

ODOT NEVI FAQs

Revised August 12th, 2024

Does ODOT intend to award one application per corridor?

Yes, ODOT intends to select one application for award per corridor.

Does the requirement to incorporate CHAdeMO mean that both ports on a dual port charger are required to offer CHAdeMO, or only one port?

In reference to section 2.7 of Attachment 1 — Technical Specifications and Requirements for Operation — ODOT has elected to remove CHAdeMO as a *requirement* and instead requests that applicants indicate their approach for the *optional* inclusion of CHAdeMO in section 13.6 of Attachment 3 – Technical Application and Response form. ODOT will soon publish an addendum to Attachment 1 of the Notice of Funding Opportunity which reflects this change.

How will the cost proposal be scored?

Cost proposals will be scored as follows:

1. Applicant with the lowest cost proposal will receive 20 points (maximum points available).
2. Applicant with the second-lowest cost proposal will receive 19 points
3. Applicant with the third-lowest cost proposal will receive 18 points, etc.

Applicant cost proposals that exceed the maximum expected award amount for that corridor by up to 10% will receive 50% of the points they otherwise would have received based on their position.

Applicant cost proposals that exceed the maximum expected award amount for that corridor by 10.1% or more will receive 25% of the points they otherwise would have received based on their position.

Should the cost proposal exceed the maximum expected award amount due to (i) higher-than-anticipated costs related to utility upgrades, (ii) inclusion of battery energy storage systems and/or (iii) inclusion of other distributed energy resources that are necessary to ensure that the site complies with Title 23 CFR 680, then the cost proposal may not receive a percentage reduction and will be ranked as normal.

ODOT aims to be a good steward of federal funding and recognizes that several strategies may be available to applicants to keep costs within a range of reason, including consideration of an alternative site. ODOT encourages applicants to explore cost mitigation strategies first, including discussions with the pertinent utility. Insights re the applicant's exploration of cost mitigation strategies, when there is a need for higher-than-anticipated costs, **must be included in Section 7.6 of the Technical Application and Response Form.**

What are the details of the incentive related to rapid commissioning of a charging station, and how can applicants showcase this ability in their proposal?

ODOT is still investigating the possibility of an incentive payment for contractors who can rapidly commission at least one charging station along the corridor with all four ports operational. The incentive payment will be clarified at the time of the agreement's execution. Applicants are encouraged to showcase this ability in section 6.2 of Attachment 3, Technical Application and Response Form, (e.g., status of negotiation with the site host, availability of Build America, Buy America compliant materials and EVSE.)

How will ODOT calculate reasonable return on investment?

ODOT continues to seek additional clarification from the Federal Highway Administration regarding 23 CFR 680.106(m) Use of Program Income. ODOT encourages applicants to indicate what they interpret as a reasonable rate of return in section 4.7 of Attachment 3, Technical Application and Response form. ODOT anticipates finalizing the reasonable rate of return prior to execution of the grant agreement and that it will be finalized during negotiations.

What is the kW requirement for the CHAdeMO port?

In reference to section 2.7 of Attachment 1 — Technical Specifications and Requirements for Operation — ODOT has elected to remove CHAdeMO as a *requirement* and instead requests that applicants indicate their approach for the *optional* inclusion of CHAdeMO in section 13.6 of Attachment 3 – Technical Application and Response form. As part of this approach, applicants should indicate the power level associated with the CHAdeMO port, but it should be a minimum of 50 kW.

What is ODOT's rationale for taking a corridor approach to the NEVI program instead of allowing applicants to propose individual sites?

The purpose of the NEVI program is to establish a nationwide network of DC Fast Chargers that are reliable, convenient, affordable, and equitable. To meet this requirement, ODOT must ensure that all corridors associated with the NEVI program, regardless of location or

desirability, are fully built out to meet the spacing requirements of the NEVI program. ODOT determined that the most reliable and timely method for delivering fully built-out corridors is for each applicant to propose to develop the full corridor, rather than individual sites along the corridor. ODOT's corridor approach precludes the possibility of only certain sites on the corridor being selected and ensures that ODOT can achieve fully built-out status per the NEVI guidelines.

Will the conduit and wiring requirement be considered satisfied if applicants propose to go above the minimum required four ports by two or more additional ports at a charging station?

Yes, the conduit and wiring requirement would be considered satisfied if the additional ports (two or more) can provide charging at or above 150kW and can be operated simultaneously with no increased risk of disruption to the other four ports required by the NEVI program. The applicant may qualify for additional points as outlined in Section 7.1.2 (F) of the NOFOs.

If sites are already within the 50-mile window, can we use those for NEVI, or do the sites need to be all new installations?

Applicants may propose to upgrade existing stations that are not currently NEVI compliant, expand upon an existing location to add four or more NEVI compliant ports, or propose to develop new NEVI charging stations.

Can an applicant submit more sites for a corridor than the required number of sites?

Yes, an applicant may propose more than the required number of sites along the corridor so long as the additional sites do not exceed the expected award amount. These additional sites will not be scored as part of the application, but an applicant should include the sites in its application and submit all required attachments for these additional sites.

ODOT will only score the number of sites associated with the minimum for each corridor, i.e., the first two sites submitted for I-205, the first three sites submitted for I-5, and the first seven sites submitted for U.S. 97. Any additional sites submitted beyond the required minimum will not be scored.

If the applicant is selected, these additional sites would then become part of the grant agreement and be eligible for cost reimbursement per the NEVI program guidelines. The applicant would be contractually obligated to install, own, operate, and maintain all sites for the five-year period of performance.

ODOT has elected not to score additional sites beyond the required minimum number because it avoids a situation where the applicant that proposes the most sites automatically earns the

most points. ODOT strongly believes that this is contrary to its best value approach which considers access to amenities, future proofing, innovation and resiliency, site characteristics, and equity as important factors when awarding funding.

If you have a BESS-supported charger, can we have a smaller utility connection as long as the station meets NEVI power requirements?

Yes, provided there is not an increased risk of disruption to the charger's ability to provide charging at speeds of 150kW or greater to four ports simultaneously. (BESS may be included as an eligible expense if the applicant demonstrates that it lowers cost to consumers).

Are applicants able to partner?

There are several scenarios where applicants are permitted to form partnerships. Applicants were requested to provide ODOT with a list of "major participants" when they submitted their Statements of Qualifications (SOQs) in response to ODOT's Request for Qualifications (RFQ) issued in June of 2023. Applicants are permitted to partner with any of the major participants that they disclosed in their SOQs. However, ODOT will only enter into a grant agreement with a single prime contractor that was pre-qualified through the RFQ.

If applicants wish to add a major participant to the team who was not initially disclosed in their SOQ, applicants should identify the new major participant in Section 3 of Attachment 3 — Technical Application and Response Form — by highlighting the organization's name, key team members, and their proposed roles and responsibilities. (That is, use the "highlight" tool on that information.) ODOT reserves the right to review and approve or reject this new major participant and may request additional information from the applicant.

As a reminder, the term "major participant" means any of the following entities:

- All general partners or joint venture members of the applicant.
- All individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity however organized, holding (directly or indirectly) a 30% or greater interest in the applicant.
- Any prime and all proposed subcontractor(s).
- The lead engineering/design firm(s), as applicable.
- Each engineering/design sub-consultant that may perform design work, as applicable.

If an applicant is unable to provide all of the sites on a corridor will the bid be automatically rejected?

Yes. ODOT will require applicants propose to develop full corridors rather than individual sites along the corridor, hence applications that do not propose to develop the minimum number of charging stations associated with the corridor will be rejected.

Must the applicant/grantee be the owner of the charging station?

Yes, per section 1.2 of the NOFOs, the grantee shall own, operate, and maintain the EVSE and the NEVI station over the five-year period.

However, there is one exception to this requirement. If the applicant is working directly with one of Oregon's federally recognized Tribes, ODOT will allow for the Tribe to own the EVSE and the NEVI station located on Tribal lands. The grantee and the Tribe must be able to meet all minimum requirements associated with the NEVI program over the five-year period of performance.

Why do the PDF maps call out park and rides?

ODOT used these GIS maps for multiple purposes, including our community engagement and stakeholder outreach efforts. People are familiar with the park and ride locations, and we felt it helpful to provide them as a point of reference, especially in more rural areas where there are no other discernible landmarks. There is no requirement to site NEVI stations at park and ride locations.

Did ODOT identify specific sites along the corridor, or are applicants able to propose any location so long as it meets the requirements of the program?

Applicants may propose any location along the corridors so long as it meets all requirements associated with the NEVI program.

The NEVI program guidelines state that stations should, in general, be located no greater than 1 mile from interchange exits or highway intersections. Is there flexibility in this 1-mile requirement?

ODOT confirmed with the Federal Highway Administration that the 1-mile requirement is not flexible. Stations must be located no further than 1 mile from interchange exits or highway intersections.

Can ODOT confirm that an applicant would need to propose at least seven NEVI-compliant sites, each having a minimum of four charging ports, to be considered for this round of NEVI funds for U.S. 97?

Yes, applicants must propose a minimum of seven sites with charging stations — each station having a minimum of four charging ports — along U.S. 97 to be considered eligible.

Does the requirement to incorporate charging at or above 150kW apply to the charger, or to the port? (e.g., would having a single port capable of charging at above 150kW satisfy the requirement?)

The requirement applies to the port, so a single port offering charging at or above 150kW would satisfy the requirement. However, this assumes the port is capable of charging at that higher level while the other three ports are capable of simultaneously charging at 150 kW.

Does the requirement for conduit and wiring for two additional chargers at or above 150kW apply to chargers or ports? (e.g. would a single dual port charger satisfy this requirement?)

A dual port charger that offers charging at 150kW simultaneously at each port would satisfy the requirement.

Given that the U.S. Access Board rulemaking has not yet started, and the design recommendations are subject to change, how does ODOT intend to apply the requirement that “projects shall abide by the Design Recommendations for Accessible EV Charging Stations published by the U.S. Access Board?”

ODOT encourages applicants to familiarize themselves with the U.S. Access Board’s design recommendations for accessible EV charging stations. The applicant shall provide at least one ADA accessible parking space designated as “use last” parking space, which signals to others that the design and dimensions of that parking space meet ADA standards, but that it is not an exclusive ADA parking space.

In lieu of unnecessarily requiring (potentially multiple) fire extinguishers to be permanently installed alongside EVSE, would ODOT consider removing this requirement and simply evaluate applicant's proposed safety features/plans (covered by Approach to Safety) in Section B of the Technical Scoring Criteria?

ODOT clarifies that each proposed NEVI project site shall provide a minimum of one fire extinguisher within 10 feet of at least one of the EVSE.

Can ODOT elaborate on the "Letter of Credit" required to be in place for the duration of the project term? Will ODOT accept performance and/or surety bonds in place of the Letter of Credit as with traditional construction projects?

The Letter of Credit requirement is shown in Section four of the sample grant agreement. Each recipient's banking institution must provide the Letter of Credit and will be individualized based on that institution. ODOT will not accept performance or surety bonds in lieu of a Letter of Credit. The Letter of Credit is required so that, in case of default, ODOT can easily retrieve any expended funds.

Traditional construction projects require a performance bond and a payment bond. A performance bond is a guarantee of the contractor's performance of the contract and that the project is completed. A payment bond is a guarantee of the contractor's obligation to pay for materials, equipment, and labor.

As ODOT is not a party to the contract with the private property owner and does not have control in relation to that contract, a Letter of Credit is better suited to this delivery structure. As indicated in Section 4 of the sample grant agreement, the amount of credit is tiered over time to be more attainable and to align with the exposure to risk.

Will costs associated with installing a permanent CHAdeMO port at each site be eligible for reimbursement if that port is installed as a fifth port, but will deliver a maximum of 100kW?

Yes, provided that the station maintains the minimum requirement of four ports with permanently attached CCS connectors providing charging at a minimum of 150kW simultaneously.

ODOT is requiring that one charger must charge more than 150kW; must this charger be capable of charging more than 150kW per port? Additionally, if it is per port, does the 150kW need to be capable of 150kW simultaneously?

The requirement for charging at or above 150kW applies to the port, not to the charger. One port shall provide charging at higher than 150kW, and the remaining three ports shall provide charging at a minimum of 150kW simultaneously.

In the value-added section of the scoring rubric, it states that if we propose "additional chargers above the minimum four required chargers..." Is this implying that ODOT is requiring all sites to propose four DCFC chargers per site, or four DCFC ports per site, which is in alignment with the NEVI guidelines?

The NEVI requirement applies to ports. Each proposed charging station must provide a minimum of four ports and be capable of charging four vehicles simultaneously (i.e., four parking spaces). Three of the ports must be capable of charging at 150 kW and one port must be capable of charging above 150 kW. All four ports must be able to operate simultaneously at the required power levels.

Can ODOT confirm that there is no number of charger minimum requirement for this grant, but only a minimum port requirement?

ODOT confirms the NEVI requirement applies to ports, not to chargers.

Can a site host be a part of more than one application?

Yes, a site host can be part of more than one application.

How does ODOT intend to score corridor applications with the current scoring rubric that appears to be on a by site basis, and can ODOT provide more information on how applicants will be scored on a corridor approach?

ODOT will evaluate each proposed charging station along the corridor and assign a score of up to 200 points. Once each charging station has been evaluated, ODOT will then add the scores together, and this becomes the applicant's total score for the corridor. The maximum score available for the corridor is 200 multiplied by the minimum number of charging stations required for each corridor. (For example, if two sites are required on a corridor, the maximum

score is 200 x 2, or 400 points). Each corridor must offer the minimum number of NEVI stations meeting all distance requirements.

Is sales tax eligible for reimbursement?

Yes, sales tax is eligible for reimbursement.

Can a CHAdeMO connector be retrofitted to a CCS or NACS connector if utilization of the CHAdeMO port falls below a certain threshold?

ODOT has removed the requirement for the incorporation of CHAdeMO and instead requests applicants to indicate their approach for its *optional* inclusion.

A CHAdeMO connector may be retrofitted to a CCS or NACS connector if utilization of the CHAdeMO port falls below a certain threshold. But this retrofitting would be at the applicant's expense, and the retrofitted equipment would need to meet safety standards (e.g., U.L. listing or NRTL listing).

How should an applicant complete the sections with green headers only "once per corridor"? Should applicants duplicate information within the green headers for each form submitted, leave these sections blank except in one form, extract the information with green headers into a separate document to complete, or another format?

When submitting their application via ODOT's Cognito application portal, the applicant's first submission of Attachment 3 — Technical Application and Response Form — should include the information that is required once per corridor. You do not need to copy/paste and duplicate this information in every iteration of Attachment 3.

Do the requirements and guidelines from the 2023 Request for Qualifications still apply to the NOFOs? For example, are applicants required to obtain ODOT approval if additional key personnel, major participants, or partners are added or removed from the project team included in the original Statement of Qualifications?

Yes, please refer to the response "Are applicants able to partner?" for additional clarification.

Will ODOT entertain flexibility regarding any of the operation requirements that are not standard in other state's NEVI RFPs? (e.g. trash and recycling receptacles, fire extinguishers, snow removal).

No, ODOT will not entertain flexibility in these requirements as ODOT believes them to be beneficial to the public. However, applicants may use existing amenities and services provided by the site host to meet these requirements.

If the site proposed as part of the grantee's response to the NOFO needs to change due to external forces (e.g., failure to reach terms with a site host, utility lead times) can the grantee propose an additional location that meets all NEVI requirements?

Yes, ODOT will allow the grantee to propose an alternative, new site that meets all NEVI requirements, and we will work with the grantee to establish an appropriate timeline for locating the new site.

What is the penalty if the applicant's requested reimbursement amount exceeds the expected award?

Please refer to question three for details on how the cost proposal will be scored.

How should the cost proposals be submitted?

The Applicant should submit a cost proposal for each individual site they are proposing. ODOT will then sum the cost of all proposed sites on a corridor; that sum then becomes the Applicant's aggregated cost proposal for which they will receive a score.

Do we need a letter of credit for each corridor, or can we supply one letter of credit if we intend to bid all three?

Applicants may submit a single Letter of Credit if they plan to bid on all three corridors provided that the single Letter of Credit meets the requirements spelled out in the Sample Grant Agreement and references each of the three corridors and contracts.

Where can we find the affidavit of non-collusion?

ODOT is aware that the affidavit of non-collusion referenced in the NOFO as being part of Attachment 3 was not included in the original application package. ODOT has updated the website to now list "Attachment 11 – ODOT Affidavit of Non-Collusion." This Affidavit should be submitted as a one-time submittal in the Cognito Application portal which will be updated by 8/13 to include this document. If you have already submitted your application or your application is in process, you may need to refresh the page to see the option to submit this document.

The Conflict of Interest and Disclosure Form references an Agency RFP or ITB Number. Where can that number be found?

Applicants should disregard this request for an RFP or ITB number. Because applicants are submitting this form as a separate attachment through Cognito as part of the application, this information is not necessary for our evaluation.