

**FY 2010-11 Air Quality Improvement Program  
Hybrid Off-Road Equipment Pilot Project**

**Applicant Workshop April 20, 2011**

On April 20, 2011, the Air Resources Board (ARB) held a Hybrid Off-Road Equipment Pilot Project Applicant Workshop to answer questions regarding the FY 2010-11 Hybrid Off-Road Equipment Pilot Grant Proposal Solicitation (solicitation). This document provides ARB responses to stakeholder questions at the workshop.

**Q) What is the extent of confidentiality in our submission assuming we denote every page as “CONFIDENTIAL”? If we label pricing as confidential, will that be protected even in a freedom of information act request?**

A) Marking a document "Confidential" does not necessarily make it so. If non-confidential information is separable from the confidential information, ARB would have to make a redacted version available upon request. It would therefore be much more efficient to have bona fide confidential information identified as such, without including non-confidential material. If ARB receives a document that is marked "Confidential" but clearly contains non-confidential information, we would have to go through the process of having the applicant identify the confidential material at the time we receive a request. It would be easiest if all confidential material be provided in a separate attachment. Pricing information would likely be considered bona fide confidential information, and we would protect it from disclosure according to our procedures in title 17 California Code of Regulations (CCR) Section 91000 and following. There is an ARB process for claiming records as confidential (Title 17, CCR Section 91011 below) and a process that ARB follows when responding to a California public record request for confidential records (Title 17, CCR Section 91022). If ARB receives a public record request, ARB will then review the details of the confidential claim pursuant to Section 91022 and make a determination whether to disclose/not disclose the records. Ultimately, a person denied access to records can file a lawsuit, and then a judge makes the determination.

Regarding the reference to the 'freedom of information act ' -- this is a federal statute and does not apply. The equivalent California statute is the California Public Records Act Government Code Section 6250 et seq, but it is the same concept (i.e. public right to access public/federal/State records).

**Q) For the budget, should subcontractors submit billing rates (not direct labor rates)?**

A) Applicants should provide both the billing rate and direct labor rates.

**Q) What if we sell more than the quantity of equipment identified in our proposal? Will we be able to apply for an amendment or extension to cover those additional units? Or is it a better strategy to specify an “aggressive” quantity since the disbursement schedule will release money as equipment is sold?**

A) Applicants should not anticipate ARB will provide additional funding should demand for project equipment exceed that proposed for funding in their project application. However, we also do not recommend applicants commit to sale/lease of more pieces of equipment than can be reasonably expected. Applications with firm commitments from fleets and credible deployment projections to justify proposed sale/lease numbers will generally score higher for this project solicitation element.

**Q) Where do we list the diesel particulate filter (DPF) paid for by ARB?**

A) This is to be itemized in the Project Deployment Element – Project Budget and identified in the applicable question relating to after-treatment on Page A-5 of the project application. The applicant must demonstrate that a DPF is surplus to regulations for it to be an eligible project expense.

**Q) If funding is provided for a DPF, must testing be conducted on equipment with DPFs?**

A) Yes, if DPFs are part of the deployment element, they must be used for baseline and hybrid vehicle emissions testing.

**Q) Page A-4 of the Application: Do we include more than one model year (MY) if the engines can be both 2010 and 2011 MY?**

A) Yes, if you may be funding more than one MY engine and the engines meet the same emission levels and are otherwise equivalent, please indicate this is the case and identify the engine MYs to be funded. If the engines meet differing emissions levels or utilize differing technologies, we strongly recommend funding the cleaner engines only.

**Q) Application attachment I-A2 Equipment End User Terms and Conditions. What insurance is required by law?**

A) This language is to ensure us that equipment we fund is insured by the equipment owner as required by law. This is not an additional insurance requirement of this solicitation.

**Q) Stated in Appendix B – Attachment 1: “The test cycle/sequence of operations must be demonstrated to be equivalent in terms of the amount of the total amount of work done by the conventional and hybrid equipment to ensure an 'apples to apples' comparison.” Does total work mean brake horsepower (bhp)?**

A) No, work does not refer to bhp, but to actual work completed, such as tons of dirt moved over a specific distance.

**Q) Stated in Appendix B – Attachment 1: “Equipment activity data should describe how project equipment typically operates in California.” Should the activity monitoring and data logging take place in California?**

A) Activity monitoring/data logging is not required to be conducted in California. However, activity should be representative of how the equipment is typically used in California.

**Q) Does emission testing have to be conducted in California?**

A) No, but the applicant is responsible for demonstrating it is equivalent to testing conducted in California (e.g. CARB diesel must be used, ambient conditions are similar to California, etc...)

**Q) Stated in Appendix B – Attachment 1: “Data should reflect at least one month of equipment usage during the peak of the usage season.” What is the definition of “peak of the usage season”?**

A) Peak of the usage season refers to summer construction season. This is not necessarily applicable to equipment models with little or no seasonal usage variability.

**Q) Section 4.9 of the Draft Implementation Manual (Appendix B of the Solicitation) encourages Grantees to obtain Fidelity Bond/Crime Insurance with ARB as the loss payee. Would it be acceptable for ARB to be listed as the joint loss payee with the Grantee?**

A) There is no requirement for Grantees to obtain Fidelity Bond/Crime Insurance. If the Grantee does, ARB prefers to be the sole payee as this best protects the agency against financial loss.

**Q) What is the date by which emissions testing must be completed?**

A) There are two required deadlines included in the solicitation. First, June 30, 2011 is the deadline for project funds to be encumbered. In order to meet this deadline, the grant agreement must be executed (signed) by both the Grantee and ARB no later than June 15, 2011. When a Grantee team consists of multiple project partners, one of these must be identified as the project lead responsible for executing the agreement with ARB and for all participant completion of project deliverables. The project must be completed and project funds must be fully expended by June 30, 2013. The deadlines for all other project deliverables are to be proposed by the Grantee(s) and included in the Grantee(s) project application. These deliverable completion dates will then be included in the Grantee(s) project grant agreement.

**Q) Is there a minimum requirement or definition of what constitutes a hybrid vehicle for the purposes of this program?**

A) Hybrid equipment for the purposes of the program is defined in Part 5 of Appendix B. There is no minimum energy storage or regeneration requirement. However, a strong project application would propose funding for equipment with a robust hybrid systems that has potential to achieve significant air quality benefits.

**Q) The timeline for disbursement of project funding indicates ten percent of vehicle deployment element funding will only be disbursed to the Grantee(s) after fulfillment of all project commitments, including purchase and deployment of all project equipment. Does this mean if demand for project equipment is lower than anticipated that we would not be fully reimbursed for all project equipment? For example, if we can fund only 75 percent of the equipment committed to in our application, will ten percent of these funds be withheld since this element was not completed?**

A) Our intent is to ensure the Testing Element is completed along with the Deployment Element. Our intent is not to penalize the Grantee(s) if demand for project equipment is lower than anticipated. Ten percent of each deployment element disbursement to the Grantee is to be withheld until the Project Testing Element has been completed and the Project Final Report has been submitted. Once this has been completed the Grantee will receive the remaining ten percent of the disbursement amount for equipment that has been ordered and delivered thus far.