



NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE (NEVI)

NOTICE OF FUNDING OPPORTUNITY AND
REQUEST FOR PROPOSALS

Submission Deadline: January 15, 2025

Publication information:

Washington State Department of Transportation

Innovative Partnerships

PO Box 47395

Olympia, WA 98504-7395

Email: nevi.programk@wsdot.wa.gov

Last updated: October 7, 2024

Notice of Funding Opportunity and Request for Proposals

Washington State National Electric Vehicle Infrastructure Program

Washington State Department of Transportation

Table of Contents

<u>1.</u> Introduction.....	5
1.1. Background.....	5
<u>1.2.</u> Overview.....	5
<u>1.3.</u> Goals	7
<u>1.4.</u> Washington state alternative fuel corridors – system and proposal requirements.....	7
2. Project requirements	12
2.1. Federal project requirements	12
2.1.1. Statutory requirements.....	12
<u>2.1.2.</u> Physical sites	12
<u>2.1.3.</u> Technical standards	13
<u>2.1.4.</u> Funding and applicant project match.....	13
3. Scope of work and deliverables	14
<u>4.</u> Eligibility criteria and how to apply	15
<u>4.1.</u> Eligible applicants.....	15
<u>4.2.</u> Application limitations and requirements	15
<u>4.2.1.</u> AFC Corridor proposal.....	15
<u>4.2.2.</u> AFC Segment Proposal.....	16
<u>5.</u> Eligible costs for reimbursement.....	17
<u>5.1.</u> Acquisition and Installation	17
<u>5.2.</u> Operating assistance	18
<u>5.3.</u> Development phase activities	18
5.4. Ineligible costs.....	19
5.5. Match share:.....	19
6. How to apply.....	20
6.1. General application requirements.....	20

- [6.1.1. Application contents](#)20
- 6.2. Site requirements21
 - 6.2.1.(a) Secured sites.....21
 - 6.2.1.(b) Selected sites under negotiation22
 - [6.2.2. Required surety bond](#).....23
 - 6.2.3. Affidavit of non-collusion24
 - 6.2.4. Conflicts of interest24
- 6.3. Application timeline25
- 6.4. Questions26
- 6.5. Application submittal27
- 6.6. Application amendment or withdrawal.....27
- 6.7. WSDOT discretion.28
- 6.8. Disqualification of applications.....28
- [6.9. Process for clarification of application information](#).....28
- 6.10 Disposition of applications and copyrights.....29
- 6.11 Public data.29
- [6.12. Exhibits and reference documents.](#)30
 - 6.12.1. List of exhibits.....30
 - 6.12.2. Reference documents.....30
- [7. Evaluation of applications](#)31
 - 7.1. Evaluation process31
 - 7.1.1. Responsiveness check.....31
 - 7.1.2. Technical and cost proposal scoring criteria and evaluation.....31
 - 7.1.3. Score tabulation37
 - 7.1.4. Award37
 - 7.2. Application irregularities and clarifications37

- 7.2.1. Complaint and protest procedures.....37
- 8. Award41
 - 8.1. Pre-agreement activities.....41
 - 8.1.1. Pre-agreement audit.....41
 - 8.1.2. Pre-agreement risk assessment41
 - 8.1.3. Financial review documents42
 - 8.2. Execution of agreement.....42
- 9. Post award.....44
 - 9.1. Reimbursement mechanism.....44
 - 9.1.1. Quarterly construction payments.....44
 - 9.1.2. Construction payment withholding.....44
 - 9.1.3. Quarterly operation and maintenance payments and withholding44
 - 9.1.4. Final payment and release of withholdings45
 - 9.2. Potential event of default and operations & maintenance payments withholding45
 - 9.3. Reasonable return on investment and use of program income45
 - 9.3.1. Any net income from revenue from the sale, use, lease, or lease renewal of real property acquired shall be used for Title 23, United States Code, eligible projects.....45
 - 9.3.2. For purposes of program income or revenue earned from the operation of an EV charging station, the State or other direct recipient should ensure that all revenues received from operation of the EV charging facility are used only for:45
- Appendix A: Definitions and acronyms.....47
- Appendix B: Minimum NEVI standards and requirements.....52

1. Introduction

1.1. Background

Congress passed the Bipartisan Infrastructure Law (BIL), also referred to as the Infrastructure Investment and Jobs Act (IIJA) on November 15, 2021, which included the [National Electric Vehicle Infrastructure \(NEVI\) Formula Program](#)¹. The NEVI Formula Program provides \$5 billion in funding to construct an electric vehicle charging infrastructure network nationwide that is reliable, convenient, affordable, and equitable. Accordingly, the NEVI Formula Program directs States – in administering NEVI funding -- to strategically deploy EV charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability. Initially, funding under this program is directed to designated Alternative Fuel Corridors (AFCs) for electric vehicles to build out this national network, particularly along the Interstate Highway System.

The State of Washington will receive \$71 million in formula funds in total over five-Federal fiscal years (FFY) (FY 2022- FY 2026).

1.2. Overview

The Washington State Department of Transportation (WSDOT, or “Agency”) requests responses to this Notice of Funding Opportunity (NOFO) and Request for Proposals (RFP) -- (**herein referred to as “NOFO”, or “NOFO/RFP”**) -- to participate in the deployment of NEVI-compliant electric vehicle supply equipment (EVSE) across the state. The NOFO published under this competitive selection provides available funding for updates to existing EVSE sites and new EVSE sites along Washington’s EV Alternative Fuel Corridors (**herein referred to as “AFC” or “corridors”**).

WSDOT’s goal is to deploy the State’s NEVI formula funds to strategically support the development of reliable, convenient, affordable, and equitable EVSE along the identified corridors. **The Grantee will install, operate, and maintain the EVSE throughout the term of the Grant Agreement. The**

¹ [Bipartisan Infrastructure Law - National Electric Vehicle Infrastructure \(NEVI\) Formula Program Fact Sheet | Federal Highway Administration \(dot.gov\)](#)

EVSE will not be located on WSDOT or state-owned right-of-way. This NOFO includes additional requirements for EVSE, site selection, installation, operations and maintenance (O&M), and reporting requirements, including:

- Requiring that a minimum of one (1) charger at each station will provide charging at above 150kW;
- Requiring future proofing to include conduit and wiring for a minimum of two (2) additional chargers at each station (>150kW);
- Incentivizing pull-through design to better enable vehicles pulling a trailer and medium-duty vehicles to easily access charging (including a requirement of at least one (1) pull-through charger on each corridor);
- Requiring Applicants to plan for the inclusion of NACS (SAE J3400) dual-port charging equipment when Nationally Recognized Testing Laboratory (NRTL)-listed equipment is available;
- Encouraging convenient access to amenities at each charging station (e.g., restrooms, covered awnings, food and other retail, emergency call boxes and video surveillance, 110/120-volt outlets for electric micromobility).

This NOFO also includes information on the process by which competitive grant selections will be awarded, funding match levels and requirements, project eligibility, funding priorities, costs eligible for reimbursement, and other information that will help Applicants plan their project and apply for funding.

As you prepare for this grant opportunity, please note that WSDOT intends to give preference to those Applicants who are **Site Hosts or who have access to Sites and are able to provide signed Site Host Agreements supplemented by WSDOT Site Certification (Exhibit H)**, demonstrating that the sites are available for the entire length of the five-year Grant Agreement for the purpose of installing, operating, and maintaining an EV charging station, in accordance with 23 CFR 680 and all applicable state and federal laws. All successful Applicants/Grantees will be required to sign the Site Certification Form.

This NOFO supports the acquisition, installation, and operation and maintenance of direct-current fast-charging (DCFC) infrastructure. Of the approximately \$71 million in total over Federal fiscal years (FFY) 2022-2026 funding, **WSDOT will award up to \$25 million in Round 1 NEVI funding.** We will determine the number of Round 1 awards based on system and program requirements and on the adequacy of Applicant proposals. Formula funds will cover up to 80% of eligible project costs, and Applicants will be required to cover a minimum of 20% of eligible project costs. All federal funds will be provided on a reimbursement basis.

This NOFO does not obligate WSDOT to award a grant or complete the project, and WSDOT reserves the right to cancel the solicitation if it is determined to be in its best interest. Applicants must adhere to all terms of this NOFO. All costs incurred responding to this NOFO will be borne by the Applicant.

1.3. Goals

The goal of this NOFO is to implement FFY22-25 funding along identified corridors. WSDOT will fund NEVI-compliant charging stations along the identified corridors. WSDOT has established the following goals for this NOFO:

1. Maximize the impact of Federal funding.
2. Use a best-value approach to evaluation.
3. Guarantee that charger installations, operations, maintenance, and ownership can be handled by an experienced Grantee that is responsible for complying with all federal requirements attached to this funding.
4. Maximize benefit to EV drivers in the State of Washington by incentivizing innovation, future proofing, and resiliency.

1.4. Washington state alternative fuel corridors – system and proposal requirements

The NEVI Formula Program directs States – as Program Administrators -- to strategically deploy EV charging infrastructure along designated Alternative Fuel Corridors (AFCs) to build out a convenient, affordable, reliable, and equitable public charging network (“build out”). National build-out includes but is not limited to meeting or exceeding NEVI 23 CFR 680 requirements for establishing an interconnected network to facilitate data collection, access, and reliability along the Interstate Highway System. Applicants may submit one (1) application per AFC corridor, or one (1) application per AFC segment. There is no limit to the number of applications that an Applicant may submit, or that WSDOT will review.

For NOFO Round 1, WSDOT has identified five (5) priority AFCs, with an anticipated need for 14-19 sites. These sites will cover approximately 800 miles of Interstate Highway service area, as follows:

- I-90: (Seattle to the Idaho Border - 281 miles);
- US-97: (Oregon Border to Yakima - 82 miles),

- US-2: (Leavenworth to Newport - 231 miles)
- US-195: (Spokane to Idaho Border - 93 miles)
- US-395: (Spokane to Canadian Border - 113 miles)

WSDOT established these priority corridors by assessing gaps in EV charging, traffic counts along the state’s Alternative Fuel Corridors, and interstate and international connections. WSDOT is tracking existing and planned stations that meet port, power, and distance requirements to ensure deploying NEVI infrastructure meets the most critical gaps on our Interstates and US Routes.

Figure 1: Washington State – NEVI-Eligible Alternative Fuel Corridors

Alternative Fuel Corridor (AFC)	Segment	Distance	Est No. of Sites
I-90	Seattle to Ellensburg	106	2-3
I-90	Ellensburg to Ritzville	113	2-3
I-90	Ritzville to Idaho Border	62	1
Subtotal		281	5-7
US-97	Oregon Border to Yakima	82	1-2
US-2	Leavenworth to Idaho Border	231	4-5
US-195	Spokane to Idaho Border	93	2-3
US-395	Spokane to Colville	72	1
US-395	Colville to Canadian Border	41	1
Subtotal		113	2
AFC Total		800	14-19

WSDOT’s NEVI build out strategy focuses on an assertive and agile deployment of [Grantee] assets to:

- Deliver buildout, that meets or exceeds 23 CFR 680 standards, on safety, robustness and reliability; and
- Ensures agile, affordable, and equitable development of the State’s EVSE network.

Accordingly, WSDOT will allow Applicants who demonstrate technical expertise and capacity to submit a proposal for an entire AFC corridor, subject to WSDOT NOFO policy preferences (Section 4.2- Application Limitations and Requirements) and technical criteria (Section 7.1.2 - Technical Criteria). Applicants may submit one (1) application per AFC corridor. There is no limit to the number of applications that an Applicant may submit, or that WSDOT will review.

To encourage greater diversity of NOFO response, WSDOT will also allow Applicants who demonstrate technical expertise and capacity in specialized or niche market segment(s) to submit Applications for entire AFC segments. WSDOT will not accept Applicant proposals for individual sites. If/as a segment is comprised of only one (1) site, that proposal will be considered as an AFC segment proposal (e.g., Ritzville to Idaho Border). Applicants who submit proposals for AFC segment are subject to WSDOT NOFO policy preferences (Section 4.2- Application Limitations and Requirements) and technical criteria (Section 7.1.2 - Technical Criteria). Applicants may submit one (1) application per AFC segment. There is no limit to the number of applications that an Applicant may submit, or that WSDOT will review.

Regardless of type of proposal selected – AFC corridor or AFC segment -- it is Applicant's responsibility to demonstrate technical expertise and capacity, based on the merits of the proposal and according to the guidelines established in this NOFO.

WSDOT reserves the right to make full or partial awards, depending on overall NEVI program and AFC requirements, including but not limited to technical and equity concerns.

WSDOT will only consider making grant awards for proposed Charging Stations along the NOFO Round 1 Alternative Fuel Corridor (AFC) corridor segments as listed below in Figure 1. The existing locations of charging infrastructure along AFCs are located online at: [Alternative Fuels Data Center: Station Data for Alternative Fuel Corridors \(energy.gov\)](https://www.energy.gov/alternative-fuels-data-center). The EV charging dataset includes only DC fast charging stations that have at least four (4) charging ports with CCS connectors and each support a power output of at least 150 kW. Applicants may apply to upgrade these stations if they have the specific knowledge that the station doesn't meet all "relevant minimum requirements" as outlined by the Joint Office of Energy and Transportation in the June 2024 guidance, as follows: 23 CFR 680.104, 23 CFR 106(b), 23 CFR 680.106(c), 23 CFR 680.106(d), 23 CFR 680.106(e), 23 CFR 680.106(f), 23 CFR 680.106(g), 23 CFR 680.106(h), 23 CFR 680.106(i), 23 CFR 680.106(k), 23 CFR 680.106(l), 23 CFR 680.108, 23 CFR 680.110, 23 CFR 680.114, and 23 CFR 680.116.

WSDOT will not consider applications that identify charging stations outside of the NOFO Round 1 Eligible AFC identified corridors but may later issue additional NOFOs for other areas.

2. Project requirements

2.1. Federal project requirements

2.1.1. Statutory requirements

The Grantee is responsible for adhering to all applicable requirements of Title 23 United States Code of regulations and 2 CFR Part 200 that apply to the administration of these funds, which include but are not limited to 23 CFR 680, the Davis-Bacon Act, FHWA Form 1273, the Americans with Disabilities Act of 1990 (ADA), Title VI of the Civil Rights Act of 1964, the National Environmental Policy Act of 1969 (NEPA), and the Build America, Buy America (BABA) Act. In addition to these requirements, the Grantee must comply with all other regulations, standards and requirements that may be required by Federal, State, and local laws.

WSDOT will fully enforce all relevant requirements and regulations related to the Build America, Buy America (BABA) Act, and to the National Electric Vehicle Infrastructure Rules and Requirements published February 28th, 2023. There, the FHWA published a Federal Register notice that it is establishing a temporary public interest waiver of Buy America requirements for steel, iron, manufactured products, and construction materials in electric vehicle (EV) chargers. Projects funded under any agreement resulting from this NOFO may be covered by the Build America, Buy America (BABA) Implementation Plan to Enhance Buy America for Electric Vehicle (EV) Chargers. Applicants are strongly encouraged to review the BABA rule – provided for in Exhibit K to the NOFO - prior to submitting their application.

2.1.2. Physical sites

The NEVI Formula Program aims to establish a nationwide network of DCFC infrastructure consisting of sites with a minimum of four (4) ports capable of continuous charging at 150kW simultaneously. These sites shall be located no further than fifty (50) miles apart and shall not be

located more than one (1) mile from the AFC.²³ For Washington State EV Alternative Fuel Corridors that cross into adjacent state(s), a Washington station must be sited within twenty-five (25) miles of the border with the adjacent state crossing.

2.1.3. Technical standards

The BIL required FHWA to develop a set of minimum standards and requirements for EV charging infrastructure which are provided in 23 CFR 680. Accordingly, the NEVI program establishes 23 CFR 680 as the **minimum technical standard** regarding the interoperability of electric vehicle charging infrastructure, charging network connectivity of electric vehicle charging infrastructure, data submittals, and information on publicly available electric vehicle charging infrastructure locations, pricing, real time availability, and accessibility through mapping.

2.1.4. Funding and applicant project match

Funding for any agreement resulting from this NOFO will be paid from NEVI formula funds. The Grantee is required to provide at least a 20 percent contribution (Grantee Cost Share) of the eligible project costs that are authorized by an agreement between the Grantee and WSDOT⁴.

Applicants are strongly encouraged to review the reference documents identified in Section 6.12.2 of this NOFO prior to submitting their application.

² The 50-mile distance is measured between one (1) charging station (existing or proposed) along a designated AFC to the next charging station along the AFC. The 50-mile distance is the approximate driving distance between stations (see NEVI Formula Q&A Question 17.3).

³ The 1-mile distance is the approximate driving distance from the intersection or interchange to the station location. The design of interchanges may vary significantly, but the 1-mile distance may be measured from the end of the exit ramp or loop—in other words, where the ramp or loop intersects or merges with the adjoining road. Whichever exit or ramp is nearest the station may be used (see NEVI Formula Q&A Question 17.3).

Stations on public lands in close proximity to the corridor (including Federal lands) may be prime siting locations and should be considered in a Plan.

⁴ See 2 CFR 200.306 – Cost sharing and matching

3. Scope of work and deliverables

A successful Applicant/Grantee must work with the Grant Administrator to complete a pre-agreement risk assessment prior to executing the Agreement. This includes, but is not limited to, Applicant's experience managing federally funded grants, legal assessment and status, accounting systems and internal controls, financial assessment, and monitoring/audit findings (For detailed information, see Exhibit C, Scope of Work and Deliverables). WSDOT reserves the right to amend Exhibit C, as necessary, depending on the results of the pre-Agreement risk assessment.

4. Eligibility criteria and how to apply

4.1. Eligible applicants

Funds made available under the NEVI Formula Program shall be used to contract with a private entity for the acquisition, installation, and operation and maintenance of publicly accessible EV charging infrastructure. An eligible applicant is a private entity, as defined under 23 USC 151(f)(1) and 23 USC 151(f)(3), including corporations, partnerships, company(ies), nonprofit organizations, and other entities.⁵

WSDOT will incentivize participation of Federal or State-certified Small Business Enterprise, Public Works Small Enterprise, and/or Minority and Women-Owned Business and Veteran Enterprises in the NEVI Formula Program, by:

- Encouraging Applicants to engage small businesses as subconsultants, and by using ranking of various Technical Criteria (see Section 7.1.2).
- Encouraging the development of a Partnering Tool to allow small businesses to pool resources in bidding for NEVI Grants.
- Encouraging small business to bid on AFC segments.

4.2. Application limitations and requirements

- Applicants must submit Exhibit D (Technical Application/Response Form and Cost Proposal Form), and are required to provide one of two options regarding site host information for each AFC Corridor or Segment they are proposing, per the instructions in Section 6.2.1 (a) and 6.2.1(b).

4.2.1. AFC Corridor proposal

WSDOT encourages Applicants who demonstrate technical expertise and capacity to submit proposal for an entire AFC corridor, or for an AFC segment.⁶ Applicants are encouraged to include Federal or State-certified Small Business Enterprise, Public Works Small Enterprise, and/or Minority and Women-Owned Business and Veteran Enterprises – in but not limited to -- the following areas of NEVI compliance:

⁵ Ineligible entity is any entity not defined under 23 USC 151(f)(1) and 23 USC 151(f)(3).

⁶ See Exhibit B (Technical Specifications and Requirements for Operation) and NOFO Ranking Criteria

1. Demonstration of NEVI Site Requirements;
2. EV Training;
3. Justice40;
4. Community Engagement; and
5. Other.

An Applicant’s proposal must include documentation of proposed arrangement, such as a subconsultant letter stating their intent to participate in NEVI Round 1 build-out.

4.2.2. AFC Segment Proposal.

Likewise, WSDOT will allow Applicants who demonstrate technical expertise and capacity in specialized or niche market segment(s) to submit Applications for segments. Applicants who submit proposals for AFC segments are also encouraged to include Federal or State-certified Small Business Enterprise, Public Works Small Enterprise, and/or Minority and Women-Owned Business and Veteran Enterprises in their Applications.

Regardless of the type of proposal selected – AFC corridor or AFC segment -- it is Applicant’s responsibility to demonstrate technical expertise and capacity, based on the merits of the proposal and according to the guidelines established in this NOFO.

5. Eligible costs for reimbursement

- All funding [distributed under the NEVI Formula Program] shall be for projects directly related to the charging of a vehicle and only to support EV charging infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than one company.”⁷
- Grantees will be reimbursed for eligible project costs according to the Technical Application/Response Form and Cost Proposal Form (Exhibit D). Applicants may apply for grant funds for up to 80% of the eligible project costs, with a minimum required match of 20% to be provided by the Applicant. There are no State funds available for this project. Eligible costs are expenses deemed to be eligible by [23 Code of Federal Regulations \(CFR\) 680](#) and [2 CFR Part 200 Principles](#).
- All construction costs for NEVI Formula Program projects, as defined under 23 U.S.C. 101(a)(4), are eligible so long as they are directly related to the charging of an electric vehicle (EV). These costs must be allowable, allocable, and reasonable in accordance with 2 CFR part 200. To be considered directly related to the charging of vehicles, the item must be a necessary component in the EV charging station, be a necessary component to connect the EV charging station to the electricity source (or to supply power from the electricity source), provide eligible signage to direct EVs to the charging station, or provide information to EV users about use of the charging stations. This includes the costs of new public EV charging stations, as well as upgrades to existing EV charging stations.
- **As Applicants develop their cost proposals, WSDOT invites you to review the types of costs that may be eligible for NEVI Formula Program funding.** In addition, Applicants should visit FHWA’s FAQ webpage, for detailed responses to questions about project eligibility. [National Electric Vehicle Infrastructure \(NEVI\) Formula Program Q&A - Resources - NEVI - Environment - FHWA \(dot.gov\)](#)
- In general, NEVI Formula Program funds may be used for:

5.1. Acquisition and Installation

- The acquisition and installation of EV charging infrastructure shall serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability.
 - The NEVI Formula Program funds can be utilized to install new chargers, to upgrade existing chargers, or to add additional charging infrastructure along designated AFCs.
 - The installation of EV charging equipment is typically considered to be a construction improvement, not an operational improvement.

⁷ Paragraph (2) under the “Highway Infrastructure Program” heading in title VIII of division J of Bipartisan Infrastructure Legislation (BIL).

- Eligible acquisition and installation costs include costs directly related to light-duty, medium-duty, and heavy-duty EV charging infrastructure such as:
 - New charging stations
 - Upgrades to existing charging stations

5.2. Operating assistance

- Operating assistance for costs allocable to operating and maintaining EV charging infrastructure acquired or installed under this program, may be allowed for a period not to exceed five years.
- Operating assistance under the NEVI Formula Program is available only for those charging stations for which NEVI Formula Program funds have first been used for acquisition or installation, including upgrades.
- It is anticipated that such operating assistance may be needed at some AFC locations with lower utilization but that are key to having a contiguous, national network and to address equity issues in both rural and urban areas where current levels of EV ownership make such lower utilization more likely and potentially increases the operating cost burden on EV charging infrastructure owners and network operators. Other AFC locations will not need this assistance for a commercial entity to run and operate.
- Where NEVI Formula Program funds are used for operating assistance, this operating assistance shall not exceed five (5) years.

5.3. Development phase activities

- Development phase activities relating to the acquisition of stations and equipment as well as installation of EV charging infrastructure may be allowed.
- Development phase activities include planning (including the development of the Plan), feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.
- As with other activities funded under Title 23, U.S.C., funds can be used for drafting environmental documents and studies, preliminary engineering, and related work. NEVI funds cannot be used for final design and construction for site installations until the National Environmental Policy Act (NEPA) review is completed.
- Costs for planning and permitting of on-site distributed energy resource (DER) equipment (e.g., solar arrays, stationary batteries) that are directly related to the charging of a vehicle are eligible for reimbursement. These costs should only be considered if they will lead to lower costs to consumers, greater EV charging station reliability, and if they do not substantially increase the timeline for completing an EV charging station project. WSDOT shall consult with the Utility Transportation Commission and Washington State electric utilities to understand regulations and policies restricting the use of DERs at EV charging stations, as well as incentive programs.

- Costs for community outreach and participation, including with rural, Tribal, and disadvantaged communities, to facilitate equitable and accessible deployment of EV charging infrastructure, may also be considered.
- On-site distributed energy resources (DERs). (Renewable energy generation and storage, such as on-site solar panels, would be considered directly related, and therefore would be eligible.)
- On-site electric service equipment.
- Permanently attached connectors and/or connector adapters.
- Traffic control devices and signage.

WSDOT also directs interested Applicants to periodically visit FHWA’s FAQ webpage, for detailed responses to questions about eligible costs.

5.4. Ineligible costs

Costs beyond those defined above and not deemed by WSDOT as directly related to acquisition and installation of EV charging infrastructure will be treated as an ineligible cost under this program.

Although an exhaustive list of all ineligible costs is not possible, **Applicants are encouraged to visit FHWA’s FAQ webpage**, for detailed responses to questions regarding eligible expenditures, operations and maintenance costs, and program administration costs.

[National Electric Vehicle Infrastructure \(NEVI\) Formula Program Q&A - Resources - NEVI - Environment - FHWA \(dot.gov\)](#)

5.5. Match share:

The Grantee is required to provide at least a **20 percent contribution** (Grantee Cost Share) to the eligible project costs that are authorized by an Agreement between the Grantee and WSDOT.

- Project management costs are excluded from Match Share.
- Match Share expenditures must be documented, reasonable, allowable, and deemed appropriate to allocate to the project according to 2 CFR 200 guidelines, and as determined by WSDOT.

6. How to apply

6.1. General application requirements

Applicants are responsible for conducting their due diligence, including understanding all terms and conditions of the documents and applicable Federal, State, and local laws. It is recommended that Applicants thoroughly review the reference documents listed in Section 6.12.2 of this NOFO. Questions should be submitted to WSDOT according to the instructions in this NOFO.

6.1.1. Application contents

6.1.1.1. Technical application form

Applicants must complete each section of Exhibit D, Technical Application/Response Form and Cost Proposal Form, and provide all required information and documents for each proposed AFC Corridor or AFC segment. Applicants may submit technical proposals for one (1) of the two options: an AFC Corridor or AFC segment (See Section 4.2. Application Limitations and Requirements). Exhibit D clearly indicates which information is required per AFC corridor, and which information is required per proposed AFC segment. Links to information outside of the form will not be reviewed. No macros are allowed. The minimum font size is 11-point font. The page size shall be 8.5 x 11 inches. Larger 11 x 17-inch pages are allowed for drawings or graphics and will count for two (2) pages. The maximum number of pages shall be thirty (30) pages, including text, graphics, tables, charts, and photographs. Resumes for key personnel may be attached to the form. Resumes shall be limited to two pages per resume. Resumes do not count toward the thirty (30) page limit. No more than five (5) resumes are permitted per application. Technical specification cut sheets do not count toward the thirty- (30) page limit.

6.1.1.2. Cost proposal form

Applicants must provide a completed Exhibit D (Technical Application/Response Form and Cost Proposal Form), for each proposed charging station. Applicants may submit cost proposals for one (1) of the two options: an AFC Corridor or AFC segment (see Section 4.2 Application Limitations and Requirements). An Applicant must enter the required information in the Cost Proposal Form and shall not change any formula written within the form. The Cost Proposal Form will calculate the Applicant's Maximum Total Project Reimbursement and will be used to establish the maximum

budget for the project. Within Exhibit D, each applicant is required to follow the instructions in the attachment and provide the following:

The Maximum Project Reimbursement (in %) for capital **and** for O&M costs shall not exceed 80% of the total Project Cost, consistent with Exhibit D.

The Project Costs for each cost item, as identified in Exhibit D. Costs shall include only items eligible under the NEVI program as defined in Section 5 (Eligible costs) or those “Other” items that WSDOT in its sole discretion deems eligible.

6.2. Site requirements

As a condition of NEVI award, all Grantees are required to own or have access to a Secured Site. Grantees may have title of ownership (“**Site Host**”) for the property where the AFC will be built, or they may lease property.

Applicants who do not currently have access to a Secured Site must, **at the time the Application is submitted**, have identified viable Site(s) which may be secured, if/as Grant award is made. To address differing levels of preparedness at the time of application, WSDOT is providing two (2) options for required site host information: Secured Site **or** Selected Sites Under Negotiation. For each proposed AFC corridor or AFC segment, the Applicant shall clearly indicate which of the two (2) options they are selecting in Exhibit D, Technical Application/Response Form and Cost Form. Each of the following two options is a scorable item, and the Applicant is strongly encouraged to review Section 7.1.2 prior to submitting their application.

WSDOT reserves the right to determine the sufficiency of site information and to request additional information prior to and at any time during the term of the Agreement. Each option shall be provided as an attachment to the application, and the attachments are not part of the thirty- (30) page limit.

6.2.1.(a) Secured sites

A Secured Site is one where Applicant is:

- The Site Host, certified by Title of Ownership registered in the State of Washington; or
- Not the Site Host, but has access to a Site, certified by a signed Site Host Agreement.

At the time of application, the Applicant shall provide a copy of their Title of Ownership or a signed Site Host Agreement. If Applicant has a signed Site Host Agreement, it shall demonstrate the following:

1. **Site Term.** The site is continuously available to the Applicant for the entire length of the five (5) year Agreement, for the purpose of constructing, installing, operating and maintaining an EV charging station in accordance with 23 CFR 680 and all applicable Federal, State, and local laws and regulations.
2. **Site Compliance with Applicable Laws and NEVI Standards.** WSDOT and its agents have the right of full access to the property, as well as to visually examine the property and ground to complete environmental reviews necessary to comply with NEPA or for the purpose of inspection, or for any and all activities needed to ascertain Grantee's compliance with 23 CFR 680 and all applicable Federal, State, and local laws and regulations.
3. **Grantee Obligation.** WSDOT and Applicant/Grantee understand and agree that Applicant/Grantee has an obligation to maintain the Secured Site in a manner to allow Project Work that meets or exceeds 23 CFR 680 standards and all applicable Federal, State, and local laws and regulations.
4. **Event of Default.** WSDOT and Applicant/Grantee understand and agree that any change conditions of 6.2.1(a), (1), (2), or (3) shall constitute Applicant/Grantee Event of Default to the Agreement.
5. **Notice and Opportunity to Cure.** if there is any change in conditions in 6.2.1 (a) (1), (2), or (3), Applicant/Grantee shall notify WSDOT within thirty (30) days of said change WSDOT, at its sole discretion, may allow Applicant the opportunity to cure the Event of Default.

The successful Applicant/Grantee will be required to sign WSDOT's Site Certification Agreement within 30 days of the Grant award date. Failure to execute a Certification Agreement within thirty (30) days of bid award may result in disqualification.

6.2.1.(b) Selected sites under negotiation

The Successful Applicant shall, at time that the application is submitted, provide a signed letter of intent from the Site Owner certifying intent of Applicant and of Site Owner, to fully execute a Site Host Agreement and Site Certification Form within thirty (30) days of Grant Award. Upon execution of the Site Host Agreement and Site Certification Form, the Site shall be deemed as a Secure Site and subject to the terms and conditions described in Section 6.2.1 (a) of this NOFO.

6.2.2. Required surety bond

The successful Applicant/Grantee shall provide an executed Surety Bond equivalent to **100 percent** of the Maximum Total Project Costs within 10 working days of the executed Grant Agreement⁸.

The Surety Bond shall:

1. Be on a WSDOT-furnished form;
2. Be signed by an approved Surety (or Sureties) that:
 - Is registered with the Washington State Insurance Commissioner; and
 - Appears on the current Authorized Insurance List in the State of Washington published by the Office of the Insurance Commissioner,
3. Be conditioned upon the faithful performance of the Agreement by the Grantee within the prescribed time;
4. Be conditioned upon the payment of taxes, increases, and penalties incurred on the project under titles 50, 51, and RCW 47; and
5. Guarantee that the Surety shall indemnify, defend, and protect WSDOT against all claims of direct or indirect loss resulting from the failure:
 - Of the Grantee (or the employees or subcontractors) to faithfully perform the Agreement; or
 - Of the Grantee (or the subcontractors) to pay all laborers, mechanics, all Subcontractors, material persons, and all other persons who provides supplies or provisions for carrying out the Work.

WSDOT may require Sureties or Surety companies on the Surety Bond to appear and qualify themselves. Whenever WSDOT deems the Surety or Sureties to be inadequate, it may, upon written demand, require the Contractor to furnish additional Surety to cover all remaining Work. Until the added Surety is furnished, payments on the Contract will stop.

NEVI reliability standard (23 CFR 680.116) requires an average annual uptime of greater than 97% at each individual port at each charging station, If Grantee does not meet the required 97 percent uptime, WSDOT will deduct \$100 for every percentage point, or fraction thereof, that the 97 percent uptime is not met on a per-port basis, per the NEVI rule.

If the charging station(s) is unable to meet 23 CFR 680.116 standards, or if the reliability standard at each individual port at each charging station(s) falls below an average of 97 percent uptime within a

⁸ Standard Specifications Section 1-03.4

quarter, WSDOT shall require Grantee to provide notice of the shortfall. WSDOT shall then have the right -- in its sole discretion – to require Grantee to develop and implement a contingency management plan, as a measure to cure a potential Event of Default.

6.2.3. Affidavit of non-collusion

Pursuant to Section 112(c) Title 23, United States Code, Applicants must complete and submit the “Affidavit of Non-Collusion” (Exhibit N) as part of the application. The Affidavit of Non-Collusion will not be scored but will be part of the non-technical responsiveness check. The Affidavit of Non-Collusion is not part of the thirty (30)-page limit.

6.2.4. Conflicts of interest

The FHWA addresses organizational conflicts of interest (**OCOI**) in relation to Federally-funded highway and design-build projects. WSDOT adopts these rules for purposes of this NOFO and provides guidance through WSDOT’s Secretary’s Executive Order E 1059.00 and the Agency’s OCOI manual⁹.

Applicants and Site Host Owner must **each** provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this NOFO. This list should indicate the name of the entity, the relationship, and a discussion of the conflict. Applicants and Site Host Owner must **each** complete Exhibit O, Conflict of Interest Checklist and Disclosure Form, and submit it as part of the application. If Applicant **is** the Site Host Owner, Applicant may submit one (1) Exhibit O, Conflict of Interest Checklist and Disclosure Form, and submit it as part of the application. The Conflict of Interest Checklist and Disclosure Form will not be scored but will be part of the non-technical responsiveness check. The Conflict of Interest Checklist and Disclosure Form is not part of the thirty (30)-page limit.

⁹ See WSDOT Secretary’s Executive Order E 1059.00 and the Agency’s Organizational Conflicts of Interest (OCOI) manual.

Applicants are strongly encouraged to thoroughly review and ensure compliance with WSDOT’s OCOI standards¹⁰.

6.3. Application timeline

The timeline below outlines the activities and corresponding dates that all Applicants must meet. WSDOT may update this timeline and will notify participants by posting an addendum on its [NEVI webpage](#). It is the Applicant's responsibility to check for such updates.

Applications received after the deadline will be deemed ineligible and will not be reviewed. Incomplete applications may be disqualified from consideration. WSDOT is not responsible for any errors or delays caused by technical difficulties resulting from submitting applications.

ACTIVITY	DATE	TIME	DETAILS
NOFO Pre-Solicitation Notice	8/20/2024	N/A	WSDOT NEVI Webpage and by email
NOFO/RFP	10/3/2024	5:00 PM PDT	WSDOT NEVI Webpage , by email and advertisement
NOFO Webinar	10/30/2024	TBD	WSDOT NEVI Webpage , by email and advertisement
Questions Due	11/15/2024	5:00 PM PDT	Email to nevi.programk@wsdot.wa.gov
Answers Posted	11/27/2024	5:00 PM PDT	WSDOT NEVI Webpage
NOFO Amendment (if/as needed)	12/4/2024	5:00 PM PDT	WSDOT NEVI Webpage , by email and advertisement
Applications Due	1/15/2025	11:59 PM PDT	Electronic portal (to be announced) , via WSDOT NEVI Webpage, by email and advertisement
Conditional Award (Anticipated)	02/28/2025	TBD	WSDOT NEVI Webpage, by email
WSDOT Debrief	Within five (5) business days after	TBD	WSDOT NEVI Webpage, by email

¹⁰ <https://wsdot.wa.gov/engineering-standards/all-manuals-and-standards/manuals/organizational-conflicts-interest-manual>

ACTIVITY	DATE	TIME	DETAILS
	Conditional Award Date		
Execution of Grant Agreement	No sooner than ten (10) days after Conditional Award Date	TBD	To be detailed in conditional award notice

6.4. Questions

Applicants who have any questions regarding this NOFO must submit questions by e-mail only to the Grant Administrator(s):

- Contact: Donna Hines, Alternative Fuels Contract Lead
- Grant Administrator Email: nevi.programk@wsdot.wa.gov

Questions should be addressed via email with the following information. Questions that do not identify all the requested information will not be considered.

- NOFO Document Name
- NOFO Document Section Number
- NOFO Document Page Number
- Question

All questions and answers will be posted on WSDOT’s NEVI Webpage. All Applicants will be responsible for checking the web page for any addendums to this NOFO and any questions that have been answered.

No other WSDOT personnel are allowed to discuss the NOFO before the proposal submission deadline. If this should change, WSDOT will clearly communicate the change by posting the update to WSDOT’s NEVI Webpage and by email.

WSDOT reserves the right to amend this NOFO at any time by addendum. If the addendum is issued before the closing date for receipt of applications, WSDOT may, in its sole discretion, extend the due date for application submittals. If the addendum is issued after the closing date for receipt of applications, WSDOT may, in its sole discretion, allow Applicants to amend their project applications in response to the addendum, if necessary. Applicants shall acknowledge all addendums in writing, per the instructions included in the addendums. Failure to review and

acknowledge all addendums may be grounds for rejection of an application and may be deemed non-responsive.

Any person requiring this NOFO document in an alternative format (such as braille, large print, or in a different language) can receive it at no cost. Please email your request to nevi.programk@wsdot.wa.gov.

Any person requiring a special accommodation due to a disability should contact WSDOT by email at nevi.programk@wsdot.wa.gov for assistance with this NOFO at least five (5) business days prior to the activity or action for which assistance is needed.

6.5. Application submittal

Applicants must submit all NEVI NOFO/RFP proposals electronically through our procurement application portal. **WSDOT expects to launch the portal in mid-October 2024**, and will then announce it on WSDOT’s NEVI Webpage, by email and advertisement.

NOFO/RFP proposals are to be submitted no later than 11:59 PM PDT on January 15th, 2025.

All Applicants must submit a Federal Tax ID Number **and** a current Washington Secretary of State Business Unified Business Identifier (UBI) number. All Applicants must submit proof of insurance policies – including but not limited to workers compensation, commercial general liability, umbrella liability, professional liability and cyber insurance policies -- valid for operations in the State of Washington (see Section 17 of the [Sample] NEVI Grant Agreement) . **WSDOT reserves the right to determine the sufficiency of Applicant’s insurance documentation and to request additional information prior to Grant award.**

Failure to submit this documentation may result in Applicant’s application to be determined as non-responsive.

6.6. Application amendment or withdrawal.

If WSDOT amends the NOFO/RFP and Applicant then wishes to amend an application submitted before the deadline, they must email the NEVI Grant Administrator (see Section 6.4, Questions).

Otherwise, Applicants who wish to withdraw and resubmit their Application will be required to resubmit the entire application through WSDOT’s procurement application portal (see Section 6.5, Application Submittal).

6.7. WSDOT discretion.

WSDOT reserves the right to reject any or all applications at any time prior to the execution of an agreement. WSDOT is not obligated to fund an application from an Applicant that has demonstrated marginal or unsatisfactory performance on previous competitive selections or contracts with WSDOT or other state agencies. WSDOT reserves the right to verify information contained in the application. This may include using publicly available information and other outside sources to evaluate the Applicant's performance under other contracts.

6.8. Disqualification of applications.

WSDOT may outright reject or may not evaluate applications for any of the following reasons:

- The Applicant fails to submit the application by the due date and time.
- The Applicant acknowledges that a requirement of the application cannot be met.
- The Applicant materially changes a requirement of this NOFO, or the application is not compliant with the requirements of this NOFO.
- The application limits the rights of WSDOT.
- The Applicant fails to include an authorized signature.
- The Applicant presents the information requested by this NOFO in a format inconsistent with the instructions of the NOFO or otherwise fails to comply with the requirements of the NOFO, including but not limited to failing to provide all required information.
- The Applicant provides misleading or inaccurate responses.
- The application includes conditional offers or non-committal language.
- There is insufficient evidence (including evidence submitted by the Applicant) to satisfy WSDOT that the Applicant is properly qualified to meet the requirements of this NOFO or the application.
- The proposed project is not in compliance with the applicable state or federal statutes or rules.

6.9 Process for clarification of application information.

WSDOT reserves the right to contact an Applicant after the submission of an application for the purpose of clarifying the application to ensure mutual understanding. WSDOT will not consider information received if the information materially alters the content of the application or alters the type of project the Applicant is proposing. Failure to comply with requests for additional information may result in rejection of the application as non-compliant.

6.10 Disposition of applications and copyrights.

All applications become WSDOT property and will not be returned to the Applicant at the conclusion of the selection process. Contents of all applications will be in the public domain and open for inspection by interested parties.

The Applicant agrees that WSDOT may copy the applications for purposes of facilitating the evaluation of the application or to respond to requests for public records. By applying, the Applicant consents to such copying and warrants that such copying will not violate the rights of any third party.

6.11 Public data.

If the Applicant submits information in its response to this NOFO/RFP that the Applicant considers as constituting trade secrets under RCW 19.108 or constituting financial, commercial and proprietary information under RCW 42.56.270, and Applicant wishes to protect such information from disclosure either (a) to other Applicants during the grant process or (b) to the public as a public record, Applicant must designate such information in the text of the application by including it within brackets and by including at the bottom of the application page on which they appear with the applicable identifying legend(s):

- This page contains information that constitutes a trade secret under RCW 19.108 and is not to be disclosed except in accordance with applicable law.
- This page contains confidential, proprietary information and is not to be disclosed except in accordance with applicable law.
- This page contains sensitive business, commercial or financial information and is not to be disclosed except in accordance with applicable law.

The Applicant shall also submit a fully redacted version of its application, clearly identified as the redacted version, redacting such information that the Applicant considers as constituting trade secrets or confidential financial, commercial and proprietary information, or sensitive business, commercial, or financial information, consistent with provisions of RCW 19.108 and RCW 42.56.270.

6.12. Exhibits and reference documents.

6.12.1. List of exhibits.

- Exhibit A – Notice of Funding Opportunity (NOFO) and Request for Proposals (RFP)
- Exhibit B – Technical Specifications and Requirements for Operation
- Exhibit C – Scope of Work and Deliverables
- Exhibit D – Technical Application/Response Form and Cost Proposal Form
- Exhibit E – National Electric Vehicle Infrastructure Standards and Requirements (“NEVI Rule”)
- Exhibit F – Federal Highway Administration (FHWA) Form 1273
- Exhibit G – Standard Non-Discrimination Form
- Exhibit H – Reserved for Site Host Certification Form
- Exhibit I - Project Wage Rates (Davis-Bacon and Washington Prevailing Wage Rates as of DATE XX)
- Exhibit J: Reimbursement Request Template (“Grant Progress Report and Reimbursement Request Templates”)
- Exhibit K: Buy America Requirements for EV Chargers (“NEVI BABA Rule”)
- Exhibit L: Design Recommendations for Accessible EV Charging Stations (Accessibility Recommendations)
- Exhibit M: Federal Transparency Act Subaward Reporting
- Exhibit N – Affidavit of Non-Collusion (Lobbying Certification)
- Exhibit O - Conflict of Interest and Disclosure Form

6.12.2. Reference documents

- [FHWA NEVI Formula Program Guidance](#)
- [NEVI Frequently Asked Questions](#)
- WSDOT NEVI State Plan Update 2023
- [WSDOT's NEVI Program Website](#)

7. Evaluation of applications

7.1. Evaluation process

WSDOT will use the following process to evaluate applications.

7.1.1. Responsiveness check

All applications will be reviewed for responsiveness (Responsiveness Check) to confirm the application meets the NOFO requirements. The Responsiveness Check is a two-step, pass/fail assessment. The first step is a Non-Technical Responsiveness Check. Applications that fail the Non-Technical Responsiveness Check will be determined to be non-responsive and will not be evaluated further.

The second step is a Technical Responsiveness Check. Applications that fail the Technical Responsiveness Check will be determined to be non-responsive and will not be evaluated further. If an Applicant or application fails to meet one or more of the requirements detailed in Exhibit D, Technical Application/Response Form and Cost Proposal Form, it may be determined to be non-responsive.

All requirements can be found in Exhibit D, Technical Application/Response Form and Cost Proposal Form.

7.1.2. Technical and cost proposal scoring criteria and evaluation

To evaluate technical applications, WSDOT will establish a **Review Committee made up of no less than five (5) members representing relevant Washington State government agencies**. Applications that pass the Responsiveness Check will be evaluated and scored individually by each Review Committee member on a competitive basis according to the scoring criteria and point maximums provided in the table below.

Maximum total points possible: 200.

A. Project Team Qualifications, Experience, and Approach (30 points, 15%)

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 30
Applicant team organization: Describe the Applicant team organization per Exhibit D, Technical Application/Response Form and Cost Proposal Form.	5

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 30
<p>Approach to project management: Describe the approach to project management per Exhibit D, Technical Application/Response Form and Cost Proposal Form.</p>	5
<p>Compliance with Federal Requirements: Indicate your level experience complying with the federal requirements outlined in section 17 of the Technical Application/Response Form and Cost Proposal Form.</p>	10
<p>Prior experience with 50kW or higher EVSE: Provide prior EVSE experience per Exhibit D, Technical Application/Response Form and Cost Proposal Form.</p> <ul style="list-style-type: none"> ● 5 Points for 15+ projects ● 3 Points for 10-14 projects ● 1 Point for 1-9 projects 	5
<p>Past EVSE reliability: Provide prior EVSE system performance per Exhibit D, Technical Application Form/Response Form and Cost Proposal Form.</p> <ul style="list-style-type: none"> ● 5 points for 97%+ ● 3 points for 93-96% ● 1 point for 85%-93% ● 0 points for below 85% or no prior experience 	5

B. Approach and Understanding of Requested Services (30 points, 15%)

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 30
<p>Approach to operations and maintenance: Describe your firm’s approach to O&M including at a minimum:</p> <ul style="list-style-type: none"> ● Plan to achieve uptime of 97% or greater ● Planned response times for minor and major outages <p>Plan for addressing weather related events (e.g., snow removal, wildfires).</p>	10
<p>Approach to utility coordination and permitting: Describe your firm’s approach to permitting and utility coordination.</p>	3

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 30
<p>Compliance with Federal Requirements: Indicate your level of experience complying with the federal requirements outlined in section 17 of the Technical Application and Response Form.</p>	4
<p>Approach to cybersecurity: Describe your firm’s approach to cybersecurity including at a minimum:</p> <ul style="list-style-type: none"> ● Protection measures for data storage, management, transactions, and transmittals. 	4
<p>ADA Accessibility standards for charging stations: Describe your firm’s approach to ensuring compliance with the applicable provisions of the Americans with Disabilities Act (ADA) and how you plan to incorporate the U.S. Access Board’s Design Recommendations for Accessible Electric Vehicle Charging Stations.</p>	3
<p>Quality assurance: Describe your firm’s quality assurance/quality control procedures</p>	6

C. Site Characteristics (60 points, 30%)

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 60
<p>Project site easily accessible amenities (access to restrooms 3 points, remaining items 2 points):</p> <ul style="list-style-type: none"> ● Access to restrooms (no more than 500 to 1,000 feet of the proposed site) ● Covered areas or awnings for chargers ● On-site staff ● Pull-through charging for trucks and trailers (2 points available for each pull-through EV space provided.) ● Enhanced safety features (e.g., call box, video surveillance). (2 points maximum) 	21
<p>Project site easily accessible amenities including but not limited to (1 point per amenity):</p> <ul style="list-style-type: none"> ● Access to restaurants and/or other retail (1 point maximum) 	

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 60
<ul style="list-style-type: none"> • Public Wi-Fi • Extra parking spaces for overflow/waiting • 110/120-volt outlets for electric micromobility 	
<p>Previously disturbed site: Charging station installation area has been previously disturbed as evidenced by existing pavement , and an increase in paved area or hardscape is not proposed. Site may qualify for categorical exemption, as per 23 CFR 771.17, although the installation of EVSE is a separate activity that may require its own environmental approval.</p>	9
<p>Proposed site details, design, and layout: describe the proposed site details, design, and layout. If available at time of application, provide an area map and identify each item clearly in a Preliminary Site Design and Layout or the Area Map as described in Exhibit D, Technical Application/Response Form and Cost Proposal Form.</p>	10
<p>Secured Sites: Applicant provides the required information for secured sites as defined in section 6.2.1 (a) at time of application.</p> <p style="text-align: right;">-OR-</p>	20
<p>Selected Sites Under Negotiation: Applicant provides the required information for selected sites under negotiation as defined in section 6.2.1(b) at time of application.</p>	10

D. Future Proofing, Innovation, and Resiliency (20 points, 10%)

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 20
<p>O&M beyond the five-year requirement: Describe your firm’s approach for operating and maintaining the charging stations beyond the five-year requirement.</p>	5
<p>On-site renewable energy generation and storage (e.g., solar arrays, stationary batteries): must demonstrate that this will lead to lower costs to consumers and greater EV charging station reliability.</p>	5

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 20
<p>Future Proofing: Describe your firm’s approach to preparing the station for future upgrades or expansion beyond the minimum requirement of conduit and wiring (refer to Exhibit B).</p>	5
<p>Connector Types (NACS SAE J3400): Describe your firm’s approach for incorporating permanently attached NRTL listed SAE J3400/North American Charging Standard (NACS) connectors in addition to CCS-1 connectors that NEVI requires.</p>	5

E. Equity (20 points, 10%)

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 20
<p>Community outreach and engagement: Describe your firm’s ongoing community/stakeholder engagement plan. If applicable, provide evidence of previous community engagement/stakeholder outreach. As per requirements of NOFO Section 4.2.1, Applicants submitting AFC Corridor proposals may include Subconsultants experience in engagement/stakeholder outreach.</p>	10
<p>Proximity to Justice40 Disadvantaged Communities (DACs): As per requirements of NOFO Section 4.2.1, Applicants submitting AFC Corridor proposals may include Subconsultants experience in Justice40 DAC activities. Provide distance of project from a Justice40 DAC:</p> <ul style="list-style-type: none"> • >Two Miles (1 points) • One to Two Miles (2 points) • Zero to One Mile (5 points) 	5
<p>Explanation of Benefits to DACs: Provide an explanation of how the project will benefit neighboring communities and how the project incorporates equity, workforce development, and economic development considerations for the surrounding community into the construction, operation, and maintenance of the</p>	5

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 20
charging station.	

F. Value Added Items (20 points, 10%)

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 20
<p>Additional value-added items at Applicant’s expense and/or effort: As per NOFO Section 4.2.1, Applicants submitting AFC Corridor proposals are encouraged to provide a list of Subconsultants in the Technical Application Form.</p> <p style="text-align: right;">5</p> <p>Contributing above the required minimum match of 20% by:</p> <ul style="list-style-type: none"> ● 10% or more (5 points) ● 5% or more (2.5 points) 	
<p>Additional chargers capable of charging at 150kW or higher power simultaneously beyond the required minimum of four chargers (must be new or upgraded chargers):</p> <p style="text-align: right;">5</p> <ul style="list-style-type: none"> ● Two or more (5 points) ● One (2.5 points) 	
<p>Application that includes three (3) or more subcontractors who have Federal, State, OR WSDOT certification as a Small Business Enterprise, a Public Works Small Enterprise, or Minority and Women-Owned Business Enterprise</p> <p style="text-align: right;">10</p>	

G. Cost Proposal (20 points, 10%)

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE: 20
<p>Financial feasibility, as substantiated by information in Exhibit D (Applicant’s Technical Application/Response Form and Cost Proposal Form), to determine if the Project is fiscally viable.</p> <p style="text-align: right;">20</p>	

7.1.3. Score tabulation

The maximum final score for any application is 200 points. The Review Committee will finalize all award recommendations. The Program Manager will draft a recommendation report of the grant award and submit the report to the Innovative Partnerships Program Director for review prior to notifying Applicants.

7.1.4. Award

WSDOT will notify the successful Applicant via email and will post the Notice of Proposed Awards on our [NEVI Webpage](#). An Agreement may be awarded to a responsive application that has been approved by the Review Committee. An Applicant with a low bid or proposal who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

WSDOT reserves the right to recommend awarding projects in a manner that ensures 40% of investments are within disadvantaged communities and achieve geographic parity.

WSDOT reserves the right to recommend partial funding of any proposal. In this event, the proposed Applicant/Awardee and WSDOT's NEVI Grant Manager must meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

7.2. Application irregularities and clarifications

WSDOT has the authority to reject any or all applications and to waive or allow corrections of any minor irregularities or non-material omissions. WSDOT can request clarifications from Applicants and the answers must be provided in the format detailed and by the deadline provided by WSDOT. Applicant's answers and clarifications will become part of the application.

7.2.1. Complaint and protest procedures

Eligible Applicants may make formal complaints during the application process both prior to award and after award.

7.2.1.1. Complaints prior to award

A complaint may be made before a potential Applicant responds to a solicitation document, if the potential Applicant believes that the application document unduly constrains competition or contains inadequate or improper criteria. The written complaint must be made to the department before the due date of the application. A person authorized to bind the eligible Applicant to a contractual relationship must sign the complaint. The agency solicitation process may however continue. The complaint letter must be addressed to:

WSDOT Innovative Partnerships
Attn: Tonia Buell, Alternative Fuels Program Manager
Washington State Department of Transportation
P.O. Box 47319
Olympia, WA 98504-7319
Email: nevi.programk@wsdot.wa.gov

(Letter must be addressed with Subject Line as follows: “NEVI”)

The NEVI Grant Manager (Tonia Buell, Alternative Fuels Program Manager) must reply to the potential Applicant with a written decision within five (5) days after the complaint was received by WSDOT. If the potential Applicant rejects WSDOT’s proposed solution to the complaint, the potential Applicant may appeal to the Director of Innovative Partnerships. The Director may direct modification of solicitation requirements or the schedule, direct withdrawal of the solicitation, or take other appropriate steps or may affirm the decision of the NEVI Grant Manager. The Director’s decision is final and no further administrative appeal is available.

WSDOT Innovative Partnerships
Attn: Anthony Buckley, Innovative Partnerships Director
Washington State Department of Transportation
P.O. Box 47319
Olympia, WA 98504-7319
Email: nevi.programk@wsdot.wa.gov

(Letter must be addressed with Subject Line as follows: “NEVI”)

7.2.1.2. Protests after award

Protests may be made within five (5) days after the bid opening and notice of proposed awards, as follows. Within two (2) business days of the bid opening and notice of proposed awards, and if/as requested by an Applicant, WSDOT shall provide copies of the bids received for the project. WSDOT shall then allow *at least* another three (3) full business days after providing Applicants with copies of all bids before executing a contract for the project.

Protests may be made only after the Applicant has had a debriefing conference with WSDOT.

Protests may be made on only the following grounds;

- Failed to follow procedures established in Application Guide, or applicable State or Federal laws or regulations.
- There was bias, discrimination or conflict of interest on part of an evaluator.

A person authorized to bind the Applicant to a contractual relationship must sign the protest letter. The WSDOT Innovative Partnerships Director must receive the written protest within five (5) business days from the date of bid opening and Notice of Proposed Award and must, in turn, immediately notify the NEVI Grant Manager of receipt of the protest. If the Director needs more time to issue a written decision, WSDOT must notify the protesting Applicant and the Applicant against whom the protest was made of the delay. WSDOT must also postpone further steps in the awards process until the protest has been resolved. Protests must be addressed to:

WSDOT Innovative Partnerships
Attn: Anthony Buckley, Innovative Partnerships Director
Washington State Department of Transportation
P.O. Box 47319
Olympia, WA 98504-7319
Email: nevi.programk@wsdot.wa.gov

(Letter must be addressed with Subject Line as follows: “NEVI”)

WSDOT will issue a written decision within ten (10) business days after receipt of the notice of appeal, unless more time is needed. The protesting proposer will be notified if additional time is necessary. WSDOT’s determination is final, and no further administrative appeal is available.

If the Director finds that the award should not have been awarded, he must notify the Applicant that received the award and provide the reasons for the decision. Such Applicant must then have

five (5) business days in which to appeal the director’s decision to WSDOT’s Principal Financial Officer, who will review the director’s decision. The written appeal must be mailed to the following address:

WSDOT – Financial Administration CFO
Attn: Doug Vaughn, Principal Financial Officer
Washington State Department of Transportation
P.O. Box 47319
Olympia, WA 98504-7319
Email: nevi.programk@wsdot.wa.gov

(Letter must be addressed with Subject Line as follows: “NEVI”)

The proposer must also forward a copy of the written appeal to the NEVI Grant Manager, (Tonia Buell, Alternative Fuels Program Manager) at the same time the appeal is sent to WSDOT’s Principal Financial Officer and the applicant against whom the protest is being made.

WSDOT’s Principal Financial Officer must consider the facts available and issue a decision within ten (10) business days after receipt of the appeal, unless more time is needed. If more time is required, the appellant and the initial protesting proposer must be notified.

If WSDOT’s Principal Financial Officer agrees that the award should be canceled, he must order the Innovative Partnerships Director to cancel the award within ten (10) business days after the decision is delivered to the Applicant which the contract had been initially awarded. If the award is canceled, WSDOT may award the contract to the next highest ranked and responsible applicant whose proposal is responsive to the solicitation.

7.2.1.3. Protest form and content

A protest or appeal must be in writing and must contain the facts and arguments upon which the protest is based and must be signed by a person authorized to bind the applicant to a contractual relationship.

At a minimum, this must include:

- The name of the protesting Applicant, mailing address, phone number, and the name of the individual responsible for submission of the protest.
- Specific and complete statement of the agency’s action(s) being protested.
- Specific reference to the grounds for the protest.

- Description of the relief or corrective action requested. All facts and arguments on which the protesting Applicant is relying as the basis for its action.
- All relevant exhibits related to, or referred to in the protest, which must be attached to the protest or supplied on demand by WSDOT.
- Copies of all protests, appeals and exhibits must be mailed or delivered by the protesting Applicant to the Applicants against whom the protest is made at the same time such protest, appeal, and exhibits are submitted to WSDOT.

8. Award

8.1. Pre-Agreement activities

The Applicant shall participate in the following pre-Agreement activities after the Notice of Proposed Award has been provided to the Applicant.

8.1.1. Pre-Agreement audit

Successful Applicants with proposed costs exceeding \$50,000 will be required to submit pre-Agreement audit information and comply with 2 CFR 200 audit standards¹¹. The pre-Agreement audit will ensure the Applicant has an acceptable accounting system, adequate and proper justification for rate charges to perform work, knowledge of cost eligibility, and documentation and file retention requirements. If an Applicant has not had an audit within the past three (3) years, the Applicant will be required to undergo a pre-award audit prior to execution. Failure to do so may result in disqualification.

8.1.2. Pre-Agreement risk assessment

The Applicant must work with the Grant Administrator to complete a pre-Agreement risk assessment prior to executing the Agreement. This includes, but is not limited to, Applicant's experience managing Federally-funded grants, legal assessment and status, accounting systems and internal controls, financial assessment, and monitoring/audit findings. Risk assessments are valid for twelve (12) months, so repeat NEVI Federal Funds Grantees do not require an additional risk assessment if one has been performed within the last twelve (12) months. The NEVI Grant Manager (Tonia Buell, Alternative Fuels Program Manager) will use the results of the pre-award risk

¹¹ 2 CFR 200.320 (a)(1)(iv)

assessment to determine the appropriate level of monitoring. Any additional monitoring requirements will be added to the Scope of Work and Deliverables before execution of the Agreement.

8.1.3. Financial review documents

WSDOT may require that a Grantee undergo a financial review after a Grant Award is made of \$25,000 or more has been made. This financial review may include a review of Grant recipient's tax filings or audited financial statements.

8.2. Execution of agreement

After the pre-agreement activities have been completed, the NEVI Grant Manager will send the Agreement to the Applicant. The Applicant shall sign the Agreement within fifteen (15) calendar days of receipt of the Agreement. At the time of execution of the Agreement, the Applicant shall provide the following documents:

- Signed Host Site Agreements
 - The Signed Host Site Agreements shall include all information required in Sections 6.2.1 (a) and 6.2.1 (b) and shall have an effective date of five (5) years following commissioning of each charging station.
- Surety Bond:
 - The Surety Bond shall include all language requested in section 6.2.2.
- Signed Letter from the Utility
 - The signed letter from the utility (or utilities) shall confirm that the utility (or utilities) will provide the required electrical service that complies with NEVI requirements to the Applicant at the proposed site.
- Federal Tax ID Number
- Current Washington Secretary of State Business Unified Business Identifier (UBI) number.
- Proof of registration with the Secretary of State to do business in the State of Washington.
- Insurance documentation listed in Section 6.5 of this NOFO
- Any additional certificates or documents deemed necessary by WSDOT.

NOTE: The Applicant cannot incur or agree to the payment of any costs to be requested for reimbursement prior to Notice to Proceed.

Once the Applicant has provided the required documents outlined above, WSDOT will sign the Agreement and the project will be considered obligated and having commenced. If the Applicant does not sign the Agreement and provide the required documents in a timely manner, WSDOT may rescind the award.

9. Post award

9.1. Reimbursement mechanism

Grantees will be eligible to submit invoices for reimbursement in accordance with the requirements.

9.1.1. Quarterly construction payments

Cost reimbursement may be invoiced quarterly upon compliance with the applicable reporting requirements of Task 5, as detailed in Exhibit C, Scope of Work and Deliverables. Supporting documentation of actual costs incurred is required, including invoices and proof of payment for reimbursement of costs already paid by the Grantee.

9.1.2. Construction payment withholding

WSDOT will withhold five (5) percent of the actual costs incurred for each Capital Costs Reimbursement Request, as detailed in Exhibit D. Upon completion of the Site Inspection as outlined in Exhibit C, and a final quarterly Reimbursement Request for all Capital Costs, WSDOT will release the entire Capital Costs retainage to the Grantee.

9.1.3. Quarterly operation and maintenance payments and withholding

WSDOT will retain 20 percent from each Operations and Maintenance Reimbursement Request for each charging station in the 1st, 2nd, and 3rd Quarter of each year. For the 4th Quarter, WSDOT will calculate the uptime for each port over the past year from data provided in Exhibit C. If the 97 percent uptime has been met at each individual port at each charging station, Grantee will receive the retainage withheld from the previous three quarters. If Grantee does not meet the required 97 percent uptime, WSDOT will deduct \$100 for every percentage point, or fraction thereof, that the 97 percent uptime is not met on a per-port basis, per the NEVI rule.

The amount will be deducted from the retainage. Once a performance deduction occurs, those funds cannot be recouped and are permanently subtracted from the total obligation. If the deduction is greater than the retainage, the Grantee will not be responsible for the overage and will not receive reimbursement of the retainage. Cost reimbursement may be invoiced for quarterly O&M costs upon quarterly compliance with the completion of tasks 4 and 5, as detailed in Exhibit C, Scope of Work and Deliverables. Supporting documentation of actual costs incurred is required.

9.1.4. Final payment and release of withholdings

Cost reimbursement may be invoiced for the final quarter of O&M costs and all remaining withholding upon quarterly compliance with and completion of tasks 4, 5, and 6, as detailed in Exhibit C, Scope of Work and Deliverables. Supporting documentation of actual costs incurred is required. WSDOT will only pay up to the Maximum Total Project Reimbursement detailed in the Cost Proposal Form during the application process, and all costs will be finalized in the final Agreement.

9.2. Potential event of default and operations & maintenance payments withholding

WSDOT has the right -- in its sole discretion – to require Grantee to develop and implement a contingency management plan, as a measure to cure a potential Event of Default.

9.3. Reasonable return on investment and use of program income.

In making a determination of the reasonable return on investment (ROI), WSDOT will refer to the national average for EV charging providers.

9.3.1. Net income from revenue from the sale, use, lease, or lease renewal of real property acquired.

Any net income from revenue from the sale, use, lease, or lease renewal of real property acquired shall be used for Title 23, United States Code, eligible projects.

9.3.2. Program income or revenue.

For purposes of program income or revenue earned from the operation of an EV charging station, the State or other direct recipient should ensure that all revenues received from operation of the EV charging facility are used only for:

- **9.3.2.1.** Debt service with respect to the EV charging station project, including funding of reasonable reserves and debt service on refinancing;
- **9.3.2.2.** A reasonable return on investment of any private person financing the charging station project, as determined solely by the State;
- **9.3.2.3.** Any costs necessary for the improvement of and proper operation and maintenance of the EV charging station, including reconstruction, resurfacing, restoration, and rehabilitation;
- **9.3.2.4.** If the EV charging station is subject to a public-private partnership agreement, payments that the party holding the right to the revenues owes to the other party under the public private partnership agreement; and

- **9.3.2.5.** Any other purpose for which Federal funds may be obligated under Title 23, United States Code.

Appendix A: Definitions and acronyms

Alternative Fuel Corridor (AFC): National EV charging and hydrogen, propane, and natural gas fueling corridors designated by FHWA, pursuant to 23 U.S.C. 151.

Applicant: The eligible entity and/or authorized representative of the eligible entity who has signed and is submitting the signed application response and who will be responsible, if subsequently identified as the Grantee, to ensure proper performance of the agreement is awarded.

Applicant (Grantee) Cost Share: See Match Share.

Bipartisan Infrastructure Law: A public investment of \$350 billion in highway programs, including directing States to establish a nationwide network of 500,000 charging stations by 2030.

CHAdEMO: A type of protocol for a charging connector interface between an EV and a charger. It specifies the physical, electrical, and communication requirements of the connector and mating vehicle inlet for direct-current (DC) fast charging. It is an abbreviation of “charge de move”, equivalent to “charge for moving.”

Charger: A device with one or more charging ports and connectors for charging EVs. Also referred to as Electric Vehicle Supply Equipment (EVSE).

Charging Network: A collection of chargers located on one or more properties that are connected via digital communications to manage the facilitation of payment, electrical charging, and transfer data requests.

Charging Network Provider: The entity that operates the digital communication network that remotely manages the chargers. Charging network providers may also serve as charging station operators and/or manufacture chargers.

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

Charging Station: The area in the immediate vicinity of a group of chargers and includes the chargers, supporting equipment, parking areas adjacent to the chargers, and lanes for vehicle ingress and egress. A charging station could comprise only part of the property on which it is located.

Combined Charging System (CCS): A standard connector interface that allows Direct Current Fast Chargers to connect to, communicate with, and charge EVs.

Commissioning: Testing to ensure that all systems are safe, robust and reliable, and meets or exceeds 23 CFR 680 standards prior to the initiation of public EV charger operation, typically performed by a certified engineer. Commissioning includes but is not limited to the obtaining of necessary permits and certifications, the physical installation of the chargers, the connection to the electrical grid, testing of the electrical connections, verification of functionality, and compliance with all relevant codes and standards.

Connector: The device that attaches an EV to a charging port to transfer electricity.

Contactless Payment Method: A secure method for consumers to purchase services using a debit card, credit card, smartcard, mobile application, or another payment device by using radio frequency identification (RFID) technology and near-field communication (NFC).

Direct Current Fast Charging (DCFC): A charger that enables rapid charging by delivering direct-current (DC) electricity directly to an EV's battery.

Disadvantaged Community (DACs): Census tracts or communities with common conditions identified by the U.S. Department of Transportation and the U.S. Department of Energy that consider appropriate data, indices, and screening tools to determine whether a specific community is disadvantaged based on a combination of variables that may include, but are not limited to, the following: low income, high and/or persistent poverty; high unemployment and underemployment; racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities; linguistic isolation; high housing cost burden and substandard housing; distressed neighborhoods; high transportation cost burden and/or low transportation access; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; disproportionate impacts from climate change; high energy cost burden and low energy access; jobs lost through the energy transition; and limited access to healthcare.

Electric Vehicle (EV): A motor vehicle that is either partially or fully powered on electric power received from an external power source. For the purposes of the NEVI program, this definition does not include golf carts, electric bicycles, or other micromobility devices.

Electric Vehicle Infrastructure Training Program (EVITP): A comprehensive training program for the installation of electric vehicle supply equipment.

Electric Vehicle Charging Analytics and Reporting Tool (EV-ChART): A database created by the Joint Office of Energy and Transportation to facilitate the standardization and collection of the data submittals required under 23 CFR 680.112.

Electric Vehicle Service Provider (EVSP): The entity responsible for operation and maintenance of one or more networked or non-networked charging stations.

Electric Vehicle Supply Equipment: See Charger.

Future Proofing: An approach to preparing an EV station for future upgrades or expansion beyond the minimum (NEVI project) requirement of conduit and wiring

Grantee: The applicant who, upon awarding of a contract and execution of the Grant Agreement, will be responsible for managing the awarded contract and the party to whom payment will be made.

Grant Agreement: The agreement between the grantee and the Washington State Department of Transportation.

Match Share: The Grantee's required contribution to the total eligible project cost which shall be a minimum of 20%, pursuant to 23 CFR 151 (f)(10)(A).

National Electric Vehicle Infrastructure Program (NEVI): Provides dedicated funding to States to strategically deploy EV charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability. Initially, funding under this program is directed to designated Alternative Fuel Corridors (AFCs) for electric vehicles to build out this national network, particularly along the Interstate Highway System

North American Charging Standard (NACS/SAE J3400): A type of protocol for a charging connector interface between an EV and a charger. It specifies the physical, electrical, and communication requirements of the connector and mating vehicle inlet for direct-current (DC) fast charging. The North American Charging Standard is being standardized as SAE J3400.

NEVI Compliant: Electric vehicle supply equipment meeting all minimum standards and requirements for the NEVI program outlined in Title 23 CFR 680.

Open Charge Point Interface (OCPI): An open-source communication protocol that governs the communication among multiple charging networks, other communication networks, and software applications to provide information and services for EV drivers.

Open Charge Point Protocol (OCPP): An open-source communication protocol that governs the communication between chargers and the charging networks that remotely manage the chargers.

Operations and Maintenance (O&M): The five-year period beginning immediately after the commissioning of an EV Charging Station.

Period of Performance (PoP): The total estimated time interval between the start of an initial Federal award and the planned end date¹².

Plug and Charge: A method of initiating charging, whereby an EV charging customer plugs a connector into their vehicle and their identity is authenticated through digital certificates defined by ISO-15118, a charging session initiates, and a payment is transacted automatically, without any other customer actions required at the point of use.

Pull-through design: Charging station design that will allow vehicles to drive through without reversing, making it easier for larger vehicles and those towing trailers to access the charging infrastructure.

Power Sharing: The process of dynamically limiting the charging power output of individual charging ports at a charging station to ensure that the sum total power output to all EVs concurrently charging remains below a maximum power threshold. This is also called automated load management.

Private entity: A corporation, partnership, company, other nongovernmental entity, nonprofit organization, or other entity, as defined in 23 USC 151(f)(3).

Resilience. Identification of the AFC location of existing and proposed EV charging infrastructure, with respect to potential impact of climate change and extreme weather events, as well as with respect to the Federal Flood Risk Management Standards.

Secure Site. A Host Site that meets requirements provided for in Section 6.2.1(a) and 6.2.1(b) of the NOFO.

Site Host Agreement: A legal contract between the owner of the real property (Site) and the Grantee that makes the Site available to the Grantee for the entire length of the Agreement for the purpose of constructing, installing, operating, and maintaining an EV charging station in accordance

¹² 2 CFR Part 200.1

with 23 CFR 680 and all applicable laws and regulations and describes the legal obligations of each party.

Site Host: The owner of the land on which the charging station will be built.

Smart charge management. The process of controlling the amount of power dispensed by chargers to EVs to meet customers' charging needs while also responding to external power demand or pricing signals to provide load management, resilience, or other benefits to the electric grid.

Appendix B: Minimum NEVI standards and requirements

The standards and requirements from the NEVI Final Rule (23 CFR 680) that are applicable to this NOFO are listed below. These requirements must be followed to ensure compliance with the NEVI Final Rule that went into effect starting March 30, 2023. If an application does not propose to meet minimum NEVI standards and requirements, it will not be eligible to be evaluated within the merit-based selection process. Applicants should carefully review Federal standards and requirements governing NEVI: <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-G/part-680>.

§ 680.106 Installation, operation, and maintenance by qualified technicians of electric vehicle charging infrastructure:

Number of charging ports:

- Stations should be designed to provide at least four (4) Combined Charging System (CCS) ports capable of simultaneously charging four EVs.

Connector type:

- All charging connectors must meet applicable industry standards.
- Each DCFC charging port must be capable of charging any CCS-compliant vehicle.
- Each DCFC charging port must have at least one permanently attached non-proprietary CCS Type 1 connector. Permanently attached non-proprietary connectors such as J3400 connectors can be provided on each charging port so long as the requirements of 23 CFR 680 are met.
- Permanently attached CHAdeMO (www.chademo.com) connectors can be provided using only FY2022 NEVI Funds. Each AC Level 2 charging port must have a permanently attached, non-proprietary J1772 connector and must charge any J1772-compliant vehicle.

Power level:

- DCFC charging ports must support output voltages between 250 volts DC and 920 volts DC.
- DCFCs must have a continuous power delivery rating of at least 150 kilowatt (kW) and supply power according to an EV's power delivery request up to 150 kW, simultaneously from each charging port at a charging station.
- DCFC charging stations may conduct power sharing so long as each charging port continues to meet an EV's request for power up to 150 kW.

Availability:

- Charging stations must be available for use and sited at AFC locations physically accessible to the public 24 hours per day, 7 days per week, year-round.
- This section does not prohibit isolated or temporary interruptions in service or access because of maintenance or repairs or due to the exclusions outlined in § 680.116(b)(3).

Payment Methods:

- Unless charging is permanently provided free of charge to customers, charging stations must:
- Provide for secure payment methods, accessible to persons with disabilities, which at a minimum shall include a contactless payment method that accepts major debit and credit cards, and
- either an automated toll-free phone number or a short message/messaging system (SMS) that provides the EV charging customer with the option to initiate a charging session and submit payment;
- Not require a membership for use;
- Not delay, limit, or curtail power flow to vehicles based on payment method or membership; and
- Provide access for users that are limited English proficient and accessibility for people with disabilities. Automated toll-free phone numbers and SMS payment options must clearly identify payment access for these populations.

Equipment Certification:

- All chargers must be certified by an Occupational Safety and Health Administration Nationally Recognized Testing Laboratory.
- DCFC chargers should be certified to the appropriate Underwriters Laboratories (UL) standards for EV charging system equipment.

Security:

- Charging stations must implement physical and cybersecurity strategies consistent with their respective State EV Infrastructure Deployment Plans to ensure charging station operations protect consumer data and protect against the risk of harm to, or disruption of, charging infrastructure and the grid.
- Physical security strategies may include topics such as lighting; siting and station design to ensure visibility from onlookers; driver and vehicle safety; video surveillance; emergency call boxes; fire prevention; charger locks; and strategies to prevent tampering and illegal surveillance of payment devices.
- Cybersecurity strategies may include the following topics: user identity and access management; cryptographic agility and support of multiple PKIs; monitoring and detection; incident prevention and handling; configuration, vulnerability, and software update management; third- party cybersecurity testing and certification; and continuity of operation when communication between the charger and charging network is disrupted.
- All services implemented in Washington on state energy systems and networks must be compliant with the National Institute of Standards and Technology Cybersecurity Framework Profile for Electric Vehicle Fast Charging Infrastructure, International Standard 15118-20:2022, and third-party contractor approval. NEVI awardees will be required to represent and warrant that they will comply with all applicable elements of the State Energy

Resilience and Emergency Management Office (EREMO) cybersecurity and physical security program.

Long-term Stewardship:

- Charging stations must be maintained in compliance with NEVI requirements for a period of not less than five (5) years from the initial date of operation.

Qualified Technician:

- The workforce installing, maintaining, and operating chargers must have appropriate licenses, certifications, and training to ensure that the installation and maintenance of chargers is performed safely by a qualified and increasingly diverse workforce of licensed technicians and other laborers. Further:
- Except as provided in paragraph (j)(2) of this section, all electricians installing, operating, or maintaining EVSE must meet one of the following requirements:
 - Certification from the EVITP.
 - Graduation or a continuing education certificate from a registered apprenticeship program for electricians that includes charger-specific training and is developed as a part of a national guideline standard approved by the Department of Labor in consultation with the Department of Transportation.
- For projects requiring more than one (1) electrician, at least one (1) electrician must meet the requirements above, and at least one electrician must be enrolled in an electrical registered apprenticeship program.
- All other onsite, non-electrical workers directly involved in the installation, operation, and maintenance of chargers must have graduated from a registered apprenticeship program or have appropriate licenses, certifications, and training as required by the State.

Customer Service:

- EV charging customers must have mechanisms to report outages, malfunctions, and other issues with charging infrastructure.
- Charging station operators must enable access to accessible platforms that provide multilingual services.
- Recipients must comply with the American with Disabilities Act of 1990 requirements and multilingual access when creating reporting mechanisms.

Customer Data Privacy:

- Charging station operators must collect, process, and retain only that personal information strictly necessary to provide the charging service to a consumer, including information to complete the charging transaction and to provide the AFC location of charging stations to the consumer.

- Chargers and charging networks should be compliant with appropriate Payment Card Industry Data Security Standards (PCI DSS) for the processing, transmission, and storage of cardholder data.
- Charging Station Operators must also take reasonable measures to safeguard consumer data.

Use of Program Income:

- Any net income from revenue from the sale, use, lease, or lease renewal of real property acquired shall be used for Title 23, United States Code, eligible projects. Per 2 CFR 200.307, any income or revenue received during the period of performance (POP) shall be deducted from the total allowable costs of Federal funds used on the project to determine the net allowable costs, at the Federal share applied.
- For purposes of program income or revenue earned from the operation of an EV charging station, the State or other direct recipient should ensure that all revenues received from operation of the EV charging facility are used only for:
 - Debt service with respect to the EV charging station project, including funding of reasonable reserves and debt service on refinancing;
 - A reasonable return on investment of any private person financing the EV charging station project, as determined by the State or other direct recipient;
 - Any costs necessary for the improvement and proper operation and maintenance of the EV charging station, including reconstruction, resurfacing, restoration, and rehabilitation;
 - If the EV charging station is subject to a public-private partnership agreement, payments that the party holding the right to the revenues owes to the other party under the public-private partnership agreement; and
 - Any other purpose for which Federal funds may be obligated under Title 23, United States Code.

§ 680.(d)108 Interoperability of electric vehicle charging infrastructure Charger-to-EV

communication:

- Chargers must conform to ISO 15118–3 and must have hardware capable of implementing both ISO 15118–2 and ISO 15118–20.
- By February 28, 2024, charger software must conform to ISO 15118–2 and be capable of Plug and Charge.
- Conformance testing for charger software and hardware should follow ISO 15118–4 and ISO 15118–5, respectively.

Charger-to-Charger-Network communication:

- Chargers must conform to Open Charge Point Protocol (OCPP) 2.0.1.

Charging-Network-to-Charging-Network communication:

- By February 28, 2024, charging networks must be capable of communicating with other charging networks in accordance with Open Charge Point Interface (OCPI) 2.2.1.

Network switching capability:

- Chargers must be designed to securely switch charging network providers without any changes to hardware.

§ 680.110 Traffic control devices or on-premises signs acquired, installed, or operated:

Manual on Uniform Traffic Control Devices for Streets and Highways

- All traffic control devices must comply with part 655 of this subchapter.

On-premises signs

- On-property or on-premises advertising signs must comply with part 750 of this chapter.

§ 680.112 Data Submittal:

- **O&M Data Reporting:** The Grantee shall report data required by 23 CFR 680.112 directly to EV- ChART, at the time specified in Attachment 2, Scope of Work and Deliverables.
- [Electric Vehicle Charging Analytics and Reporting Tool \(EV-ChART\) · Joint Office of Energy and Transportation \(driveelectric.gov\)](#)

§ 680.114 Charging network connectivity of electric vehicle charging infrastructure: Charger-to-charger-network communication

- Chargers must communicate with a charging network via a secure communication method. See § 680.108 for more information about OCPP requirements.
- Chargers must have the ability to receive and implement secure, remote software updates and conduct real-time protocol translation, encryption and decryption, authentication, and authorization in their communication with charging networks.
- Charging networks must perform and chargers must support remote charger monitoring, diagnostics, control, and smart charge management.
- Chargers and charging networks must securely measure, communicate, store, and report energy and power dispensed, real-time charging-port status, real-time price to the customer, and historical charging-port uptime.

Interoperability

- See § 680.108 for interoperability requirements.

Charging-network-to-charging-network communication

- A charging network must be capable of communicating with other charging networks to enable an EV driver to use a single method of identification to charge at Charging Stations that are a part of multiple charging networks. See § 680.108 for more information about OCPI requirements.

Charging-network-to-grid communication

- Charging networks must be capable of secure communication with electric utilities, other energy providers, or local energy management systems.

Disrupted network connectivity

- Chargers must remain functional if communication with the charging network is temporarily disrupted, such that they initiate and complete charging sessions, providing the minimum required power level defined in § 680.106(d).

§ 680.116 Information on publicly available electric vehicle charging infrastructure locations, pricing, real time availability, and accessibility through mapping:

Communication of price

- The price for charging must be displayed prior to initiating a charging transaction and be based on the price for electricity to charge in \$/kWh.
- The price for charging displayed and communicated via the charging network must be the real-time price (i.e., price at that moment in time). The price at the start of the session cannot change during the session.
- Price structure including any other fees in addition to the price for electricity to charge must be clearly displayed and explained.

Minimum uptime

- States or other direct recipients must ensure that each charging port has an average annual uptime of greater than 97%.
- A charging port is considered “up” when its hardware and software are both online and available for use, or in use, and the charging port successfully dispenses electricity in accordance with requirements for minimum power level (see § 680.106(d)).
- Charging port uptime must be calculated on a monthly basis for the previous twelve months.
- Charging port uptime percentage must be calculated using the following equation:

$$\mu = ((525,600 - (T_{\text{outage}} - T_{\text{excluded}})) / 525,600) \times 100 \text{ where:}$$

μ = port uptime percentage,

T_{outage} = total minutes of outage in previous year, and

T_{excluded} = total minutes of outage in previous year caused by the following reasons outside the charging station operator's control, provided that the charging station operator can demonstrate that the charging port would otherwise be operational: electric utility service interruptions, failure to charge or meet the EV charging customer's expectation for power delivery due to the fault of the vehicle, scheduled maintenance, vandalism, or natural disasters. Also excluded are hours outside of the identified hours of operation of the charging station.

Third-party data sharing

- Grantees must ensure that the following data fields are made available, free of charge, to third-party software developers, via application programming interface:
 - Unique charging station name or identifier;
 - Address (street address, city, State, and zip code) of the property where the charging station is located;
 - Geographic coordinates in decimal degrees of exact charging station location;
 - Charging station operator name;
 - Charging network provider name;
 - Charging station status (operational, under construction, planned, or decommissioned);
 - Charging station access information:
 - Charging station access type (public or limited to commercial vehicles);
 - Charging station access days/times (hours of operation for the charging station);
 - Charging port information:
 - Number of charging ports;
 - Unique port identifier;
 - Connector types available by port;
 - Charging level by port (e.g., DCFC.);
 - Power delivery rating in kilowatts by port;
 - Accessibility by vehicle with trailer (pull-through stall) by port (yes/no);
 - Real-time status by port in terms defined by Open Charge Point Interface 2.2.1;
 - Pricing and payment information:
 - Pricing structure;
 - Real-time price to charge at each charging port, in terms defined by Open Charge Point Interface 2.2.1; and
 - Payment methods accepted at charging station.

§ 680.118 Other Federal Requirements:

- All statutory and regulatory requirements that are applicable to funds apportioned under chapter 1 of Title 23, United States Code, and the requirements of 2 CFR part 200 apply. This includes the applicable requirements of 23, United States Code, and Title 23, Code of Federal Regulations, such as the applicable Buy America requirements at 23 U.S.C. 313 and Build America, Buy America Act (Pub. L. No 117–58, div. G sections 70901– 70927).
- As provided at 23 U.S.C. 109(s)(2), projects to install EV chargers are treated as if the project is located on a Federal-aid highway. As a project located on a Federal-aid highway, 23 U.S.C. 113 applies and Davis Bacon Federal wage rate requirements included at subchapter IV of

chapter 31 of Title 40, U.S.C., must be paid for any project funded with NEVI Formula Program funds.

The American with Disabilities Act of 1990 (ADA), and implementing regulations, apply to EV charging stations by prohibiting discrimination on the basis of disability by public and private entities. EV charging stations must comply with applicable accessibility standards adopted by the Department of Transportation into its ADA regulations (49 CFR part 37) in 2006, and adopted by the Department of Justice into its ADA regulations (28 CFR parts 35 and 36) in 2010, as well as [U.S. Access Board's Design Recommendations for Accessible Electric Vehicle Charging Stations](#).

- Title VI of the Civil Rights Act of 1964, and implementing regulations, apply to this program to ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- All applicable requirements of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), and implementing regulations, apply to this program.
- The Disadvantaged Business Enterprise (DBE) program does not apply to the NEVI Formula Funds; however, the DBE program may apply to other programs apportioned under chapter 1 of Title 23, United States Code.
- The Uniform Relocation Assistance and Real Property Acquisition Act, and implementing regulations, apply to this program by establishing minimum standards for federally funded programs and projects that involve the acquisition of real property (real estate) or the displacement or relocation of persons from their homes, businesses, or farms.
- The National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality's NEPA implementing regulations, and applicable agency NEPA procedures apply to this program by establishing procedural requirements to ensure that Federal agencies consider the consequences of their proposed actions on the human environment and inform the public about their decision making for major Federal actions significantly affecting the quality of the human environment.