**GRANT FUNDING OPPORTUNITY**

**Clean Transportation Program**

**Light-Duty Hydrogen Infrastructure Build-Out**



GFO-24-601

**Addendum 3**

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

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

State of California

California Energy Commission

[~~September 2024~~] **January 2025**

Added language appears in **bold underline**, and deleted language appears in [~~strikethrough~~] and within square brackets

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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 $15 million in grant funds for projects that will provide publicly available hydrogen refueling stations to enable continued growth of the California fuel cell electric vehicle (FCEV) market and support the advancement of hydrogen refueling station operations and maintenance (O&M) to improve the customer experience.

The solicitation objectives are to:

* + Develop light-duty hydrogen refueling stations in San Francisco County and Sacramento County, which lost several stations recently.
	+ Support capital expenditures and/or O&M for planned or temporarily non-operational light-duty hydrogen refueling stations where open-retail progress has stalled due to cost constraints.

## 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) re-authorized the Clean Transportation Program through July 1, 2035, and specified that the CEC allocate no less than 15 percent of the moneys appropriated by the Legislature each year to hydrogen refueling stations to support hydrogen vehicles until there is a sufficient network of stations, which includes all types available, until July 1, 2030.

The development of publicly available hydrogen refueling stations in California is supported by the Clean Transportation Program as directed under AB 8 (Perea, Chapter 401, Statutes of 2013), AB 126, and by Executive Order B-48-18. Building a market for FCEVs not only requires investment in the building of new stations, but also successful O&M of those stations to meet customers’ ongoing fueling needs. While the state continues to support new station development, insufficient reliability of existing stations is an area of increasing concern, as outlined by the informational hearing on August 23, 2023, of the California State Senate’s Select Committee on Transitioning to a Zero-Emission Energy Future, for which information is available at https://www.senate.ca.gov/tzeef. While the CEC continues to improve operational requirements and safeguards in new station funding opportunities, feedback from FCEV drivers suggests that existing stations need additional support to meet basic fueling needs.

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.

## Commitment to Diversity

The CEC is committed to ensuring that participation in its Clean Transportation Program reflects the rich and diverse characteristics of California and its people. To meet this commitment, CEC staff conducts outreach efforts and activities to:

* Ensure potential new applicants throughout the state are aware of CEC’s Clean Transportation Program and the funding opportunities the program provides.
* Encourage greater participation by underrepresented groups including disabled veteran-, women-, minority-, and LGBT-owned businesses.
* Assist applicants in understanding how to apply for funding from CEC’s Clean Transportation Program.

## Key Activities and Dates

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

|  |  |
| --- | --- |
| **ACTIVITY** | **ACTION DATE** |
| Solicitation Release | September 20, 2024 |
| Pre-Application Workshop\* | October 8, 2024 |
| Deadline for Written Questions\* | October 21, 2024 |
| Anticipated Distribution of Questions/Answers | Week of November 4, 2024 |
| Support for Application Submission in the Energy Commission Agreement Management System (ECAMS) until 5:00 p.m.  | **Ongoing until** [~~January 15, 2025~~] **January 29, 2025** |
| **Deadline to Submit Applications by 11:59 p.m.\*** | [~~January 15, 2025~~]**January 29, 2025** |
| Anticipated Notice of Proposed Awards Posting  | Week of [~~March 3, 2025~~]**March 17, 2025** |
| Anticipated CEC Business Meeting  | June 2025 |

## 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. 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 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 $15 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 Lanes

 This solicitation has two funding lanes:

1. Funding for new light-duty hydrogen refueling stations in San Francisco and Sacramento Counties, to which $10 million of the available funds is dedicated.

The CEC expects to award at least one station in San Francisco County and one station in Sacramento County.

Applicants passing administrative and technical screening will compete based on evaluation criteria and will be scored and ranked based on those criteria. The highest ranked application containing a station in San Francisco County and the highest ranked application containing a station in Sacramento County will be recommended for funding for one station in each location. Once a station is recommended for funding for each county location, for remaining funds, the CEC will award the next highest-ranking application(s) achieving at least the minimum passing score, regardless of location (within San Francisco County or Sacramento County) and up to the maximum award amount (see section I.H. Maximum Award Amount).

An application may propose stations located in both San Francisco County and Sacramento County. If that application receives the highest passing score, one station for each county location would be recommended for funding.

1. Additional funding support for light-duty hydrogen refueling stations that are planned or under development, which have received a previous CEC grant award, are an eligible temporarily non-operational (TNO) station[[1]](#footnote-2), or are a Hydrogen Refueling Infrastructure (HRI) approved station, to which $5 million of the available funds is dedicated.

Stations proposed for award under a previous CEC grant award are not eligible to apply under Funding Lane 1, even if the stations are located in San Francisco or Sacramento Counties. If proposed for award under GFO-19-602, station developers must still meet the requirements and complete the milestones specified in GFO-19-602, and funding is still subject to future Clean Transportation Program appropriations and Investment Plan funding allocations.

Eligible TNO stations are listed in Table 1.

**Table 1: Eligible TNO Stations (as of August 1, 2024)**

|  |
| --- |
| **TNO Station Addresses** |
| 3731 E. La Palma Ave., Anaheim, CA 92806 |
| 10400 Aviation Blvd., Los Angeles, CA 90045 |
| 5151 State University Dr., Los Angeles, CA 90032 |
| 8095 Lincoln Ave., Riverside, CA 92504 |
| 1850 E. Holt Blvd., Ontario, CA 91761 |
| 1172 45th St., Emeryville, CA 94306 |
| 3601 El Camino Real, Palo Alto, CA 94306 |

HRI approved stations can be found on the California Air Resources Board (CARB) Low Carbon Fuel Standard (LCFS) Hydrogen Refueling Infrastructure (HRI) program website at <https://ww2.arb.ca.gov/resources/documents/lcfs-zev-infrastructure-crediting>.

CEC, at its sole discretion, reserves the right to increase or decrease the amount of funds dedicated to each funding lane.

## Maximum Award Amounts

Projects are eligible for up to 50% of the total project costs. Projects may include one or more eligible hydrogen refueling station(s) as defined in Section II.B.

The maximum award amounts for the two funding lanes are described below:

* Funding Lane 1: Light-duty hydrogen refueling stations in San Francisco and Sacramento Counties
	+ - * Maximum award: $2 million per station
				+ Capital Expenditure (Cap-X) maximum award amount: $1.5 million per station
				+ Operation and Maintenance (O&M) maximum award amount: $500,000 per station (O&M funding is only available once each station achieves open retail status)
* Funding Lane 2: Additional funding support for light-duty hydrogen refueling stations that are planned or under development, which have received a previous CEC grant award, are an eligible TNO station, or are an HRI approved station. The eligible station locations in Funding Lane 2 are not limited to Sacramento and San Francisco Counties.
	+ - * Maximum award: $500,000 per station
				+ Funds may be used towards Cap-X (including station upgrades), O&M, or both
				+ O&M funding is only available once each station achieves open retail status

There will be a single applicant cap of 40 percent for Funding Lane 1 and 50 percent for Funding Lane 2. Table 2 shows an example scenario where a lower ranked applicant receiving funding before a higher ranked applicant because stations are not proposed in Sacramento by higher ranked applicants.

**Table 2: Example Notice of Proposed Awards**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Scores | Funding Lane (FL) 1 | FL 1 Requested Funds | FL 2 | FL 2 Requested Funds | Total Requested Funds | Proposed Awards in FL1 | Proposed Awards in FL2 |
| Applicant A | 95% | 5 stations in San Francisco | $10 million | 1 station | $500,000 | $10.5 million | $4 million for 2 stations in San Francisco | $500,000 for 1 station |
| Applicant B | 90% | 2 stations in San Francisco | $4 million | 6 stations | $3 million | $7 million | $4 million for 2 stations in San Francisco | $2.5 million for 5 stations |
| Applicant C | 85% | 2 stations in Sacramento | $4 million | 2 stations | $1 million | $5 million | $2 million for 1 station in Sacramento | $1 million for 2 stations |
| Applicant D | 80% | 0 stations in San Francisco or Sacramento | $0 | 6 stations | $3 million | $3 million | $0 | $1 million for 2 stations |

## Maximum Number of Applications

Applicants are only eligible to submit one application under this solicitation. An application may propose one or more light-duty hydrogen refueling station(s) for one or both funding lanes. Heavy-Duty hydrogen refueling station(s) are eligible to be included as Match (Section II.D.).

## Agreement Execution Deadline

Funding agreements shall be executed by the funding Recipient within 60 days following approval at a CEC Business Meeting. If this deadline is missed, the CEC reserves the right to cancel a proposed award and recommend awarding funds to the next eligible Applicant.

## Staged Reimbursement of CEC Funds – Stations Requesting Cap-X Funding

CEC funds will only be available to reimburse a Recipient for actual, allowable, and allocable costs under an agreement resulting from this solicitation. Eligible expenses are reimbursed only for the hydrogen refueling stations that are specified in the executed grant agreement. The CEC will reimburse actual, allowable, and allocable costs pursuant to the Terms and Conditions and the Special Terms and Conditions (Attachment 18) of the grant agreement in stages for each station, as follows:

**Stage 1:** Recipient has completed all Critical Milestones, completed the preliminary station design plans, and ordered the necessary equipment. Up to 25 percent of the CEC funding allocated to the station or the actual, allowable, and allocable costs incurred (whichever is less) will be reimbursed.

**Stage 2:** Recipient has submitted documentation to the CEC showing they have submitted an entitlement application or initial permit application for the station and submitted the preliminary Hydrogen Safety Plan to the Pacific Northwest National Laboratory (PNNL) Hydrogen Safety Panel (HSP). Up to 50 percent of the CEC funding allocated to the station or the actual, allowable, and allocable costs incurred (whichever is less) will be reimbursed.

**Stage 3:** Recipient has provided documentation to the CEC that equipment is assembled and ready for shipping and has received a permit to build from the authority having jurisdiction (AHJ). Up to 75 percent of the CEC funding allocated to the station or the actual, allowable, and allocable costs incurred (whichever is less) will be reimbursed.

**Stage 4:** Recipient has submitted the final Hydrogen Safety Plan to the PNNL HSP. Recipient has also submitted an Open Retail Station Checklist (Attachment 15) to the CEC and the station has achieved open retail status. Up to 90 percent of the CEC funding allocated to the station or the actual, allowable, and allocable costs incurred (whichever is less) will be reimbursed. The remaining 10 percent of the CEC funding allocated to the station will be held as retention.

**Stage 5:** Recipient has completed the required data collection using the National Renewable Energy Laboratory (NREL) Data Collection Tool (Attachment 14), submitted a Final Report that the CEC’s CAM approves, and timely submitted an invoice to the CEC for the retention. Timely submitted in this context means with enough time before the funds liquidate for the CEC to have the State Controller’s Office issue the check without having to pay any charges for expedited processing. The 10 percent retention will be released.

## Critical Milestones – Stations Requesting Cap-X Funding

Time is of the essence in project completion. To ensure timely project completion, in addition to meeting other Agreement requirements, the Recipient must complete certain activities by certain dates to receive payment by the CEC under any agreement resulting from this solicitation (as described in Attachment 18, Special Terms and Conditions).

For each hydrogen refueling station in an Applicant’s proposed project, Applicant must submit evidence of having completed Critical Milestones #1 and #2 for each proposed station address, as described within the solicitation. If awarded under this solicitation, any station relocation requests must be accompanied by proof of completion of Critical Milestones #1 and #2 for the proposed relocation site address.

If awarded under this solicitation, Critical Milestones #3 and #4 must be completed by the Recipient before the CEC will reimburse the Recipient for any eligible costs.

CEC staff will determine whether the documentation submitted by the Recipient is sufficient to show that a Critical Milestone has been met.

The Critical Milestones are as follows:

**Critical Milestone #1**: The Applicant shall hold the following meetings:

* An in-person, telephone, or web-based pre-application meeting for permits to build and operate each proposed hydrogen refueling station with relevant planning and/or building department staff of the AHJ over project entitlement and permit approval. The meeting should include but not be limited to discussion of:
	+ The entitlement and permitting process for a hydrogen refueling station within the AHJ
	+ Zoning requirements for the chosen site
	+ Design or aesthetic requirements for the chosen site
	+ The expected CEQA process
	+ Project timeline

The meeting may be, for example, a scheduled presentation given by the Applicant to AHJ staff, or an unscheduled discussion with AHJ staff.

* An in-person, telephone, or web-based pre-application meeting, at the same time or separately from the meeting with the AHJ planning and/or building department staff, with a representative of the Office of the Fire Marshal, or equivalent fire control office, in the AHJ. The meeting should include but not be limited to discussion about how to obtain compliance with local fire code requirements and National Fire Protection Association (NFPA) 2 requirements.
* A telephone or web-based meeting with a representative of the PNNL HSP to establish a common understanding of the Hydrogen Safety Plan and station design review process (Section II.K.) that will be required of Recipients.

The Applicant must provide to the CEC proof of having met this Critical Milestone by submitting in its application notes from each meeting, not to exceed five pages per station, including date, time, location, names and titles of meeting participants, a summary of the topics discussed, action items, and next steps.

**Critical Milestone #2**: The Applicant shall have control and possession of the site at which each proposed hydrogen refueling station is to be constructed.

The Applicant must provide to the CEC proof of having met this Critical Milestone for each proposed hydrogen refueling station by submitting in its application adequate documentation of site control and possession. Documentation of site control and possession may include, but is not limited to, an executed lease for the land on which the station will be constructed.

**Critical Milestone #3**: The Recipient shall meet with representatives of the utility company that will serve each proposed hydrogen refueling station to arrange the utility connection. The Recipient must provide to the CEC proof of having met this Critical Milestone by submitting meeting notes, not to exceed five pages per station, including date, time, location, names and titles of meeting participants, a summary of the topics discussed, action items, and next steps.

**Critical Milestone #4**: The Recipient shall meet with representatives of the hydrogen fuel supplier that will serve each proposed hydrogen refueling station to arrange the supply chain and hydrogen delivery. The Recipient must provide to the CEC proof of having met this Critical Milestone by submitting meeting notes, not to exceed five pages per station, including date, time, location, names and titles of meeting participants, a summary of the topics discussed, action items, and next steps.

## 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.

**October 8, 2024**

2:00 – 4:00 PM

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/88610566955?pwd=lWi4seoEhcRSdbbJ2E1wchT882fuVP.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:** 886 1056 6955

**Meeting Password:** 629816

**Topic:** GFO-24-601 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](https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux): <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

Laura Williams, Commission Agreement Officer

California Energy Commission

715 P Street, MS-18

Sacramento, California 95814

Telephone: (916) 879-1383

E-mail: laura.williams@energy.ca.gov

## Reference Documents

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

* [2023-2024 Investment Plan Update for the Clean Transportation Program](https://www.energy.ca.gov/publications/2023/2023-2024-investment-plan-update-clean-transportation-program) (CEC-600-2023-029), <https://www.energy.ca.gov/publications/2023/2023-2024-investment-plan-update-clean-transportation-program>.
* [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.
* Crowell, Miki and Martinez, Andrew. [2023. Joint Agency Staff Report on Assembly Bill 8: 2023 Annual Assessment of the Hydrogen Refueling Network in California. California Energy Commission and California Air Resources Board](https://www.energy.ca.gov/sites/default/files/2023-12/CEC-600-2023-069.pdf). Publication Number: CEC-600-2023-069. <https://www.energy.ca.gov/sites/default/files/2023-12/CEC-600-2023-069.pdf>
* [2023 Annual Evaluation of Fuel Cell Electric Vehicle Deployment and Hydrogen Fuel Station Network Development](https://ww2.arb.ca.gov/sites/default/files/2023-12/AB-8-Report-2023-FINAL-R.pdf) <https://ww2.arb.ca.gov/sites/default/files/2023-12/AB-8-Report-2023-FINAL-R.pdf>
* 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 Office of Environmental Health Hazard Assessment. “[CalEnviroScreen 4.0](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40).” <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.
* [Executive Order N-79-20](file:///C%3A%5CUsers%5Cbworster%5CExecutive%20Order%20N-79-20). <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>.

# II. Eligibility Requirements

## Applicant Requirements

1. **Eligibility**

Funding Lane 1 is open to all public and private entities including California Native American Tribes, and California Tribal Organizations serving California Native American Tribes. Funding Lane 2 is open only to hydrogen refueling station developers.

To be eligible, Applicants (or key project partners) shall:

* 1. Employ key personnel for the proposed project with a minimum of three (3) years of experience designing, planning, constructing, testing, operating, or maintaining hydrogen refueling stations or other pressurized gaseous fueling stations. Applicants will be required to provide resumes (Attachment 6) to confirm this information.
1. **Terms and Conditions**

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

In addition to the applicable terms and conditions listed above, the following terms and conditions may apply to the Applicant: Special Terms and Conditions for California Native American Tribes and California Tribal Organizations serving California Native American Tribes with Sovereign Immunity, in addition to the standard terms and conditions; and any other special terms and conditions required by the CEC. The standard terms and conditions are located at [CEC's funding resources website](http://www.energy.ca.gov/research/contractors.html) at https://www.energy.ca.gov/funding-opportunities/funding-resources.

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

If a 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), CEC staff must receive the following before bringing the proposed award to a Business Meeting, (a) resolution(s) or other authorizing document(s) by the governing body of the Tribe or Tribal Organization which:

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 23); 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 California Energy Commission 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.

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). Applicants should provide the exact legal names of entities included in their applications, along with any fictitious business names. Fictitious business names must be currently valid, i.e., not expired with the Secretary of State. As part of the CEC’s due diligence, particularly during the agreement development phase, CEC staff may request the supporting documentation regarding the above registration requirements.

For more information, contact the Secretary of State’s Office via [the](http://www.sos.ca.gov) 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

**Station Development Requirements**The following requirements apply to projects requesting Cap-X funding under Funding Lane 1 or 2. To be eligible under this solicitation to request Cap-X funding, each project shall meet each of the following criteria:

* 1. Each proposed station must meet the Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations listed in Section II.H.
	2. The Applicant or a key project partner must operate each proposed station and maintain its open retail status for a minimum of five (5) years. If the current lease agreement for an eligible hydrogen refueling station’s property is valid for less than the required five years, the Applicant must commit to operating that station until the current lease ends and make a good faith effort to extend the lease to continue operation for the full five years. If an Applicant does not meet the full five-year commitment, or if the Applicant closes the station shortly after five 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 each eligible hydrogen refueling station included in the application per the applicable Minimum Technical Requirements and explain any lease agreement limitations.
	3. For Funding Lane 1, the location(s) of the proposed light-duty hydrogen refueling station(s) must be within San Francisco County or Sacramento County.
	4. If an application includes more than one location, at least 50% of the locations in the application must be in a disadvantaged community and if an application includes only one location, the location must be in a disadvantaged community in accordance with [CalEnviroScreen Tool](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40), <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.
	5. Each proposed station shall have a minimum of two Society of Automotive Engineers (SAE) International J2601 H70-T40 fueling positions.
	6. The CARB LCFS HRI program uses the same HySCapE model to confirm station capacity. Applicants are encouraged to consult the HRI User Guide available at <https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/ca-greet/2018-0813_hyscape_documentation.pdf>.

Each proposed station shall meet the minimum 24-hour fueling capacity of 225 kilograms based on the Hydrogen Station Capacity Evaluation (HySCapE) model, counting only H70-T40 fills that achieve 95% state of charge (SOC). Optional: Fueling positions may provide H35 fueling in addition to H70-T40.

The HySCapE model is available for download at: <https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/2018-0813_hyscape_download_instructions.pdf>. Applicants shall fill out the HySCapE Input File (Attachment 21) to run the HySCapE model, as used for applications to the CARB LCFS HRI Program, for each proposed station design to demonstrate that each light-duty fueling position of each proposed station design meets the minimum 24-hour fueling capacity of 225 kilograms. Consistent with the HRI User Guide, Applicants shall use the following HySCapE default settings:

* Vehicle Demand Profile: Chevron Friday
* Time Between Fills: 255 seconds
* Vehicle Storage Volume: 126 liters
* Storage Level to Trigger Delivery: 30 percent
* Hourly Distribution: Even

Applicants shall download the HySCapE results (Attachment 22) which includes the graphs and output file. To meet the 24-hour fueling capacity requirement, the “number of kg Mass Dispensed at SOC limit” must be equal to or greater than 225 kilograms per fueling position.

* 1. If proposing to include heavy-duty hydrogen refueling dispensers (with match only), stations shall serve fuel cell electric trucks (FCETs) or fuel cell electric buses (FCEBs) via public or private access at separate fueling positions from light-duty FCEVs. The public light-duty FCEV customer experience must not be compromised.

**O&M Requirements**

The following requirements apply to projects requesting O&M funding under Funding Lane 1 or 2. To be eligible under this solicitation to request O&M funding, each project shall meet each of the following criteria:

1. Each proposed station must not have received funding under GFO-23-604 Improvements in Maintenance Processes for Reliable Operations that are Verifiable and Effective for Hydrogen Refueling Stations (IMPROVE for H2).
2. O&M Projects must include an O&M Plan, as specified in the Scope of Work (Attachment 2). The O&M Plan must detail O&M activities that will result in long-lasting improvements to station reliability and the customer experience. Where appropriate, the O&M Plan may also detail activities to address immediate problems facing customers, including but not limited to bringing stations temporarily out of service back into service.
3. The Applicant must commit to operating each eligible light-duty hydrogen refueling station included in its application for a minimum of five (5) years after the execution date of an agreement resulting from this solicitation. Each station must be operated consistent with the Minimum Technical Requirements for open retail hydrogen refueling stations as specified in the solicitation under which the station received capital expenditure support from the CEC, if applicable. If the current lease agreement for an eligible hydrogen refueling station’s property is valid for less than the required five years, the Applicant must commit to operating that station until the current lease ends and make a good faith effort to extend the lease to continue operation for the full five years. If an Applicant does not meet the full five-year commitment, or if the Applicant closes the station shortly after five years without good cause, the CEC may seek repayment of funds.

Applicants must submit a commitment letter as described in Section III.D. Application Content, to confirm their commitment to operate each eligible hydrogen refueling station included in the application per the applicable Minimum Technical Requirements and explain any lease agreement limitations.
4. Projects must collect O&M data and conclude with preparation of a final report that describes lessons learned, which may be shared publicly, as specified in the Scope of Work (Attachment 2).

## 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%.

For projects only requesting funding for O&M activities, the 95% uptime commitment shall be in effect after project tasks to improve station reliability are completed and Applicants shall endeavor to meet this commitment after the project ends for as long as the station operates.

## Eligible Project Costs

For both funding lanes, eligible reimbursable costs associated with Cap-X are limited to ***actual,*** ***allowable equipment expenditures only.*** Eligible reimbursable costs include:

* Hydrogen refueling station equipment such as hydrogen storage tanks, compressors, chillers, cryogenic pumps, dispensers, hoses, nozzles, and point of sale (POS) systems.
* Any standard or optional costs included by the equipment supplier in the purchase of equipment, such as shipping, installation, commissioning, or servicing.

Other project costs (labor, fringe, travel, subcontracted labor, materials/supplies, and overhead) associated with development of stations are NOT eligible reimbursable costs under agreements resulting from this solicitation. However, these other project costs are eligible match share costs.

In additional to the other project costs listed above, these match share costs may also include, but are not limited to:

* Electrical system upgrade costs not covered by the utility
* Engineering, planning, and construction services
* Engagement and outreach to stakeholders
* Onsite hydrogen production equipment
* Permits
* Insurance
* Warranties

Heavy-duty dispensers are an eligible match share cost. If proposing a mixed-use hydrogen refueling station, stations must serve fuel cell electric trucks (FCETs) or fuel cell electric buses (FCEBs) via public or private access at separate fueling positions from light-duty FCEVs. The public light-duty FCEV customer experience must not be compromised.

For both funding lanes, for projects requesting O&M funding, costs incurred for the following are eligible for CEC reimbursement or as the Applicant’s match share:

* 1. Maintenance of equipment that is reasonably necessary to keep the hydrogen refueling station and related equipment in efficient operating condition, from the date of delivery until the end of the agreement.
	2. Insurance on the hydrogen refueling station and related equipment from the date of delivery until the end of the agreement, only if:
* Insurance does not protect the Recipient against the cost of its own defects in materials or workmanship;
* Coverage for loss, damage, destruction, or theft of the equipment does not limit or eliminate the Recipient’s liability for such loss under the grant agreement;
* Coverage does not include loss, damage, destruction, or theft which results from the willful misconduct or lack of good faith on the part of any of the Recipient’s ownership or managerial personnel;
* Coverage does not include lost profit;
* Coverage does not exceed the cost of acquisition, unless the Recipient has a formal written policy that assures that the property, if converted, will be valued at the book value of the replaced asset plus or minus the difference between the insurance proceeds and the actual replacement costs;

* Costs are consistent with competitive insurance prices;
* Insurance purchased would not cover costs, penalties, judgment amount, or any other expense or payment required of the Recipient should the CEC bring a legal action against the Recipient or otherwise seek restitution from the Recipient; and
* Insurance is equivalent to the insurance that the Recipient maintains for similar equipment.
	1. Utility costs allocable to the hydrogen refueling station and related equipment.
	2. Hydrogen production or procurement costs allocable to the hydrogen refueling station.
	3. Hydrogen fuel delivery costs necessary for the operation of the hydrogen refueling station.
	4. Rent or lease payments allocable to the hydrogen refueling station.
	5. Costs related to becoming Open-Retail using the HyStEP device to enable a hydrogen refueling station to be commissioned.

The following are not eligible O&M funding costs (reimbursable or match share).

1. Property taxes
2. Interest
3. Penalties
4. Indirect costs of the Recipient
5. Non-cash expenses (such as amortization, depreciation, bad debt, etc.)
6. Any costs which do not meet the requirements set forth in the Eligible O&M funding costs above or Agreement documents

## Match Funding Requirements

1. **Total Match Share Requirement**

Applications must include a minimum 50 percent total match share 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. 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. 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**

No cash match is required for this solicitation.

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.

## Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations

To be considered open retail, all hydrogen refueling stations funded under this solicitation shall, at a minimum, meet and adhere to each of the following Minimum Technical Requirements for Open Retail Hydrogen Refueling Stations during station operation.

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

1. The open retail hydrogen refueling station shall dispense hydrogen that meets 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.
2. Hydrogen quality tests shall be taken at each dispenser at the hydrogen refueling station every six months, at minimum.
3. 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.
4. The station developer 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.
5. All hydrogen dispensers used at open retail 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 open retail 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.

Prior to dispensing hydrogen for retail sale, all dispensers installed in open retail hydrogen refueling stations for retail sale shall have either a Temporary Use Permit or Certificate of Approval issued through the California Type Evaluation Program (CTEP) administered by the California Department of Food and Agriculture (CDFA) Division of Measurement Standards (DMS). Alternatively, installed retail hydrogen dispensing systems may have a Certificate of Conformance issued by the National Type Evaluation Program (NTEP) administered through the National Council on Weights and Measures (NCWM).

a.       The Recipient shall install only type-approved dispensers (i.e., which have gone through CTEP or NTEP approval) for retail sale. CDFA adopts, by reference, the most current version of the NIST Handbook 44 Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices except as otherwise modified, amended or rejected by the Secretary of the U.S. Department of Commerce. CCR Title 4, Division 9, Chapter 1, Article 1, Sections 4001 and 4002, Additional Requirements, adopts California-specific amendment and modifications to NIST Handbook 44.b. When installing a type-approved hydrogen dispenser at any hydrogen refueling station funded under this solicitation, the Recipient shall notify the local county department of weights and measures of the installed device within 24 hours after the device has been placed in service.

c.       The newly installed dispenser shall successfully pass initial verification of accuracy class tests to receive the county weights and measures seal approving the device for retail use. Installed and approved dispensers will thereafter be subject to annual inspection and testing to ensure the device operates within its designated maintenance tolerance as indicated on the type approval certificate.

d.       The Applicant shall include a plan, in their application, for CDFA DMS, or a Registered Service Agency (RSA) (a person, firm, corporation or association that, for hire or payment of any kind, repairs commercial weighing and measuring devices) to conduct initial verification of accuracy class tests with the local county official(s) present to witness the testing of the dispenser(s) they plan to place in commercial service.

If the Applicant plans to use an RSA, that RSA shall be registered by the CDFA DMS and their employees (Agents) shall be licensed by DMS before performing any installation, repair, or maintenance on any weighing or measuring device.

1. Each light-duty fueling position of the open retail hydrogen refueling station shall conform to the most recent published version of SAE International J2601 (fueling protocols) at H70-T40 for all light-duty vehicle tank mass categories up to 10 kilograms. If the station is listed in Table 1 above, each light-duty fueling position of the open retail hydrogen refueling station shall conform to the most recent published version of SAE International J2601 at H70-T40 for all light-duty vehicle tank mass categories up to 7 kilograms.

Should the station developer opt to include H35, each H35 fueling position of the open retail hydrogen refueling station shall conform to the most recent published version of SAE International J2601 (fueling protocols) at H35.

A mixed-use station shall provide separate, purpose-built infrastructure for FCET/FCEBs with compressed hydrogen storage systems (CHSS) that exceed 10 kilograms. For the FCET/FCEB fueling position(s), the station developer must self-certify conformance to a defined fueling protocol or standard fueling guideline that they describe to the CEC. Fueling of FCEVs with 10-kilogram+ tanks shall not diminish the light-duty FCEV customer experience.

The compliance of the open retail 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.

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 open retail hydrogen refueling station design and operation shall conform to the most recent version of ANSI/CSA HGV 4.9 (hydrogen refueling stations).
2. The open retail 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.
3. The open retail 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.
4. Each light-duty fueling position of the open retail hydrogen refueling station shall have the capability to provide a minimum of seven 4-kilogram H70-T40 fills in one hour, back-to-back, counting only fills that achieve 95 percent SOC. This is not applicable to stations listed in Table 1 above.
5. The open retail hydrogen refueling station dispenser(s) shall sell hydrogen fuel to the public through a point of sale (POS) system. The station dispensers may use a centralized POS system.

The POS system shall accept, read, and process the magnetic stripe on commercially available credit cards, debit cards, fueling cards, and gift cards. Each POS system shall also read EMV™ chips embedded in the cards and perform financial payment transactions.

Each POS system may also 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.

1. The open retail 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. Both agreements must provide renewable hydrogen to satisfy the Renewable Hydrogen Requirements (Section II.M.) of this solicitation.
2. The open retail hydrogen refueling station shall have an energized utility connection and source of system power.
3. The open retail hydrogen refueling station shall have lighting for the dispenser(s) and the station area to provide a well-lit area that is safe, convenient, and accessible for station users.
4. The open retail hydrogen refueling station shall have signage as follows:
	1. Onsite signage to acknowledge the public agency(ies) that co-funded the hydrogen refueling station as provided by that public agency(ies).
	2. Onsite signage that explains the method of sale requirements per the [California Hydrogen Fuel Advertising and Labeling Requirements](https://www.cdfa.ca.gov/dms/hydrogenfuel/pdfs/HYDROGENGuidanceforRetailers.pdf) at https://www.cdfa.ca.gov/dms/hydrogenfuel/pdfs/HYDROGENGuidanceforRetailers.pdf.
	3. If permitted by the local AHJ, the station shall be identified by trailblazer signage on local roads leading to the refueling station (directional sign, usually with an arrow panel, off the freeway system to advise motorists where to turn to the station).
	4. If permitted by Caltrans, the station shall be identified by state highway system signage according to the [California Manual on Uniform Traffic Control Devices](https://dot.ca.gov/programs/safety-programs/camutcd), Part 2: Signs, available at: https://dot.ca.gov/programs/safety-programs/camutcd.

It is the responsibility of the Recipient to contact each respective agency to request this signage.

1. The open retail hydrogen refueling station shall be connected and send data to the Hydrogen Fuel Cell Partnership [Station Operational Status System (SOSS)](https://m.h2fcp.org/) available at https://m.h2fcp.org/. At a minimum, the following information shall be included in the data files transmitted to SOSS: H35 status (if part of the station design), H70-T40 status, the currently available H35 capacity (if included in the station design), the currently available H70-T40 capacity, the station name, and the station address.
2. The Recipient shall possess all required state, local, county, and city permits to build the station and to operate the open retail hydrogen refueling station.
3. The open retail hydrogen refueling station shall have a guard or cover installed over the emergency shutdown system switch(es) to prevent unintentional station shutdown.
4. The open retail hydrogen refueling station shall be accessible to the public.
5. No obstructions or obstacles exist to preclude vehicle operators from entering the station premises.
6. The user of the station is not required to obtain or to use access cards or personal identification (PIN) codes for the station to dispense fuel.
7. No formal or registered station training is required for individuals to use the hydrogen refueling station.
8. For Mixed-Use Hydrogen Refueling Infrastructure Only: The part of the station serving FCET, FCEB, or FCEV fleets may be restricted access so long as part of the station per the requirements of Section II.B remains publicly accessible. LD drivers must not be burdened by HD infrastructure.

## Open Retail Station Checklist (Not Applicable to TNO Stations)

The Recipient shall submit to the CEC a completed, signed, and dated Open Retail Station Checklist (Attachment 15) for each station as it becomes open retail. Should the open retail hydrogen refueling station come out of compliance with the Checklist, or should the design change, the Recipient shall submit to the CEC a new completed, signed, and dated Open Retail Station Checklist.

## Data Collection And Reporting Requirements

Each Recipient shall collect and submit data to the CEC as specified in the Scope of Work (Attachment 2). Data collection and reporting includes using the National Renewable Energy Laboratory (NREL) Data Collection Tool (Attachment 14) for each station once the station becomes open retail. The reporting period begins when the first station in the project becomes open retail, and it ends one year after the final station in the project becomes open retail. Reporting must include all of the open retail stations in the project in each respective quarter.

## Invoices And Photographic Evidence

Recipients will be required to provide corresponding photographs of system components and equipment (under assembly or as a completed system) with each invoice, as available, to support the payment of the invoice. Recipients will also be required to provide the serial numbers of system components or equipment with the photographs.

## Hydrogen Safety Tasks – Stations Requesting Cap-X Funding Only

* + - 1. **Hydrogen Safety Plan**

If awarded under this solicitation, the Recipient shall develop a Hydrogen Safety Plan for each proposed hydrogen refueling station design.

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 Pacific Northwest National Laboratory (PNNL) [Hydrogen Safety Panel](https://h2tools.org/hsp) (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.
	1. 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.

c. 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.

2. **Hydrogen Refueling** **Station Design Reviews**

If awarded under this solicitation, the Recipient shall participate in a hydrogen refueling station design review 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).

3. **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 open retail 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 14).

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.”

Recipients shall report on hydrogen dispensed using the Report of Hydrogen Dispensed (Attachment 17). This form must be completed on a quarterly basis per the same schedule as the data reporting under Section II.I, 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.

# 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 (Attachment 1) is limited to 30 pages.

## 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 |
| Station Photographs and Diagrams - Stations Requesting Cap-X Funding Only | Attachment 16 |
| Proof of Completing Critical Milestone #1 – Stations Requesting Cap-X Funding Only | Attachment 19 |
| Proof of Completing Critical Milestone #2 – Stations Requesting Cap-X Funding Only | Attachment 20 |
| HySCapE Input File | Attachment 21 |
| HySCapE Results (Graphs and Output File) – Stations Requesting Cap-X Funding Only | Attachment 22 |

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.

Applicants must address each of the evaluation 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 (as applicable) with the headings as titled below, and must include the following information:

1. **Team Experience and Qualifications**
2. 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.
3. Explain the project team’s qualifications, commitment, and approach to providing excellent customer service to FCEV drivers.
4. Describe how the project team has experience working with AHJ and utility personnel to overcome permitting and planning barriers, if applicable.
5. Describe how the project team has sufficient personnel and organizational capacity to complete the project given its other project commitments.
6. Provide specific 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.
7. **Project Implementation**
	1. Demonstrate how the tasks in the Scope of Work will lead to a cost-effective and timely (re)opening of the hydrogen refueling station(s). Provide an aggressive but achievable schedule for the completion of the project and explain how the schedule will be adhered to compared to other existing and/or prior funding agreements with the CEC for hydrogen refueling stations, if applicable.
	2. Demonstrate a commitment and available resources to operate the station(s) for a minimum of five years. Describe how the tasks undertaken in the project will provide great customer experience and ensure long-term operation of the proposed hydrogen refueling station(s).
	3. Describe clear, detailed, and convincing strategies to maximize station uptime and ensure customer satisfaction once the station(s) become open retail.
	4. Provide credible plans to achieve aggressive response times for various types of operations and maintenance issues.
	5. Describe how the retail price of hydrogen will be minimized.
8. **Project Readiness**
	1. Provide evidence that the new light-duty hydrogen refueling station(s) or the planned/under development/TNO light-duty hydrogen refueling stations(s) selected for the proposed project will be located in communities and/or along travel corridors that are not served or inadequately served by the existing light-duty hydrogen refueling station network.
	2. Describe how due diligence has been conducted on the viability of the selected site(s), including consistency with local land use regulations and planning documents.
	3. Provide evidence supporting the proposed station(s) location’s viability in terms of potential customer demand, which may include coordination with light-duty and/or medium-duty FCEV fleet deployments.
	4. Explain the support for the proposed hydrogen station(s) from local community groups (such as neighboring residents and businesses), potential customers, and the AHJ (attach letters of support (Attachment 9) separately. Letters of support are optional but strongly encouraged).
	5. Provide evidence to support a high probability of quick completion of station environmental review, entitlements, permitting, or construction.
	6. Identify major risks and barriers to successful project completion and how they are mitigated.
9. **Project Budget**
10. Calculate the total cost per light-duty hydrogen refueling station and explain how the cost is minimized to effectively support the state’s 200-station goal.
11. Describe the proposed match funding commitments supported by verifiable documentation (attach letter of commitment (Attachment 8) separately).
12. 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.
13. **Economic and Environmental Benefits, and Sustainability**
	1. Describe how the proposed project will meet and exceed the minimum requirement for renewable hydrogen and explain sourcing of renewable attributes for the hydrogen supply and how direct attributes is prioritized over indirect (book-and-claim style sourcing).
	2. 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.
	3. Explain how the proposed project will provide direct and meaningful benefits (such as air quality, job opportunities, workforce training, etc.) to disadvantaged and low-income communities and workers within those communities in accordance with [CalEnviroScreen 4.0](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40) (available at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>).
	4. Describe how the proposed project will expand business opportunities 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.
14. **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 proposed stations must achieve open retail status by March 31, 2027. 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. 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)**

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. **Station Site Owner (mandatory):** Applications shall include a letter of commitment from the current owner of the site for each proposed hydrogen refueling station location. The letter shall be signed and dated by the site owner or representative who is duly authorized to commit the site as a location of a hydrogen refueling station. The letter shall also contain a telephone number or email address to allow the CEC to contact the site owner or representative to confirm the commitment and authority to commit to the proposed project. If a proposed site is owned AND operated by the same entity or individual, the letter shall state so.
	2. **Station Site Operator (mandatory):** If a proposed site is operated by a different entity or individual than the site owner, applications shall also include a letter of commitment from the current operator of the site for each proposed hydrogen refueling station location. The letter shall be signed and dated by a representative of the site operator and shall contain a telephone number or email address to allow the CEC to contact the site operator to confirm commitment to the proposed project.
	3. **Key Project Partners (mandatory):** Key project partners identified in the application must provide letters demonstrating their ability to fulfill their identified roles.
	4. **Match Share Contributors Letters of Commitment (mandatory):** 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 such as 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. **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. **Station Photographs and Diagrams – Stations Requesting Cap-X Funding Only (Attachment 16)**

Applicants must submit current photographs of each proposed hydrogen refueling station site from each possible direction (north, east, south, and west) as well as outward-facing photographs that show the access roads and surrounding land uses. Applicants must also submit a diagram or drawings of each proposed station layout.

1. **Proof of Completing Critical Milestone #1 – Stations Requesting Cap-X Funding Only (Attachment 19)**

Applicants must include appropriate meeting notes for each proposed hydrogen refueling station address as described in Section I.J. to demonstrate that Critical Milestone #1 has been met. Meeting notes are limited to a maximum of 5 pages per station.

1. **Proof of Completing Critical Milestone #2 – Stations Requesting Cap-X Funding Only (Attachment 20)**

Applicants must include appropriate proof of site control and possession for each proposed hydrogen refueling station address as described in Section I.J. to demonstrate that Critical Milestone #2 has been met.

1. **HySCapE Input File – Stations Requesting Cap-X Funding Only (Attachment 21)**

The Applicant shall provide the HySCapE input file, for each station design proposed for funding to the CEC. The HySCapE input file must be uploaded to HySCapE to obtain the HySCapE results (Attachment 22).

1. **HySCapE Results (Graphs and Output File) – Stations Requesting Cap-X Funding Only (Attachment 22)**

The Applicant shall provide the 24-hour (Chevron Friday) HySCapE results, which include the output file and graphs, for each station design proposed for funding to the CEC. The HySCapE files must demonstrate that each proposed station design satisfies the requirements of Section II.B.

# IV. Evaluation Process and Criteria

## Application Evaluation

This section explains how the applications will be evaluated.

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.[[2]](#footnote-3) 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 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.
	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

Each funding lane will be evaluated using the same evaluation criteria table below.

**Evaluation Criteria for Funding Lane 1 and Funding Lane 2:**

|  |  |
| --- | --- |
| **Criterion** | **Possible Points** |
| **Team Experience and Qualifications**Applications will be evaluated on the degree to which:* The Applicant’s and project team’s qualifications (including relevant expertise, experience, and skill sets) are suitable to the tasks described in the proposed Scope of Work.
* The Applicant’s and project team’s qualifications, commitment, and approach will result in excellent customer service to FCEV drivers.
* The Applicant and project team have demonstrated exceptional experience working with AHJ and utility personnel to overcome permitting and planning barriers, if applicable.
* The Applicant has identified the project team and has demonstrated that the project team has sufficient personnel and organizational capacity to complete the project given its other project commitments.
* 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.
 | 20 |
| 1. **Project Implementation**

Applications will be evaluated on the degree to which:* The Applicant demonstrates how the tasks in the Scope of Work will lead to a cost-effective and timely (re)opening of the hydrogen refueling station(s) and how the proposed project schedule is aggressive, achievable, and will result in the successful completion of the proposed project.
* The Applicant commits to the operation of the proposed project’s hydrogen refueling stations for longer than that required by this solicitation.
* The Applicant demonstrates clear, detailed, and convincing strategies to maximize station uptime and ensure customer satisfaction once the station(s) become open retail.
* The proposed project will result in aggressive response times for various types of operations and maintenance issues.
* The retail price of hydrogen will be minimized.
 | 25 |
| 1. **Project Readiness**

Applications will be evaluated on the degree to which:* The Applicant has provided evidence that the stations(s) selected for the proposed project will be located in communities and/or along travel corridors that are not served or inadequately served by the existing light-duty hydrogen refueling station network.
* The Applicant has conducted due diligence on the viability of the selected site(s), including consistency with local land use regulations and planning documents.
* The Applicant has provided evidence of the station(s) location’s viability in terms of potential customer demand, which may include coordination with light-duty and/or medium-duty FCEV fleet deployments.
* The Applicant has demonstrated support for the proposed station(s) from local community groups (such as neighboring residents and businesses), potential customers, and the AHJ.
* The Applicant has provided evidence to support a high probability of quick completion of station environmental review, entitlements, permitting, or construction.
* The Applicant has identified major risks and barriers to successful project completion and has provided detailed, clear and convincing strategies on how they will be mitigated.
 | 25 |
| 1. **Project Budget**

Applications will be evaluated on the degree to which:* The total cost per light-duty hydrogen refueling station is minimized to effectively support the state’s 200-station goal.
* The proposed project has match funding commitments supported by verifiable documentation (attach letter of commitment separately).
* The Applicant has demonstrated why state funds are necessary for project success.
 | 15 |
| 1. **Environmental and Economic Benefits, and Sustainability**

Applications will be evaluated on the degree to which:* The Applicant has demonstrated that the proposed project will meet and exceed the minimum requirement for renewable hydrogen and has explained sourcing of renewable attributes for the hydrogen supply and how direct attributes is prioritized over indirect (book-and-claim style sourcing).
* The Applicant has calculated and presented 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. Preference shall be provided to Applicants with the least carbon-intensive proposed fuel using the order of tiers created by the regulations adopted pursuant to Section 45V if Title 26 of the United States Code.
* The proposed project will provide direct and meaningful benefits (such as air quality, job opportunities, workforce training, etc.) to disadvantaged and low-income communities and workers within those communities in accordance with [CalEnviroScreen 4.0](https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40) (available at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>).
* The proposed project will expand business opportunities 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.
 | 15 |
| **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 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** |
| AHJ | Authority Having Jurisdiction |
| Applicant | Respondent to this solicitation |
| Application | Formal written response to this document from Applicant |
| 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 |
| CARB | California Air Resources Board |
| CEC | California Energy Commission |
| CEQA | California Environmental Quality Act |
| CTP | Clean Transportation Program |
| Disadvantaged Communities (DAC) | Areas that are disproportionately affected by specific types of pollution and areas with vulnerable populations. Per SB 535, CalEPA is responsible for identifying disadvantaged communities for the California Climate Investments. Disadvantaged communities are designated as the top 25 percent highest scoring census tracts in CalEnviroScreen 4.0, along with other areas with high amounts of pollution and low populations. |
| ECAMS | Energy Commission Agreement Management System |
| FCEV | Fuel-Cell Electric Vehicle |
| GAAP | Generally Accepted Accounting Principles |
| GHG | Greenhouse Gas |
| HRI | Hydrogen refueling infrastructure |
| HySCapE | Hydrogen Station Capacity Evaluation model |
| HyStEP | Hydrogen Station Equipment Performance device |
| HSP | Hydrogen Safety Panel |
| LCFS | Low Carbon Fuel Standard (LCFS) is a standard to reduce the carbon intensity of transportation fuel used in California. |
| LD | Light-Duty |
| LIC | Low Income Communities |
| MDHD | Medium- and Heavy-Duty |
| NOPA | Notice of Proposed Award |
| O&M | Operation and Maintenance |
| Solicitation | Grant Funding Opportunity, which refers to this entire solicitation document and all its attachments and exhibits |
| State | State of California |
| Temporarily non-operational (TNO) | Hydrogen refueling stations that are closed for 30 consecutive days or more |

## 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.

CEC must formally approve all proposed grant awards. Clean Transportation Program agreements for over $75,000 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. Temporarily nonoperational (TNO) station — a hydrogen refueling station that has previously achieved open retail status but has been unavailable for customer fueling for a period greater than 30 days for various reasons. A TNO station is expected to become available for customer fueling again in the future. [↑](#footnote-ref-2)
2. The Past Performance Evaluation is available on the CEC website at: https://www.energy.ca.gov/media/6595 [↑](#footnote-ref-3)