

REVISED Notice of Funding Opportunity

Oregon National Electric Vehicle Infrastructure Program U.S. 97

Oregon Department of Transportation

Table of Contents

- 1. Introduction..... 3**
 - 1.1. Background..... 3**
 - 1.2. Overview 3**
 - 1.3. Goals 4**
 - 1.4. Important Corridor Specific Information..... 4**
- 2. Attachments and Reference Documents 4**
 - 2.1. Attachments 4**
 - 2.2. Reference Documents 5**
- 3. Eligibility 5**
 - 3.1. Eligible Applicants 5**
 - 3.2. Ineligible Applicants 5**
 - 3.3. Application Limitations and Requirements 5**
 - 3.4. Eligible Costs for Reimbursement..... 5**
 - 3.5. Ineligible Costs for Reimbursement..... 6**
 - 3.6. Match Share 7**
- 4. Project Requirements 7**
 - 4.1. Federal Project Requirements..... 7**
 - 4.2. Corridor Map 8**
- 5. Scope of Work and Deliverables..... 8**
- 6. How to Apply 8**
 - 6.1. General Application Requirements..... 8**
 - 6.2. Application Contents 8**
 - 6.2.1. Technical Application Form 8**
 - 6.2.2. Cost Proposal Form..... 9**
 - 6.2.3. (A-C) Required Site Host Information..... 9**
 - 6.2.4. Letter from Bank or Financial Institution..... 10**
 - 6.2.5. Affidavit of Non-Collusion10**
 - 6.2.6. Conflicts of Interest10**
 - 6.3. Application Timeline..... 11**
 - 6.4. Questions 11**
 - 6.5. Application Submittal..... 12**
 - 6.6. Application Amendment or Withdrawal 12**
 - 6.7. ODOT Discretion 12**
 - 6.8. Disqualification of Applications.....13**
 - 6.9. Process for Clarification of Application Information 13**

6.10.	Disposition of Applications and Copyrights	13
6.11.	Public Data.....	14
7.	Evaluation of Applications	14
7.1.	Evaluation Process	14
7.1.1.	Responsiveness Check	14
7.1.2.	Technical and Cost Proposal Scoring Criteria and Evaluation.....	14
7.1.3.	Incentive for Rapid Commissioning.....	18
7.1.4.	Score Tabulation.....	18
7.1.5.	Award.....	18
7.2.	Application Irregularities and Clarifications	18
8.	Award.....	18
8.1.	Pre-Agreement Activities.....	18
8.1.1.	Pre-Agreement Audit.....	18
8.1.2.	Pre-Agreement Risk Assessment	18
8.1.3.	Financial Review Documents.....	19
8.2.	Execution of Agreement	19
9.	Post Award	19
9.1.	Reimbursement Mechanism	19
9.1.1.	Quarterly Construction Payments.....	19
9.1.2.	Construction Payment Withholding.....	20
9.1.3.	Quarterly Operations and Maintenance Payments and Withholding	20
9.1.4.	Final Payment and Release of Withholdings.....	20
9.2.	Reserved.....	20
9.3.	Reasonable Return on Investment and Use of Program Income.....	20
Appendix A: Definitions and Acronyms.....		22
Appendix B: Minimum NEVI Standards and Requirements.....		25

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](#). 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. The State of Oregon will receive \$52 million in formula funds in total over federal fiscal years 2022-2026.

1.2. Overview

The Oregon Department of Transportation (ODOT or Agency) requests responses to this Notice of Funding Opportunity 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 U.S. 97, one of Oregon's eleven EV Alternative Fuel Corridors (AFC).

ODOT's goal is to deploy the State's NEVI formula funds to strategically support the development of reliable, convenient, affordable, and equitable EVSE along U.S. 97. The Grantee will own, operate, and maintain the EVSE. The EVSE will not be located on ODOT 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 one charger at each station will provide charging at above 150kW;
- Requiring future proofing to include conduit and wiring for a minimum of two 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 pull-through charger on each corridor);
- Encouraging Applicants to plan for the inclusion of NACS (SAE J3400) dual-port charging equipment when 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. Importantly, only those Applicants who have been determined to be qualified through ODOT's competitive [Request for Qualifications](#) (RFQ) are eligible to apply for funding under this NOFO. ODOT may open up its pre-qualified list to additional applicants prior to future rounds, and that information will be clearly communicated on its [NEVI webpage](#).

As you prepare for this grant opportunity, note that ODOT intends to give preference to those applicants who are able to provide either signed site host agreements, or a letter from the site host

owner, 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.

This NOFO supports the acquisition, installation, and operation and maintenance of direct-current fast-charging (DCFC) infrastructure. ODOT will receive approximately \$52 million in total over federal fiscal years (FFY) 2022-2026. ODOT expects to award between \$4.9 million and \$7 million under this NOFO for the construction of new or the upgrade of existing charging infrastructure at seven Charging Station locations along U.S. 97. 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 ODOT to award a grant or complete the project, and ODOT 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 funding along U.S. 97. ODOT will fund seven NEVI-compliant charging stations along U.S. 97. ODOT has established the following goals for this NOFO:

- Maximize the impact of federal funding.
- Use a best-value approach to evaluation.
- Guarantee that charger installations, operations, maintenance, and ownership can be handled by an experienced prime subrecipient that is responsible for complying with all federal requirements attached to this funding outlined in Section 4.1.
- Maximize benefit to EV drivers in Oregon by incentivizing innovation, future proofing, and resiliency.

1.4 Important Corridor Specific Information:

To better serve the needs of EV drivers on the U.S. 97 corridor, and to better enable Grantee to maximize siting of charging stations within the 50-mile requirement along U.S. 97, ODOT is increasing the required number of charging stations along this corridor to 7 (versus the proposed 6 charging stations noted in its 2022 NEVI State Plan). The addition of the 7th charging station should position Grantees to better avoid the need for an alternative exception.

2. Attachments and Reference Documents

2.1. Attachments

- Attachment 1 – **REVISED** Technical Specifications and Requirements for Operation (*Revised 09-11-2024*)
- Attachment 2 – Scope of Work and Deliverables
- Attachment 3 – Technical Application and Response Form
- Attachment 4 – Cost Proposal Form

- Attachment 5 – Draft Agreement
- Attachment 6 – Federal Highway Administration (FHWA) Form 1273
- Attachment 7 – Conflict of Interest and Disclosure Form
- Attachment 10 – Map of U.S. 97

2.2. Reference Documents

- [National Electric Vehicle Infrastructure Standards and Requirements](#)
- [FHWA NEVI Formula Program Guidance](#)
- [NEVI Frequently Asked Questions](#)
- [ODOT NEVI State Plan For 2022](#)
- [ODOT's NEVI Program Website](#)

3. Eligibility

3.1. Eligible Applicants

Eligible Applicants are only those applicants who have been determined to be qualified through ODOT's competitive RFQ process and that ODOT determines can deliver the project Goals with minimal oversight by ODOT. The primary Applicant will be responsible for complying with all federal requirements outlined in Section 4.1 and all requirements outlined in the Grant Agreement.

3.2. Ineligible Applicants

Ineligible Applicants are all applicants who have not yet qualified through ODOT's competitive RFQ process.

3.3. Application Limitations and Requirements

Applicants are required to propose seven NEVI-compliant charging station locations along U.S. 97. Applications for locations that are not along U.S. 97 will not be considered.

Applicants must submit Attachment 1 (Technical Application and Response Form), Attachment 4 (Cost proposal form), and are required to provide one of three options regarding site host information for each Charging Station they are proposing, per the instructions in section 6.2.3.

3.4. Eligible Costs for Reimbursement

Grantees will be reimbursed for eligible costs according to the Cost Proposal Form (Attachment 4). 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 Subpart E Cost Principles](#).

To be considered directly related to the operation of EVSE, an item must be a necessary component in the station operations, be a necessary component to connect the EVSE to the electricity source (or to supply power from the electricity source), enable management of electricity demand or back-up availability (if applicable), provide eligible signage to direct EVs to the charging station, or provide information to EV users about use of the charging station. New public EVSE stations as well as

upgrades to existing EVSE charging stations to make them NEVI-compliant are subject to these cost eligibility requirements.

Examples of eligible costs for reimbursement include:

- Costs for site preparation, permitting, and design.
- Pre-construction costs associated with environmental review and preliminary engineering.
- Costs to purchase, construct/install, test, and implement Charging Stations.
- Construction costs directly related to a Charging Station.
- Costs to construct Charging Stations that incorporate pull-through design.
- Costs for future proofing of Charging Stations limited to the installation of additional conduit and wiring for additional chargers capable of charging at power levels above 150kW.
- Costs for installing 110/120-volt outlets on/adjacent to DCFC EVSE for use by electric micromobility devices.
- Costs to acquire and install on-site electric service equipment (e.g., power meter, transformer, switch gear, conduit, and wiring).
- Costs of minor grid updates (e.g., extending power lines or upgrading existing power lines).
- Costs of charger hardware and software.
- Costs to repair, upgrade, and/or replace existing chargers to be NEVI-compliant.
- Costs to meet Americans with Disabilities Act of 1990 (ADA) requirements.
- Costs to install signage at site.
- Costs for site amenities (e.g., additional security lighting, video surveillance, resiliency features, 110/120 volt outlets for electric micromobility devices, canopy, or pull-through charging spaces). Note: Applicants seeking reimbursement for resiliency features must demonstrate how these features will result in a lower cost to the consumer.
- Costs for workforce development activities, (e.g., Electric Vehicle Infrastructure Training Program (EVITP) certification).
- Costs for property lease and/or easements.
- Fixed operations and maintenance costs for up to five years after the charging station is commissioned (e.g., service level agreements, charger warranty costs, cellular network fees, internet services fees, EVSE lease fees).
- Administrative and/or approved indirect costs.
- Electricity demand charges. Note: Demand charges may be subject to review and approval prior to reimbursement and may only be eligible in limited situations.
- Other costs listed in the cost proposal form that ODOT in its sole discretion deems eligible.

3.5. Ineligible Costs for Reimbursement

Ineligible costs are expenses deemed to be ineligible by 23 CFR 680 as well as other applicable federal, state, and local laws. Ineligible costs include, but are not limited to:

- Administrative costs to manage the program over the five-year O&M period.

- Costs not directly related to the charging of an electric vehicle, except as noted above.
- Purchase of real estate.
- Costs incurred prior to a fully executed grant agreement with ODOT.
- Costs for lobbying or for the intervention in State, federal regulatory, or adjudicatory proceedings.
- Costs for construction or general maintenance of building and parking facilities (if not directly related to vehicle charging).
- Costs for major grid upgrades (longer line extensions or upgrades, improvements to offsite power generation, bulk power transmission, or substations).
- Level 2 EVSE.
- Utility service upgrade costs covered by the utility.
- Costs covered by programs or tariff rules of the electric utilities.
- Costs for research projects.
- Variable operating and maintenance costs, including costs for electricity, insurance, and other recurrent business costs such as staffing.
- Unapproved Indirect costs.

3.6 Match Share:

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

- Project management costs are excluded from Match Share.
- Match Share expenditures must be documented, reasonable, allowable, and deemed appropriate to allocate to the project as determined by ODOT.

4. Project Requirements

4.1. Federal Project Requirements

The NEVI Formula Program aims to establish a nationwide network of DCFC infrastructure consisting of sites with a minimum of four ports capable of continuous charging at 150kW simultaneously. These sites shall be located no further than 50 miles apart and shall not be located more than one mile from the AFC. For Oregon EV Alternative Fuel Corridors that cross into adjacent state(s), an Oregon station must be sited within **50 miles** of the border with the adjacent state crossing. *(Revised 09-11-2024)*

Funding for any agreement resulting from this NOFO will be paid from NEVI formula funds. 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 standards and requirements that may be required by federal, state, and local laws.

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 prior to submitting their application.](#)

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

The NEVI program sets strict standards 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.

Applicants are strongly encouraged to review the reference documents identified in section 2.2 of this NOFO prior to submitting their application.

4.2. Corridor Map

Refer to Attachment 10 for a map of U.S. 97 for illustrative purposes.

5. Scope of Work and Deliverables

For detailed information, see Attachment 2, Scope of Work and Deliverables. Attachment 2 may be amended as necessary depending on the results of the pre-agreement risk assessment.

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 2.2, Reference Documents. Questions should be submitted to ODOT according to the instructions in this NOFO.

6.2. Application Contents

6.2.1. Technical Application Form

Applicants must complete each section of Attachment 3, Technical Application Form, and provide all required information and documents for each proposed charging station site. Attachment 3 clearly indicates which information is required per corridor, and which information is required per proposed site. 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 pages. The maximum number of pages shall be 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 30-page limit. No more than five resumes are permitted per application. Technical specification cut sheets do not count toward the 30-page limit.

6.2.2. Cost proposal Form

Applicants must provide a completed Attachment 4, Cost Proposal Form for each proposed charging station site. 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 Attachment 4, each applicant is required to follow the instructions in the attachment and provide the following:

- The Requested Reimbursement (%) for capital costs, which will not exceed 80%
- The Requested Reimbursement (%) for O&M costs, which will not exceed 80%
- The Project Costs for each cost item, as identified in Attachment 4. Costs shall include only items eligible under the NEVI program as defined in Section 3.4, Eligible costs, or those "Other" items that ODOT in its sole discretion deems eligible.

6.2.3. Required Site Host Information:

To address differing levels of preparedness at the time of application, ODOT is providing three options for required site host information: Secured Site; Selected Sites Under Negotiation; or Sites Under Consideration. For each proposed charging station location, the Applicant shall clearly indicate which of the three options they are selecting in Attachment 3, Technical Application and Response Form, 15.2-15.4. Each of the following three options is a scorable item, and the Applicant is strongly encouraged to review section 7.1.2 (C) prior to submitting their application. ODOT reserves the right to determine the sufficiency of the letters or other site information and to request additional information prior to award. Each option shall be provided as an attachment to the application, and the attachments are not part of the 30-page limit.

6.2.3 (A) Secured Sites:

At time of application, the Applicant shall provide a copy of their signed Site Host Agreement. The Site Host Agreement shall demonstrate the following:

- The site is available to the Applicant for the entire length of the Agreement for the purpose of constructing, installing, operating and maintaining an EV charging station in accordance with 23 CFR 680 and all applicable laws and regulations.
- ODOT and its agents have the right to enter 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.
- What occurs if either party becomes in default with either the Site Host Agreement or the Agreement the grantee has with ODOT.
- An attestation of ownership of the real property.

6.2.3 (B) Selected Sites Under Negotiation:

At time of application, the Applicant shall provide a signed letter from the site owner. At a minimum, the letter shall demonstrate the following:

- The site is available to the Applicant for the entire length of the Agreement for the purpose of constructing, installing, operating and maintaining an EV charging station in accordance with 23 CFR 680 and all applicable laws and regulations.
- ODOT and its agents have the right to enter the property as well as to visually examine the property and grounds to complete environmental reviews necessary to comply with NEPA or for the purpose of inspection.
- An attestation of ownership of the real property.

6.2.3 (C) Sites Under Consideration:

At time of application, the Applicant shall identify at least seven sites under consideration and provide an attachment that demonstrates the following:

- The street address of the site under consideration.
- The name and type of business located at the site.
- The name and contact information of the site owner or long-term lessee.
- Status of negotiations with the site owner or long-term lessee.

6.2.4. Letter from Bank or Financial Institution

The Applicant shall provide a signed letter from a bank or financial institution stating that if the Applicant is selected to receive an award, the Applicant will be able to provide the required Letter of Credit at the time of the Agreement's execution. Letters of Credit will be required at the time of the execution of the Agreement for an amount equal to 60 percent of the Maximum Total Project Reimbursement. The Letter of Credit shall cover the entire length of the Agreement. After each successful year of O&M, the total amount of the Letter of Credit can be reduced by 20 percent of the original amount following notification from ODOT. The Letter of Credit will be drawn upon in the event of default by the Applicant. ODOT reserves the right to determine the sufficiency of the letter. The Letter of Credit from a bank or financial institution will not be scored but will be part of the non-technical responsiveness check and is not part of the 30-page limit.

6.2.5. Affidavit of Non-Collusion

Applicants must complete the attached "Affidavit of Non-Collusion" and submit it as part of the application. This is included within Attachment 3, Technical Application Form. The Affidavit of Non-Collusion will not be scored but will be part of the non-technical responsiveness check and is not part of the 30-page limit.

6.2.6. Conflicts of Interest

Applicants must 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 must complete Attachment 7, 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 and is not part of the 30-page limit.

6.3. Application Timeline (Revised 09-11-2024)

The timeline below outlines the activities and corresponding dates that all Applicants must meet. ODOT 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. ODOT is not responsible for any errors or delays caused by technical difficulties resulting from submitting applications.

ACTIVITY	DATE	TIME	DETAILS
NOFO Advertisement	6/13/2024	5:00 PM PDT	ODOT NEVI Webpage and by email
Questions Due	7/2/2024	5:00 PM PDT	Email to ORNEVI@odot.oregon.gov
Answers Posted	7/9/2024	5:00 PM PDT	ODOT NEVI Webpage
New Applicants: Notice of Intent to Apply Due	9/17/2024	5:00 PM PDT	Email to Tami.WEIL@odot.oregon.gov
Current Applicants: Revised Applications Due	9/25/2024	5:00 PM PDT	Via Cognito link to original application
New Applications Due	10/11/2024	5:00 PM PDT	ODOT NEVI Webpage
Conditional Award Date (Anticipated)	October – November 2024		ODOT NEVI Webpage and by email
Execution of Grant Agreement (Anticipated)	November – December 2024		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: Brett Howell, Transportation Electrification Coordinator

Email: ORNEVI@odot.oregon.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 [ODOT'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 ODOT personnel are allowed to discuss the NOFO before the proposal submission deadline. If this should change, ODOT will clearly communicate the change via email.

ODOT reserves the right to amend this NOFO at any time by addendum. If the addendum is issued after the closing date for receipt of applications, ODOT 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 ORNEVI@odot.oregon.gov.

Any person requiring a special accommodation due to a disability should contact ODOT by email at ORNEVI@odot.oregon.gov for assistance with this NOFO at least 5 business days prior to the activity or action for which assistance is needed.

6.5. Application Submittal

All applications will be submitted electronically through ODOT's Cognito application portal on its [NEVI webpage](#). **Applications must be submitted by 5:00 PM PDT on the date indicated in 6.3 Application Timeline.**

All applicants must submit a current Oregon Secretary of State Business Registry number.

6.6. Application Amendment or Withdrawal

If an applicant wants to withdraw or amend an application, they must email the Grant Administrator as outlined in Section 6.4, Questions. Applicants will then need to re-submit the entire application through the entire application process.

6.7. ODOT Discretion

ODOT reserves the right to reject any or all applications at any time prior to the execution of an agreement. ODOT is not obligated to fund an application from an Applicant that has demonstrated

marginal or unsatisfactory performance on previous competitive selections or contracts with ODOT or other state agencies. ODOT 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

ODOT 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 ODOT.
- 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 ODOT 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

ODOT reserves the right to contact an Applicant after the submission of an application for the purpose of clarifying the application to ensure mutual understanding. ODOT 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 ODOT 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 ODOT 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 that the Applicant considers as constituting trade secrets under either ORS 192.345 (2) or confidential, proprietary information, or “sensitive business, commercial or financial information” under ORS 367.804(6), 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 ORS 192.345(2) 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, proprietary information”, or “Sensitive Business, Commercial, or Financial Information”.

7. Evaluation of Applications

7.1. Evaluation Process

ODOT 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 Attachment 3, Technical Application Form, it may be determined to be non-responsive. All requirements can be found in Attachment 3, Technical Application Form.

7.1.2. Technical and Cost Proposal Scoring Criteria and Evaluation

To evaluate technical applications, ODOT will establish a Review Committee made up of no less than three members. 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.

Technical Scoring Criteria	Maximum Points Possible: 200
A. Project Team Qualifications, Experience, and Approach	30 (15%)
Applicant team organization: Describe the Applicant team organization per Attachment 3, Technical Application Form.	5
Approach to project management: Describe the approach to project management per Attachment 3, Technical Application Form.	5
Compliance with Federal Requirements: Indicate your level experience complying with the federal requirements outlined in section 17 of the Technical Application and Response Form.	10
Prior experience with 50kW or higher EVSE: Provide prior EVSE experience per Attachment 3, Technical Application Form. <ul style="list-style-type: none"> • 5 Points for 15+ projects • 3 Points for 10-14 projects • 1 Point for 1-9 projects 	5
Past EVSE reliability: Provide prior EVSE system performance per Attachment 3, Technical Application Form. <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 (15%)
Approach to operations and maintenance: Describe your firm’s approach to O&M including at a minimum: <ul style="list-style-type: none"> • Plan to achieve uptime of 97% or greater • Planned response times for minor and major outages • Plan for addressing weather related events (e.g., snow removal, wildfires). 	10
Approach to utility coordination and permitting: Describe your firm’s approach to permitting and utility coordination.	3
Approach to safety: Describe your firm’s approach to safety including: <ul style="list-style-type: none"> • Physical safety plan that addresses safety for EV charging station users (e.g., fire prevention, safety lighting, emergency call boxes, video surveillance). 	4
Approach to cybersecurity: Describe your firm’s approach to cybersecurity including at a minimum: <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
<p>C. Site Characteristics</p>	60 (30%)
<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) <p>Project site easily accessible amenities including but not limited to (1 points per amenity):</p> <ul style="list-style-type: none"> • Access to restaurants and/or other retail (1 point maximum) • Public Wi-Fi • Extra parking spaces for overflow/waiting • 110/120-volt outlets for electric micromobility 	21
<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.</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 Attachment 3, Technical Application Form.</p>	10
<p>Secured Sites: Applicant provides the required information for secured sites as defined in section 6.2.3 (A) at time of application. Or;</p>	20
<p>Selected Sites Under Negotiation: Applicant provides the required information for selected sites under negotiation as defined in section 6.2.3(B) at time of application. Or;</p>	10
<p>Sites Under Consideration: Applicant provides the required information for sites under consideration as defined in section 6.2.3(C).</p>	5

D. Future Proofing, Innovation, and Resiliency	20 (10%)
O&M beyond the five-year requirement: Describe your firm’s approach for operating and maintaining the charging stations beyond the five-year requirement.	5
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.	5
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 Attachment 1).	5
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.	5
E. Equity	20 (10%)
Community outreach and engagement: Describe your firm’s ongoing community/stakeholder engagement plan. If applicable, provide evidence of previous community engagement/stakeholder outreach.	10
Proximity to Justice40 Disadvantaged Communities (DACs): Provide distance of project from a Justice40 DAC : <ul style="list-style-type: none"> • >Two Miles (1 points) • One to Two Miles (2 points) • Zero to One Mile (5 points) 	5
<ul style="list-style-type: none"> • 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 charging station. 	5
F. Value Added Items	20 (10%)
Additional value-added items at Applicant’s expense: <ul style="list-style-type: none"> • Contributing above the required minimum match of 20% by: <ul style="list-style-type: none"> ○ 10% or more (10 points) ○ 5% or more (5 points) • Additional chargers capable of charging at 150kW or higher power simultaneously beyond the required minimum of four chargers (must be new or upgraded chargers): <ul style="list-style-type: none"> ○ Two or more (10 points) ○ One (5 points) 	20

7.1.3. Incentive for Rapid Commissioning:

ODOT may have an incentive available for Grantees who are able to rapidly commission at least one charging station along the corridor and will clearly communicate the criteria for this incentive prior to execution.

7.1.4. 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 Climate Office Director for review prior to notifying Applicants.

7.1.5. Award

ODOT will notify the successful Applicant via email and will post the intent to award on our [NEVI webpage](#). An Agreement may be awarded to a responsive application that has been approved by the Review Committee.

7.2. Application Irregularities and Clarifications

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

8. Award**8.1. Pre-Agreement Activities**

The Applicant shall participate in the following pre-agreement activities after the Notice of Intent to 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 audit standards. 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 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 12 months, so repeat Grantees do not require an additional risk assessment if one has been performed within the last 12 months. The program manager will use the results of the pre-award risk 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

ODOT may require that a Grantee undergo a financial review after a grant award is made of \$25,000 or more. This financial review may include a review of IRS forms, or certified financial audits.

8.2. Execution of Agreement

After the pre-agreement activities have been completed, the program manager will send the Agreement to the Applicant. The Applicant shall sign the Agreement within 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 section 6.2.3 (A) and shall have an effective date of 5 years following commissioning of each charging station.
- Signed Letter from the Utility
 - The signed letter from the utility shall confirm that the utility will provide the required electrical service that complies with NEVI requirements to the Applicant at the proposed site.
- Letter of Credit:
 - The letter of credit shall include all language requested in section 6.2.4.
- Proof of registration with the Secretary of State to do business in Oregon.
- Any additional certificates or documents deemed necessary by ODOT.

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, ODOT 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, ODOT 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 Attachment 2, 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

ODOT will withhold 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 Attachment 2, 3.4, and a final quarterly Reimbursement Request for all Capital Costs, ODOT will release the entire Capital Costs retainage to the Grantee.

9.1.3. Quarterly Operation and Maintenance Payments and Withholding

ODOT 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, ODOT will calculate the uptime for each port over the past year from data provided in Attachment 2 – Task 4.3. 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, ODOT 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 Attachment 2, 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 Attachment 2, Scope of Work and Deliverables. Supporting documentation of actual costs incurred is required. ODOT 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. Reserved.

9.3. Reasonable Return on Investment and Use of Program Income

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.

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:

- 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 by the State or other direct recipient;
- 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.

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 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 and functional 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.

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 Oregon Department of Transportation.

Match Share: The Grantee's required contribution to the total eligible project cost which shall be a minimum of 20%.

National Electric Vehicle Infrastructure Program (NEVI): Provides formula funding to states for the construction of Charging Stations and the installation, operation, and maintenance of DCFC Chargers that are reliable, convenient, affordable, and equitable.

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. It has commonly been referred to as the Tesla connector.

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.

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.

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.

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 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.

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.

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

Number of charging ports:

- Charging stations must have at least four networks connected DCFC charging ports and be capable of simultaneously charging at least 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 CCS Type 1 connector.
- 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 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 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.

Long-term Stewardship:

- Charging stations must be maintained in compliance with NEVI requirements for a period of not less than 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 electrician, at least one 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 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.

§ 680.108 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) 1.6J or higher. By February 28, 2024, chargers must conform to 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:

Quarterly data submittal

- Recipients must ensure the following data are submitted on a quarterly basis in a manner prescribed by the FHWA. Any quarterly data made public will be aggregated and anonymized to protect confidential business information.
 - Charging station identifier that the following data can be associated with. This must be the same charging station name or identifier used to identify the charging station in data made available to third parties in § 680.116(c)(1);
 - Charging port identifier. This must be the same charging port identifier used to identify the charging port in data made available to third parties in § 680.116(c)(8)(ii);
 - Charging session start time, end time, and any error codes associated with an unsuccessful charging session by port; Energy (kWh) dispensed to EVs per charging session by port; Peak session power (kW) by port;
 - Payment method associated with each charging session;
 - Charging station port uptime, T_outage, and T_excluded calculated in accordance with the equation in § 680.116(b) for each of the previous 3 months;
 - Duration (minutes) of each outage.

Annual data submittal

- Recipients must ensure the following data are submitted on an annual basis, on or before March 1, in a manner prescribed by FHWA. Any annual data made public will be aggregated and anonymized to protect confidential business information.
 - Maintenance and repair cost per charging station for the previous year.
 - For private entities identified in paragraph (c)(1) of this section, identification of and participation in any State or local business opportunity certification programs including but not limited to minority-owned businesses, Veteran-owned businesses, woman-owned businesses, and businesses owned by economically disadvantaged individuals.

One-time data submittal

- Recipients must ensure the following data are collected and submitted once for each charging station, on or before March 1 of each year, in a manner prescribed by the FHWA. Any one-time

data made public will be aggregated and anonymized to protect confidential business information.

- The name and address of the private entity(ies) involved in the operation and maintenance of chargers.
- Distributed energy resource installed capacity, in kW or kWh as appropriate, of asset by type (e.g., stationary battery, solar, etc.) per charging station; and
- Charging station real property acquisition cost, charging equipment acquisition and installation cost, and distributed energy resource acquisition and installation cost; and
- Aggregate grid connection and upgrade costs paid to the electric utility as part of the project, separated into:
 - Total distribution and system costs, such as extensions to overhead/underground lines, and upgrades from single-phase to three-phase lines; and
 - Total service costs, such as the cost of including poles, transformers, meters, and on-service connection equipment.

§ 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. If the price for charging is not currently based on the price for electricity to charge an Electric Vehicle in \$/kWh, the requirements of this subparagraph must be satisfied within one year from February 28, 023.
- 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:
 - $\mu = ((525,600 - (T_{\text{outage}} - T_{\text{excluded}})) / 525,600) \times 100$ 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

- Recipients 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 (DCFC, AC Level 2, etc.);
- 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.
- 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.