The proposed project will engage regional community-based organizations, community leaders, and potentially affected local residents in the planning process and education on the benefits of ZEV transportation.
* The proposed project will expand certified businesses and California supply chains for California-based businesses, result in high-quality jobs in terms of compensation, duration, and related project payroll, and increase state and local tax revenues.
 | 25 |
| **Total Possible Points** | 100 |
| **Minimum Passing Score (70%)** | 70 |

## Tie Breakers

If the score for two or more applications are tied, the application with a higher score in the Project Readiness/Implementation criterion will be ranked higher. If still tied, an objective tiebreaker (such as a random drawing) will be utilized.

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# V. Administration

## Definition of Key Words

Important definitions for this solicitation are presented below:

| **Word/Term** | **Definition** |
| --- | --- |
| Applicant | Respondent to this solicitation |
| Application | Formal written response to this document from applicant |
| AHJ | Authorities having jurisdiction (AHJ) are governmental or non-governmental entities responsible for enforcing building codes, fire codes, and other regulations in a given jurisdiction. |
| California 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. |
| California Tribal Organization serving a California Native American Tribe | 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 |
| CAO | Commission Agreement Officer |
| CCS | Combined Charging System |
| CEC | California Energy Commission |
| Charging Port | The system within a charger that charges one electric vehicle. A charging port may have multiple connectors, but it can provide power to charge only one electric vehicle through one connector at a time. |
| Charging Station | The area in the immediate vicinity of one or more chargers that includes the chargers, supporting equipment, parking areas adjacent to the chargers, and lanes for vehicle ingress and egress. A charging station could comprise only part of the property on which it is located. |
| CTEP | California Type Evaluation Program |
| DCFC | A direct current fast charger (DCFC) is a charger that enables rapid charging by delivering direct current electricity directly to an electric vehicle’s battery |
| DER | Distributed Energy Resources (DER) are decentralized generation or storage devices connected to the distribution grid. |
| DMS | Division of Measurement Standards |
| ECAMS | Energy Commission Agreement Management System |
| EV | An electric vehicle (EV) is a vehicle that is either partially or fully powered on electric power received from an external power source. |
| EVITP | Electric Vehicle Infrastructure Training Program. AB 841 requires EVITP training and certification to install EV charging infrastructure and equipment that is on the customer side of the electrical meter that is funded or authorized by certain state entities.  |
| EVSE | Electric vehicle supply equipment (EVSE) is also referred to as a charger as defined. |
| FCEV | A fuel cell electric vehicle (FCEV) is a vehicle that uses an electric motor for propulsion, much like an electric vehicle, but powers the electric motor using hydrogen fuel cells rather than an onboard battery. |
| GAAP | Generally Accepted Accounting Principles |
| GGRF | Greenhouse Gas Reduction Fund |
| GHG | Greenhouse gas |
| HSP | Hydrogen Safety Panel |
| LCFS | Low Carbon Fuel Standard (LCFS) is a standard to reduce the carbon intensity of transportation fuel used in California. |
| LEA | A local educational agency includes a county office of education, a charter school, and a joint powers authority that operates home-to-school transportation programs on behalf of school districts, a county office of education, or charter schools.A LEA does not include a charter school classified as a non-classroom-based school as of the 2021-22 fiscal year second principal apportionment certification pursuant to Section 47612.5 of the Education Code. |
| Low-income Community | Census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted under Section 50093. |
| MDHD | Medium- and heavy-duty |
| PNNL  | Pacific Northwest National Laboratory |
| Solicitation | Grant Funding Opportunity, which refers to this entire solicitation document and all its attachments and exhibits |
| State | State of California |
| ZEV | Zero-emission vehicle. Vehicle which produces no emissions from the on-board source of power (e.g., an electric vehicle). |

## Cost of Developing Application

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

## Confidential Information

The Applicant shall not submit any confidential information as part of its application. All information submitted in an application will be considered and treated as non-confidential information that is subject to disclosure under the Public Records Act (Gov. Code § 7920.000 et seq.).

## Solicitation Cancellation and Amendments

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

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

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

## Errors

If an Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation at any time prior to 5:00 p.m. of the application deadline date, the Applicant should immediately notify CEC of the error in writing and request modification or clarification of the solicitation. The CEC will provide modifications or clarifications by written notice to all entities that requested the solicitation, without divulging the source of the request for clarification. The CEC shall not be responsible for failure to correct errors.

## Modifying or Recalling an Application

An Applicant may recall or modify a submitted application within ECAMS before the deadline to submit applications. Applications cannot be changed after that date and time. An application cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the solicitation: “This application and the cost estimate are valid for 60 days.”

## Immaterial Defect

The CEC may waive any immaterial defect or deviation contained in an Applicant’s application. CEC’s waiver shall in no way modify the application or excuse an Applicant proposed for funding from full compliance with solicitation requirements.

## Opportunity to Cure Administrative Errors

The CEC understands and appreciates the significant time and expense Applicants spend preparing applications. An administrative error that prevents an Applicant from submitting a complete application frustrates both the CEC and Applicants. The purpose of this process is to reduce the number of applications screened out or receiving a significantly reduced score for administrative errors while maintaining a fair competition. This process also ensures better competition and thus better projects to benefit California.

After the application deadline, an Applicant might identify, or the Evaluation Committee may find what reasonably appears to be, an administrative error. For purposes of this solicitation only, an administrative error is defined as an Applicant’s inadvertent mistake that prevents materials in existence as of the application deadline from appearing in its submitted application. Examples include, but are not limited to, accidentally:

* Scanning and submitting every other page in a document instead of every page.
* Submitting the wrong document.
* Leaving out a document.

If the Evaluation Committee find what reasonably appears to be an administrative error, they can communicate with the Applicant to confirm. If an Applicant finds an administrative error in its application, it should immediately contact the Commission Agreement Officer listed in the “Contact Information” section of this solicitation.

If an administrative error has been identified and communicated to the Commission Agreement Officer, the CEC may, but is not required to, allow the Applicant a period of time to provide the missing materials. Reasons why the CEC might NOT allow an Applicant to fix an administrative error include, but are not limited to:

* The funds have a deadline that does not allow time to fix the error.
* The application has been screened out or does not receive a passing score for reasons unrelated to the administrative error, making irrelevant any efforts to fix the error.
* The Applicant brings the error to the CEC’s attention too late in the solicitation process (e.g., after awards have been approved at a Business Meeting).

If the Evaluation Committee allows an Applicant the opportunity to fix an administrative error, the Commission Agreement Officer will communicate in writing to the Applicant’s project manager listed the deadline by which the Applicant must provide the missing materials. Reasonable efforts will be made to confirm receipt of the notice, but actual notice cannot be guaranteed and the obligation is on the Applicant to ensure the proper contact(s) are listed and available to respond. The Evaluation Committee will not consider any materials submitted after the deadline.

This process only allows Applicants to submit materials in existence as of the application deadline. This process does NOT allow Applicants to submit material created or modified after the application deadline. The CEC has sole discretion to determine whether materials submitted are eligible for consideration by the Evaluation Committee under this opportunity to cure.

Applicants must include the following certification along with the materials it submits to fix an administrative error and must explain why the materials were not provided due to an inadvertent administrative error:

“I certify on behalf of the Applicant that the materials provided herein existed at the time of the application deadline, have not been modified since, and were not originally provided due to an inadvertent administrative error as described herein.”

The Evaluation Committee is not responsible for finding, or communicating with the Applicant about, any errors in an application. Applicants remain solely responsible for submitting applications, including any material submitted to fix an administrative error, that meet all solicitation requirements.

## Disposition of Applicant’s Documents

The entire evaluation process from receipt of applications up to the posting of the Notice of Proposed Award is confidential. On the Notice of Proposed Award posting date, or date of solicitation cancellation, all applications and related material submitted in response to this solicitation become a part of the property of the State and public record.

## Applicants’ Admonishment

This solicitation contains the instructions governing the requirements for a firm quotation to be submitted by interested Applicants, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and applicant responsibilities. Applicants are responsible for carefully reading the entire solicitation, asking appropriate questions in a timely manner, submitting all required responses in a complete manner by the required date and time, and making sure that all procedures and requirements of the solicitation are followed and appropriately addressed.

## Agreement Requirements

The content of this solicitation shall be incorporated by reference into the final agreement. See the standard terms and conditions on the CEC Funding Resources page at: <https://www.energy.ca.gov/funding-opportunities/funding-resources>. This information is also in Section II.A.2.

CEC reserves the right to negotiate with Applicants to modify the project scope, the level of funding, or both. If CEC is unable to successfully negotiate and execute a funding agreement with an Applicant, CEC, at its sole discretion, reserves the right to cancel the pending award and fund the next highest ranked eligible project in the same Funding Category. The CEC may shift remaining funds to the other Funding Category if funding remains available.

If proposed for an award, the CEC reserves the right to request information it deems appropriate to evaluate the financial condition of a proposed awardee prior to approval of a grant award. If CEC, in its sole discretion, determines that a proposed awardee’s financial condition may materially impact its ability to complete the proposed project, CEC reserves the right to cancel the proposed award.

CEC must formally approve all proposed grant awards. Clean Transportation Program agreements must be scheduled and considered at a CEC Business Meeting for approval by the CEC.

Public agencies that receive funding under this solicitation must provide an authorizing resolution approved by their governing authority to enter into an agreement with CEC and designating an authorized representative to sign.

CEC will send the approved agreement, including the standard terms and conditions and any additional terms and conditions, to the grant recipient for review, approval, and signature. Once the grant recipient signs, CEC will fully execute the agreement. Recipients are approved to begin the project only after full execution of the agreement.

## No Agreement Until Signed and Approved

No agreement between CEC and an Applicant is in effect until the agreement is approved at a CEC Business Meeting and signed by both the grant recipient and the CEC.

CEC reserves the right to modify the award documents prior to executing the agreement.

## Executive Order N-6-22 – Russia Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and
individuals. “Economic Sanctions” refers to sanctions imposed by the U.S.
government in response to Russia’s actions in Ukraine, as well as any sanctions
imposed under state law. By submitting a bid or proposal, Applicant represents
that it is not a target of Economic Sanctions. Should the State determine
Applicant is a target of Economic Sanctions or is conducting prohibited
transactions with sanctioned individuals or entities, that shall be grounds for
rejection of the Applicant’s bid/proposal any time prior to agreement execution, or, if determined after agreement execution, shall be grounds for termination by the State.

1. “Commercial” in this context applies to “operations in which the amount dispensed affects customer charges or compensation” <https://www.cdfa.ca.gov/dms/docs/publications/2024/2024_Combined_FRM.pdf>. [↑](#footnote-ref-2)
2. Assembly Bill 1921 (Papan, Chapter 556, Statutes of 2024). [Renewable Electrical Generation Facilities: Definition](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1921). https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=202320240AB1921. [↑](#footnote-ref-3)
3. The Past Performance Evaluation is available on the CEC website at: https://www.energy.ca.gov/media/6595 [↑](#footnote-ref-4)