Revised Notice of Funding Opportunity
Electric Vehicle Charger Reliability and Accessibility Accelerator
Oregon Department of Transportation

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This NOFO was updated on 11/8/24. Updates include:

1. Timeline updated to reflect the application deadline extension (pages 17 and 18).

This NOFO was updated on 10/28/24. Updates include:

1. Clarifying language for applicant eligibility (pages 3 and 6)
2. Updated language for charging station eligibility (page 7)
3. Scoring modification (page 26).

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 BIL set aside 10 percent of the NEVI Formula Program for the Secretary of Transportation "to make grants to States and localities that require additional assistance to strategically deploy electric vehicle charging infrastructure." The Electric Vehicle Charger Reliability and Accessibility Accelerator (EVC RAA) is funded by the set-aside from the NEVI program to focus on repairing or replacing broken or non-operational EV chargers to improve the reliability of existing EV charging infrastructure.

1.2. Overview

The Oregon Department of Transportation (ODOT or Agency) requests responses to this Notice of Funding Opportunity (NOFO) to participate in the deployment (repair, replace, or upgrade) of Title 23 Code of Federal Regulations (CFR) part 680-compliant electric vehicle supply equipment (EVSE) and improve charging infrastructure across the state. ODOT will award funds through a competitive selection process for eligible inoperable charging stations at locations identified by the Federal Highway Administration on October 11 and October 12, 2023.

ODOT's goal is to deploy the Oregon allocation of EVC RAA funds to enhance the reliability of existing EV charging stations by strategically repairing, replacing, and upgrading eligible equipment. The EVC RAA program will leverage other agency efforts to expand options for EV charging in Oregon. Eligible EVSE is located on private land or public property, as noted in Section 3.3, Eligible Charging Stations. This NOFO includes requirements for EVSE, installation, and operations and maintenance (O&M) including:

- A minimum of four networked charging ports at each charging station.
- Average annual uptime of greater than 97% for each charging port.
- Minimum of five years of operations and maintenance of the EVSE.

This NOFO also includes information on the process by which grants 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 projects and apply for funding. Under this NOFO, eligible Applicants are limited to:

1. Equipment and/or Charging Network Providers for eligible charging stations – the applicant either currently owns the eligible equipment or has a current network operation agreement with the equipment owner.
2. EV Service Providers that own and operate eligible charging stations – the applicant currently owns and operates the eligible station.

3. Pre-qualified applicants who were selected through ODOT's competitive Request for Qualifications (RFQ) for ZEV charging and fueling infrastructure and are on the Pre-qualified Applicant list.
4. Electric utility service providers to eligible charging stations.
5. Public entities with eligible charging stations located on the public entity's property.

This NOFO defines the requirements for the repair, replacement, upgrade, operation, and maintenance of Level 2 and direct-current fast-charging (DCFC) infrastructure for projects funded through the Oregon EVC RAA program. There are three potential components to EVC RAA projects defined below:

- **Repair**: Repairing can include hardware and labor costs up to, but excluding, full replacement of EV chargers and intrinsically related equipment necessary to ensure that broken or non-operational chargers (i) resume a fully operational status for at least 5 years, (ii) function as intended by the manufacturer, and (iii) comply with 23 CFR 680.
- **Replace:** Replacing can include hardware, permitting, and labor costs necessary to remove broken or non-operational EV chargers from service and, at the same location, install new chargers that (i) remain operational for at least 5 years, (ii) function as intended by the manufacturer, and (iii) comply with 23 CFR 680. Broken or non-operational equipment replaced through this program cannot be redeployed through any other federally funded program and must be either recycled or scrapped.
- **Upgrade:** This component can include upgrading broken or functional hardware as necessary to meet 23 CFR 680. For example, replacing a DCFC power module to provide at least 150kW per port on an EV Alternative Fuel Corridor; adding additional ports to the charging station to meet the 4-port minimum; and providing minor utility upgrades in accordance with the minimum power level requirements outlined in 23 CFR 680.

Many projects may include a combination of the components outlined above depending on the circumstances of the eligible site. Applicants will identify the project components for each site in the Technical Application Form. When deciding between repair or replacement activities, the Applicant must attest that the selected option is the most cost-effective option needed to meet EVC RAA and 23 CFR 680 standards.

ODOT expects to award up to $10 million via grants under this NOFO for the repair, replacement, and upgrade of existing charging infrastructure at eligible charging stations. EVC RAA funding is intended to quickly fix and improve charging infrastructure to support electric vehicle drivers and electric vehicle adoption. Therefore, ODOT's EVC RAA grant program has an accelerated timeline with the goal of having the awarded charging stations operational within 12 months of Notice to Proceed. EVC RAA 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 as match. All federal funds will be provided on a reimbursement basis.

This NOFO does not require ODOT to award a grant or complete the project, and ODOT reserves the right to make partial awards or cancel the NOFO 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 federal funding to repair, replace, and upgrade eligible charging stations. ODOT has established the following goals for this grant program:

- Maximize the impact of federal funding.
- Sites are fixed and operational within 12 months of Notice to Proceed.
- Ensure that charging station installations, operations, maintenance, and reporting requirements 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 benefits to EV drivers in Oregon by enhancing and maintaining Charging Station reliability.
- Prioritize DC Fast Charging.
- Prioritize charging stations located in Disadvantaged Communities and rural communities.

1.4. Important Eligible Charging Station Information

ODOT will only consider making grant awards for eligible charging stations. The list of eligible charging stations can be found in Attachment 7 – List of Eligible Charging Stations.

2. Attachments and Reference Documents

2.1. Attachments

- Attachment 1 – Technical Specifications and Requirements for Operation
- Attachment 2 – Scope of Work and Deliverables
- Attachment 3 – Cost Proposal Form
- Attachment 4 – Sample Grant Agreement
- Attachment 5 – Federal Highway Administration (FHWA) Form 1273
- Attachment 6 – Conflict of Interest and Disclosure Form
- Attachment 7 – List of Eligible Charging Stations
- Attachment 8 – Sample Utility Letter
- Attachment 9 – Utility Information
- Attachment 10 – ODOT Affidavit of Non-Collusion

2.2. Reference Documents

- National Electric Vehicle Infrastructure Standards and Requirements
- FHWA EVC RAA Notice of Funding Opportunity
- FHWA EVC RAA Questions & Answers
- ODOT's EVC RAA Webpage
- Inflation Reduction Act 30C: EV Infrastructure Tax Credit and Direct Pay

3. Eligibility

3.1. Eligible Applicants

Eligible Applicants are limited to the following entities:

1. Equipment and/or Charging Network Providers for eligible charging stations – the applicant either currently owns the eligible equipment or has a current network operation agreement with the equipment owner.
2. EV Service Providers that own and operate eligible charging stations – the applicant currently owns and operates the eligible station.
3. Pre-qualified applicants who were selected through ODOT's competitive Request for Qualifications (RFQ) for ZEV charging and fueling infrastructure and are on the Pre-qualified Applicant list.
4. Electric utility service providers to eligible charging stations.
5. Public entities with eligible charging stations located on the public entity's property.

The applicant is expected to meet the project Goals and adhere to federal rules and regulations 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 those who do not fall into at least one of the five categories of Eligible Applicants above.

If you have questions about your eligibility, contact Stefenie Griggs at:

- OREVCRAA@odot.oregon.gov.

3.3. Eligible Charging Stations

Eligible charging stations are those that have been identified by FHWA and noted by ODOT in Attachment 7 – List of Eligible Charging Stations.

Charging stations must also meet the following additional requirements:

- **Located on site:** The ~~inoperable charging ports~~chargers must still be located on site.
- **Publicly accessible:** If located on an EV Alternative Fuel Corridor, the charging station must be accessible to the public and reachable from a public road 24 hours per day, 7 days per week, throughout the year, without a fee. If not located on an EV Alternative Fuel Corridor, the charging station must be available for use and accessible to the public at least as frequently as the business operating hours of the site host.

Note: If a formerly inoperable charging port has been repaired, but the charging station has not been upgraded to CFR 680 standards (including having four ports at each site), **the charging station still qualifies for EVC RAA funding**.

It is the applicant's responsibility to perform due diligence in confirming the sites selected in the application meet the above criteria. Applicants will be required to confirm the site meets all eligibility requirements in the Technical Application.

3.4. Ineligible Charging Stations

Ineligible charging stations are those that are not identified in Attachment 7 and/or do not meet the additional eligibility requirements listed in Section 3.3.

3.5. Eligible Project Activities

The type of eligible activities will depend on two factors:

- The type of EVSE (Level 1, Level 2, or DCFC) already existing at the charging station; and
- Whether or not the charging station is located along and designed to serve users of an EV Alternative Fuel Corridor.

Eligible Project Activities are outlined in the scenarios below.

Scenario 1: An eligible charging station contains inoperable Level 2 charging port(s) and is located on an EV Alternative Fuel Corridor.

Under this scenario, there are 2 sets of eligible project activities.

1. Option 1: Applicant may repair the inoperable Level 2 port(s) or replace the inoperable ports with Level 2 port(s) and add additional Level 2 ports (as needed) to meet the 4-port minimum.
2. Option 2: Applicant may replace all Level 2 port(s) with CFR 680-compliant DCFC port(s) and add additional CFR 680-compliant DCFC ports (as needed) to meet the 4-port minimum.

Scenario 2: An eligible charging station contains inoperable Level 2 charging port(s) and is **not** located on an EV Alternative Fuel Corridor.

Under this scenario, the applicant must repair the inoperable Level 2 port(s) or replace the ports with Level 2 port(s) and add additional Level 2 ports (as needed) to meet the 4-port minimum.

Scenario 3: An eligible charging station contains inoperable DCFC charging port(s) and is located on an EV Alternative Fuel Corridor.

Under this scenario, the applicant must repair the inoperable DCFC port(s) or replace the ports with CFR 680-compliant DCFC port(s) and add additional CFR 680-compliant DCFC ports (as needed) to meet the 4-port minimum.

Scenario 4: An eligible charging station contains inoperable DCFC charging port(s) and is **not** located on an EV Alternative Fuel Corridor.

Under this scenario, there are 2 sets of eligible project activities.

1. Option 1: Applicant may repair the inoperable DCFC port(s) or replace the ports with DCFC port(s) and add additional DCFC ports (as needed) to meet the 4-port minimum and applicable NEVI standards.
2. Option 2: Applicant may repair the inoperable DCFC port(s) or replace the ports with DCFC port(s) and add any combination of DCFC and Level 2 ports (as needed) to meet the 4-port minimum and applicable NEVI standards.

Scenario 5: An eligible charging station contains inoperable Level 1 port(s) or non-networked Level 2 port(s).

Under this scenario, the applicant must replace all ports with networked Level 2 ports and meet applicable NEVI standards.

Scenario 6: The ports in an eligible charging station have been fixed and it is operational, but the charging station does not meet all CFR-680 requirements.

Under this scenario, the applicant must complete the necessary upgrades to make this station compliant with CFR 680.

3.6. Ineligible Project Activities

Ineligible project activities are any activities not outlined in Section 3.5, do not meet the minimum federal requirements, or do not meet the EVC RAA Standards & Requirements outlined in Appendix B. Examples of ineligible activities include:

- Adding level 2 ports to a charging station that is located on and designed to serve users of an EV Alternative Fuel Corridor.
- Not replacing broken, or adding, level 1 charging ports.
- Not replacing broken, or adding, non-networked level 2 charging ports.

- Adding DCFC ports to a charging station with existing Level 2 ports not located on an EV Alternative Fuel Corridor.

3.7. Application Limitations and Requirements

Applicants must propose repair, replacement, and upgrade activities for eligible charging stations. Applications for locations that are not listed on the eligible charging station list will not be considered.

Applicants must submit the Technical Application via the EVC RAA Cognito Application Portal and upload Attachment 3 (Cost Proposal Form) for each proposed charging station via the platform. In the Technical Application, Applicants are required to provide one of two options regarding site host permission for each charging station they are proposing, per the instructions in Section 6.2.3. Applicants are required to demonstrate Utility Outreach for each proposed charging station, per the instructions in Section 6.2.4.

3.8. Costs for Reimbursement

3.8.1. Per Port Cost Allowance

EVC RAA has two funding mechanisms. This first mechanism is a Per Port Cost Allowance which excludes costs for Distributed Energy Resources (DERs). The Per Port Cost Allowance is the maximum cost that will be considered for reimbursement before the recipient Match Share (20%) is applied. The Per Port Cost Allowance is calculated by multiplying the number of eligible ports by the Per Port Cost Cap for a maximum of 4 ports. The Per Port Cost Cap and Maximum Recipient Reimbursement Amounts are listed in the table below.

Type of Port Proposed	Per Port Cost Cap (up to)	Maximum Recipient Reimbursement Amount** (after 20% Match Share is applied)
Level 2	$15,000 per port	$12,000 per port
DCFC	$205,000 per port	$164,000 per port
Level 2 upgraded to DCFC*	$220,000 per port	$176,000 per port

***Level 2 ports upgraded to DCFC only apply if an applicant is replacing an existing Level 2 port for a DCFC port, adding additional DCFC ports as needed to meet CFR 680 requirements. If the applicant is adding DCFC to a charging station that will continue to retain one or more Level 2 port(s) at the site, the standard DCFC per port cost cap applies.**
**** excluding DERs**

Grantees will be reimbursed (after Match Share is applied) for eligible costs that do not exceed the Per Port Cost Allowance according to the Cost Proposal Form (Attachment 3). Grantees will be reimbursed (after Match Share is applied) for the lesser of the Total Project Costs (excluding DERs) and the Per Port Cost Allowance.

3.8.2. Distributed Energy Resources (DERs) Cost Allowance

This second EVC RAA funding mechanism is a Distributed Energy Resources (DER) Allowance. Applicants can only propose DER for charging stations with upgrades to or additions of DCFC ports. Applicants can only propose up to 300 kWh of Battery Energy Storage (BESS) at each charging station. Only in combination with BESS, Applicants may also propose other DERs components (e.g. solar arrays, wind) at the charging station if the costs do not exceed the DERs Cost Allowance. **If the applicant proposes DERs at a charging station, Battery Energy Storage must be included.**

The DERs Cost Allowance is the maximum cost for DERs that will be considered for reimbursement before the recipient Match Share (20%) is applied. The DERs Cost Allowance for each site is calculated by multiplying the kWh of Battery Energy Storage proposed by the DERs Per kWh Cost Cap. The DERs Cost Cap is $1000 per kWh.

For example, adding 300 kWh of Battery Energy Storage has a DERs Cost Cap of $300,000 and a Maximum Recipient Reimbursement Amount of $240,000. Similarly, adding 250 kWh of Battery Energy Storage has a DERs Cost Cap of $250,000 and a Maximum Recipient Reimbursement Amount of $200,000.

Grantees will be reimbursed (after Match Share is applied) for eligible costs that do not exceed the per site DERs Cost Allowance according to the Cost Proposal Form (Attachment 3). Grantees will be reimbursed (after Match Share is applied) for the lesser of the Total DER Costs per site and the Total per site DERs Cost Cap.

ODOT reserves the right to not fully fund a project, including circumstances where the proposed Battery Energy Storage is deemed excessive.

3.8.3. Eligible Costs for Reimbursement

Applicants may apply for reimbursement for up to 80% of the eligible project costs that do not exceed the established Per Port Cost and DER Cost Cap. The Applicant must provide a minimum required match of 20%. 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, the EVC RAA program rules established by the Federal Highway Administration, 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; 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 the use of the charging station.

All repairs, replacements, and upgrades to existing charging stations to make them compliant with 23 CFR 680 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 acquire and install on-site electric service equipment (e.g., power meter, transformer, switchgear, conduit, and wiring).
- Costs for minor grid upgrades, provided the work is necessitated solely by the construction or upgrading of the electric vehicle (EV) charging station and participation in the upgrade does not exceed the allocable cost of the minimum upgrades needed to match the planned power requirements of the EV charging station. A minor grid upgrade is defined as the work necessary to connect an EV charging station to the electric grid distribution network (e.g., extending power lines or upgrading existing power lines several miles).
- Costs to fully replace related equipment (e.g., switchgear, utility distribution equipment, battery storage) that is intrinsically related to the Electric Vehicle Supply Equipment (EVSE) and solely dedicated to the operation of EVSE.
- Distributed energy resources that are intrinsically related to making the charger operational and solely dedicated to the operations of the EVSE.
- Costs of charger hardware and software.
- Costs to repair, upgrade, and/or replace existing chargers to be NEVI-compliant.
- Costs for service level agreements (SLA) or charger warranties, not to exceed the 5-year period of required operations and maintenance.
- Costs to meet Americans with Disabilities Act of 1990 (ADA) requirements.
- Costs to install signage at the site.
- Costs for workforce development activities, (e.g., Electric Vehicle Infrastructure Training Program (EVITP) certification).
- Costs for property lease and/or easements.
- Administrative and/or approved indirect costs.
- Other costs listed in the cost proposal form that ODOT in its sole discretion deems eligible.

3.9. Ineligible Costs for Reimbursement

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

- Administrative costs for Task 4 Operations and Maintenance, outlined in Attachment 2: Scope of Work and Deliverables.
- Operations and maintenance costs not included in an SLA or warranty (e.g., cellular network fees, internet services fees, EVSE lease fees, electricity, insurance) for Task 4 Operations and Maintenance, outlined in the Scope of Work and Deliverables.
- Costs for permanently attached CHAdeMO connectors or CHAdeMO adaptors
- Costs not directly related to the charging of an electric vehicle, except as noted in Section 3.8.
- 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).
- Utility service upgrade costs covered by the utility.
- Costs covered by programs or tariff rules of the electric utilities.
- Costs for research projects.
- Distributed energy resources that are not intrinsically needed to make the charger operational or not solely dedicated to the operations of the EVSE.
- Repair costs that would exceed the cost to replace the broken or non-operational equipment with new equipment.
- Costs for replacement projects that could be returned to a reliable operational status with less costly repairs.
- Unapproved Indirect costs.
- Costs to purchase Renewable Energy Credits (REC)

3.10. 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.
- Ratepayer-funded utility rebates, incentives, or contributions are excluded from Match Share.
- In-kind Match Share from the grantee is not eligible.

ODOT is exploring the possibility of in-kind Match Share contributions from Host Sites located in Disadvantaged Communities, as defined by the Climate and Economic Justice Screening Tool. **Applicants are required to indicate in the Technical Application if they would like to be considered for possible in-kind Match Share** for charging stations located in a designated Disadvantaged Community. However, Applicants must also have a separate, eligible Match Share source identified at the time of application in case the In-kind Match is not approved. In-kind Match Share is not guaranteed.

Additionally, while ratepayer-funded utility rebates, incentives, or contributions are excluded from Grantee Match Share, Grantees are required to apply for any applicable rebates and incentives for which the charging station is eligible to lower total project costs as outlined in Attachment 2, Scope of Work and Deliverables.

4. Project Requirements

4.1. Federal Project Requirements

The EVC RAA program aims to repair and replace inoperable EVSE infrastructure as well as bring infrastructure up to CFR-680 standards, including a minimum of four networked ports at each charging station.

Funding for any agreement resulting from this NOFO will be paid from EVC RAA 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.

EVC RAA adheres to the strict standard set by CFR-680 regarding the interoperability of electric vehicle charging infrastructure; charging network connectivity of electric vehicle charging infrastructure; data submittals; information on publicly available electric vehicle charging infrastructure locations; pricing; real-time availability; and accessibility through mapping.

Applicants are strongly encouraged to complete the repair, replacement, and upgrade activities within 12 months of Notice to Proceed.

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

4.2. Eligible Charging Station List

Refer to Attachment 7 for a list of eligible charging stations.

4.3. Public Improvement Projects

Certain charging stations will be considered Public Improvement Projects based on their location on Public Property. Please note that a grantee awarded a contract (Grant Agreement) for more than $50,000 that includes a charging station on Public Property must obtain a performance bond and a payment bond, each in an amount equal to or greater than the full contract price, per Oregon Revised Statute (ORS) 279C.

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 Section 6.4 of this NOFO.

6.2. Application Contents

6.2.1. Technical Application Form

Applicants must complete each section of the Technical Application Form and provide all required information and documents for each proposed charging station site. The Technical Application Form clearly indicates which information is required per proposed site. Links to information outside of the form will not be reviewed. No macros are allowed. Resumes for key personnel must be uploaded to the form. Resumes shall be limited to two pages per resume. No more than three resumes are permitted per application.

6.2.2. Cost Proposal Form

Applicants must provide a completed Attachment 3, 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 Total Project Costs. Applicants will only be reimbursed up to 80% of the applicable per port cost maximums (excluding Distributed Energy Resources). Within Attachment 4, each applicant is required to follow the instructions in the attachment and provide the following:

- The Requested Reimbursement (%) for capital costs, excluding battery energy storage, which will not exceed 80% of the applicable per port maximum.
- Requested Reimbursement amount for proposed Distributed Energy Resources (including Battery Energy Storage Systems), which will not exceed 80% of $1,000 per kWh of allowable BESS proposed. Information regarding allowable levels of BESS can be found in Section 3.8.2.
- The Project Costs for each cost item, as identified in Attachment 3. Costs shall include only items eligible under the EVC RAA program as defined in Section 3.8, Costs for Reimbursement.

ODOT reserves the right to not fully fund a project.

6.2.3. Required Site Host Permission

ODOT recognizes that Applicants proposing projects at eligible charging stations may have differing levels of agreement with the Site Host at the time of proposal. ODOT is providing two options for required site host permission: A Signed Site Host Agreement or a Letter from the Site Host. For each proposed charging station location, the Applicant shall clearly indicate which of the two options they are selecting in the Technical Application via the EVC RAA Cognito Application Portal. Each of the two options is a scorable item, and the Applicant is strongly encouraged to review Section 7.1.2 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. For each site, either Option A or Option B must be uploaded as an attachment to the application.

6.2.3.1. (A) Signed Site Host Agreement

Option A: 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 term of the Agreement for the purpose of repairing, replacing, upgrading, constructing, installing, operating, and maintaining the 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 defaults under either the Site Host Agreement or the Agreement the grantee has with ODOT.
- The Site Host's attestation of ownership of the real property OR having permission from the Real Property Owner to develop the project.

6.2.3.2. (B) Letter from the Host Site

Option B: At the 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 term of the Agreement for the purpose of repairing, upgrading, replacing, 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.
- The Site Host's attestation of ownership of the real property OR having permission from the Real Property Owner to develop the project.

If the applicant provides a Letter from the Host Site at the time of application, a signed host site agreement that meets the requirements outlined in Section 6.2.3.1 (A) must be submitted to ODOT within 15 business days after Notice of Intent to Award is issued, prior to finalizing the Grant Agreement.

6.2.4. Required Utility Outreach

Applicants are required to demonstrate that they have contacted the applicable utilities for each proposed charging station in their application. At a minimum, applicants must demonstrate:

- Confirmation from the utility that the applicant has contacted it regarding the proposed charging station location.
- The Utility has provided any applicable Site Information identified in Attachment 9, Utility Information.

Please note that **applicants are not required to complete and upload Attachment 9, but** rather this is an optional tool to facilitate the information applicants are required to gather from the utilities.

Confirmation from the utility that the applicant has made contact regarding the proposed charging station location can take the form of a .pdf email from the utility or via Attachment 8: Sample Utility Letter.

6.2.5. Sample Grant Agreement

Attachment 4, Sample Grant Agreement outlines the agreement between the grantee and the Oregon Department of Transportation. The Sample Grant Agreement does not need to be signed at the time of application, but Applicant must thoroughly review the Sample Grant Agreement. Applicant must notify ODOT **at the time of application** of any agreement terms or conditions that the Applicant wishes to modify in Section 8 "Sample Grant Agreement" of the EVC RAA Cognito Application Portal. If awarded the project, Applicant and ODOT may negotiate the agreement

terms and conditions noted in the Application. Any changes are at the discretion of ODOT.

6.2.6. Affidavit of Non-Collusion

Applicants must complete the Affidavit of Non-Collusion and submit it as part of the application. This shall be uploaded to the EVC RAA Cognito Application Portal. The Affidavit of Non-Collusion will not be scored but will be part of the non-technical responsiveness check.

6.2.7. Conflicts of Interest

Applicants must provide a list of all entities with which they have 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 6, Conflict of Interest and Disclosure Form and submit it as part of the application. The Conflict of Interest and Disclosure Form will not be scored but will be part of the non-technical responsiveness check.

6.2.8. FHWA FORM 1273

Applicants must review and sign Attachment 5 **Federal Highway Administration Form 1273 (FHWA Form 1273). FHWA Form 1273** checklist is not scored but will be part of the non-technical responsiveness check.

6.3. Application Timeline

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 EVC RAA 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	10/8/24	5:00 PM PDT	ODOT EVC RAA Webpage and by email
Pre-application webinar	10/11/24	10:00 – 11:00 PDT	See email
Questions Due	10/15/2024	5:00 PM PDT	Email to OREVCRAA@odot.oregon.gov
Answers Posted	10/21/2024	5:00 PM PDT	ODOT EVC RAA Webpage
Applications Due	11/22/2024	5:00 PM PST	ODOT NEVI Webpage
Conditional Award Date (Anticipated)	By year-end 2024	TBD	ODOT EVC RAA Webpage and by email
Execution of Grant Agreement (anticipated)	January/February 2025	TBD	To be detailed in the 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: Stefenie Griggs, Senior Transportation Electrification Analyst (or the Grant Administrator's designee)

Email: OREVCRAA@odot.oregon.gov

Questions should be sent 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 EVC RAA 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 (except the Grant Administrator's designee) 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. 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 OREVCRAA@odot.oregon.gov.

Any person requiring special accommodation due to a disability should contact ODOT by email at OREVCRAA@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 EVC RAA Cognito Application Portal. Applications must be submitted by 5:00 PM PST on November 22, 2024.

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 prior to the deadline, they must email the Grant Administrator as outlined in Section 6.4, Questions. Applicants may 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 who demonstrated marginal or unsatisfactory performance on previous competitive selections or contracts with ODOT or other state agencies. ODOT reserves the right to verify the 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 the 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 as non-responsive and will not be evaluated further. If an Applicant or application fails to meet one or more of the requirements detailed in the Technical Application Form, it may be determined to be non-responsive.

All requirements can be found in the Technical Application Form.

7.1.2. Scoring Criteria and Evaluation

To evaluate technical applications, ODOT will establish a Review Committee made up of no fewer than three members. Applications that pass the Responsiveness Check will be evaluated and scored individually by each Review Committee member according to the scoring criteria and point maximums provided in the tables below.

Applicants will receive two types of scores. The first score will be for Applicant Qualifications. The second score will be specific to the site proposal(s). The two scores will then be combined to create the Total Score. Projects will be ranked based on their Total Scores. In the rare case where two Applicants apply for the same site and receive the same Total Score, then the applicant with the lowest cost proposal will be awarded the site.

ODOT is prioritizing DCFC for EVC RAA sites. However, ODOT also wants to ensure a minimum number of Level 2 charging stations are fixed in this program. ODOT aims for 5% to 10% of EVC RAA funds to be targeted for Level 2 charging station projects.

Another objective of this program is to support multiple vendors. As such, ODOT has the discretion to reduce the number of funded projects if one applicant reaches 70% of the total funding available.

Applicant Qualifications Scoring Criteria	Maximum Points Possible: 50
A. Project Team Qualifications, Experience, and Approach	**30 (60%)**
Applicant Background and Experience: Describe the Applicant Key Personnel and Experience in Section 1 "Applicant Background and Experience" of the Technical Application via the **EVC RAA Cognito Application Portal.**	**5**
Approach to project management: Describe the approach to project management in Section 2 "Project Management" of the Technical Application via the **EVC RAA Cognito Application Portal.**	**5**

Prior experience with EVSE: Provide prior EVSE experience in Section 3 "Prior Experience and Performance" of the Technical Application via the **EVC RAA Cognito Application Portal.** • 5 Points for 11+ projects • 3 Points for 5-10 projects • 1 Point for 1-4 projects	**5**
Past EVSE reliability: Provide prior EVSE system performance in Section 3 "Prior Experience and Performance" of the Technical Application via the **EVC RAA Cognito Application Portal.** The average uptime of all projects provided will be calculated. Points will be awarded as follows: • 5 points for 97%+ average • 3 points for 93-96% average • 1 point for 85%-93% average • 0 points for below 85% average or no prior experience	**5**
Compliance with Federal Requirements: Indicate your experience complying with the federal requirements outlined in Section 4 "Experience with Federal Requirements" of the Technical Application (EVC RAA Cognito Application Portal).	**10**
B. Approach and Understanding of Requested Services	**20 (40%)**
Approach to operations and maintenance: Describe your firm's approach to O&M for EVC RAA in Section 5 "Operations, Maintenance, and ADA Accessibility Standards" of the Technical Application via the **EVC RAA Cognito Application Portal**, including at a minimum: • Plan to achieve an 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**
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 in Section 5 "Operations, Maintenance, and ADA Accessibility Standards" of the Technical Application via the **EVC RAA Cognito Application Portal**.	**4**
Approach to workforce development: Describe your firm's approach to workforce development for this program in	**2**

Section 6 "Workforce, Cybersecurity, and Data Management" of the Technical Application via the EVC RAA Cognito Application Portal, including technical training and education and approach to complying with the qualified technician requirement of 23 CFR 680.106(j).	
Approach to cybersecurity: Describe your firm's approach to cybersecurity in Section 6 "Workforce, Cybersecurity, and Data Management" of the Technical Application via the EVC RAA Cognito Application Portal, including at a minimum: • protection measures for data storage, management, transactions, and transmittals.	**4**

Site Scoring Criteria	Maximum Points Possible: 100
C. Location and Charging Station Characteristics	**37 (37%)**
Charging Stations located on and designed to serve an EV Alternative Fuel Corridor (AFC): Several eligible sites are located on AFCs scheduled to receive NEVI funding in the coming years. To support more immediate access to charging on AFCs, sites will be graded in the reverse order of NEVI funding rounds. **Note:** there are no EVC RAA charging stations located on the NEVI Round 4 AFCs (U.S. Highway 95 and OR Highway 42). ODOT's EV Alternative Fuel Corridors are defined in Definitions and Acronyms (Appendix A). Points will be allocated for charging stations located on AFCs as follows: **Round 3 NEVI AFCs: 15 points** • U.S. Highway 26 • U.S. Highway 101 • Interstate 405 • Interstate 5 (north of milepost 183). **Round 2 NEVI AFCs: 10 points** • Interstate 84 • Interstate 82 • U.S. Highway 20 **Round 1 NEVI AFCs: 5 points** • Interstate 5 (south of milepost 183 to the California border) • Interstate 205 • U.S. Highway 97	**15**

Projects implementing DCFC ports: Projects that include charging stations where DCFC ports will be repaired, replaced, or added to the charging station. Applicants will receive 2.5 points per each repaired, replaced, or added DCFC port for up to 4 ports. (See Section 7.1.2 about Level 2 charging stations set aside funding)	**10**
NACS (J3400) connectors: Project proposes NACS (J3400) connectors for the charging station.	**2**
Charging Station located on public property: Charging stations located on public property owned by a public entity. (See Section 4.3 for performance and payment bond requirements for Public Improvement Projects)	**5**
Proposed Charging Station includes Battery Energy Storage System or Battery Energy Storage System with On-site Renewable Energy/Renewable Energy Credits: To support grid resiliency, charging stations that include Battery Energy Storage or Battery Energy Storage with On-Site Renewable Energy/Renewable Energy Credits will receive points as follows: • Battery Energy Storage alone: 3 points • Battery Energy Storage with On-Site Renewable Energy or Renewable Energy Credits: 5 points On-site Renewable Energy must be proposed in conjunction with Battery Energy Storage to be awarded funding and points.	**5**
D. Project Readiness	**33 (33%)**
Adequate power: The applicant has demonstrated there will be adequate power for the proposed EVSE at the site without major utility upgrades (as defined in Section 3.9), via the existing on-site power or via proposed on-site Distributed Energy Resources (e.g., solar arrays, Battery Energy Storage Systems (BESS)). Must demonstrate that the proposed DERs is intrinsically related to the Electric Vehicle Supply Equipment (EVSE) and solely dedicated to the operation of EVSE to be reimbursable.	**10**

Signed Host Site Agreement: Applicant provides a signed host site agreement as defined in Section 6.2.3.1 at the time of application. Host Site Agreement must demonstrate the following to receive points: • The site is available to the Applicant for the entire length of the Agreement for the purpose of repairing, upgrading, replacing, 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 defaults under either the Site Host Agreement or the Agreement the grantee has with ODOT. • The Site Host's attestation of ownership of the real property OR having permission from the Real Property Owner to develop the project. If the Host Site Agreement does not satisfy all the requirements above, partial points may be awarded.	**15**

Signed Host Site Letter: Applicant provides a signed host site letter as defined in Section 6.2.3.2 at the time of application. Host Site Letter must demonstrate the following to receive points: • The site is available to the Applicant for the entire term of the Agreement for the purpose of repairing, upgrading, replacing, 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. • The Site Host's attestation of ownership of the real property OR having permission from the Real Property Owner to develop the project. If the Host Site Letter does not satisfy all the requirements above, no points will be awarded.	~~53~~
Proposal for repair-only of existing EVSE: Repairing can include hardware and labor costs up to, but excluding, full replacement of EV chargers and intrinsically related equipment necessary to ensure that broken or non-operational chargers (i) resume a fully operational status for at least 5 years, (ii) function as intended by the manufacturer, and (iii) comply with 23 CFR 680.	~~85~~
E. Equity	**30 (30%)**
Located within Justice40 Disadvantaged Communities (DACs): Charging station is in a DAC, as defined by the Climate and Economic Justice Screening Tool.	15
Charging Station is located within a rural area: Charging station is in a rural area, as designated the by US Census Bureau.	15

7.1.3. Score Tabulation

The maximum Total Score for any proposed project is 150 points (50 points for the Applicant Qualifications and 100 points for Site Scoring). The Review Committee will finalize all award recommendations.

7.1.4. Award

ODOT will notify the successful Applicant via email and will post the intent to award on our EVC

RAA webpage. A Notice of Intent to award 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 6.2.3.1 (A) and shall have an effective date of 5 years following the operational date of each charging station.
- Signed Letter or Email from the Utility
    - The signed letter or email from the utility shall confirm that the utility has received the proposed site information and required load for the charging station.
- 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 following requirements.

9.1.1. Payment

Upon completion of the construction phase, Grantee will submit a single Reimbursement Request for payment. Grantee shall submit a separate Reimbursement Request for each site. The Grantee must be in compliance with the Scope of Work and Deliverables outlined in Attachment 2. The Reimbursement Request must itemize all expenses for which reimbursement is claimed. The State will pay Grantee after Grantee presents an itemized Reimbursement Request for the Project work actually performed and the State's Authorized Representative accepts the Project work performed.

9.1.2. Retainage

ODOT will retain 10 percent of the Reimbursement Request. This will serve as the retainage during the Operations and Maintenance phase.

During the five-year Operation and Maintenance phase, ODOT will confirm that the Grantee has met the 97% uptime as required in Appendix B, EVC RAA Standards & Requirements. ODOT will review the data submitted for Task 4 of the Scope of Work and Deliverables to confirm that Grantee has met the required uptime.

During the five-year O&M period, ODOT will annually reimburse 20% of the total retainage only if, for the preceding 12-month period, the Applicant maintained an average uptime of 97% or higher based on the data provided in Task 4 of the Scope of Work and Deliverables. By way of example, if an Applicant maintains a 97% or higher uptime for three of the five years during the five-year O&M period, ODOT will disburse a total of 60% of the retainage held (20% installment x 3 years). ODOT shall retain and use for program purposes all retainage for any year(s) during the O&M period that the Applicant fails to meet the 97% uptime requirement, and the Applicant relinquishes any claim to the same.

9.2. Reserved.

9.3. Reasonable Return on Investment and 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.
- 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 charging station project, as determined by the State or other direct recipient.
- Any costs necessary for the improvement of 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.
- Any other purpose for which Federal funds may be obligated under Title 23, United States Code.

ODOT has the discretion to determine what a reasonable rate of return is, and an applicant may not be selected if the rate of return is not considered reasonable.

Appendix A: Definitions and Acronyms

Alternative Fuel Corridor (AFC) and EV Alternative Fuel Corridor: National EV charging and hydrogen, propane, and natural gas fueling corridors designated by FHWA. In Oregon, the following are Federal Highway Administration-Approved EV Alternative Fuel Corridors:

- Interstates 5, 84, 205, 405 and 82
- US Highways 97, 101, 20, 26, 95 and OR Highway 42

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

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 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 Charger Reliability and Accessibility Accelerator (EVC RAA): A federal program to provide up to $100 million in funding to repair and replace non-operational EV charging infrastructure nationally. Oregon received $10 million of funding in the first round. This round of funding will focus on improving the reliability of the current network by repairing or replacing existing EV charging infrastructure.

Electric Vehicle Infrastructure Training Program (EVITP): A comprehensive training program for

the installation of electric vehicle supply equipment.

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.

Eligible Applicant: Eligible applicants are charging equipment and/or network providers for eligible charging stations; EV Service Providers that own and operate eligible charging stations; pre-qualified applicants who have been determined through ODOT's competitive Request for Qualifications (RFQ) for ZEV charging and fueling infrastructure; utility service providers to eligible charging stations; and public entities with broken eligible EV chargers located on public land/public right-of-way.

Eligible Charging Station: Eligible charging stations are those that have been identified by ODOT in Attachment 7, List of Eligible Charging Stations. Charging stations must meet further eligibility criteria to be awarded funding. Eligible charging stations are located at an eligible site, as illustrated in Attachment 7.

Eligible Site: See eligible charging station.

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.

J-1772 Connector: A North American standard for electrical connectors for electric vehicles maintained by SAE International under the formal title "SAE Surface Vehicle Recommended Practice J1772, SAE Electric Vehicle Conductive Charge Coupler." Also known as a SAE J1772 J plug or Type 1 connector.

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

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. Also referred to as "CFR 680 compliant."

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 included in the Term of Agreement, 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, and sometimes referred to as demand side management.

Repair Project: A project that includes hardware and labor costs up to, but excluding, full replacement of EV chargers and intrinsically related equipment necessary to ensure that broken or non-operational chargers (i) resume a fully operational status for at least 5 years, (ii) function as intended by the manufacturer, and (iii) comply with 23 CFR 680.

Replace Project: A project that includes hardware, permitting, and labor costs necessary to remove broken or non-operational EV chargers from service and, at the same location, install new chargers that (i) remain operational for at least 5 years, (ii) function as intended by the manufacturer, and (iii) comply with 23 CFR 680. Broken or non-operational equipment replaced through this program cannot be redeployed through any other federally funded program and must be either recycled or scrapped

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 repairing, upgrading, replacing, 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.

Technical Application: Refers to the contents of sections 1 – 7 of the EVC RAA Cognito Application Portal

Upgrade Project: Upgrade projects include upgrading broken hardware or functional hardware as necessary to meet 23 CFR 680. For example, replacing a DCFC power module to provide at least 150kW per port on an EV Alternative Fuel Corridor; adding additional ports to the charging station to meet the 4-port minimum; and providing minor utility upgrades in accordance with the minimum power level requirements outlined in 23 CFR 680.

Appendix B: EVC RAA Standards & Requirements

There are key distinctions in the standards and requirements for EVC RAA and NEVI Formula funds. These key differences for EVSE are highlighted below and must be followed to ensure compliance. If an application does not propose to meet minimum EVC RAA standards and requirements, it will not be eligible to be evaluated within the merit-based selection process.

Alternative Fuel Corridors

There are different requirements for charging stations located along and designed to serve users of Alternative Fuel Corridors and charging stations not located along and designed to serve users of Alternative Fuel Corridors.

For a charging station to be considered as along an Alternative Fuel Corridor, the driving distance from the intersection or interchange to the station location must be 1 mile. The 1-mile distance may be measured from the end of the exit ramp or loop. In other words, where the ramp/loop intersects or merges with the adjoining road. Whichever exit or ramp is nearest the station may be used.

In Oregon, the following are Federal Highway Administration-Approved EV Alternative Fuel Corridors:

- Interstates 5, 84, 205, 405 and 82.
- US Highways 97, 101, 20, 26, 95.
- OR Highway 42.

Power level

The power level required for each individual port at a charging station will depend on three factors:

- The type of ports already existing at the charging station.
- The type of additional ports being added to the charging station (as applicable).
- Whether or not the charging station is located along and designed to serve users of an Alternative Fuel Corridor.

Level 2 Charging Ports

All level 2 charging ports must have a continuous power delivery rating of at least 6 kW and the charging station must be capable of providing at least 6 kW per port simultaneously across all AC ports regardless of whether the charging station is located on an Alternative Fuel Corridor or not.

DCFC Charging Ports

All DCFC charging ports that are located on and designed to serve users of an EV Alternative Fuel Corridor must have a continuous power delivery rating of at least 150 kilowatts (kW).

For DCFC ports not located on an EV Alternative Fuel Corridor, the power level requirements will vary depending on the existing infrastructure.

- For repairing and replacing existing DCFC ports, the power level must not exceed the previously established power level.
- For DCFC ports that are added to establish a 4-port minimum at a site, the power level can be up to 150 kW.
- For example, if a charging station has 2 existing DCFC ports, each with a power delivery rating of 50 kW, the replacement DCFC ports must also have a power delivery rating of 50 kW. If 2 ports are added to this charging station to meet the 4-port minimum, both ports can have a power level of up to 150 kW.

Appendix C: Minimum 23 CFR 680 Standards and Requirements

The standards and requirements from 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 network-connected charging ports and be capable of simultaneously charging at least four EVs.

Connecter Type:

- All charging connectors must meet applicable industry standards.
- Each AC Level 2 charging port must have a permanently attached J1772 connector and must charge any J1772-compliant vehicle.
- 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 located along an Alternative Fuel Corridor 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.
- Level 2 charging ports must have a continuous power delivery rating of at least 6 kW and the charging station must be capable of providing at least 6 kW per port simultaneously across all AC ports

Availability:

- Charging stations located along an Alternative Fuel Corridor must be available for use and sited at locations physically accessible to the public 24 hours per day, 7 days per week, year-round.
- Charging stations not located along a designated Alternative Fuel Corridors must be available for use and accessible to the public at least as frequently as the business operating hours of the site host.
- 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.
- Level 2 chargers must be ENERGY STAR certified and certified to the appropriate Underwriters Laboratories (UL) standards or Nationally Recognized Testing Lab (NRTL) standards for EV charging 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 the next bullet, (paragraph (j)(2) of 23 CFR part 680.106), 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.
- Charging station real property acquisition cost, charging equipment acquisition and installation cost, and distributed energy resource acquisition and installation cost.
- 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.
  - 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, 2023.

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