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**GRANT FUNDING OPPORTUNITY
DRAFT VERSION
Community Energy Resilience Investment (CERI)
Program**



GFO-[XX]-[XXX]

<http://www.energy.ca.gov/contracts/index.html>

State of California

California Energy Commission

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I.	INTRODUCTION	1
A.	PURPOSE OF SOLICITATION.....	1
B.	PROJECT FOCUS.....	2
C.	FUNDING.....	4
D.	KEY ACTIVITIES SCHEDULE.....	5
E.	NOTICE OF PRE-APPLICATION WORKSHOP.....	6
F.	QUESTIONS	ERROR! BOOKMARK NOT DEFINED.
II.	ELIGIBILITY REQUIREMENTS	6
A.	APPLICANT REQUIREMENTS.....	6
B.	PROJECT REQUIREMENTS	8
C.	MATCH FUNDING REQUIREMENTS.....	8
D.	FUNDS SPENT IN CALIFORNIA.....	10
III.	APPLICATION ORGANIZATION AND SUBMISSION INSTRUCTIONS	11
A.	APPLICATION FORMAT, PAGE LIMITS, AND NUMBER OF COPIES.....	11
B.	METHOD FOR DELIVERY	11
C.	APPLICATION CONTENT.....	12
IV.	EVALUATION AND AWARD PROCESS	16
A.	APPLICATION EVALUATION.....	16
B.	RANKING, NOTICE OF PROPOSED AWARD, AND AGREEMENT DEVELOPMENT	17
C.	GROUND TO REJECT AN APPLICATION OR CANCEL AN AWARD.....	18
D.	MISCELLANEOUS.....	18
E.	STAGE ONE: APPLICATION SCREENING.....	19
F.	STAGE TWO: APPLICATION SCORING	22
V.	BACKGROUND, REFERENCE DOCUMENTS, & ADMINISTRATION	26
A.	BACKGROUND	27
B.	APPLICABLE LAWS, POLICIES, AND BACKGROUND DOCUMENTS	28
C.	APPLICANTS' ADMONISHMENT.....	31
D.	ADDITIONAL REQUIREMENTS.....	31
E.	KEY WORDS/TERMS	35

ATTACHMENTS

Attachment Number	Title of Section
1	Application Form (<i>requires signature</i>)
2	Project Narrative
3	Scope of Work
4	Project Schedule
5	Resilience Impact Calculator
6	Budget Forms
7	CEQA Compliance Form
8	NEPA Environmental Questionnaire
9	Commitment and Support Letters (<i>require signature</i>)
10	Project Metrics
11	Applicant Declaration (<i>require signature</i>)

I. Introduction

A. PURPOSE OF SOLICITATION

This solicitation is part of the Community Energy Resilience Investment (CERI) Program, which invests in deployment projects across California that increase community energy resilience and reliability, support California's climate and energy policies, improve energy justice and equity, and create good-paying jobs. Funding for this program was authorized under the federal Infrastructure Investment and Jobs Act (IIJA) Section 40101(d).¹

In recent years, California has experienced increased electrical system outages caused by climate-related events such as increased wildfires, heat waves, and storms or through public safety power shutoffs (PSPS). These events, as well as aging infrastructure, threaten grid reliability, public health and safety, economic prosperity, communities, and ecosystems. They also pose disproportionate consequences for the most vulnerable populations in both rural and urban areas.

The intent of this solicitation is to invest in projects that increase the electric resiliency of communities in California by reducing outage frequency, duration, magnitude, and associated community impacts, while bolstering California's workforce and promoting equity.

The CERI Program is designed to prioritize projects that will generate the greatest community benefit by reducing the likelihood and consequences of electrical system outages. The

¹ Infrastructure Investment and Jobs Act (IIJA). Pub. L. No. 117-58. The [IIJA](https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf#page=495) is available at <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.pdf#page=495>.

objectives are oriented around four main themes outlined below. These themes are not listed in rank order.

1. **Energy resilience and reliability:** Reduce the frequency, duration, and magnitude of power outages for communities across California and strengthen communities' ability to function during power outages.
2. **Community Benefits:** Ensure that the benefits of clean, safe, affordable, and reliable energy are shared by all, particularly communities with critical energy resilience needs.
3. **Advancement of Energy and Climate Goals:** Support California's energy modernization and climate goals.
4. **Workforce Development and Labor:** Create high-quality jobs with strong labor standards and protections that attract and train a skilled workforce for lasting careers in the clean energy industry.

B. PROJECT FOCUS

1. Eligible Activities

Projects awarded through this solicitation will support all-hazards electric grid resilience for communities across California. A wide range of activities intended to mitigate the impact of electricity outages are eligible through the enabling legislation and are listed below.²

- A. Weatherization technologies and equipment
- B. Fire-resistant technologies and fire prevention systems
- C. Monitoring and control technologies
- D. Undergrounding electrical equipment
- E. Utility pole management
- F. Relocation of power lines or reconductoring of power lines with low-sag, advanced conductors
- G. Vegetation and fuel-load management
- H. Use or construction of distributed energy resources for enhancing system adaptive capacity during electrical system outages, including microgrids and battery storage subcomponents
- I. Adaptive protection technologies
- J. Advanced modeling technologies
- K. Hardening of power lines, facilities, substations, and other systems
- L. Replacement of old overhead conductors and underground cables

Funding may also be used for the training, recruitment, retention, and reskilling of skilled and properly credentialed workers to perform the work required for the resilience activities proposed by applicants.

2. Prohibited Activities

² Infrastructure Investment and Jobs Act (IIJA). Pub. L. No. 117-58. The [IIJA](https://www.congress.gov/117/plaws/publ58/PLAW-117-publ58.pdf#page=495) is available at (<https://www.congress.gov/117/plaws/publ58/PLAW-117-publ58.pdf#page=495>).

Activities that are not eligible under the CERI Program include:

- Construction of a new electric generating facility, including the purchase or installation of an emergency generator;
- Construction of a large-scale battery-storage facility that is not used for enhancing system adaptive capacity during electrical system outages;
- Construction of new transmission lines³;
- Cybersecurity; and
- Acquisition of land or easements
 - Improvements to real property for the purpose of grid hardening or resilience are not considered acquisition of real property for the purpose of this grant program and therefore may be permitted.

3. Goals

The goals of awarded projects must align with those of the CERI Program. The CERI Program aims to:

- reduce the frequency and duration of power outages for communities across California;
- ensure that the benefits of clean, safe, affordable, and reliable energy are shared by all, particularly those communities with critical energy resilience needs;
- advance clean energy policies through resilience solutions; and
- create high-quality jobs with strong labor standards and protections that attract and train a skilled workforce for durable careers in the growing clean energy industry.

4. Priority Communities

The Resilience Impact Calculator (Attachment 05) and the Project Narrative (Attachment 02) are designed to help the California Energy Commission (CEC) identify and prioritize projects that generate the most significant resilience impacts and greatest community benefits.

The Resilience Impact Calculator will produce a composite score based on three equally weighted criteria: wildfire risk⁴, heat risk⁵, and outage risk.⁶ Detailed information regarding the methodology behind this calculation is presented within the calculator itself.

The CEC recognizes that the base data for these scores are static and may reflect vulnerabilities that have been addressed but not yet reflected. As such, applicants are allowed to make an argument for a revised score for any criterion in the Resilience Impact Calculator (Attachment

³ See [40101d Frequently Asked Questions: Updated June 21, 2023](#) (pages 13-14) for more information, which is available at: (<https://netl.doe.gov/bilhub/grid-resilience/formula-grants>).

⁴ As determined by the [CPUC High Fire Threat District \(HFTD\)](#), which is available at: (<https://capuc.maps.arcgis.com/apps/webappviewer/index.html?id=5bdb921d747a46929d9f00dbdb6d0fa2>). CPUC High Fire Threat District, map, California Public Utilities Commission High Fire Threat District (CPUC, 2023).

⁵ Inputs are derived from the [Center for Disease Control Heat Index](#), which is available at (<https://ephtracking.cdc.gov/DataExplorer/?c=35&i=173&m=-1>).

⁶ Outage risk will be determined by post-processed [Eagle-I](#) historic outage data from Oakridge National Laboratory, which is available at (<https://eagle-i.doe.gov/login>).

05). These arguments will be evaluated by the scoring committee, which retains the authority to adjust the scores if they deem such revisions to be justified.

5. Disadvantaged Communities and California Native-American Tribal Territories

Up to 10 preference points are available for projects that improve reliability and resilience for customers located in disadvantaged communities (DACs) as determined by the most current version of CalEnviroScreen or within a California Native-American Tribe (Tribe) territory. To qualify for these points, an applicant must describe in the Project Narrative (Attachment 02) how the community will benefit from the project. Since the need for energy resilience investment is not directly correlated to the criteria of CalEnviroScreen, projects outside of DACs or Tribes are eligible for preference points on a sliding scale. See Section IV for more information on this criterion.

6. Groups

Each eligible applicant will fall in one of two groups and must identify to which group it is applying on the Application Form (Attachment 01).

- Group 1: Large Entities that sell more than 4,000GWh/year
- Group 2: Small Entities that sell 4,000GWh/year or less⁷

See Part II of this solicitation for project eligibility requirements. Applications will be evaluated as follows: Stage One proposal screening and Stage Two proposal scoring. Applicants may only submit one application per grant funding opportunity (solicitation) but may include subprojects under one application so long as they are appropriately accounted for in the Scope of Work (Attachment 03).

C. FUNDING

1. Amount Available and Minimum/ Maximum Funding Amounts

There is **up to \$64,000,000** available for grants awarded under this solicitation. The total, minimum, and maximum funding amounts for each project group are listed below.

Project Group	Available Funding	Minimum Award	Maximum Award	Minimum Match Funding
Group 1: Large Entities	\$51,000,000	\$15,000,000	\$25,000,000	109%
Group 2: Small Entities	\$13,000,000	\$4,000,000	\$9,500,000	33%

2. Match Funding Requirement

⁷ As determined by “Utility Sales Reference Data” for 2022. Rep., 2022 Annual Electricity Power Report (U.S. Energy Information Administration, 2022). The [Utility Sales Reference Data](https://www.energy.ca.gov/media/9026) is available at (<https://www.energy.ca.gov/media/9026>).

- **Group 1 (Large Entities):** Match funding is required in the amount of at least **109 percent** of the requested project funds.
- **Group 2 (Small Entities):** Match funding is required in the amount of at least **33 percent** of the requested project funds.

For the definition of match funding see the Key Words/Terms section at the end of this document.

3. Change in Funding Amount

Along with any other rights and remedies available to it, the CEC reserves the right to:

- Increase or decrease the available funding and the minimum/maximum award amounts described in this section.
- Allocate any additional or unawarded funds to passing applications, in rank order.
- Reduce funding to an amount deemed appropriate if the budgeted funds do not provide full funding for agreements. In this event, the Recipient and Commission Agreement Manager (CAM) will reach agreement on a reduced Scope of Work commensurate with available funding.

D. KEY ACTIVITIES SCHEDULE

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

ACTIVITY	DATE	TIME ⁸
Solicitation Release	Q1, 2024	
Pre-Application Workshop	Q1-Q2, 2024	
Deadline for Written Questions⁹	Q1-Q2, 2024	5:00 p.m.
Anticipated Distribution of Questions and Answers	3 weeks after due date	
Support for Application Submission in ECAMS	2 weeks before due date	5:00 p.m.¹⁰
Deadline to Submit Applications	2 months after answers to questions	11:59 p.m.
Anticipated Notice of Proposed Award Posting	6-8 weeks after due date	
Anticipated CEC Business Meeting Date	August 14, 2024	

⁸ Pacific Standard Time or Pacific Daylight Time, whichever is being observed.

⁹ This deadline does not apply to non-technical questions (e.g., administrative questions concerning application format requirements or attachment instructions), including questions regarding application submission in the ECAMS system or to questions that address an ambiguity, conflict, discrepancy, omission, or other error in the solicitation. Such questions may be submitted to the CAO listed in Section E (to be provided in final solicitation manual) at any time prior to 5:00 p.m. of the application deadline date. Please see Section E (to be provided in the final solicitation manual) for additional information.

¹⁰ Please see Section I.G Questions (to be provided in final solicitation manual) and Section III.B Method for Delivery for more information.

ACTIVITY	DATE	TIME ⁸
Anticipated Agreement Start Date	As early as one week after business meeting	
Anticipated Agreement End Date	April 30, 2028	

E. NOTICE OF PRE-APPLICATION WORKSHOP

CEC staff will hold one Pre-Application Workshop to discuss the solicitation with potential applicants. Participation is optional but encouraged. The Pre-Application Workshop will be held remotely. Applicants may attend the workshop via the internet (Zoom, see instructions below), or via conference call. The Pre-Application Workshop date, time, and instructions to join will be provided in the final solicitation manual.

II. Eligibility Requirements

A. APPLICANT REQUIREMENTS

1. Eligibility

This solicitation is open to the following eligible entities:

- Electric grid operators;
- Electricity storage operators;
- Electricity generators;
- Transmission owners or operators;
- Distribution providers;
- Fuel suppliers; and
- Any other relevant entity, as determined by the Secretary of Energy and CEC prior to the application deadline of this solicitation¹¹

2. Terms and Conditions

Each grant agreement resulting from this solicitation will include terms and conditions that set forth the recipient's rights and responsibilities. By submitting an application in the ECAMS system, each applicant agrees to enter into an agreement with the CEC to conduct the proposed project according to the terms and conditions that correspond to its organization, without negotiation:

(1) CEC Federal Subaward Terms and Conditions for the CERI Program (can be accessed here: <https://www.energy.ca.gov/media/9024>;

(2) CEC-Specific Subaward Terms and Conditions for the CERI Program (can be accessed here: <https://www.energy.ca.gov/media/9025>; and

¹¹ Entities that are not eligible under this list may request approval from the Secretary of Energy through the CEC. Further instructions as to how to request approval are available on the CERI website located under the 'Resources' dropdown menu at: <https://www.energy.ca.gov/programs-and-topics/programs/community-energy-resilience-investment-ceri-program>.

(3) Special Terms and Conditions for California Native American Tribes and Tribal Organizations with Sovereign Immunity in addition to the CEC-Specific Subaward Terms and Conditions for the CERI Program (can be accessed here: **TBD**).

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. The CEC reserves the right to modify the terms and conditions prior to executing grant agreements.

If a Tribe or California Tribal Organization with sovereign immunity is listed as a proposed awardee in the Notice of Proposed Award, CEC staff must receive the following before bringing the proposed award to a CEC Business Meeting:

1. A resolution or other authorizing document by the governing body of the Tribe or California Tribal Organization authorizing the Tribe or California Tribal Organization to enter into the proposed agreement, including accepting the Special Terms and Conditions for California Native American Tribes and Tribal Organizations with Sovereign Immunity.
2. A limited waiver of sovereign immunity in the form and manner required by tribal law; and
3. A resolution or other authorizing document delegating authority to execute the 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 Tribal Organization's ability to provide such documentation 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 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.

3. 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 an CEC Business Meeting. If not currently registered with the California Secretary of State, applicants 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 successful). For more information, contact the Secretary of State's Office via its 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 the CEC prior to their project being recommended for approval at an CEC Business Meeting.

4. Cost-Recovery Restrictions

Awardees and their subcontractors may not seek cost recovery for the portion of the cost of any system, technology, or equipment that is funded through a grant awarded under the CERI

Program. Awardees may however seek cost recovery for any portion of the project that they fund such as match funding and unallowable costs (e.g., new generation). Cost recovery is defined as recovering the expenditures of an infrastructure project or a portion(s) of a project, typically through the deployment of utility rate increases.

5. Application Limitation

An eligible entity is not allowed to submit the same application for grants under IIJA Section 40101(c) and Section 40101(d) in the same application cycle. The U.S. Department of Energy (DOE) defines an application cycle as a one-year period (October 1 through September 30).

B. PROJECT REQUIREMENTS

Meet Program Objectives

All applications must describe how the proposed project will meet the CERI Program objectives outlined below. More specific requirements are listed in the Scoring Criteria section of this solicitation and are prompted for response in each attachment. All estimated benefits should be clear, plausible, and justifiable. Quantitative benefits are preferred when possible. All attachments must be completed and submitted as part of the application to pass screening.

- **Energy Resilience and Reliability:** Applications must describe how the project will support the reduction of frequency and duration of power outages for communities across California, strengthen communities' ability to function during power outages, or both.
- **Community Based Organizations (CBO) and/or Tribal Engagement:** Applications must include tasks to develop and execute a Community Engagement Plan with the inclusion of at least one CBO and/or Tribe to help ensure that the benefits of clean, safe, affordable, and reliable energy are shared by all.
- **Advancement of Energy and Climate Goals:** Applications must describe how the project will support California's energy modernization and climate goals.
- **Workforce Development Plan:** Applications must describe how the project will create high-quality jobs with strong labor standards and protections that attract and train a skilled workforce for lasting careers in the clean energy industry. Recipients will be expected to report the number of employees working on a project; the number of trainees in project-specific programs; and workforce demographics, including gender, race, ethnicity, disability and veteran status.

C. MATCH FUNDING REQUIREMENTS

“**Match funds**” include cash or in-kind (non-cash) contributions provided by the applicant, subcontractors, or other parties including pilot testing, demonstration, and/or deployment sites (e.g., test site staff services) that will be used in performance of the proposed project.

“Match funds” do not include: Any federally or CEC derived awards or funds (received, future, or contingent), future/contingent awards from other entities (public or private), the cost or value of the project work site, or the cost or value of equipment or materials not used to help meet the project's goals.

Definitions of “match funding” categories are listed below:

- **“Cash” match** means funds that are in the recipient’s possession or proposed by a match partner and clearly identified in a support letter, and are reserved for the proposed project, meaning that they have not been committed for use or pledged as match for any other project. Cash match can include funding awards earned or received from other agencies for the proposed technologies or study (but not for the identical work). A signed letter of commitment that the funds exist as cash is required.
- **“In-Kind” match** is typically in the form of the value of personnel, goods, and services, including direct and indirect costs. This can include equipment, facilities, and other property 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).
- Match funds must be spent only during the agreement term, either before or concurrently with CERI funds. Match funds also must be reported in invoices submitted to the CEC.
- All applicants providing match funds must submit commitment letters, including prime and subcontractors, that: (1) identify the source(s) of the funds; (2) justify the dollar value claimed; (3) provide an unqualified (i.e., without reservation or limitation) commitment that guarantees the availability of the funds for the project; and (4) provide a strategy for replacing the funds if they are significantly reduced or lost. Please see Attachment 09, Commitment and Support Letter Form. Commitment and support letters must be submitted with the application to be considered.
- Any match pledged in an application must be consistent. For example, in the ECAMS system and in the Budget (Attachment 06), applicants will be asked to enter the project’s total match funding. The amounts listed in those places should be consistent with the amount or dollar value described in the commitment letter(s) (e.g., if \$5,000 “cash in hand” funds are pledged in a commitment letter, the match amounts entered in the ECAMS system and in the Budget (Attachment 06) must match this amount). If the amounts listed in an application are inconsistent, the total amount pledged in the signed commitment letter(s) will be considered for match funding points.

Examples of preferred match share:

- **“Travel”** refers to all travel required to complete the tasks identified in the Scope of Work. Travel includes in-state and out-of-state, and travel to conferences. CERI funds are limited to lodging, any form of transportation (e.g., airfare, rental car, public transit, parking, mileage), and per diem rates. Use of match funds for out-of-state travel is encouraged, as the CEC discourages and may not approve the use of its funds for such travel. If an applicant plans to travel to conferences, including registration fees, they must use match funds.
- **“Equipment”** is an item with a unit cost of at least \$5,000 and a useful life of at least one year. **Purchasing equipment with match funding is encouraged** as there are no disposition requirements at the end of the agreement for such equipment. Typically, grant recipients may continue to use equipment purchased with CERI funds if the use is consistent with the intent of the original agreement.
- **“Supplies”** are items under the agreement that do not meet the definition of Equipment (unit cost of at least \$5,000 and a useful life of at least one year). **Using match funds for purchasing items such as laptops, notebooks and/or personal tablets is encouraged, as CEC funds for these purchases is not allowed.**

D. FUNDS SPENT IN CALIFORNIA

- "Spent in California" means that:
 - (1) Funds in the "Direct Labor category and all categories calculated based on direct labor (e.g., fringe benefits, indirect costs and profit) are paid to individuals that pay California state income taxes on wages received for work performed under the agreement. Payments made to out-of-state workers do not count as "funds spent in California." However, funds spent by out-of-state workers in California (e.g., hotel and food) can count as "funds spent in California."; AND
 - (2) Business transactions (e.g., material and equipment purchases, leases, and rentals) are entered into with a business located in California.
 - (3) Total should include any applicable subcontractors.

- Airline ticket purchases for out-of-state travel and payments made to out-of-state workers are not considered funds "spent in California." However, funds spent by out-of-state workers in California (e.g., lodging) and airline travel originating and ending in California are considered funds "spent in California." A business located in California means: 1) businesses registered with Secretary of State AND 2) transaction is with a location in California that is directly related to the grant project (e.g., direct purchase of material and equipment to be used in the grant) and results in the support of California business and jobs.
 - Example 1: Grant funds will be spent on temperature sensors. The temperature sensors are manufactured in Texas. The recipient orders the temperature sensors directly from a CA based supply house. The invoice shows that the transaction occurred with the CA based supply house. This transaction is eligible and can be counted as funds spent in CA.
 - Example 2: Grant funds will be spent on temperature sensors. The temperature sensors are manufactured in Texas. The recipient orders the temperature sensors directly from Texas. The manufacturer has training centers in CA that instructs purchasers on how to use the sensors. The invoice shows that the transaction occurred in Texas. This transaction is not eligible and cannot be counted as funds spent in CA.

E. 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.

III. Application Organization and Submission Instructions

A. APPLICATION FORMAT

The following table summarizes the application formatting and page limits:

<p>Format</p>	<ul style="list-style-type: none"> • Font: 11-point, Arial (excluding Excel spreadsheets, original template headers and footers, and commitment or support letters) • Margins: No less than one inch on all sides (excluding headers and footers) • Spacing: Single spaced, with a blank line between each paragraph • Signatures: Digital signatures and scanned wet signatures are both acceptable • File Format: MS Word version 2007 or later (.doc or .docx format), excluding Excel spreadsheets and commitment or support letters (PDF files are acceptable for the letters)
<p>Maximum Page Limits</p>	<ul style="list-style-type: none"> • Project Narrative Form (Attachment 02): 20 pages • Commitment and Support Letter Form (Attachment 09): 2 pages, excluding the cover page. • Scope of Work (Attachment 03): 30 pages • Project Schedule (Attachment 04): 4 pages • There are no page limits for the following: <ul style="list-style-type: none"> ○ Application Form (Attachment 01) ○ Resilience Impact Calculator (Attachment 05) ○ Budget Form (Attachment 06) ○ CEQA Compliance Form (Attachment 07) ○ NEPA Environmental Questionnaire (Attachment 08) ○ Commitment and Support Letters (Attachment 09) ○ Project Metrics (Attachment 10) ○ Applicant Declaration (Attachment 11)

B. METHOD FOR DELIVERY

The only method of submitting applications to this solicitation is Energy Commission Agreement Management System (ECAMS), available at: <https://ecams.energy.ca.gov>.

The CEC is providing a team of technical assistants to support applicants with this new process. Please email ECAMS.SalesforceSupport@energy.ca.gov for support.

ECAMS allows applicants to complete and submit their application documents to the CEC prior to the date and time specified in this solicitation. Files uploaded to the system must be in Microsoft Word XP (.doc format) or newer and Excel Office Suite formats unless originally provided in the solicitation in another format. Attachments requiring signatures, such as (i) the NEPA Environmental Questionnaire (Attachment 08), (ii) match funding commitment and support letters

(Attachment 09), and (iii) the applicant declaration (Attachment 11), may be scanned and submitted in PDF format. Completed Budget Forms, Attachment 06, must be in Excel format.

The deadline to submit applications through ECAMS system is 11:59 p.m. on the Deadline to Submit Applications date shown in the Key Activities Schedule. ECAMS automatically closes at 11:59 pm. If the full submittal process has not been completed before 11:59 p.m., your application will not be considered.

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

Please give yourself ample time to complete all steps of the submission process: do not wait until right before the deadline to begin the process. Due to factors outside the CEC's control and unrelated to ECAMS, upload times may be much longer than expected. For example, unexpected issues could occur, causing long delays that prevent timely submission. Please plan accordingly. For instructions on how to apply using the ECAMS system, please see the How to Apply document available on the CEC website at: <https://www.energy.ca.gov/funding-opportunities/funding-resources>, under General Funding Information, Energy Commission Agreement Management System (ECAMS).

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.

C. APPLICATION CONTENT

Below is a general description of each required section of the application. Please reference each individual attachment for a detailed description of the information requested by that attachment. Completeness in submitting all the information requested in each attachment will be factored into application scoring.

1. Application Form (Attachment 01)

This form requests basic information about the applicant and the project. The application must include an original Application Form that includes all requested information. The Application Form must be signed by an authorized representative of the applicant's organization or will be failed as indicated in Section IV.E.

2. Project Narrative Form (Attachment 02)

This form will include the majority of the applicant's responses to the scoring criteria in Section IV. Please reference these criteria as well as the prompts in the form to ensure each is fully addressed.

3. Scope of Work Template (Attachment 03)

Applicants must include a completed Scope of Work for each project, as instructed in the template. The Scope of Work identifies the tasks required to complete the project. See requirements in section III.A.

The Scope of Work must be in MS Word file format.

4. Project Schedule (Attachment 04)

The Project Schedule includes a list of all products, meetings, milestones, and due dates. All work must be scheduled for completion by the “Key Dates” section of this solicitation manual.

The Project schedule must be in MS Excel file format.

5. Resilience Impact Calculator (Attachment 05)

This attachment calculates three objective numbers for (i) wildfire risk, (ii) heat risk, and (iii) outage risk, resulting in a final “Resilience Impact Score.” The method for each risk component, composite formula, and instructions for finding each number are included in the attachment. If applicants believe that the underlying data that determines their score are out of date or are otherwise insufficient or incorrect, they may make an argument for a revised score within this attachment for consideration by the scoring committee.

6. Budget Forms (Attachment 06)

Upload all budgets (Prime and Major Subrecipients) as MS Excel attachments and leave the ECAMS budget sections blank.

Read the instructions tab on the MS Excel attachments Attachment 6 before completing the worksheets. Complete and submit information on **all** budget worksheets. The salaries, rates, and other costs entered on the worksheets will become a part of the final agreement.

- 1) All project expenditures (match share and reimbursable) must be made within the Anticipated Agreement Start and End dates listed in the “Key Activities Schedule” of this solicitation manual. Match share requirements are discussed in Part **I.C** and **II.C** of this solicitation. The entire term of the agreement and projected rate increases must be considered when preparing the budget.
- 2) The budget must reflect estimates for **actual** costs to be incurred during the agreement term. The CEC may only approve and reimburse for actual costs that are properly documented in accordance with the grant terms and conditions. Rates and personnel shown must reflect the rates and personnel the applicant would include if selected as a Recipient.

- 3) The rates proposed, except for Direct Labor and Fringe Benefits, are considered capped and may not change during the agreement term. Except for Direct Labor and Fringe Benefits, the grant recipient will only be reimbursed for actual rates and not to exceed the capped rates. The rates proposed 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. If an applicant, by law, cannot agree to Direct Labor and Fringe Benefits rates being treated as estimates, the applicant can request to modify this term. This modification may be negotiated if the applicant is proposed for award. The CEC retains the sole right to refuse to agree to any requested modifications. The budget must NOT include any grant recipient profit from the proposed project, either as a reimbursed item, match share, or as part of overhead or general and administrative expenses (subrecipient profit is allowable, though the maximum percentage allowed is 10% of the total subrecipient rates for labor, and other direct and indirect costs as indicated in the Category Budget tab). Please review the terms and conditions and budget forms for additional restrictions and requirements.
- 4) The budget must allow for the expenses of all meetings and products described in the Scope of Work. Meetings may be conducted at the CEC or by conference call, as determined by the CAM.
- 5) Applicants must budget for permits and insurance. Permitting costs may be accounted for in matchshare. Permit costs and the expenses associated with obtaining permits are not reimbursable with CEC funds, with the exception of costs incurred by University of California grant recipients.
- 6) The budget must NOT identify that CEC funds will be spent outside of the United States or for out-of-country travel. However, match funds may cover these costs if there are no legal restrictions.
- 7) **Prevailing wage requirement:** Projects that receive an award of public funds from the CEC often involve construction, alteration, demolition, installation, repair or maintenance work over \$1,000. For this reason, projects that receive an award of public funds from the CEC are likely to be considered public works under the California Labor Code. See Chapter 1 of Part 7 of Division 2 of the California Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000.

Projects deemed to be public works require among other things the payment of prevailing wages, which can be significantly higher than non-prevailing wages.

By accepting this grant, the grant recipient as a material term of this agreement shall be fully responsible for complying with all California public works requirements including but not limited to payment of prevailing wage. Therefore, as a material term of this grant, the grant recipient must either:

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

or,

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

7. California Environmental Quality Act (CEQA) Compliance Form (Attachment 07)

The CEC requires the information on this form to facilitate its evaluation of proposed activities under CEQA (California Public Resources Code Section 21000 et. seq.), a law that requires state and local agencies in California to assess the potential environmental impacts of their proposed actions. The form will also help applicants to determine CEQA compliance obligations by identifying which proposed activities may be exempt from CEQA and which activities may require additional environmental review. If proposed activities are exempt from CEQA (such as paper studies), the worksheet will help to identify and document this. This form must be completed regardless of whether the proposed activities are considered a “project” under CEQA.

Failure to complete the CEQA process in a timely manner after the CEC’s Notice of Proposed Award may result in the cancellation of a proposed award and allocation of funding elsewhere, such as to the next highest-scoring project.

8. National Environmental Policy Act (NEPA) Environmental Questionnaire (Attachment 08)

The DOE requires the information on this form to facilitate its evaluation of proposed activities under NEPA (42 U.S.C. 4332(2)(C)), a law that requires any agency receiving or using federal funds to prepare environmental impact statements (EIS) when undertaking actions that are likely to have an impact on the environment. The form will also help applicants to determine NEPA compliance obligations by identifying which proposed activities may be exempt from NEPA and which activities may require additional environmental review. If proposed activities are exempt from NEPA (Group A), the worksheet will help to identify and document this. This form must be completed regardless of whether the proposed activities are exempt from NEPA.

Failure to complete the NEPA process in a timely manner after the CEC’s Notice of Proposed Award may result in the cancellation of a proposed award and allocation of funding elsewhere, such as to the next highest-scoring project.

9. Commitment and Support Letter Form (Attachment 09)

A commitment letter commits an entity or individual to providing the service or funding described in the letter. A support letter details an entity or individual’s support for the project. Commitment Letters must be submitted with the application. Support Letters may also be submitted but are not required. Letters that are not submitted by the application deadline will not be reviewed and counted towards meeting the requirement specified in the solicitation.

Commitment Letters (required, Applicant and third party)

Applicants must submit a **match funding** commitment letter from each entity that is committing to providing match funding. Each commitment letter must be signed by an authorized representative of the entity or by the individual that is making the commitment. A commitment letter must include all of the following: (1) identification of the source(s) of the funds; (2) a justification of the dollar value claimed; (3) an unqualified (i.e. without reservation or limitation) commitment that guarantees the availability of the funds for the project; and (4) a strategy for replacing the funds if they are significantly reduced or lost.

- If the project involves equipment deployment or construction activities, the applicant must include a site commitment letter signed by an authorized representative of the proposed site. The letter should: (1) identify the location of the site (street address, parcel number, tract map, plot map, etc.) which must be consistent with ECAMS and Attachments 01, 07, and 08 and (2) commit to providing the site for the proposed activities.
- **Project partners** that are making contributions other than match funding or a deployment site, and are not receiving CEC funds, must submit a commitment letter signed by an authorized representative that: (1) identifies how the partner will contribute to the project; and (2) commits to making the contribution.
- **CBOs and/or Tribes** partnered with the project, must submit a commitment letter signed by an authorized representative that outlines their planned contribution.

Support Letters (optional but encouraged)

All applicants are encouraged to include at least one support letter from a project stakeholder (i.e., an entity or individual that will benefit from or be involved in the project) that: (1) describes the stakeholder's interest or involvement in the project; (2) indicates the extent to which the project has the support of the relevant industry and/or organizations; and (3) describes any support it intends (but does not necessarily commit) to provide for the project, such as funding or the provision of a deployment site.

10. Project Metrics (Attachment 10)

The purpose of this questionnaire is to identify and document performance measures for the project. The performance measures should be a combination of resilience, job creation and training, workforce demographics, and community engagement activities and events impact metrics that provide the most significant indicators of the project's potential success.

11. Applicant Declaration (Attachment 11)

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. If unable to sign the Applicant Declaration Form, please use the form to detail the reason why, such as any tax delinquencies, California Franchise Tax Board suspensions, litigation, or bankruptcy.

IV. Evaluation and Award Process

A. APPLICATION EVALUATION

Applications will be evaluated and scored based on responses to the information requested in this solicitation and on any other information available, such as on past performance of CEC agreements. To evaluate applications, the CEC will organize an Evaluation Committee that consists primarily of CEC staff. The Evaluation Committee may use technical expert reviewers to provide an analysis of applications. Applications will be evaluated in two stages:

1. Stage One: Application Screening

The Contracts, Grants, and Loans Office and/or the Evaluation Committee will screen applications for compliance with the Screening Criteria in **Section E** of this Part. **Applications that fail any of the screening criteria will be rejected.** The Evaluation Committee may conduct optional telephone **Clarification Interviews** with applicants during the screening process to clarify and/or verify information submitted in the application. However, these interviews may not be used to change or add to the content of the original application. Applicants will not be reimbursed for time spent answering clarifying questions.

2. Stage Two: Application Scoring

Applications that pass Stage One will be submitted to the Evaluation Committee for review and scoring based on the Scoring Criteria in **Section F** of this Part.

- The scores for each application will be the average of the combined scores of all Evaluation Committee members.
- Clarification Interviews: The Evaluation Committee may conduct optional telephone interviews with applicants during the evaluation process to clarify and/or verify information submitted in the application. However, these interviews may not be used to change or add to the content of the original application. Applicants will not be reimbursed for time spent answering clarifying questions.
- An application must receive a minimum score of 77 points for criteria 1–6 and 94.5 points for criteria 1-8 to be eligible for funding.

B. RANKING, NOTICE OF PROPOSED AWARD, AND AGREEMENT DEVELOPMENT

1. Ranking and Notice of Proposed Award

Applications that receive at least the minimum required score for all criteria will be ranked according to their score.

- CEC staff will post a **Notice of Proposed Award (NOPA)** that includes: (1) the total proposed funding amount; (2) the rank order of applicants; and (3) the amount of each proposed award. The CEC will post the NOPA at its headquarters in Sacramento and on its website and will mail it to all entities that submitted an application. Proposed awards must be approved by the CEC at a business meeting.
- **Debriefings:** Unsuccessful applicants may request a debriefing after the release of the NOPA by contacting the CAO listed in Part I. A request for debriefing must be received **no later than 30 calendar days** after the NOPA is released.
- In addition to any of its other rights, the CEC reserves the right to:
 - Allocate any additional funds to passing applications, in rank order; and
 - Negotiate with successful applicants to modify the project scope, schedule, project team entity that will receive the award, location, and/or level of funding.

2. Agreements

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

- **Agreement Development:** The Contracts, Grants, and Loans Office will send the Recipient a grant agreement for approval and signature. The agreement will include the applicable terms and conditions and will incorporate this solicitation and the application by

reference. The CEC reserves the right to modify the award documents (including the terms and conditions) prior to executing any agreement.

- **Failure to Execute an Agreement:** If the CEC is unable to successfully execute an agreement with an applicant in a timely manner, it reserves the right to cancel the pending award and use the funds elsewhere, such as to fund the next highest-ranked, eligible application.

C. GROUNDS TO REJECT AN APPLICATION OR CANCEL AN AWARD

Applications that do not pass the screening stage will be rejected. In addition, the CEC reserves the right to reject an application and/or to cancel an award for any reason, including any of the following:

- The application contains false or intentionally misleading statements or references that do not support an attribute or condition contended by the applicant.
- The application is intended to mislead the State erroneously and fallaciously in any way.
- The application does not comply or contains caveats that conflict with the solicitation, and the variation or deviation is material.
- The applicant has received unsatisfactory agreement evaluations from the CEC or another California state agency.
- The applicant is a business entity required to be registered with the California Secretary of State and is not in good standing.
- The applicant has not demonstrated that it has the financial capability to complete the project.
- The applicant fails to meet CEQA and NEPA compliance within sufficient time for the CEC to meet its encumbrance deadline or any other deadlines, as the CEC in its sole and absolute discretion may determine.
- The applicant has included a statement or otherwise indicated that it will not accept the terms and conditions, or that acceptance is based on modifications to the terms and conditions.
- The application contains confidential information or identifies any portion of the application as confidential.

D. MISCELLANEOUS

1. Solicitation Cancellation and Amendment

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

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

If the solicitation is amended, the CEC will send an addendum to all entities that requested the solicitation and will also post it on the CEC's website at: <https://www.energy.ca.gov/funding-opportunities/solicitations>. The CEC will not reimburse applicants for application development expenses under any circumstances, including cancellation of the solicitation.

2. Modification or Withdrawal of Application

Applicants 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.”

3. Confidentiality

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

4. Solicitation Errors

If an applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation, the applicant should immediately notify the CEC of the error in writing and request modification or clarification of the solicitation. The CEC will provide modifications or clarifications by written notice to all entities that requested the solicitation. The CEC will not be responsible for failure to correct errors.

5. Immaterial Defect

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

6. Tiebreakers

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

7. Clarification Interviews

The Evaluation Committee may conduct optional Clarification Interviews with applicants to clarify and/or verify information submitted in the application. However, these interviews may not be used to change or add to the content of the original application. Applicants will not be reimbursed for time spent answering clarifying questions.

8. 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/Questions” 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.

E. STAGE ONE: APPLICATION SCREENING

<p>SCREENING CRITERIA</p> <p><i>The Application must pass ALL criteria to progress to Stage Two.</i></p>	<p>Pass/Fail</p>
<p>1. The application is received by the CEC by the due date and time specified in the “Key Activities Schedule” in Part I.D of this solicitation and is received in the required manner (e.g., no emails or faxes).</p>	<p><input type="checkbox"/> Pass <input type="checkbox"/> Fail</p>
<p>2. The application addresses only one of the eligible project groups, as indicated by the information the Applicant enters into the ECAMS system.</p>	<p><input type="checkbox"/> Pass <input type="checkbox"/> Fail</p>
<p>3. The applicant has not previously submitted an application to this solicitation. If multiple applications are submitted by the same entities, only the first submitted application will be accepted.</p>	<p><input type="checkbox"/> Pass <input type="checkbox"/> Fail</p>
<p>4. The Application includes Commitment Letters that total the minimum match share requirement for their group, as a share of the total CEC funds requested.</p>	<p><input type="checkbox"/> Pass <input type="checkbox"/> Fail</p>

ADDITIONAL SCREENING CRITERIA FOR PAST PERFORMANCE

<p>Screening Criteria</p>	
<p>Applicant Past Performance with CEC</p> <p>An applicant may be disqualified under this solicitation due to severe performance issues under one or more prior or active CEC agreements. This past performance screening criterion does not apply to applicants that do not have any active or prior agreements with the CEC.</p> <p>The applicant—defined for the purpose of this past performance screening criterion as at least one of the following: the business, principal investigator, or lead individual acting on behalf of themselves—received funds from the CEC (e.g., contract, grant, or loan) and entered into an agreement(s) with the CEC and demonstrated severe performance issues characterized by significant negative outcomes including:</p> <ul style="list-style-type: none"> • Significant deviation from agreement requirements that were caused by factors that are, or should have been, within applicant’s control; • Termination with cause; • Demonstrated poor communication, project management, and/or inability, due to circumstances within applicant’s control, or which should have been within applicant’s control, from materially completing the project; • Deliverables were not submitted to the CEC or were of significantly poor quality. For example, applicant delivered poorly written reports that required significant rework by staff prior to acceptance or publication; and 	

<ul style="list-style-type: none"> Severe audit findings 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. 	
Must pass to continue with Scoring Criteria	Pass/Fail

F. STAGE TWO: APPLICATION SCORING

Proposals that pass ALL Stage One Screening Criteria and are not rejected as described in Section IV.C will be evaluated based on the Scoring Criteria on the next page and the Scoring Scale below (with the exception of criteria that are quantitative, such as criterion 10). Each criterion has an assigned number of possible points and is divided into multiple sub-criteria. The sub-criteria are not equally weighted. The Project Narrative (Attachment 02) must respond to each sub-criterion, unless otherwise indicated.

SCORING SCALE

% 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.

SCORING CRITERIA

The Project Narrative (Attachment 02) and other attachments where appropriate must respond to each criterion below. The responses must directly relate to the solicitation requirements and focus as stated in this solicitation.

Objectives, Qualifications, and Merits – Scoring Criteria 1-6	Maximum Points
<p>1) Project Merit, Need, & Goals</p> <ul style="list-style-type: none"> • Provides a clear and concise description of project including the specific resilience or reliability problems being addressed; the need for funding; and how the project represents the optimal solution for the problem. • Describes how the proposed project will meet the CERI goals, which are to: <ol style="list-style-type: none"> (1) reduce the frequency and duration of power outages for communities across California; (2) ensure that the benefits of clean, safe, affordable, and reliable energy are shared by all, particularly those communities with critical energy resilience needs; (3) advance clean energy policies through resilience solutions; and (4) create high-quality jobs with strong labor standards and protections that attract and train a skilled workforce for durable careers in the growing clean energy industry. • Describes the major components of the project and includes appropriate schemas (e.g., single line drawing(s) and site maps). 	25
<p>2) Project Management</p> <p>Provides a thoughtful project management plan that aligns with the scope of work and other relevant attachments that:</p> <ul style="list-style-type: none"> • Summarizes the team structure, qualifications, experience, financial stability, and capabilities to complete the project. • Includes an organization chart. • Describes the facilities, infrastructure, and resources available that support the project. • Explains key success and risk factors and outlines a risk management plan. • Outlines the major project tasks and how they will be managed. • Includes a realistic Project Schedule (Attachment 04) with milestones. 	15

Objectives, Qualifications, and Merits – Scoring Criteria 1-6	Maximum Points
<p>3) Resilience Impact Score</p> <p>This is a composite score reported on the Resilience Impact Calculator, (Attachment 05) that weighs outage risk, heat risk, and wildfire risk scores equally. It is figured as follows:</p> $\left(\frac{\text{Outage Risk Score} + \text{High Heat Risk Score} + \text{Wildfire Risk Score}}{3} \right)$ <p><i>See Attachment 05 for more information on how each score is figured.</i></p>	20
<p>4) Community Engagement & Benefits</p> <ul style="list-style-type: none"> • Describes the planned community engagement initiatives/activities, designates the CBO responsible for executing or assisting in the coordination of these activities, and specifies the allocated funding for the CBO. Describes expected energy resilience and community benefits and provides sound reasoning or basis for determining those benefits. • Lists and describes the extent of planned engagement activities and products as reported in the Project Metrics (Attachment 10); Scope of Work (Attachment 03); and the Project Narrative Form (Attachment 02). 	20
<p>5) Advancement of Energy and Climate Goals</p> <ul style="list-style-type: none"> • Extent to which the project supports California’s energy and climate goals. • Provides reasoning or method for determining such support. • Determines the impact and reasonableness of any estimated avoided greenhouse gas savings, or pollutants associated with fossil-fuel-based electricity generation (e.g., PM2.5, PM 10, NOx, SOx, etc.). • Impact Metrics (Baseline and Expected) as reported in Project Metrics, (Attachment 10). 	10
<p>6) Workforce Development Score</p> <ul style="list-style-type: none"> • Extent of workforce development activities. • Strategy to attract, train, and retain a skilled workforce particularly from priority communities as referenced in Section II.B (e.g., through registered apprenticeships; joint labor management training programs; or partnerships with training providers) for durable careers in the clean energy industry. • Expected impacts as reported in the Project Metrics (Attachment 10). 	20
<p>Total Possible Points for criteria 1– 6 (Minimum Passing Score for criteria 1– 6 is 70 percent (77 points))</p>	110

<p>Financial & Support Criteria: 7-8 Applications must meet the minimum passing score for criteria 1-6 (77 points or 70 percent) to be further evaluated on criteria 7 & 8.</p>	
<p>7) Budget and Cost-Effectiveness <i>Scoring for this criterion will be based on the Budget Form(s) (Attachment 06).</i></p> <ul style="list-style-type: none"> • Budget forms are complete for the applicant and all subcontractors, as described in the Budget instructions. • Justifies the reasonableness of the requested funds relative to the project goals, objectives, and tasks. • Justifies the reasonableness of direct costs (e.g., labor, fringe benefits, equipment, materials & misc. travel, and subcontractors). • Justifies the reasonableness of indirect costs (e.g., overhead, facility charges (e.g., rent, utilities), burdens, subcontractor profit, and other like costs). 	20
<p>8) Project Commitment & Support Letters <i>Scoring for this criterion will be based on Commitment & Support Letters (Attachment 09).</i></p> <ul style="list-style-type: none"> • Includes required commitment letters that not only commit the project partner, but detail the resilience, community, or workforce benefits of the project. • Includes a required commitment letter from a partnered CBO and/or Tribe, signed by an authorized representative that outlines their planned contribution. • Includes optional support letters from technology partners, community-based organizations, community leaders, tribes, workforce development stakeholders, environmental justice organizations, or other partners that demonstrate their belief that the proposed project will lead to increased equity or other benefits, and is both feasible, and viable in the identified project area. 	5
<p>Total Possible Points (Minimum Passing Score for Criteria 1 – 8 is 70 percent (<u>94.5 points</u>))</p>	135

Preference Points Criteria: Applications must meet all minimum passing scores (Scoring Criteria 1-6 and 1-8 to be eligible for preference points).	Maximum Points												
<p>9) Exceeding Match Funding</p> <p><i>Scoring for this criterion will be based on the Match Funding detailed in the Commitment Letters (Attachment 09) and the Budget Forms (Attachment 06).</i></p> <p>Additional points will be awarded to applications that exceed the minimum match requirements based on the percentage amount above minimum using the Exceeds Minimum Match Scoring table:</p> <p style="text-align: center;">Exceeds Minimum Match Scoring Table</p> <table border="1" data-bbox="477 667 967 1033"> <thead> <tr> <th>Percentage above Minimum Match (cash and in-kind)</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>≥ 80%</td> <td>5</td> </tr> <tr> <td>60 to <80%</td> <td>4</td> </tr> <tr> <td>40 to <60%</td> <td>3</td> </tr> <tr> <td>20 to <40%</td> <td>2</td> </tr> <tr> <td>10 to <20 %</td> <td>1</td> </tr> </tbody> </table>	Percentage above Minimum Match (cash and in-kind)	Score	≥ 80%	5	60 to <80%	4	40 to <60%	3	20 to <40%	2	10 to <20 %	1	5
Percentage above Minimum Match (cash and in-kind)	Score												
≥ 80%	5												
60 to <80%	4												
40 to <60%	3												
20 to <40%	2												
10 to <20 %	1												
<p>10) Disadvantaged Communities and Tribes</p> <p>Proposals will receive points as indicated in the table below based on the overall percentile of the census tract where the project is located according to CalEnviroScreen 4.0 ranking. For projects spanning multiple tracts, points will be determined by the highest-ranked tract. This is reported on the Application Form (Attachment 01) and described in the Project Narrative (Attachment 02), under the community benefits section.</p> <p>For more information on disadvantaged communities and to determine the percentile of your project, use the California Communities Environmental Health Screening tool (CalEnviroScreen) at: https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40</p> <p style="text-align: center;">DAC/Tribes Scoring Table</p> <table border="1" data-bbox="293 1583 1151 1869"> <thead> <tr> <th>CalEnviroscreen Ranking</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>Ranked between 75th and 100th percentile</td> <td>10</td> </tr> <tr> <td>Ranked between 50th and 75th percentile</td> <td>6</td> </tr> <tr> <td>Ranked between 25th and 50th percentile</td> <td>3</td> </tr> </tbody> </table>	CalEnviroscreen Ranking	Score	Ranked between 75 th and 100 th percentile	10	Ranked between 50 th and 75 th percentile	6	Ranked between 25 th and 50 th percentile	3	10				
CalEnviroscreen Ranking	Score												
Ranked between 75 th and 100 th percentile	10												
Ranked between 50 th and 75 th percentile	6												
Ranked between 25 th and 50 th percentile	3												

Ranked below 25 th percentile	0	
Total Possible Points		150

V. Background, Reference Documents, & Administration

A. BACKGROUND

1. California Energy Resilience Investment (CERI) Program

Funding Authority

Section 40101d of the Bipartisan Infrastructure Law (BIL) funded the Grid Resilience State and Tribal Formula Grants program at the DOE, Grid Deployment Office.¹² The purpose of the Grid Resilience State and Tribal Formula Grants program is to strengthen and modernize America’s power grid against wildfires, extreme weather, and other natural disasters that are exacerbated by the climate crisis. The program distributes funding to states, territories, and federally recognized Indian tribes, including Alaska Native Regional Corporations and Alaska Native Village Corporations, over five years based on a formula that includes factors such as population size, land area, probability and severity of disruptive events, and a locality’s historical expenditures on mitigation efforts. The states, territories, and tribes then award these funds to a diverse set of projects, with priority given to efforts that generate the greatest community benefit providing clean, affordable, and reliable energy.

The CEC applied for these formula funds to create the California Energy Resilience Investment program in 2022 and has been designated as the sole entity for the State of California to distribute

¹² “Grid Resilience State/Tribal Formula Grant Program,” Energy.gov, accessed November 3, 2023. The [Grid Resilience State/Tribal Formula Grant Program](https://www.energy.gov/gdo/grid-resilience-statetribal-formula-grant-program) is available at: (https://www.energy.gov/gdo/grid-resilience-statetribal-formula-grant-program).

approximately \$170 million over five years.¹³ Projects awarded under this solicitation will be funded by the CERI Program.

Key Engagement Activities & Milestones

- The CEC held an initial public workshop in August 2022 to kick off the development of the CERI Program and gather input from stakeholders.
- Between May 2022 and April 2023, CEC staff facilitated more than a dozen one-on-one meetings with state agencies and eligible applicants. This engagement informed the initial scope and goals of the CERI Program.
- In July 2023, California was awarded federal funding for years 1 and 2 of the program, totaling \$67,497,291.
- On September 12, 2023, the CEC held a second public workshop to elicit stakeholder input on CERI Program design and asked specifically for feedback on the project minimum and maximum amounts, proposed approach to measure resilience impacts, technical assistance needs, and how to ensure community engagement is meaningful.

Based on feedback received through these activities, this solicitation has purposefully been developed to:

- be inclusive of all eligible activities, in recognition of the diverse needs throughout California;
- enable projects to showcase their alignment with established climate action or resilience initiatives within the project community;
- allow applicants to provide additional data and make an argument for an increased Resilience Impact score if they have reason to believe the underlying data in the Resilience Impact Calculator is out of date or otherwise inaccurate; and
- allow for multiple and disparate subprojects under a single application.

B. APPLICABLE LAWS, POLICIES, AND BACKGROUND DOCUMENTS

This solicitation addresses, at least in part, the goals described in the following laws, policies, and background documents.

Laws/Regulations

- **Infrastructure Investment and Jobs Act (IIJA), Section 40101(d): Preventing Outages and Enhancing the Resilience of the Electric Grid Formula Grants to States and Indian Tribes**

Administered by the DOE, the IIJA is an equitable clean energy program designed to improve and strengthen America’s electrical grid in the face of climate change. California expects to receive approximately \$170 million from the IIJA over the next five years to fund the CERI program.

Additional information: <https://www.energy.gov/gdo/grid-resilience-statetribal-formula-grant-program>; <https://www.congress.gov/117/plaws/publ58/PLAW-117publ58.htm>

¹³ “Community Energy Resilience Investment (CERI) Program,” California Energy Commission, accessed November 3, 2023. The [CERI website](https://www.energy.ca.gov/programs-and-topics/programs/community-energy-resilience-investment-ceri-program) is available at (<https://www.energy.ca.gov/programs-and-topics/programs/community-energy-resilience-investment-ceri-program>).

Applicable Law: Bipartisan Infrastructure Law, Public Law 117-58, Section 40101(d)

- **Senate Bill (SB) 32 - California Global Warming Solutions Act of 2006: emissions limit**

SB 32 requires that CARB ensure statewide greenhouse gas (GHG) emissions are reduced to 40 percent below the 1990 level by no later than December 31, 2030. SB 32 further requires that these emission reductions are achieved in a manner that benefits the state's most disadvantaged communities and is transparent and accountable to the public and the Legislature.

Additional information:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32

Applicable Law: California Health and Safety Code § 38566.

- **AB 2514¹⁴ - Energy Storage Systems**

AB 2514 required the CPUC to determine targets for the procurement of viable, cost-effective energy storage systems by load-serving entities. The CPUC adopted the procurement targets in Decision 13-10-040, issued on October 17, 2013 (see the summary of Decision 13-10-040 in the "Policies/Plans" section below).

Additional information: <http://www.cpuc.ca.gov/general.aspx?id=3462>

Applicable Law: California Public Utilities Code §§ 2835 et. seq., and § 9620

(http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB2514)

- **Senate Bill (SB) 350¹⁵ Clean Energy and Pollution Reduction Act of 2015**

SB 350 does the following: 1) expands California's Renewable Portfolio Standard goals and requires retail sellers of electricity and local publicly owned electricity to increase their procurement of eligible renewable energy resources; 2) requires the CEC to establish annual targets for statewide energy efficiency savings in electricity and natural gas final end uses of retail customers by January 1, 2030; and 3) provide for transformation of the Independent System Operator into a regional organization.

Additional information: http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0301-0350/sb_350_bill_20151007_chaptered.htm

- **Senate Bill (SB) 100 - The 100 Percent Clean Energy Act of 2018**

SB 100 requires that 100 percent of retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies come from eligible renewable energy resources and zero-carbon resources by December 31, 2045. The bill requires the CPUC and the CEC, in consultation with the California Air Resources

¹⁴ California Assembly Bill 2514 (Statutes of 2010, chapter 469). [AB 2514](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2501-2550/ab_2514_bill_20100929_chaptered.html) is available at (http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2501-2550/ab_2514_bill_20100929_chaptered.html).

¹⁵ California Senate Bill 350 (Statutes of 2015, chapter 547). [SB 350](https://www.energy.ca.gov/rules-and-regulations/energy-suppliers-reporting/clean-energy-and-pollution-reduction-act-sb-350) is available at (<https://www.energy.ca.gov/rules-and-regulations/energy-suppliers-reporting/clean-energy-and-pollution-reduction-act-sb-350>).

Board to ensure that California's transition to a zero-carbon electric system does not cause or contribute to GHG emissions increases elsewhere in the western grid.

Additional information:

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB100

- **National Environmental Quality Act (NEPA)**

Under NEPA, federal agencies must assess the environmental impacts of any proposed developments. To promote transparency, agencies also provide opportunities for public review and comment on those evaluations. All CERI projects will be subject to the applicable NEPA requirements as determined by the DOE and the CEC.

Additional information: <https://www.energy.gov/nepa/articles/national-environmental-policy-act-1969>

Applicable Law: 42 U.S. Code § 4321- 4347

- **California Environmental Quality Act (CEQA)**

The California Environmental Quality Act sets guidelines for informing the public about the significant environmental effects of a proposed project and minimizing environmental damages of said project by developing project alternatives and mitigation measures. CERI projects must achieve compliance with CEQA.

Additional information: <https://opr.ca.gov/ceqa/>

Applicable Law: Public Resources Code §§21000 et seq

Policies/Plans

- **Integrated Energy Policy Report (IEPR) (Biennial)**

California Public Resources Code Section 25302 requires the CEC to release a biennial report that provides an overview of major energy trends and issues facing the state. The IEPR assesses and forecasts all aspects of energy industry supply, production, transportation, delivery, distribution, demand, and pricing. The CEC uses these assessments and forecasts to develop energy policies and provide recommendations for future research and analysis areas.

Additional information: <http://www.energy.ca.gov/energypolicy>

Applicable Law: California Public Resources Code § 25300 et seq.

State of Emergency Proclamation on Tree Mortality

The declaration released on October 30, 2015, declared a state of emergency and sought federal action to help mobilize additional resources for the safe removal of dead and dying trees.

Additional Information:

https://www.gov.ca.gov/docs/10.30.15_Tree_Mortality_State_of_Emergency.pdf

- **Executive Order N-79-20**

Governor Newsom's Executive Order N-79-20 outlines the state's intended actions toward fighting climate change and transitioning to a clean energy future, including labor and

workforce considerations. The Executive Order also created the “Just Transition” framework, which once fully developed will guide the creation of economic opportunities for disadvantaged communities that are most burdened by the climate crisis, including through expanded education and training pathways.

Additional Information: <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

- **Executive Order 14008, Section 223**

Section 223 of Biden’s Executive Order 14008 established the Justice40 initiative, which requires 40 percent of federal funding for investments in clean energy, energy efficiency, and training and workforce development to go to projects in disadvantaged communities (DACs). The Justice40 Initiative defines DACs based on metrics from the federal Climate & Economic Justice Screening Tool (CEJST). Though Justice40 compliance is not a requirement of the CERI Program, projects should align with Justice40 goals.

Additional Information: <https://www.energy.gov/diversity/justice40-initiative>

C. APPLICANTS’ ADMONISHMENT

This solicitation contains application requirements and instructions. Applicants are responsible for **carefully reading** the solicitation, asking appropriate questions in a timely manner, ensuring that all solicitation requirements are met, submitting all required responses in a complete manner by the required date and time, and **carefully rereading** the solicitation before submitting an application. In particular, please carefully read the **Screening/Scoring Criteria and Grounds for Rejection** in Part IV, and the relevant CERI Grant terms and conditions located at: <https://www.energy.ca.gov/programs-and-topics/programs/community-energy-resilience-investment-ceri-program> under the “Resources” dropdown menu.

Each grant agreement resulting from this solicitation will include terms and conditions that set forth the recipient’s rights and responsibilities. Applicants must agree to all final terms and conditions to receive CEC funds. Be aware that the terms and conditions included in this solicitation are subject to change based on, in addition to other potential reasons, modifications to federal program requirements or terms and conditions by the DOE, feedback and guidance the CEC receives from the DOE, and any project-specific special terms and conditions the CEC deems appropriate for a particular award.

Applicants are solely responsible for the cost of developing applications. This cost cannot be charged to the State. All submitted documents will become publicly available records upon the posting of the NOPA.

D. ADDITIONAL REQUIREMENTS

1. **Encumbrance Deadline.** Funds available under this solicitation have encumbrance deadlines as early as April 30, 2028. This means that the CEC must approve proposed awards at a business meeting (usually held monthly) prior to April 30, 2028, to avoid expiration of the funds.
2. **Environmental Review.** Prior to approval and encumbrance, the CEC must comply with NEPA, CEQA, and other requirements. To comply with NEPA and CEQA, the CEC must have NEPA and CEQA related information from applicants and sometimes other entities, such as local governments, in a timely manner. Unfortunately, even with this

information, the CEC and DOE may not be able to complete their NEPA review and CEQA review prior to the encumbrance deadline for every project. For example, if a project requires an Environmental Impact Report, the process to complete it can take many months. For these reasons, it is critical that applicants organize project proposals in a manner that minimizes the time required for the CEC to comply with NEPA and CEQA and provide all NEPA and CEQA related information to the CEC in a timely manner such that the CEC can complete its review in time for it to meet its encumbrance deadline.

3. Build America Buy America (BABA) Requirement¹⁶

None of the funds provided under this award may be used for a project for infrastructure unless:

- All iron and steel used in the project is produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Requirement only applies to articles, materials, and supplies that are consumed in, incorporated into, or permanently affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought into the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Requirement apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Recipients are responsible for administering their award in accordance with the terms and conditions, including the Buy America Requirement. The recipient must ensure that the Buy America Requirement flows down to all subrecipients and that the subrecipients comply with the Buy America Requirement. The Buy America Requirement term and condition must be included in all contracts, subcontracts, and purchase orders for work performed under the infrastructure project.

An applicant may submit a request to waive the application of a Buy America Requirement under a project/award in the following circumstances:

1. Applying the domestic content procurement preference would be inconsistent with the public interest (“Public Interest waiver”);

¹⁶ Build America, Buy America Act (BABA). Pub. L. No. 117-58, §§ 70901-52. [BABA](https://www.energy.gov/management/build-america-buy-america) is available at (<https://www.energy.gov/management/build-america-buy-america>).

2. The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (“Non-Availability waiver”); or
3. The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (“Unreasonable Cost waiver”).

CEC must request the waiver from and submit the completed waiver to DOE for approval. DOE may request, and the recipient must provide, additional information for consideration of a submitted waiver. Waiver requests may take up to 90 calendar days to process.

Waiver requests are subject to review by DOE and the Office of Management and Budget (OMB), as well as a public comment period of no less than 15 calendar days. DOE may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback from OMB or the public.

DOE’s final determination regarding approval or rejection of the waiver request may not be appealed.

See the CERI Federal Subaward Terms and Conditions for additional information related to Buy America compliance. The CERI Federal Subaward Terms and Conditions can be accessed at <https://www.energy.ca.gov/programs-and-topics/programs/community-energy-resilience-investment-ceri-program> under the “Resources” dropdown menu.

4. Davis-Bacon Act Requirements

This award is funded under Division D of the BIL. All laborers and mechanics employed by the recipient, subrecipients, contractors, or subcontractors in the performance of construction, alteration, or repair work in excess of \$2,000 on an award funded directly by or assisted in whole or in part by funds made available under this award shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the “Davis-Bacon Act” (DBA). Recipients shall provide written assurance acknowledging the DBA requirements for the award or project and confirming that all of the laborers and mechanics performing construction, alteration, or repair work in excess of \$2000 on projects funded directly by or assisted in whole or in part by and through funding under the award are paid or will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act).

The Recipient must comply with all DBA requirements, including but not limited to:

- Ensuring that the wage determination(s) and appropriate Davis-Bacon clauses and requirements are flowed down to and incorporated into any applicable subcontracts.
- Being responsible for compliance by any subcontractor with the Davis-Bacon labor standards.
- Cooperating with any authorized representative of the Department of Labor in their inspection of records, interviews with employees, and other actions undertaken as part of a Department of Labor investigation.
- Posting in a prominent and accessible place the wage determination(s) and Department of Labor Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects.

- Notifying the CAM of all labor standards issues, including all complaints regarding incorrect payment of prevailing wages and/or fringe benefits, received from the recipient, contractor, or subcontractor employees; significant labor standards violations, as defined in 29 in the Code of Federal Regulations (CFR) 5.7; disputes concerning labor standards pursuant to 29 CFR parts 4, 6, and 8 and as defined in Federal Acquisition Regulation (FAR) 52.222-14; disputed labor standards determinations; Department of Labor investigations; or legal or judicial proceedings related to the labor standards under this award. For additional guidance on how to comply with the DBA provisions and clauses, see the following resources available on the Department of Labor website at:

<https://www.dol.gov/agencies/whd/government-contracts/construction>, and

<https://www.dol.gov/agencies/whd/government-contracts/protections-for-workers-in-construction>.

5. Reservation of right to cancel proposed award. In addition to any other right reserved to it under this solicitation or that it otherwise has, if the CEC determines, in its sole and absolute discretion, that the NEPA and CEQA reviews associated with a proposed project would not likely be completed prior to the encumbrance deadline referenced above, and that the CEC's ability to meet its encumbrance deadline may thereby be jeopardized, the CEC may cancel a proposed award and award funds to the next highest scoring applicant, regardless of the originally proposed applicant's diligence in submitting information and materials for NEPA and CEQA reviews. Examples of situations that may arise related to NEPA and CEQA reviews include but are not limited to:

- Example 1: If another state agency or local jurisdiction, such as a city or county, has taken the role of lead agency under NEPA or CEQA, the CEC's review may be delayed while waiting for a determination from the lead agency.
- Example 2: If the proposed work is part of a larger project for which a detailed environmental analysis has been or will be prepared by another state agency or local jurisdiction, the CEC's review may be delayed as a result of waiting for a supplemental or initial analysis, respectively, from the other agency.
- Example 3: If the nature of the proposed work is such that a project is not categorically or otherwise exempt from the requirements of NEPA or CEQA, and an initial study or other detailed environmental analysis appears to be necessary, the CEC's review, or the lead agency's review, may take longer than the time available to encumber the funds. If an initial study, negative declaration, mitigated negative declaration, environmental impact report, or similar document has already been completed by another state agency or a local jurisdiction, serving as the lead agency, the applicant must ensure that such an analysis covers the work in the proposed project, or must obtain a revised analysis and determination from the lead agency reviewing the proposed project.
- Example 4: If the proposed project clearly falls under a statutory or categorical exemption or is a project for which another state agency or local jurisdiction has already adopted a NEPA or CEQA finding that the project will cause no significant effect on the environment, the project will likely have greater success in attaining rapid completion of NEPA or CEQA requirements.

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

E. KEY WORDS/TERMS

The definitions provided in this solicitation are exclusively applicable to this specific solicitation and are not intended to be construed or applied to any other solicitations or programs.

Word/Term	Definition
Applicant	The entity that submits an application to this solicitation.
Application	An applicant's written response to this solicitation.
Authorized Representative	The person signing the application form who has authority to enter into an agreement with the CEC.
BABA	<i>Build America Buy America</i> . An act which requires that all iron, steel, manufactured products, and construction materials used in federally funded projects for energy infrastructure must be produced in the United States unless proven not financially feasible. For more information on BABA, see https://www.energy.gov/management/build-america-buy-america .
BIL	<i>Bipartisan Infrastructure Law</i> . This legislation enabled the CERL Program and is synonymous with the <i>Infrastructure Investment and Jobs Act</i> .
California Native American Tribe	A Native American Tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004 (Pub. Resources Code, § 21073).
California Tribal Organization	A corporation, association, or group controlled, sanctioned, or chartered by a California Native American tribe that is subject to its laws, the laws of the State of California, or the laws of the United States.
CAM	<i>Commission Agreement Manager</i> . The person designated by the CEC to oversee the performance of an agreement resulting from this solicitation and to serve as the main point of contact for the Recipient.
CAO	<i>Commission Agreement Officer</i> . Ther person designated by the CEC to oversee the internal administrative processes and to serve as the main point of contact for solicitation applicants.
CBO	<i>Community Based Organization</i> . A public or private nonprofit organization of demonstrated effectiveness that: <ul style="list-style-type: none"> a) Has an office in the region (e.g., air basin or county) and meets the demographic profile of the communities they serve. b) Has deployed projects and/or outreach efforts within the region (e.g., air basin or county) of the proposed disadvantaged or low-income community.

Word/Term	Definition
	<ul style="list-style-type: none"> c) Has an official mission and vision statements that expressly identifies serving disadvantaged and/or low-income communities. d) Currently employs staff member(s) who specialized in and are dedicated to – diversity, or equity, or inclusion, or is a 501(c)(3) non-profit.
CEC	State Energy Resources Conservation and Development Commission, also known as the <i>California Energy Commission</i> .
CERI	<i>Community Energy Resilience Investment program</i>
CEQA	<i>California Environmental Quality Act</i> , California Public Resources Code Section 21000 et seq.
Components	<i>Components</i> are defined as the articles, materials, or supplies incorporated directly into the end manufactured product(s).
Construction Materials	<i>Construction Materials</i> are articles, materials, or supplies—other than items primarily of iron or steel; manufactured products; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that are used in an infrastructure project and are or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, drywall, coatings (paints and stains), optical fiber, clay brick, composite building materials, or engineered wood products.
Cost Recovery	Recovering the expenditures of an infrastructure project or a portion(s) of a project, typically through the deployment of utility rate increases.
DBA	<i>Davis-Bacon Act</i> . The act which requires government bodies to pay the local prevailing wages on public works projects for laborers and mechanics.
Days	<i>Days</i> refers to calendar days.
DOE	<i>United States Department of Energy</i>
Disadvantaged Community	These are communities designated pursuant to Health and Safety Code section 39711 as representing the top 25 percent scoring census tracts from CalEnviroScreen 4.0, federally recognized Tribal areas, and census tracts with especially high pollution but insufficient data to derive a complete score. (https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40)
Duration of an electrical outage	The length of time of an electrical outage, measured in minutes.
Frequency of an electrical outage	The rate at which electrical outages occur, measured in events per year.
Group 1	Large entities that sell more than 4,000 GWh per year.
Group 2	Small entities that sell 4,000 GWh or less per year.

Word/Term	Definition
GWh	Gigawatt hour
IJA	<i>Infrastructure Investment and Jobs Act</i> . This legislation enabled the CERI Program and is commonly referred to as the <i>Bipartisan Infrastructure Law</i> .
Infrastructure	Includes, at a minimum, the structures, facilities, and equipment located in the United States for: roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; buildings and real property; and generation, transportation, and distribution of energy -including electric vehicle charging. The term “infrastructure” should be interpreted broadly, and the definition provided above should be considered as illustrative and not exhaustive.
Magnitude of an electrical outage	The number of customers effected during an electrical outage.
Manufactured Products	<i>Manufactured products</i> are items used for an infrastructure project made up of components that are not primarily of iron or steel; construction materials; cement and cementitious materials’ aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.
NEPA	<i>National Environmental Policy Act</i>
New Generation	BIL Section 40101 prohibits a grant awarded to an Eligible Entity under the program being used for construction of a new electric generating facility. In this context, new generation is defined as construction of a facility that produces electricity, including emergency back-up generation, solar generation, or any other electric generation unit or facility. ¹⁷
NOPA	<i>Notice of Proposed Award</i> . A public notice by the CEC that identifies award recipients.
Power Line	The term “ <i>power line</i> ” includes a transmission line or a distribution line, as applicable. Distribution <i>power lines</i> are those below 69kV.
Primarily of iron or steel	Means greater than 50 percent iron or steel, measured by cost.
Project Manager	The person designated by the applicant to oversee the project and to serve as the main point of contact for the CEC.

¹⁷ For additional details and clarification on BIL 40101(d) terms and definitions, navigate to the [40101\(d\) FAQs](https://netl.doe.gov/bilhub/grid-resilience/formula-grants) (https://netl.doe.gov/bilhub/grid-resilience/formula-grants).

Word/Term	Definition
Project Partner	An entity or individual that contributes financially or otherwise to the project (e.g., match funding, provision of a test, demonstration or deployment site), and does not receive CEC funds.
Recipient	An entity receiving an award under this solicitation.
Solicitation	This entire document, including all attachments, exhibits, any addendum and written notices, and questions and answers (“solicitation” may be used interchangeably with “Grant Funding Opportunity”).
State	State of California
System Adaptive Capacity	The ability of the electrical grid to continue to supply electricity where needed during electrical system outages. A range of distributed energy resources, including energy storage devices (e.g., batteries) and microgrids, can be used to provide electrical energy during disruptions and, therefore, provide system adaptive capacity.
Weatherization	Technologies or equipment that can be used to enhance reliability and resiliency of electric grid components in preparation for extreme weather conditions.
Zero-Carbon Resources	Energy resources that either qualify as “renewable” in the most recent California Renewables Portfolio Standard (RPS) Eligibility Guidebook or generate zero greenhouse gas emissions on site.

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