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**DATE:** December 28, 2021

**SUBJECT: REQUEST FOR PROPOSALS FOR ZERO EMISSIONS DRAYAGE TRUCK PILOT PROGRAM**

Pursuant to the Zero Emissions Drayage Truck Pilot Program Request for Proposals (RFP), all proposers were to submit any questions regarding this RFP no later than December 21, 2021. Questions were to be submitted in writing, and all questions and responses were to be posted on [the Department's website](#) and [www.labavn.org](http://www.labavn.org).

Below is a list of questions received from proposers, and the Department's response:

- 1. Q: RFP Page 2 states, "All consultants and subconsultants must be registered on the City's Contracts Management and Opportunities Database..." Consultant and subconsultant are not defined in the RFP. Are the Licensed Motor Carrier (LMC), truck Original Equipment Manufacturers (OEM), charger manufacturer, charge management service providers, and related parties considered "consultants" or "subconsultants" for this RFP?**

A: All parties that will be receiving funds under agreements resulting from this RFP are required to be registered with the City's Contracts Management and Opportunities Database at the time proposals are due. Consultant refers to the lead/prime applicant. All other team members are subconsultants.
- 2. Q: RFP Page 5 states, "This 'ZE 25' project will include a minimum 1-year demonstration period with more detailed reporting requirements, followed by extended operations through the remaining term of the three year contract." Can the LMC/OEM select the telematics hardware and software provider that will collect this information or will POLA require a specific telematics hardware and software provider?**

A: The Harbor Department will not designate telematics providers.
- 3. Q: RFP Page 8 states, "OEMs shall provide a bumper-to-bumper warranty on the trucks during the performance period." Would POLA please provide more details about POLA's understanding of "bumper-to-bumper warranty"? For example, does POLA intend for typical consumables like tires be included in this warranty?**

A: The intent of this language is to require a standard comprehensive warranty package from the OEM to LMC for the duration of the demonstration, which typically excludes “wear and tear” items such as tires, though specific details of warranties can be determined by LMCs in coordination with OEMs.

**4. Q: RFP page 9 states, “the project team will be expect to provide the following data ... Electricity Charged” via a “charging summary report.” Will “electricity charged” be reported per truck and/or per charger, or can it be reported as a summary of all “electricity charged” for the project during the reporting period? Can this “charging summary report” be provided using data collected from a dedicated electricity meter? Can this “charging summary report” be provided using data collected from a telematics data collection device?**

A: Yes; Yes; The charging summary report would be considered responsive if it includes all electricity provided in total to the trucks deployed.

**5. Q: RFP page 12-13, Item 6, states that Exhibit B must be completed for the proposal to be fully compliant. Is it the responsibility of the LMC to complete this document? Do all other team members, including the OEM, need to complete this document? Would you please more clearly explain how a LMC (or other team member) that does not meet any of these requirements would complete this document? Is the LMC the “prime consultant”? Are the other team members “subconsultants”? If none of the team members meet any of these requirements, do they still need to all register on the LABAVN website? Would you please confirm that Exhibit C does not need to be completed unless the LMC, or other team member, would like to apply for SBE status?**

A: The lead/prime applicant must complete Exhibit B. Any entity from the project team may be the lead/prime applicant. All parties that will be receiving funds under agreements resulting from this RFP are required to be registered with the City’s Contracts Management and Opportunities Database at the time proposals are due. If applying as a Small Business Enterprise, your firm must complete the Small Business Proprietary Application (Exhibit C) and/or be certified through LABAVN as a small business enterprise.

**6. Q: We are assuming these trucks need to be commercial with ZEP/ZEV certification correct or can they be prototypes?**

A: Yes, trucks deployed must be considered commercial, which is defined here as being accepted in the California Air Resources Board’s (CARB) HVIP listing (<https://californiahvip.org/vehiclecatalog/>).

**7. Q: What is the deadline for truck deployment?**

A: There is no specific deadline for deployment, however project timing is one of the scoring criteria (see Exhibit F).

**8. Q: Could this grant/funding be stack with HVIP?**

A: Yes.

**9. Q: The RFP requires the truck to be “proven, through previous prototype testing, to be durable and meet the demands of the drayage truck duty cycle for at least one complete shift as defined by the lead LMC. Duty cycle specifics must be submitted as part of the application. OEMs will be responsible for providing previous testing reports as part of this application” Would it be acceptable to submit testing reports on the drivetrain performance in comparable vehicles? For fuel cell electric trucks to compete, there will need to be some openness here as these trucks are only beginning to be deployed into service. However if a licensed motor carrier with the Port of LA is willing to utilize the trucks in their operations, it should provide considerable reassurance to the Port of the viability of the trucks.**

A: OEMs are responsible for providing previous testing reports to prove durability and the capability of proposed models to meet the demands of the drayage truck duty cycle. Responses will be compared across proposals.

**10. Q: Do you have a definition for “OEM”? My understanding is that this means the suppliers of the components for the truck that is commercially sold, as opposed to aftermarket part suppliers which provide alternate parts. In this case, truck manufacturers which buy “gliders” or chassis from other suppliers but build in their own drivetrain systems would qualify as an OEM. Is this correct?**

A: The term OEM in this context is referring to truck manufacturers that produce Class 8 trucks for sale in California. Deployed trucks must be considered commercial, which is defined here as being accepted in the California Air Resources Board’s (CARB) HVIP listing (<https://californiahvip.org/vehiclecatalog/>).

**11. Q: Can awarded funding from this RFP be “stacked” with other grant funds? Specifically, can it be stacked with HVIP, Carl Moyer, Prop 1B GMERP, MSRC funding, VW, CEC funding, CARB funding, or other similar funds?**

A: Yes.

**12. Q: Can an LMC lease the zero-emission drayage trucks to be deployed under this program, or must it buy the trucks?**

A: That is a decision for the project team, likely between the LMC and the OEM. We expect that a member of the team will own the truck(s). Proposals that involve a lease will be carefully reviewed and may require follow up information.

**13. Q: On Page 7 of the RFP, it states, “OEMs will be responsible for providing previous testing reports as part of this application.” Can you please elaborate on what kind of previous testing reports should be included?**

A: OEMs are responsible for providing previous testing reports to prove durability and the capability of proposed models to meet the demands of the drayage truck duty cycle. Responses will be compared across proposals.

**14. Q: On Page 10 of the RFP, it states, “One (1) digital copy of your proposal, as one complete file in .pdf format, must be submitted on or before 3:00 p.m.**

**PST on Tuesday, January 4, 2022 to” and then the sentence ends. Who must the proposal be submitted to?**

A: Proposals shall be submitted to Tanisha Herr at [THerr@portla.org](mailto:THerr@portla.org).

**15. Q: In the Affidavit of Company Status form, it states, “Further, the undersigned agrees to provide complete and accurate information regarding ownership in the named firm, and all of its domestic and foreign affiliates, any proposed changes of the ownership and to permit the audit and examination of firm ownership documents, and the ownership documents of all of its domestic and foreign affiliates, in association with this agreement.” Does this mean that all information regarding the applicant’s ownership, affiliates, and ownerships documents must be provided at the time of application submittal with this form?**

A: No. If applying as a Small Business Enterprise, your firm must complete the Small Business Proprietary Application and/or be certified through LABAVN as a small business enterprise. Any changes in business status must be reported throughout the course of the agreement.

**16. Q: On the Consultant Description Form, what should be entered for “Award Total” when an award has not yet been made?**

A: Submissions should include the requested award amount.

**17. Q: In Exhibit F, it states, “Participating LMC(s) with 5 or less in the PDTR at time of application.” Can you please clarify what “5 or less in the PDTR” means?**

A: The 5 or less refers to “trucks” currently registered for operations in the Port Drayage Truck Registry (PDTR). This requirement is intended to provide an opportunity for small trucking companies/LMCs to participate in this program.

**18. Q: Is this funding stackable with other local, state, or federal funding opportunities?**

A: Yes.

**19. Q: Do fleets have to deploy the vehicles within a certain amount of time? (RFP lists “truck purchase orders shall be placed immediately upon contract execution, but I couldn’t find details on deployment.)**

A: There is no specific deadline for deployment, however project timing is one of the scoring criteria (see Exhibit F).

**20. Q: On the original announcement of this program on the Port of LA website it seemed that the funding was coming from revenue from the Clean Truck Fund rate, but that isn’t listed anywhere on the RFP. To clarify, what is the funding source of this program?**

A: The source of funding allocations will be determined at the time of contract approval by the Board of Harbor Commissioners.

**21. Q: The RFP states “Fueling Infrastructure required to support this ZE truck deployment will be the financial and operational responsibility of the**

**selected applicant” does this mean that infrastructure is not eligible for funding?**

A: Correct.

**22. Q: We know the goal is to fund at least 10 vehicles, is there a maximum per vehicle?**

A: There is not a maximum per vehicle, but there is a total maximum of \$3,000,000 that will not be exceeded.

**23. Q: Terms – Please more explicitly define the below terms and the involved parties each term is intended to describe (LCM, OEM, etc.):**

**Consultant; Subconsultant; Proposers; Proposing Consulting Firm – section 3.4; Prime and any subconsultants; Firm – section 4 intro; “Respondent” or “Applicant,” which appears to apply to the LCM and OEM.**

A: All of these are boilerplate contracting terms for Harbor Department RFPs. Each proposal must describe the entire project team, including at least one LMC and one OEM, as described in the RFP. These forms use standard contracting language for RFPs with the City. Details will be negotiated as part of an awardee’s contracting process including any clarifications that may be needed on these forms.

Proposer/Proposing Consulting Firm/Consultant/Prime are all referring to the Lead Applicant.

Subconsultant” is any other project team member that would receive funding if awarded.

**24. Q: As manufacturing processes and dealer networks are already established and any deviation from normal processes would be costly to budgetary and schedule considerations, what is required, if anything, for an OEM to show “best efforts to afford the opportunity to Local Business Enterprises?**

A: These forms use standard contracting language for RFPs with the City. Details will be negotiated as part of an awardee’s contracting process including any clarifications that may be needed on these forms. There is no Local Business Enterprise Preference for this contract opportunity. The forms are requested for tracking information purposes only.

**25. Q: Proprietary Information – Please explain the intent of this statement.**

**Consultant need not obtain for City the right to use any idea, design, method, material, equipment or other matter which is the subject of a valid patent, unless such patent is owned by Consultant or one of its employees, or its Subconsultant or the Subconsultant’s employees, in which case such right shall be obtained without additional compensation.” This statement reads as though it is not limited to use of information under the grant, but rather would give license to the “consultant’s” and “subconsultant’s” entire patent portfolio, for current and future use by the City.**

**Additionally, this appears to give right to patents of employees, which the consultant or subconsultant may not have ownership of and therefore cannot commit that license to the City. An updated version of this statement could read: “Consultant need not obtain for City the right to use any idea, design, method, material, equipment or other matter which is the subject of a valid patent in order to use the Property, unless such patent is owned by Consultant or one of its employees, or its Subconsultant or the Subconsultant's employees, in which case such right shall be obtained without additional compensation.”**

A: This is standard contracting language which cannot be negotiated.

**26. Q: 4.11 – Confidentiality -Please confirm that the intention of this paragraph is that all materials containing information relating to the City’s review, documentation, analysis, and evaluation of the work as it pertains to the grant agreement and any recommendations by the consultant are considered confidential and the consultant may not share such information to anyone except as necessary to perform work under the agreement.**

A: These forms use standard contracting language for RFPs with the City, which cannot be negotiated.

**27. Q: Is there any opportunity to extend the question period under the RFP?**

A: The RFP deadline was extended two weeks under the second amendment to the RFP.

**28. Q: Can trucks be deployed during the second quarter of 2023?**

A: There is no specific deadline for deployment, however project timing is one of the scoring criteria (see Exhibit F).

**29. Q: Please provide us with an up-to-date list of LMC.**

A: Link provided:

<https://kentico.portoflosangeles.org/getmedia/7ce00a83-e08f-48e8-bcc6-af63b3887132/POLA-Concessionaire-List>

**30. Q: Can the teams include a non-OEM or non-LMC to complete a portion of the project scope, such as the reporting?**

A: Yes.

**31. Q: Are costs associated with scope assigned to a third party (e.g., reporting) an allowable form of cost share?**

A: Yes.

**32. Q: Can you please confirm that the LMC must be the prime applicant?**

A: No, any entity from the project team may be the lead/prime applicant. The project team must include at least one LMC, as described in the RFP.

**33. Q: Can a non-profit be an eligible applicant?**

A: Yes, provided they are leading a project team that consists of at least one LMC and at least one truck OEM.

**34. Q: What is the expected start and end date of the project?**

A: Project start date(s) will vary depending on awarded contract negotiations. Any resulting agreement's term will be 3 years.

**35. Q: Can HVIP funding be applied to the purchase of the trucks, in addition to the grant funds?**

A: Yes

**36. Q: Can the trucks be leased by the LMC or must they be purchased (RFP mentions, LMC is to own and insure trucks)?**

A: That is a decision for the project team, likely between the LMC and the OEM. We expect that a member of the team will own the truck(s). Proposals that involve a lease will be carefully reviewed and may require follow up information.

**37. Q: Are drayage operations going to the inland empire eligible? (RFP mentions operations within 25 miles of port are well suited).**

A: All operations are eligible.

**38. Q: The proposal asked for infrastructure costs to support the operations of the electricity and/or hydrogen fueling infrastructure. These costs normally take weeks up to months for the necessary plans and costs from the utilities and/or contractor. With the January Proposal due date, can cost estimate be submitted as the details are you requesting for the infrastructure?**

A: Yes, estimates are expected if the proposed infrastructure is being incorporated as match funding. Awarded contracts will acknowledge the estimated amounts, and the project team will be responsible for maintaining records that show the actual expenditures during the project.

**39. Q: In the proposal, the target mileage range within the Port is 25 Miles. Is it possible to venture up to 40 miles, one away, to deliver containers directly from the Ports?**

A: All operations are eligible.

**40. Q: Can the trucks be leased and well as purchased?**

A: That is a decision for the project team, likely between the LMC and the OEM. We expect that a member of the team will own the truck(s). Proposals that involve a lease will be carefully reviewed and may require follow up information.

**41. Q: Will warehouse to Warehouse drayage be considered within the "25 Mile" Range?**

A: To qualify for this grant, project trucks will be expected to average, at a minimum, fifty (50) revenue service drayage trips to the Port per year of demonstration.

**42. Q: Can other funding (State and Federal) be used in conjunction with the POLA Funding for this project if awarded?**

A: Yes.

**43. Q: I read in the proposal that the demonstration is 1 year but also see there is a 3-year commitment. Please explain the length of the contract.**

A: The project shall commence after the contract is approved by the Board of Harbor Commissioners and fully executed by all parties. Contract term will be for 3 years. From the RFP:

- “Truck purchase orders shall be placed immediately upon contract execution.”
- Following delivery, “The LMC shall commit to operating the ZE drayage trucks for the duration of the contract”.
- “Monthly reporting for the first year of the demonstration period shall be required of the project leader.”
- “A final report will be required at the end of the 3-year commitment.”

**44. Q: I see the OEM is only required to provider “Bumper to Bumper” Warranty on the trucks during the performance period. What is the Performance Period?**

A: The Performance Period begins upon truck deployment and extends through the remaining time of the awarded three year contract. See timing details in the answer to #43 above.

**45. Q: With the tremendous cost of the Zero Emission Vehicles, should the OEM be required to have “Bumper to Bumper” Warranty Coverage on the vehicle for the entire period under contract?**

A: The intent of this language is to require a standard comprehensive warranty package from the OEM to LMC for the duration of the demonstration, which typically excludes “wear and tear” items such as tires, though specific details of warranties can be determined by LMCs in coordination with OEMs.

**46. Q: What happens if the OEM’s vehicle fails during the contract period?**

A: Responses will depend on the specific failure and final terms of the executed contract. “Project trucks will be expected to average a minimum of fifty (50) revenue service drayage trips to the Port per year of demonstration.” As this is an average, additional trips could be performed when the truck is returned to service.

**47. Q: Are the driver costs (Wage & Benefits) considered In-Kind Contributions?**

A: Yes.

**48. Q: Are any subconsultants included in an application required to complete CEC Form 50 and/or CEC Form 55?**

A: No, these forms shall be completed by the lead/prime applicant.

**49. Q: Are subconsultants required to submit a letter of acceptance of Standard Contract Provisions in an application?**



A: No, this shall be completed by the lead/prime applicant.

**50. Q: Please confirm the email address for submitting the digital copy of the proposal.**

A: Proposals shall be submitted to Tanisha Herr at [THerr@portla.org](mailto:THerr@portla.org).

**51. Q: Does the Port of LA have a preferred fleet size for the responding LMCs?**

A: The Port of Los Angeles does not have a preference with respect to responding/participating LMC fleet size. A scoring bonus will be applied to applications that include at least one LMC that operates a fleet of five or less trucks. This requirement is intended to provide an opportunity for small trucking companies/LMCs to participate in this program.

**52. Q: We have heard from several LMCs, including some listed among your top 20 carriers serving POLA, that a "Labor Peace Agreement" presents a serious obstacle to applying for this grant application. While they claim a good working relationship with their employees, they do not want to be in position of being forced to grant organizing concessions to unions. As understood by one LMC, "A labor peace agreement is an arrangement between a union and an employer under which one or both sides agree to waive certain rights under federal law with regard to union organizing and related activity. While these agreements can be negotiated voluntarily, some state and local governments have attempted to impose them on employers by passing labor peace ordinances. Will POLA consider waiving this requirement?**

A: No.

**53. Q: Does the LMC have to be physically located in the City of Los Angeles or is it only necessary for the trucks to call the Port of Los Angeles regardless of location?**

A: Requirements will be tied only to calls at the Port of Los Angeles.

**54. Q: Are Truck OEMs included as "proposers" and required to submit the same forms as must be included by the LMC (SBE/VSBE, CEC 50 and 55, letter of acceptance of terms)?**

A: Only the lead/ prime applicant will need to submit the administrative forms.

**55. Q: Please define the "performance period" and "entire project duration," as referenced at the top of page 8 of the RFP.**

A: Project start date(s) will vary depending on awarded contract negotiations. Any resulting agreement's term will be 3 years. There is a 12-month reporting period that begins upon initial deployment of the trucks. See timing details in the answer to #43 above.

**56. Q: Can multiple LMCs put in one combined application that would deploy trucks at multiple sites? Would this be ok if the total deployment is ten trucks total? Would this be ok if the total deployment at at least one site is ten trucks total?**

A: Yes.