



STATE ENERGY PROGRAM AMERICAN RECOVERY AND REINVESTMENT ACT

COMPRESSED NATURAL GAS FUELING INFRASTRUCTURE PROGRAM

Specific Authority: American Recovery and Reinvestment Act of 2009 (Public Law 111-5);
Section 377.703(2)(b), Florida Statutes

Request Issued By: Executive Office of the Governor and Florida Energy and Climate
Commission

Request Issued On: April 23, 2010

Application Due Date: May 24, 2010 at 5 PM Eastern Standard Time (EST)

Application Process: Submit at least one (1) clearly marked original, five (5) additional hard
copies and one (1) electronic PDF copy on a non-rewritable CD of the
application and all supplemental materials by the application due date
to:

Florida Energy and Climate Commission
ATTN: Compressed Natural Gas Fueling Infrastructure Program
Executive Office of the Governor
600 South Calhoun Street, Room 251
Tallahassee, FL 32399-0001

General Questions: **All questions must be written and submitted via email or fax. Make
Reference to "CNG" in the subject line.**
Please direct inquiries to:

Florida Energy and Climate Commission
Executive Office of the Governor
ATTN: Alexander Mack, CNG Grant
600 South Calhoun Street, Room 251
Tallahassee, FL 32399-0001
FAX: (850) 922-9701
EMAIL: energy@eog.myflorida.com

Answers to the questions received each week will be posted to: <http://www.myfloridaclimate.com>
every Friday by 5 PM EST.

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PART I – FUNDING OPPORTUNITY DESCRIPTION

A. SUMMARY.

NOTICE: Applicant is prohibited from contacting any and all reviewers selected by the Florida Energy and Climate Commission, as well as, any Commissioners and Ex-Officio Commission Members involved with the selection process.

On February 17, 2009, the American Recovery and Reinvestment Act of 2009 P.L. 111-5 (ARRA) was enacted. As a result of this new law, the State of Florida was allocated \$126,089,000 in economic stimulus funds for its State Energy Program (SEP). This funding has been allocated to the Florida Energy and Climate Commission (FECC) from the U.S. Department of Energy (DOE). Of the total amount, the FECC will use a minimum of \$1,300,000 for the creation of the Compressed Natural Gas Fueling Infrastructure Program. This competitive matching grant program is intended to expand the use of compressed natural gas (CNG) as a transportation fuel through increased deployment of CNG fueling infrastructure throughout the state.

B. BACKGROUND.

ARRA was enacted to preserve and create jobs and promote economic recovery; to assist those most impacted by the current economic recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and, to stabilize state and local government budgets in order to avoid reductions in essential services and minimize counterproductive state and local tax increases.

C. FECC OBJECTIVES

The FECC is dedicated to ensuring Floridians have a sustainable, diverse and clean energy portfolio that reduces greenhouse gases and benefits both Florida's economy and its unmatched environment. In focusing the government's policy and efforts to benefit and protect our state, its citizens, and its resources, the FECC encourages all applicants to adhere the policy of the State of Florida, as stated in Section 377.601, Florida Statutes. Section 377.601, Florida Statute states that:

- Develop and promote the effective use of energy in the state, discourage all forms of energy waste, and recognize and address the potential of global climate change wherever possible.
- Play a leading role in developing and instituting energy management programs aimed at promoting energy conservation, energy security, and the reduction of greenhouse gas emissions.
- Include energy considerations in all state, regional, and local planning.
- Utilize and manage effectively energy resources used within state agencies.
- Encourage local governments to include energy considerations in all planning and to support their work in promoting energy management programs.
- Include the full participation of citizens in the development and implementation of energy programs.
- Consider in its decisions the energy needs of economic sector, including residential, industrial, commercial, agricultural, and governmental uses, and reduce those needs whenever possible.
- Promote energy education and the public dissemination of information on energy and its environmental, economical, and social impact.

- Encourage the research, development, demonstration, and application of alternative energy resources, particularly renewable energy resources.
- Consider, in its decision making, the social, economic, and environmental impacts of energy-related activities, including the whole-life-cycle impacts of any potential energy use choices, so that detrimental effects of these activities are understood and minimized.
- Develop and maintain energy emergency preparedness plans to minimize the effects of energy shortage within Florida.

D. FEDERAL GOALS FOR THE STATE ENERGY PROGRAM

DOE provided the following guidance to states in regards to the SEP program:

- **Alignment with national goals:** DOE continues to encourage states to develop strategies that align their goals and objectives to national goals. By aligning with national goals – increasing jobs, reducing U.S. oil dependency through increases in energy efficiency and deployment of renewable energy technologies, promoting economic vitality through an increase in “green jobs,” and reducing greenhouse gas emissions – states and DOE demonstrate SEP leadership in successfully addressing national needs at the state and local level. These national goals are included in the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and the American Recovery and Reinvestment Act of 2009.
- **Market Transformation:** DOE requests that states continue to focus their program efforts on market transformation initiatives and actions that align with national goals. Market transformation is defined as: “Strategic interventions that cause lasting changes in the structure or function of a market or the behavior of market participants, resulting in an increase in adoption of energy efficiency and renewable energy products, services, and practices.”
- **SEP Strategic Plan:** The SEP Strategic Plan establishes the following four goals for SEP:
 - Increase energy efficiency to reduce energy costs and consumption for consumers, businesses and government.
 - Reduce reliance on imported energy.
 - Improve the reliability of electricity and fuel supply and the delivery of energy services.
 - Reduce the impacts of energy production and use on the environment.
- **DOE Objectives:** DOE has established the following objectives that complement program goals articulated in the SEP Strategic Plan:
 - Transform energy markets in partnership with states to accelerate near-term deployment of energy efficiency and renewable technologies.
 - Promote an integrated portfolio of energy efficiency and renewable energy solutions to meet U.S. energy security, economic vitality, and environmental quality objectives.
 - Strengthen core state energy programs to develop and adopt leading market transformation initiatives.

E. PROHIBITED USE OF FUNDS

In accordance with federal regulations, applicants are prohibited from using SEP financial assistance:

- For construction, such as construction of mass transit systems and exclusive bus lanes, or for the construction of buildings or structures;
- To purchase land, a building or structure or any interest therein;
- To subsidize fares for public transportation;
- To subsidize utility rate demonstrations or state tax credits for energy conservation or renewable energy measures;
- To conduct or purchase equipment to conduct research, development or demonstration of energy efficiency or renewable energy techniques and technologies not commercially available;
- For gambling establishments, aquariums, zoos, golf courses or swimming pools;
- For any other activities prohibited by federal law.

F. COMPLIANCE WITH FEDERAL REQUIREMENTS

Recipients of grant funds must comply with the State of Florida and Federal regulations as applicable to this program and described in Attachment C, Federal Regulations and Attachment D, Federal Funding Grantee, Sub-Grantee, and Contractor Provisions.

G. NATIONAL ENVIRONMENTAL POLICY ACT REVIEW

All projects receiving ARRA funding from the DOE through the SEP program must complete an environmental review under the National Environmental Policy Act (NEPA). The DOE procedures for implementing the NEPA, codified at 10 CFR Part 1021, require careful consideration of the potential environmental consequences of all proposed actions early in their planning. DOE must determine at the earliest possible time whether such actions require preparation of an Environmental Assessment, an Environmental Impact Statement, or are categorically excluded from further NEPA review.

Although a final determination must be made by the DOE NEPA Compliance Officer upon review of the Environmental Questionnaire (as described in Attachment B), DOE has provided guidance regarding the specific types of activities that can be categorically excluded from NEPA review. Based on DOE guidance, categorically excluded activities include:

- *Alternative fueling tanks and systems installed on existing facilities (but not a large biorefinery); purchase of alternative fuel vehicles.*

The FECC reserves the right to limit the release of administrative grant funds for reimbursement to ten percent of the award amount prior to a final determination of NEPA Categorical Exclusion by the DOE NEPA Compliance Officer. If a project that is initially selected for a grant award under this solicitation is determined by the DOE NEPA Compliance Officer to not qualify for a Categorical Exclusion, the FECC reserves the right to terminate the grant award, have any grant funds returned, and alternatively fund the next highest ranked grant proposal.

H. PURPOSE AND OVERVIEW.

The DOE has approved the State of Florida's CNG Fleet Fueling Facilities Program. The purpose of the Compressed Natural Gas Fueling Infrastructure Program is to increase the availability of CNG fueling facilities in Florida. The associated goals of this program include (1) reduce greenhouse gas emissions through increased deployment of CNG vehicles and fueling infrastructure; (2) reduce petroleum use in the transportation sector; (3) stimulate additional public/private sector investment in CNG vehicles and refueling infrastructure; and (4) create clean energy jobs. Applicants must demonstrate how their projects will achieve these goals.

The Compressed Natural Gas Fueling Infrastructure Program will seek to maximize annual energy savings per program dollar (million BTUs per every \$1,000 investment). Eligible entities include Florida municipalities and county governments, Florida school districts, established for-profit companies licensed to do business in Florida, universities and colleges in Florida, not-for-profit organizations based in Florida, and State of Florida agencies.

The application selection criteria (as provided in Part V.) provide scoring incentives for applicants who commit to purchase or convert additional vehicles to CNG or who make their CNG fueling facilities available to the public. Program funds are awarded on a cost reimbursement basis. Grantees must first expend the funds and then submit source documentations to the FECC for reimbursement from ARRA funds. The FECC will issue payment(s) upon acceptance and approval of required reports, services and invoices by the assigned FECC Grant Manager in compliance with applicable Florida Statutes, Florida Department of Financial Services rules and/or U.S. Government requirements, subject to limitations described in this solicitation document. Please keep these cost reimbursement requirements in mind when planning cash-flow needs for your proposed project.

The FECC intends to announce award decisions in June of 2010.

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PART II – AWARD INFORMATION

A. TYPE OF AWARD INSTRUMENT.

After the award announcement, the FECC staff will work with each successful applicant to prepare a SEP Grant Agreement based on the grantee's application and the terms of this program announcement. Funding recipients must return the signed Agreement to FECC staff within 14 calendar days of receipt. All recipients will be required to comply with the provisions identified in the Grant Agreement.

For a copy of the current Grant Agreement template, please go to MyFloridaClimate.com

PLEASE NOTE THAT THIS GRANT AGREEMENT TEMPLATE IS SUBJECT TO CHANGE PENDING FURTHER GUIDANCE FROM THE FEDERAL GOVERNMENT OR BY FECC DETERMINATION.

B. MAXIMUM AND MINIMUM AWARD SIZE.

- Ceiling (i.e. the maximum amount for an individual award made under this announcement): \$500,000.
- Floor (i.e. the minimum amount for an individual award made under this announcement): none.

C. PERIOD OF PERFORMANCE.

Pursuant to federal SEP guidelines, all projects and activities that are awarded SEP funds through the Compressed Natural Gas Fueling Infrastructure Program must be completed and the funds must be obligated by December 24, 2010 and expended by April 1, 2012. Additional weight will be given to projects that are shorter in duration. In the event funds are not obligated/committed by December 24, 2010, the FECC reserves the right to cancel the award and alternatively fund the next highest ranked grant proposal.

D. ADMINISTRATIVE COSTS.

Up to 10 percent of grant funds may be used for Administrative Costs, excluding the cost of meeting reporting requirements of the program. Administrative Costs are allowable, reasonable, and allocable direct and indirect costs related to the overall management of the awarded grant (including travel). Administrative Costs must be identified in the Total Project Budget in Section X of the Grant Application Form, Attachment A.

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PART III – ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS.

Only Florida municipalities and county governments, Florida school districts, established for-profit companies licensed to do business in Florida, universities and colleges in Florida, not-for-profit organizations based in Florida, and State of Florida agencies are eligible for awards.

Prior to entering into an agreement, applicants must be registered to do business in Florida through the Florida Department of State (www.dos.state.fl.us) and MyFloridaMarketPlace (<https://vendor.myfloridamarketplace.com/vms-web/www.mfmp.vendor.org>), as appropriate.

A Dun & Bradstreet Data Universal Numbering System (DUNS) number is a unique nine digit sequence for identifying and tracking organizations. The U.S. DOE requires any entity receiving ARRA funds to have and provide a DUNS number. The FECC will not enter into a Grant Agreement with an applicant without a DUNS number. Additional information can be found at: http://www.dnb.com/US/duns_update/ Documentation of a DUNS number shall be included in the grant application.

Pursuant to ARRA requirements, applicants must also be registered through the Central Contractor Registration (CCR). CCR collects, validates, stores, and disseminates business information about the Federal Government's trading partners in support of the contract award, grants, and the electronic payment processes. CCR registration information can be found at www.ccr.gov. Documentation of CCR registration shall be included in the grant application.

B. ELIGIBLE PROJECTS AND ACTIVITIES.

Program funds may used to purchase equipment associated with the installation, improvement, renovation, or replacement of CNG infrastructure. Specific examples of eligible equipment under this program include but are not limited to:

- Compression systems
- Storage equipment
- Dispensing equipment
- Card payment systems

In accordance with DOE guidance, applicants are specifically prohibited from using program funds for permitting and construction as described in Part I, Section E.

C. MATCHING FUNDS.

Per our application to DOE, applicants are required to provide matching funds of no less than 50% for public and non-profit entities, and 75% for private entities of the Total Project Cost. Additionally, each independent evaluator will give greater preference to projects that provide a greater proportion of matching funds.

Definition: "Matching Funds" means:

- (a) Actual cash outlays contributed, including, but not limited to, cash outlays for wages, rental expenses, travel expenses, unrecovered indirect costs, and purchases of material and supplies, as a direct benefit to the project, or;

(b) Non-cash contributions necessary and reasonable for proper and efficient accomplishment of project objectives, the value of which must be established using the following guidelines:

1. Rates for donated or volunteer services of any person must be consistent with their regular rate of pay, or the rate of pay of those paid for similar work at a similar level of experience in the labor market, including the value of fringe benefits.
2. The value of donated expendable property such as office supplies or workshop supplies must not exceed the fair market value of the property.
3. The value of donated real property such as land must not exceed the fair market value of the property.
4. Donated space must be valued at fair rental value of comparable space and facilities in a privately-owned building in the same locale.
5. The value of loaned equipment can not exceed its fair rental value.
6. In-kind travel expense must be valued at the approved State rate as defined in Section 112.061, Florida Statutes.

All matching funds and other in-kind contributions, including third party in-kind, shall meet the definition above, be verifiable from the applicant's records, and not be included as contributions for any other state or federally assisted project or program.

Matching funds must be documented by supporting documentation in the same manner as requested for costs reimbursement.

Expenses related to a proposed project incurred prior to the award announcement are NOT eligible as matching funds or in-kind contributions.

Third party cost share must be supported by a commitment letter to be considered under the Cost Share Percentage criteria. For more information, see PART V – APPLICATION REVIEW INFORMATION.

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PART IV – THE APPLICATION

Applications submitted in response to the grant solicitation shall become the property of the FECC and are subject to public record disclosure pursuant to Florida Law. All proposals received shall remain confidential until agreements are fully executed.

FECC staff will perform a Completeness and Eligibility review on all grant applications. A part of this review will include verification of DOE Metrics Calculations and the assignment of appropriate evaluation scores for each application regarding *Reduction in greenhouse gas emissions* and *Petroleum offset*, pursuant to the objective criteria described in Part V, Section A of this document for that scoring component. Once an application is deemed complete and eligible, the application will be scored on the criteria in Part V, Section A of this document by no less than 3 independent evaluators appointed by the FECC executive director.

A. APPLICATION COMPLETENESS REVIEW

Pages, including attachments, should be numbered sequentially. Applicants must provide printouts demonstrating that registrations with DUNS, CCR, and MyFloridaMarketPlace are complete.

The following items, as further described in Attachment A, Grant Application Form, must be included in all complete applications:

- A. PROJECT INFORMATION SHEET: Provide the project information as indicated in Attachment A.
- B. PROJECT BACKGROUND: Provide a summary of the project and the background justification supporting the need for the FECC to fund the project. Include experience and qualifications of the project team for their assigned role with the project.
- C. DESIRED OUTCOMES: Provide a list of outcomes, in bullet format, expected to be achieved as a result of completing this project.
- D. PROJECT DESCRIPTION: Indicate the eligible activity(ies) selected and provide a detailed description of the work to be performed for the project. Project Description should include information outlined in Part V, Section A. Include maps, graphs, charts, etc. to support project activities. Project descriptions should consist of a list of major tasks for accomplishing the project with specific sub-activities detailed within each task heading.
- E. PROJECT METRICS – ENERGY SAVINGS/RENEWABLE ENERGY CAPACITY: Please speak on the Petroleum Offset and Reduction in Green House Gases in this section (provide backup documentation). You should also include any other energy efficiency and conservation benefits of your project.
- F. PROJECT MILESTONES/DELIVERABLES/OUTPUTS: Using the table format provided (Attachment A), identify the month each task will start and be completed. Identify outputs/deliverables to result from this project and in which months (for example month 12) the outputs/deliverables will be accomplished. Summarize the project budget by Project Task using the format in Attachment A. Project Tasks should correspond to the “Project Description” section.
- G. PROJECT BUDGET SUMMARY: Summarize the Total Project Cost budget (including both requested grant funds and match) by Budget Category and round the subtotals for each Budget Category subtotal amount to the nearest whole dollar value. Use the provided format in Attachment A.
- H. TOTAL BUDGET BY TASK: Summarize the Total Project Cost budget by Project Task using the worksheet format shown in Attachment A. The cost standard used to estimate costs must be provided as supporting documentation.
- I. BUDGET DETAIL: Provide a detailed, line-item Total Project Cost budget using the worksheet format shown in Attachment A. Use additional lines if necessary. Provide accurate calculations to justify the cost of each budget line-item. Round only subtotals for

each Budget Category amount to the nearest whole dollar value. For each budget line-item, identify in the appropriate column if the cost is: 1) Grant or match, 2) a direct cost used to calculate Indirect Costs (if approved) and 3) whether the cost is Administrative in nature (as described in Part II, Section D).

B. ELIGIBILITY REVIEW

All applications will be reviewed for eligibility. Eligibility is based on whether the:

- Applicant is eligible (as described in Part III, Section A)
- Activity or activities are eligible (proposed projects or programs) (as described in Part III, Section B)
- Activities can be completed and funds expended by April 1, 2012.
- Application is complete (as described in Part IV, Section A)

If the FECC staff determines that an application or proposed activities are ineligible, they will be removed from further consideration and the applicant will be notified. Determination of eligibility is at the sole discretion of the FECC staff. An application that includes several activities, some of which are determined ineligible, will be considered after the ineligible activities are removed. The application will be evaluated based on the remaining eligible activities.

C. NUMBER OF PROPOSALS PER APPLICANT.

An eligible applicant can submit only one application for CNG funding. Applicants may apply for multiple activities in the application. **If multiple applications are submitted by an entity, none of the applications will be considered.**

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PART V – APPLICATION REVIEW INFORMATION

The FECC may reject any application not in compliance with all prescribed procedures and requirements, as described in this solicitation document.

A. CRITERIA.

Each independent evaluator will evaluate all complete, eligible proposals and score them using the following five criteria (weight noted parenthetically). Scores will be assigned utilizing whole numbers only:

A. The potential for growth. (20 points)

Factors to be considered include:

- Applicant's plan for expanding the use of the available CNG infrastructure through outreach to other potential users.
- Plans for maintaining or increasing the use of CNG within the Applicant's fleet.
- Public access to the project infrastructure.
- Location of the project near major transportation corridors.
- Address these factors in the application.

B. Reduction in greenhouse gas emissions per program dollar of CNG funds invested. (20 points) *

All grant applications shall include an estimate of the average greenhouse gas reduction from January 2011 to December 2020 and calculate the annual greenhouse gas reduction per dollar of CNG funds invested. FECC staff will rank projects according to their greenhouse gas reduction per dollar of CNG funds invested and will assign appropriate scores. A project in bottom five percent of projects for energy savings/generation will score 1 point, and a project in the second five percent will score a 2 and so on up to 20 points for the projects in the top 5 percent.

Applicants must use the DOE Metrics Calculator for State Energy Program and Energy Efficiency and Conservation Block Grant Program located on the FECC's Web site, MyFloridaClimate.com, for all calculations.

C. Petroleum offset. (20 points) *

Factors to be considered include:

- The amount of petroleum that will be offset as a result of this project, including but not limited to:
 - Gasoline; and
 - Diesel;
- Applicant must use the DOE Metrics Calculator for State Energy Program and Energy Efficiency and Conservation Block Grant Program located on the FECC's web site, MyFloridaClimate.com.
- Provide documentation with the application of how the Applicant computed the petroleum offset.

D. Completeness of project plan. (10 points)

Factors to be considered include:

- Applicant must demonstrate ownership rights or access to land/site.
- All necessary tasks are clearly identified and defined.
- All project partners necessary to complete the project are identified.
- Time-line for completing the project
- All these factors must be included in the application.

E. Applicant's experience implementing CNG fueling infrastructure projects. (10 points)

Factors to be considered include:

- Demonstrated ability to implement CNG fuel projects.
- Demonstrate past installations and/or projects, if any.
- Provide detailed description of project team and relevant experience.

F. Economic Development. (20 points)

- Creation of direct jobs
- Creation of indirect jobs
- Purchase of Florida-sourced materials
- Use of Florida-based workforce to complete the project
- Provide detailed description of the Economic Development factors in the Project Description.

* As described above, FECC staff will verify DOE Metrics Calculations and assign appropriate scores for each application regarding these scoring components pursuant to the objective criteria described above.

Total Points possible 100 points

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B. RANKING PROCESS.

The FECC will actively consult with state agencies, Enterprise Florida, Inc., and state universities, and may solicit the expertise of other public and private entities it deems appropriate. Applicants are strictly prohibited from contacting independent evaluators.

Each evaluator shall rank each eligible application by assigning a ranking number to each eligible application based on the rank of the individual application to all other applications reviewed by that evaluator. For example, the top scored application shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number of 2, the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

After all eligible applications are ranked by the individual evaluators; the ranking numbers from all evaluators for each individual application shall be averaged. In the instance of a ranking tie between two or more applications, the application proposing the higher percentage of match shall be recommended for a higher ranking. In the instance of a ranking tie between two or more applications, and those applications propose the same percentage of match, the individual scores of the independent evaluators shall be added, and the application with the higher added independent evaluators' score shall be ranked higher. After such review, the executive director will put forth a recommendation to the FECC predicated on independent evaluators' reviews.

The FECC will make the final decision to award grant funding based upon the list of recommended applications from its executive director. The FECC is not confined to the rankings of its executive director, but is confined to the same scoring criteria in Part V, Section A of this application. Grants shall be awarded up to the total amount of funding available.

C. ANTICIPATED NOTICE OF SELECTION AND AWARD DATES.

The FECC anticipates notifying applicants selected for award by the End of June, 2010 and executing Grant Agreements no later than July of 2010.

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PART VI – AWARD ADMINISTRATION INFORMATION

A. AWARD NOTICES.

The FECC will notify applicants selected for award. The FECC will post a list of applicants selected for award at MyFloridaClimate.com.

The FECC will award each grant through a Grant Agreement.

Pre-award costs are incurred at the recipient's risk. The FECC will not reimburse costs incurred prior to execution of the Grant Agreement.

Matching expenses incurred after the award announcement but prior to execution of the Grant Agreement are eligible as matching funds or in-kind contributions.

B. STATE POLICY REQUIREMENTS.

Recipients who wish to enter into a Grant Agreement with the FECC must comply with State of Florida policy requirements. Grantees will be required to enter into a royalty-sharing and/or licensing agreement with state government for commercialized products developed under this grant.

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PART VII – OTHER INFORMATION

A. MODIFICATIONS.

Notices of any modifications to this application process or application will be posted at MyFloridaClimate.com

B. PARTIAL GRANTS.

If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applications, the FECC may award partial grants to applicants up to the amount of the fiscal appropriation. The FECC shall award grants based on the process laid out above.

C. COMMITMENT OF PUBLIC FUNDS.

The FECC is the only entity who can award Compressed Natural Gas Fueling Infrastructure grants under this program or commit the State of Florida to the expenditure of public funds appropriated for these grants. A commitment by any entity other than the FECC, either explicit or implied, is invalid.

D. TRACKING AND REPORTING.

Tracking and reporting of SEP funding must be separate from other applicant funds to meet ARRA-specific federal and state reporting requirements. The terms and conditions of the funding award agreement will specify the format, tools and information required for reporting programmatic and energy metrics as specified by the federal and state government.

Recipients should review the Office of Management and Budget, *Implementing Guidance for the Reports on the Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009* at:

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf

and *Supplement 2: Recipient Reporting Data Model* at:

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-supp2.pdf.

The Energy Savings Goal for the SEP is discussed in *Attachment 1 – SEP Recovery Act Program Guidance - Funding Opportunity Number DE-FOA-0000052* at:

http://www.energy.ca.gov/recovery/documents/SEP_Recovery_Act_Guidance_DE-FOA-00000521.pdf.

The *SEP Recovery Act Program Guidance* document establishes the following energy metric:

“Each state portfolio of projects funded by SEP ARRA grants should seek to achieve annual energy savings of at least 10 million source BTUs for each \$1,000 of total investment. ... This goal applies to the entire portfolio of projects being funded. As such, there may be individual projects that do not meet this standard and others that exceed it.”

Recipients will be required to report energy and demand saved, renewable energy and demand generation, and the funds leveraged for each ARRA SEP grant. To assist funding recipients in calculating estimates of energy savings, cost savings, and carbon emission reductions the DOE has established an Outcome Estimator for SEP. This resource includes 80 individual activity metrics and the associated conversion factors used in the calculations. The DOE Outcome Estimator is available at: http://apps1.eere.energy.gov/state_energy_program/goals_metrics.cfm#calculator

E. PROGRESS REPORTS AND ASSOCIATED DOCUMENTATION.

All grant recipients will be required to submit monthly progress reports, annual program reports (if the project period exceeds one year), and a final report to FECC as specified in funding award Grant Agreement.

F. PROPRIETARY APPLICATION INFORMATION.

Any material submitted in response to this application process will become a public record pursuant to Chapter 119, Florida Statutes. Any claim of confidentiality is waived upon submission, unless addressed as set forth below.

DISCLOSURE AND OWNERSHIP OF PLAN CONTENTS: An applicant's response to this application process shall be a public record and subject to production, disclosure, inspection and copying consistent with the requirements of Chapter 119, Florida Statutes. All information in an application (including, without limitation, technical and price information), and any Grant Agreement resulting from this application process, which will incorporate the successful application, will be a matter of public record, subject to the provisions of Florida's Public Records Act, Chapter 119, Florida Statutes, regardless of copyright status. Submission of an application shall constitute a waiver of any copyright protection which might otherwise apply to the FECC's production, disclosure, inspection and copying of such application and Grant Agreement, or any part thereof, except those parts asserted to be exempt under Chapter 119, Florida Statutes. The application, upon submission, and the Grant Agreement shall be the property of the FECC. The FECC reserves the right to use any and all information contained in an application received to this application process.

Any content submitted to the FECC which is asserted to be exempt under Chapter 119, Florida Statutes, shall be set forth on a page or pages separate from the rest of the application, and clearly marked "exempt," "confidential," or "trade secret" (as applicable), with the statutory basis for such claim of exemption, confidentiality, or trade secret specifically identified in writing on each and every such page. Failure to segregate and so identify any such content shall constitute a waiver of any claimed exemption, confidentiality, or trade secret as applied to the portion of the application or other document in which the content is set forth. Any exemption asserted must meet the requirements of the underlying statute cited in order to be exempt.

G. FECC PROCEDURES FOR MOTION OF RECONSIDERATION.

(a) Any applicant to this grant program who is adversely affected by an order and/or decision of the FECC may file a motion for reconsideration of that order and/or decision. The FECC will not entertain any motion for reconsideration of any order that disposes of a motion for reconsideration.

(b) An applicant or agency may file a response to a motion for reconsideration and may file a cross motion for reconsideration. A party may file a response to a cross motion for reconsideration.

(c) A final order or decision by the FECC shall not be deemed rendered for the purpose of judicial review until the FECC disposes of any motion and cross motion for reconsideration of that order, but this provision does not serve automatically to stay the effectiveness of any such final order. The time period for filing a motion for reconsideration is not tolled by the filing of any other motion for reconsideration.

(d) Failure to file a timely motion for reconsideration, cross motion for reconsideration, or response, shall constitute waiver of the right to do so.

(e) Any motion for reconsideration or response to a motion filed pursuant to the procedure approved by the FECC shall contain a concise statement of the grounds for reconsideration, if any.

- A motion for reconsideration of a final order or final decision of the FECC shall be filed within 10 days after issuance of the order.
- A response to a motion for reconsideration or a cross motion for reconsideration shall be served within 7 days of service of the motion for reconsideration to which the response or cross motion is directed.
- A response to a cross motion for reconsideration shall be served within 7 days of service of the cross motion.

Additional questions can be directed to the Florida Energy and Climate Commission via the Governor's Energy Office at:

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Answers will be posted at: MyFloridaClimate.com

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