

**Texas Commission on Environmental Quality  
Texas Volkswagen Environmental Mitigation Program**

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**LEVL2 Program: Projects to Purchase and Install Level 2 Charging  
Equipment for Light-Duty Zero Emission Vehicles  
Request for Grant Applications (RFGA)  
Fiscal Years 2020 - 2021**

**Solicitation No. 582-20-14416**



**September 10, 2020**

**Texas Commission on Environmental Quality (TCEQ)  
Texas Volkswagen Environmental Mitigation Program (TxVEMP)**

**MC-204**

**P.O. Box 13087**

**Austin, Texas 78711-3087**

**833-215-TXVW (8989)**

Applications will be accepted for consideration during this grant period only if received on the premises of the TCEQ (12100 Park 35 Circle, Austin, TX, 78753) or via electronic mail to [VWsettle@tceq.texas.gov](mailto:VWsettle@tceq.texas.gov) by no later than 5:00 p.m. Central Standard Time, September 9, 2021. The award of the grant is dependent upon the availability of funding. Any changes to this solicitation will be made through an addendum in the Electronic State Business Daily (ESBD).

There will be no pre-proposal conference.

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**1.0 INVITATION**

The Texas Commission on Environmental Quality (TCEQ) invites applications from persons who wish to purchase and install Level 2 light-duty electric vehicle supply equipment used for charging light-duty zero emission vehicles (ZEV) in public areas, workplaces, and multi-unit residences. Funding is available for projects statewide.

**1.1 PURPOSE**

This grant program implements a portion of the Texas Volkswagen Environmental Mitigation Program (TxVEMP) established and administered by the TCEQ. Visit the TxVEMP website, <[www.TexasVWFund.org](http://www.TexasVWFund.org)>, for more information on the background and purpose of the TxVEMP. The overall objectives of the TxVEMP include achieving reductions in nitrogen oxides (NO<sub>x</sub>) emissions, reducing the potential for exposure of the public to pollutants, and preparing for increased and sustained use of light-duty ZEV.

Grants under this program are subject to: (1) Texas Water Code Section 5.124 (TCEQ's authority to award grants); (2) the Uniform Grant and Contract Management Act, Texas Government Code, Section 783.001 et seq., and the Texas Uniform Grant Management Standards (UGMS); (3) TCEQ rules and policies (pertaining to TCEQ contracts and grants); (4) the Environmental Mitigation Trust Agreement for State Beneficiaries (Trust Agreement) and the Beneficiary Mitigation Plan for Texas (RG-537) (Mitigation Plan); (5) this RFGA; and (6) other applicable Federal and State rules and statutes.

**1.2 GOALS AND OBJECTIVES**

The goals of LEVL2 program are to:

- prepare for and sustain the increased use of light-duty ZEV statewide by providing the public with convenient access to charging equipment;
- ease the range anxiety between the population centers of Texas by providing access to supply equipment along or near interstate, US, and state highways in Texas; and
- to complement other incentive funding programs (e.g. National ZEV Investment Plan and the Texas Emissions Reduction Plan (TERP) Alternative Fueling Facilities Program).

**1.3 PROGRAM GUIDANCE**

The Trust Agreement, Mitigation Plan, project application forms, project application instructions, LEVL2 Terms and Conditions, and a copy of this RFGA may be viewed and downloaded from the TxVEMP website at <[www.TexasVWFund.org](http://www.TexasVWFund.org)>. The materials may also be obtained by contacting TxVEMP staff at 833-215-TXVW (8989) or via electronic mail to



[VWsettle@tceq.texas.gov](mailto:VWsettle@tceq.texas.gov). TCEQ reserves the right to update the final LEVL2 Terms and Conditions.

General eligibility requirements are contained in the Trust Agreement and the Mitigation Plan. Specific eligibility requirements for this grant round are outlined in this RFGA.

To be eligible for funding consideration, applications must be prepared and submitted in accordance with this RFGA and the instructions included with the application form.

#### **1.4 ELIGIBLE APPLICANTS**

Eligible applicants include individuals, corporations, organizations, governments or governmental subdivisions or agencies, business trusts, partnerships, associations, or other legal entities. Applicants must be eligible to conduct business in Texas.

The applicant must be the entity that will purchase and own the grant-funded equipment for the life of the grant. Entities leasing equipment or acting as a third party to purchase the equipment and then transfer ownership of the equipment to another entity are *not eligible* to apply for a grant.

Businesses or other entities in which a TCEQ employee, spouse, or family member of a TCEQ employee has a direct or indirect interest, financial or otherwise, may be prohibited from receiving a grant, depending upon the nature of the interest. Applicants must disclose known apparent, potential, or actual conflicts of interest to TxVEMP staff. Any questions regarding the eligibility of an entity to apply for a grant should be referred to TxVEMP staff early in the application process.

#### **1.5 ELIGIBLE LOCATIONS**

Funding is available statewide for new Level 2 light-duty zero emission vehicle supply equipment (charging equipment) installed:

- in a public place, workplace, or multi-unit dwelling (i.e., not located at a private residential dwelling that is not a multi-unit dwelling) in Texas; and
- at a location without existing light-duty ZEV charging equipment, or to expand the number of vehicles that may be serviced at an existing site. Funding is not available to replace existing equipment with newer equipment.

#### **1.6 ELIGIBLE ACTIVITIES**

Eligible activities under the LEVL2 Program include the purchase and installation of Level 2 charging equipment at an eligible location.

Level 2 charging equipment must:

- offer Society of Automotive Engineers (SAE) Combined Charging System charging protocol connectors (SAE J1772 Connector);

- include a dual mount pedestal that is compliant with the Americans with Disabilities Act (ADA) recommended charge connect height of less than 48" and greater than 24"; and
- utilize open source software where payment is required.

## 1.7 ELIGIBLE GRANT AMOUNTS and COSTS

Grant recipients will be eligible for a reimbursement of **up to \$2,500** per activity.

Grant amounts may not exceed the following percentages of eligible costs:

- Electric Chargers Available to the Public: 70%
- Electric Chargers Available at a Workplace or Multi-Unit Dwelling: 60%

**Eligible costs** include costs necessary for, and directly connected to, the acquisition, installation, operation and maintenance of the charging equipment. This includes:

- Charging equipment, including related costs of tax, freight, and warranties;
- Installation; and
- Maintenance agreements.

An applicant must disclose in the grant application the use of funding from other financial incentives or tax credits that reduce the overall amount of eligible costs to ensure that amounts do not exceed the specified percentages.

**Ineligible costs** include:

- Purchasing or leasing real estate;
- Capital costs, such as facility improvements and equipment, that are not directly associated with the charging unit (construction of buildings, parking facilities, etc.);
- General maintenance of the facility not related to the charging equipment;
- Salaries and travel expenses for employees of the grantee;
- Permitting costs for TCEQ-issued permits;
- Other administrative costs of the grantee, including overhead and indirect costs (e.g., office supplies, rent, marketing, and advertising); and
- Amounts expended for lobbying purposes.

Activities completed prior to the date of issuance of this RFGA will not be eligible for funding, including the cost of preparation of the project application. The TCEQ provides no assurances that a project will be awarded a grant, and the TCEQ has no liability for expenses incurred by an applicant prior to the execution of a contract. The total amount awarded under this RFGA will depend upon the amount of funds available to the TCEQ under the Trust Agreement and the amount allocated by the TCEQ to this RFGA. The TCEQ will not be

obligated to select project proposals to cover the full amount of available funding and reserves the right to cancel the RFGA without awarding any grant funds.

## **1.8 EQUIPMENT OPERATION REQUIREMENTS**

Grant recipients must:

- maintain the grant-funded charging equipment and ensure its operation in accordance with the LEVL2 Terms and Conditions for a period of at least five years from final reimbursement date;
- maintain a sufficient level of insurance to repair or replace the grant-funded equipment as a result of damage or destruction.

## **1.9 MARKETABLE EMISSIONS REDUCTION CREDITS**

A project that would otherwise generate marketable credits under state or federal emissions reduction credit averaging, banking, or trading programs is not eligible for funding under this program unless:

- the project includes the transfer of the reductions that would otherwise be marketable credits to the state implementation plan, or to the project owner or operator as provided by THSC Section 386.056; and
- the reductions are permanently retired.

## **1.10 INSURANCE REQUIREMENTS**

The applicant will be required to properly insure the charging equipment against loss or damage, and to carry liability damage to protect persons and property. Insurance must be maintained throughout the term of the contract and the five-year operating period.

## **2.0 GRANT ADMINISTRATION AND REIMBURSEMENT OF EXPENSES**

The LEVL2 Terms and Conditions are available from the TCEQ website at [www.TexasVWFund.org](http://www.TexasVWFund.org). Copies may also be requested by contacting TxVEMP staff at (833) 215-TXVM (8989) or [VWsettle@tceq.texas.gov](mailto:VWsettle@tceq.texas.gov).

Upon approval of the LEVL2 grant application and subject to the availability of funds, the authorized TCEQ representative will sign the application form. Once signed by both parties, the application form and solicitation documents, including this RFGA and the LEVL2 Terms and Conditions, become the executed contract. A copy of the signed and executed contract will be emailed to the applicant as confirmation that the LEVL2 grant has been awarded.

Payments will be made on a reimbursement basis for expenses incurred and paid directly by the grant recipient for the purchase and installation of Level 2 charging equipment at an eligible location. In order to be considered “incurred and paid,” the equipment must be received, installed, operational, and accepted by the grant recipient. The following documentation must be provided and **reflect that the Grant**



**recipient itself incurred and paid for** the equipment and eligible costs, before reimbursement is provided by the TCEQ:

- a. Proof of payment for the equipment and installation;
- b. Color photos of the installed equipment; and
- c. Certification that the unit is fully operational.

Reimbursement will be disbursed via check issued by Wilmington Trust, N.A., the Trustee of the Volkswagen Settlement Trust, as directed by TCEQ. Wilmington Trust, N.A., is not liable for any losses or damages in connection with any actions it takes or does not take as Trustee or as Disburser.

Activities funded under this RFGA must be completed by the Purchase Expiration Date as specified in the LEVL2 Contract, and all costs must be incurred by this date. The grantee must notify the TCEQ in writing if a project is expected to require a longer period of time to be completed as soon as the grantee becomes aware of the delay.

All requests for reimbursement must be submitted within 45 days after the Purchase Expiration Date.

### **3.0 APPLICATION PROCESS**

All applications for funding must be administratively and technically complete and must be submitted by the required deadline. Incomplete applications may delay the review process or be rejected as ineligible or unresponsive.

- a. **Required Forms.** Application forms, instructions, and a copy of this RFGA may be viewed and downloaded from the TCEQ website at [www.TexasVWFund.org](http://www.TexasVWFund.org), or by contacting TxVEMP staff at (833) 215-TXVM (8989) or [VWsettle@tceq.texas.gov](mailto:VWsettle@tceq.texas.gov).
- b. **Application Submission.** To apply for funding, applicants must complete and submit a grant application. Applications may be submitted via mail to one of the addresses listed below, or electronic submission to [VWsettle@tceq.texas.gov](mailto:VWsettle@tceq.texas.gov).

**Standard Mail:**

Texas Commission on Environmental Quality  
Air Grants Division, TxVEMP, MC-204  
P.O. Box 13087  
Austin, TX 78711-3087

**Express Mail:**

Texas Commission on Environmental Quality  
Air Grants Division, TxVEMP, MC-204  
12100 Park 35 Circle, Building F, 1<sup>st</sup> Floor, Suite 1301  
Austin, TX 78753

- c. **Deadline for Official Receipt.** Applications will be accepted for consideration under this RFGA only if received and date-stamped on the premises of TCEQ, or



via electronic mail to [VWsettle@tceq.texas.gov](mailto:VWsettle@tceq.texas.gov) as directed herein by *no later than 5:00 p.m. Central Standard Time on **August 11, 2021.***

- d. **Terms and Conditions.** The LEVL2 Terms and Conditions found in the application will control the grant award and administration. The TCEQ reserves the right to modify and update these terms during the RFGA period. Any changes will be made via an Addendum posted on the ESD as well as on the TCEQ website at [www.TexasVWFund.org](http://www.TexasVWFund.org).
- e. **Additional Program Information.** Individuals desiring further information are encouraged to contact TxVEMP staff at (833) 215-TXVM (8989) or via electronic mail to [VWsettle@tceq.texas.gov](mailto:VWsettle@tceq.texas.gov).
- f. **Public Information.** Upon submission, all proposals become the property of the State of Texas and as such become subject to public disclosure under the Texas Public Information Act (PIA), Texas Government Code, Chapter 552.

#### 4.0 SELECTION CRITERIA

##### 4.1 Primary Criteria

**a. First-come, First-Served.** Applications will be date stamped as they are received by the TxVEMP program staff. Subject to the additional criteria in this section, properly completed and eligible projects will be processed for approval on a first-come, first-served basis. The TCEQ will review applications for selection pending receipt of all needed information or documentation. The issuance of a contract may be contingent upon receipt of the additional information.

The TCEQ will work with applicants, to the extent possible, to correct problems with applications and to obtain all necessary information and documentation to consider the application complete. However, the amount of time available for this will be limited, and the TCEQ is not obligated to wait for all corrections to be completed before making the grant selections. Corrected or changed applications will be considered based on the date and time at which the corrected or changed versions are received and stamped by TxVEMP program staff.

**b. Number of Activities.** Applicants may include up to 10 activities at the same or separate location(s) in one grant application. An applicant may apply for up to 50 activities every three months.

##### 4.2 Additional Criteria

a. The TCEQ may base funding decisions on other factors associated with best achieving the goals of the program.

- b. The TCEQ is not obligated to fund a project from an applicant that has demonstrated marginal or unsatisfactory performance on current or previous grants and contracts with the TCEQ and other state agencies. Not meeting contractual commitments or being invoiced by the TCEQ for a past grant will be used as a basis to lower or otherwise change the priority and ranking of an application.
- c. The TCEQ is not obligated to fund a project from an applicant that is under federal, state, or local enforcement action for violation of environmental laws or permit conditions.
- d. The TCEQ is not obligated to fund a project from an applicant with an overall compliance history classification of *Unsatisfactory* (greater than 55.00) on the TCEQ's Compliance History Database for applicants that are subject to the rating.

## **5.0 GRANT AWARD AND CONTRACTING**

The TCEQ may make selection for funding contingent upon agreement by the grant applicant to additional conditions or changes to the project pertaining to equipment, logistical considerations, expenses, and other program elements. These provisions may be included in the contract.

Under Section 231.006 of the Texas Family Code, a child support obligor who is more than 30 days delinquent in paying child support and a business entity in which the obligor is a sole proprietor, partner, shareholder, or owner with an ownership interest of at least 25% is not eligible to receive a state funded grant or loan. All business entities applying for a grant under this RFGA must include in the application the name and social security number of the individual or sole proprietor and each partner, shareholder, or owner with an ownership interest of at least 25% of the business entity submitting the application.

The certifying official submitting the application must also certify in the application that the individual or business entity named in the application is eligible to receive the grant and acknowledges that any contract may be terminated, and payment may be withheld if the certification is inaccurate. Grant applicants must also submit a W-9 Form (Request for Taxpayer Identification Number and Certification Form) when submitting the application.

## **6.0 CONSIDERATION OF APPLICATION IN FUTURE GRANT ROUNDS**

The TCEQ may, at its discretion, retain applications not selected for funding under this RFGA for consideration under a new RFGA issued for a future grant round. Applicants will be notified by the TCEQ if their application is retained for consideration under a future grant round and will be given the option of withdrawing their application from consideration.