



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

Draft Proposed Infrastructure Solicitation Program Guidance for Public Comment

Strategic Incentives

Bay Area Air Quality Management District

<https://www.baaqmd.gov/funding-and-incentives/businesses-and-fleets/infrastructure>

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## About the Bay Area Air Quality Management District

The California Legislature created the Bay Area Air Quality Management District (Air District) in 1955 as the first regional air pollution control agency in the country. The Air District is tasked with regulating air pollution in the nine counties that surround the San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. The Air District offers financial incentives for projects that improve air quality, reduce air quality health impacts, and protect the global climate.

## Infrastructure Solicitation Overview

The goal of this competitive solicitation is to award grant funding for the installation and operation of permanent electric chargers and infrastructure to spur the adoption of zero-emission vehicles and equipment in the Bay Area. Up to \$35 million is available for the installation of new or the expansion of publicly and non-publicly accessible electric chargers. The chargers may be used to support all categories of heavy-duty equipment and vehicles, including but not limited to on-road vehicles above 14,001 GVWR, such as transit and school buses and trucks; mobile off-road equipment including agricultural equipment, construction equipment, transportation refrigeration units (TRU), forklifts, cargo handling equipment, airport ground support equipment; locomotives; and marine vessels.

This program also aims to help expedite air quality improvements and the transition to zero-emission in Priority Communities. At least 80% of the available funds will be awarded to projects that reduce emissions in these communities. Priority Communities include communities that have been identified through the AB 617 process, i.e., West Oakland and East Oakland in Alameda County, Richmond/San Pablo in Contra Costa County, and Bayview-Hunters Point in San Francisco, Disadvantaged Communities (DAC), and Low-Income Communities (LIC). DAC and LIC are shown in the California Climate Investments Priority Populations 2023 map (website: <https://webmaps.arb.ca.gov/PriorityPopulations/>), which uses CalEnviroScreen (CES) 4.0 and other sources to identify census tracts experiencing disproportionate amounts of pollution, environmental degradation, and socioeconomic and public health conditions, and which also uses the California Department of Housing and Community Development's revised 2021 state income limits or the statewide median income to identify census tracts that are low-income.

The Air District reserves the right to modify this solicitation and funding at its sole discretion.

## How Award is Determined

Each site within a proposal will be evaluated independently. Sites that meet all basic eligibility requirements will compete based on evaluation criteria and will be scored and ranked based on those criteria. Unless the Air District exercises any of its other rights regarding this solicitation (e.g., to cancel the solicitation or reduce funding), sites that meet the basic eligibility requirements will be recommended for funding in ranked order until all funds available under this solicitation are exhausted.

If the funds available under this solicitation are insufficient to fully fund a proposed site, the Air District reserves the right to recommend partially funding that proposal. In this event, the proposed Awardee and Air District staff shall meet and attempt to reach agreement on a reduced scope of work commensurate with the level of available funding.

### General Guidance

The Air District may:

- Reserve the right to increase or decrease the amount of funds available under this solicitation.
- Partially fund applications by funding discrete portions of a proposed project.
- Follow-up with applicants if clarification is needed.
- Place eligible proposals on a back-up waitlist and reserve the option to offer funding later if additional funds become available.
- Cancel this solicitation.
- Amend the solicitation as needed.
- Reject any or all applications received in response to this solicitation.
- Issue a second solicitation round if not enough projects are found in this first round or if the Air District determines it's necessary for any reason.

### Tentative Program Schedule and Key Dates/Deadlines

<u>Dates*</u>	<u>Activity</u>
<b>Summer 2024</b>	<b>Application period begins, and solicitation opens.</b>
TBD	Webinar on solicitation
TBD	Deadline for written questions. Questions will be answered as they come in and posted online every two weeks.
<b>TBD</b>	<b>Application period ends and solicitation closes.</b>
TBD	Initial evaluation and ranking will be announced and brought to Board of Directors for approval.
Early 2025	Notice of Award will be sent out to grantees. Contracts will be executed, and Grantees may begin work on their projects
Within two years from the date of the Notice of Award	All work to install funded chargers is completed, Grantees submit reimbursement requests, and chargers to be operational and begin to collect data and report annually.
Spring 2030	Grantees that have met their required usage submit their final report.

\* Timeline is subject to change.

## How to Apply

Applicants are encouraged to review the solicitation guidance and available materials on the program's website: <https://www.baaqmd.gov/funding-and-incentives/businesses-and-fleets/infrastructure> and to attend the Program webinars.

**To apply, please visit:** <https://www.baaqmd.gov/funding-and-incentives/apply-for-funding>  
Please review the 'How To Apply' documentation on the website before starting the application.

## Application Requirements

**Only complete applications that are received by the deadline will be reviewed.**

Most of the information requested below will be needed to fill out the online application system. In addition, applicants will need to complete an excel spreadsheet with details on their sites, and upload required documentation. A list of required documentation is available on the program website.

- Organization information:
  - Business/Agency/Organization name, address, email, and telephone number
  - Primary and secondary contact details (one of two contacts must be person authorized to sign the contract)
  - Business, agency, or organization's W-9
  - Qualifications of applicants/partners, including years of experience installing charging infrastructure and number of successful projects completed to date.
- Site information:
  - Site address
  - Site is either publicly accessible or non-publicly accessible
  - Zoning code for parcel and current activity
  - For on-road vehicles, distance to the closest freeway on and exit ramp
  - Servicing a port/rail/freight facility
  - Statement of need (see selection criteria)
  - Readiness documentation (see selection criteria)
  - Description of the geographic location, including latitude and longitude, and an aerial map (i.e., satellite view from an internet-based map or city/county map)
  - List of permits required by which permitting bodies and an attestation that applicant is not aware of any limitations to permitting
  - Documentation of property ownership or a long-term lease with a minimum of 3-years remaining after project completion
  - Documentation that power is being or will be provided to the site (e.g., payment to the local utility company for power installation, quote from power installation company, designs for installing power, or letter from local utility stating that power can be provided with timeframe and estimated cost).
- Project specific information (required for each site):
  - New project or expansion of existing project (upgrades are not allowed)
  - Charger Type (e.g., Level 2, DC Fast) and charger kW rating

- kW that can be delivered to the charging site when all chargers are used at the same time, given the electrical capacity of the site and limitation by any software
- Charger (or dispenser and cabinet) make and model and quantity of each
- Number of Chargers
- Number of ports per charger/dispenser
- Estimated **monthly** energy dispensed (kWh)
- Estimated number of monthly charging events
- Number of unique vehicles or equipment using the chargers (over term of contract)
- Vehicle or equipment type (transit, truck, etc.) that will use the charger and the GVWR for on-road vehicles and the horsepower rating for off-road equipment.
- For solar/wind projects, submit designs and proof that at least 50% of the energy from the chargers will come from that source
- Timeline of the project and where the applicant currently is in the timeline.
- Financial Documentation
  - Budget and quotes breaking out the following:
    - Cost of equipment and associated materials
    - Cost of installation including labor and equipment
    - Cost of Design and Engineering
    - Cost of permitting
    - Other eligible costs
  - List of all co-funding sources. Applicants are responsible for checking whether co-funding is possible with Moyer and CAP funds.
- Compliance:
  - A completed Air District regulatory compliance statement available here: <https://www.baaqmd.gov/~media/Files/Strategic%20Incentives/Regulatory%20Compliance%20Statement.ashx>

### Eligible Applicants

- All entities (both public and non-public) that have a TIN number are eligible.
- Applicants, and any known parent company and affiliates operating at the same site as where the proposed project will operate, must be in compliance with air pollution control laws.
- Applicant must own the property where the infrastructure will be installed or have a long-term lease that goes out at least three years past the date that the infrastructure is scheduled to be installed.

The Air District reserves the right to deny funding to applicants with a poor compliance status or history regarding air pollution control laws, and applicants related to companies with a poor compliance status or history regarding air pollution control laws.

## Project & Equipment Minimum Requirements

This solicitation will fund only projects that procure new or expand permanent, electric battery-charging infrastructure that supports heavy- and medium-duty vehicles and off-road, marine, and locomotive equipment. At a minimum, projects must:

- Be permanently installed at a location within the Air District's jurisdiction and maintained in service for a minimum term of 3 years, or longer.
- Have work performed by contractors and/or electricians that meet all required licensing, certification, and statutory requirements.
- Be voluntary and surplus. Projects cannot be mandatory or used to meet local or state compliance or other requirements before completion of the grant contract term.
- Be located on a parcel that is not zoned as residential or located adjacent to property that is zoned residential.

For publicly accessible chargers, they must:

- Be accessible to the public 24 hours a day or as many hours as allowed by local ordinance.
- Maintain at least 95% uptime with 24/7 customer service available on site, via a toll-free telephone number. If equipment is not functional, the Grantee is responsible for ensuring that repairs are made, and chargers are up and running within 48 hours. This excludes extraordinary events such as accidents, power loss, natural disasters, network outages, planned utility outages, theft, and vandalism.

Equipment requirements:

- Electric chargers must be stationary, permanent, and connected to the electric grid. Mobile chargers will not be considered.
- Chargers must be at least a level 2 charger with a 6.6 kW output or higher.
- Equipment must use a valid and universally accepted charge connector protocol (e.g., Society of Automotive Engineers (SAE), CHAdeMO).
- Equipment must be certified by a Nationally Recognized Testing Laboratory (e.g., Underwriter's Laboratories, Intertek) located at <https://www.osha.gov/dts/otpc/nrtl/nrtllist.html>.
- Charging equipment must have at least a three-year warranty.
- The equipment and parts must be new. Remanufactured or refurbished equipment and parts are not eligible.
- Chargers must have an uptime in which they are operational for at least 95% of a charging site's total standard hours of operation for the duration of the project's operational period. This excludes extraordinary events such as accidents, power loss, natural disasters, network outages, planned utility outages, theft, and vandalism.
- For infrastructure charging off-road equipment, the zero-emission electric equipment must be mobile, and multiple chargers per piece of equipment can be considered based on potential operational needs. Please note that infrastructure supporting non-mobile TRU's (e.g. trailer mounted TRU's that have off-road engines) will also be considered.

## Funding and Eligible Project Costs

A total of \$35 million is available for awards under this solicitation. Up to 80% of the funding is reserved for projects that reduce emissions in the Air District’s Priority Communities. This solicitation seeks to make at least seven awards. The maximum award to a single applicant is \$20 million; however, there is no cap on the number of charging sites for which an applicant may apply.

Funding may only be awarded for eligible costs that are directly related and limited to the purchase and installation of the equipment for power delivery and charging.

The table below shows the funding that may be awarded, as a percentage of eligible costs, based on a site’s location and other project attributes.

Project type	Maximum Percentage of Eligible Cost	
	Does not provide emissions reductions in DAC	Provides emissions reductions in DAC
Any infrastructure project	Up to 50%	Up to 60%
Any infrastructure project located at a sensitive receptor*	Up to 50%	Up to 100%
Publicly accessible project	Up to 60%	Up to 70%
Projects with solar/wind power systems **	Non-publicly accessible projects up to 65%	Non-publicly accessible projects up to 75%
	Publicly accessible projects up to 75%	Publicly accessible projects up to 85%
Infrastructure for public school buses	Up to 100%	Up to 100%
Additional plus-up incentive for projects also serving a port, railyard, or freight facility	--	+10%***

\* A sensitive receptor is any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (K-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes long-term care hospitals, hospices, prisons, and dormitories or similar live-in housing. Definition is from Community Air Protection Incentives 2019 Guidelines.

\*\* at least 50% of the power comes from these sources

\*\*\*Funding of eligible costs is not to exceed 100%

The eligible costs listed below must utilize commercially available technologies:

- Cost of design and engineering, (i.e., labor, site preparation, Americans with Disabilities Act accessibility, signage)
- Cost of equipment (e.g., charging/fueling units, electrical parts, energy storage equipment, materials)
- Cost of installation directly related to the construction of the project
- Meter/data loggers
- On-site power generation system that fuels or powers covered sources (i.e., solar and wind power generation equipment)
- Fees incurred pre-contract execution (i.e., permits, design, engineering, site preparation), license fees, environmental fees, commissioning fees (safety testing), and onsite required safety equipment
- Federal, sales, and other taxes
- Shipping and delivery costs
- Consulting fees associated with the preparation of Environmental Assessment, Environmental Impact Statement, Environmental Impact Report, or other California Environmental Quality Act (CEQA) documents, etc.

Ineligible costs include but are not limited to:

- Existing charger maintenance and/or upgrades (e.g., improvements to a battery chargers without increasing the output capacity)
- Fuel and energy costs
- Non-essential equipment hardware
- Operation cost (e.g., operational fees, maintenance, repairs, improvements, spare parts)
- Extended warranty
- Insurance
- Grantee administrative costs
- Travel/lodging
- Employee training and salaries
- Legal fees
- Real estate property purchases/leases
- Performance bond costs
- Construction management
- Storm water plan costs
- Security costs
- Testing and soil sampling
- Hazardous materials, including permitting, handling and disposal
- Vehicle and off-road, marine, and locomotive equipment purchases
- Any costs incurred prior to the execution of a funding agreement, unless specifically designated as an eligible cost

## Evaluation Process and Selection Criteria

Each site within a proposal will be evaluated independently. All complete applications that are received by the deadline will first be reviewed for basic eligibility according to the Carl Moyer Program guidelines and requirements described in this guidance document, and then ranked based on the Board-approved selection criteria that are listed below, including Statement of Need, Readiness, Potential Impact of Grant Award, and others. Once a ranking list is created, staff will bring the list of all projects that met the basic eligibility requirements to the Board with a recommendation to award funding to the highest ranked projects.

### Ranking Criteria:

***Statement of Need:*** Each site will first be reviewed to assess potential demand for the chargers by evaluating Statement of Need documentation that may include one or more of the following:

- Evidence that the applicant or another entity owns or has a purchase order for the vehicles or equipment that would use the chargers.
- Evidence that there is going to be a need for the chargers, such as an upcoming compliance deadline coupled with documentation about the inventory of vehicles in the area.
- Other documentation showing that chargers would be used within three years or sooner for reasons not listed here.

***Readiness Criteria:*** Next, proposals will be evaluated to determine a site's potential to be installed and operating within two years from the date of the official Notice of Award, as evidenced by their meeting at least two of the following *Readiness Criteria*:

- California Environmental Quality Act (CEQA): Filed notice of exemption or a completed CEQA determination
- Permits obtained or determination that no permits are required
- Design completed (100% of design is completed) or determination that no designs are needed
- Approved site plan or determination that no site plan is needed
- Utility assessment of the site that includes distance to grid and/or power access

***Potential Impact of Grant Award:*** Next, each highly ready and needed site will be ranked by grant dollars requested divided by the total amount of kilowatts (kW) that can be delivered at the site.

***If oversubscribed or if a tiebreaker is required*** between two or more projects or sites, projects or sites may be further ranked based on their proximity to sensitive receptors, such as schools, daycare centers and healthcare facilities.

***At least 80% of the available funds will be awarded to projects that reduce emissions in Priority Communities.***

Once a ranking list is created, staff would bring the list of all projects that met the basic eligibility requirements to the Board of Directors with a recommendation to award funding to the highest ranked projects. The Air District reserves the right to utilize this list in the future if other funds are available in the future.

### Grantee Obligations

The following are the obligations that the Grantees are required to follow:

- Execute the funding agreement and return to the Air District within 30 days of receipt.
- Ensure that the installation of funded equipment is performed in accordance with Public Utilities Code 740.20 and by a contractor with the appropriate license classification, as determined by the Contractors' State License Board, **and a minimum of 25% of the electricians on each crew, at any given time, hold an Electric Vehicle Infrastructure Training Program (EVITP) certification.** To find a contractor that uses EVITP installers, visit: <https://evitp.org/find-a-contractor>. If a project is not subject to the requirements of AB 841, the applicant must notify the Air District at the time of application that it is exempt and provide an explanation of the reason for the exemption.
- Maintain and operate the funded equipment for a minimum of three years and meet the contractual usage requirement that is based on the information provided by the Grantee in the application.
- Submit annual progress reports on the project details including but not limited to usage and up-time.
- Comply with all applicable federal, State, local laws and requirements including environmental laws, and State building, environmental and fire codes.
- Obtain and maintain liability and any other necessary insurance for the duration of the project term.
- Be bound by all the provisions of State Labor Code Section 1771 regarding prevailing wages paid to workers employer on public works and to provide confirmation of compliance if requested.
- Pay 100% of all required up-front costs (prior to reimbursement), and all costs more than the grant amount.
- List the funded charger locations on the US Department of Energy Alternative Fueling Station Locator website.
- Acknowledge the Air District as a funding source in a visible location at the site and in communications promoting the site.
- Allow Air District staff or its authorized representatives to inspect the project and conduct financial audits and agree to make available to the Air District all records relating to project performance and expenses incurred.

A copy of a draft funding agreement will soon be available on the Air District's website in the Resources section located at <https://www.baaqmd.gov/funding-and-incentives/apply-for-funding>.

## Funding Sources

The Air District may award funding from any of its available grant revenue sources including the Carl Moyer Memorial Air Quality Standards Attainment Program, Community Air Protection (CAP) Incentives Program, Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program, Mobile Source Incentive Fund, Transportation Fund for Clean Air, and settlement funds. The guidelines of these funding sources guide the eligibility and evaluation criteria for this solicitation. At a minimum, all projects must meet the requirements of the Carl Moyer guidelines.

FARMER and CAP Incentives programs are part of California Climate Investments, a statewide initiative that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment — particularly in disadvantaged communities.



## Questions & Responses

Applicants may submit written questions by e-mail to the Air District at [grants@baaqmd.gov](mailto:grants@baaqmd.gov) with the subject line: *Infrastructure Solicitation Question*. Answers to questions will be posted on the Solicitation website every two weeks until TBD. Questions received after the deadline may be answered at the Air District's discretion. **As this is a competitive solicitation, Air District staff will not be holding individual meetings with applicants regarding their specific projects.** Non-technical questions (e.g., questions concerning application format requirements or attachment instructions) may be submitted by email to the [grants@baaqmd.gov](mailto:grants@baaqmd.gov) at any time prior to noon PDT the day before the application deadline date.

## Other Funding Opportunities

The Air District has multiple funding opportunities available throughout the year for heavy- and medium-duty vehicles and equipment, and their supporting infrastructure, as well as light duty charging infrastructure. To learn more about funding opportunities offered by the Air District, please visit our website at [www.baaqmd.gov/grants](http://www.baaqmd.gov/grants).

## Definitions

**Applicant:** any person, company or organization who will own and operate the funded equipment.

**Assembly Bill 617 Communities:** Assembly Bill 617 (AB 617) requires air districts to develop and implement additional emissions reporting, monitoring, reduction plans, and measures in an effort to reduce air pollution exposure in disadvantaged communities. The AB 617 communities in the Bay Area Air District’s jurisdiction include West Oakland and East Oakland in Alameda County, Richmond/San Pablo in Contra Costa County, and Bayview-Hunters Point in San Francisco.

**Charger:** chargers consist of the conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle.

**Charging Port:** the system within a charger that charges one electric vehicle. A charging port may have multiple connectors, but it can provide power to charge only one electric vehicle through one connector at a time.

**Disadvantaged Communities (DAC):** for the purpose of SB 535, these areas are defined by the California Environmental Protection Agency as the top 25% most impacted census tracts in CalEnviroScreen 4.0 (current version is 4.0), census tracts previously identified in the top 25% in CalEnviroScreen 3.0, census tracts with high amounts of pollution and low populations, and federally recognized tribal areas as identified by the Census in the 2021 American Indian Areas Related National Geodatabase

**Electric Vehicle (EV):** a vehicle that is propelled solely by an electric motor and is capable of being recharged from an external source.

**Infrastructure:** means the equipment used to enable the use of electric powered vehicles (e.g., electric vehicle charger).

**Low-income communities (LIC):** for the purpose of AB 1550, these areas are defined as census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low-income by Housing and Community Development’s State Income Limits.

**Off-road equipment:** any equipment with a certified off-road engine or equipment performing off-road activities (such as yard trucks with on-road engines at ports).

**Priority Communities:** include communities that have been identified through the AB 617 process, i.e., West Oakland and East Oakland in Alameda County, Richmond/San Pablo in Contra Costa County, and Bayview-Hunters Point in San Francisco, and Disadvantaged Communities (DAC) and Low-Income Communities (LIC). DAC and LIC are shown in the

California Climate Investments Priority Populations 2023 map (website: <https://webmaps.arb.ca.gov/PriorityPopulations/>), which uses CalEnviroScreen (CES) 4.0 and other sources to identify census tracts experiencing disproportionate amounts of pollution, environmental degradation, and socioeconomic and public health conditions, and which also uses the California Department of Housing and Community Development's revised 2021 state income limits to identify census tracts that are low-income.

**Project term:** The project term commences on the date the Funding Agreement is executed and continues until the Grantee has completed all contractual obligations.

**Sensitive receptor:** A sensitive receptor is any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (K-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes long-term care hospitals, hospices, prisons, and dormitories or similar live-in housing. Definition is from Community Air Protection Incentives 2019 Guidelines.

**Site:** Location where the chargers will be located.