

**To: Interested Parties, Potential NEVI Applicants**

**From: WSDOT' NEVI Team**

**Re: Questions on NOFO/RFP**

Below are WSDOT's responses to NEVI NOFO/RFP Questions that Interested Parties submitted as of November 15, 2024. WSDOT will neither accept nor respond to questions submitted after the November 15 deadline.

## General Questions

### 1. Additional Question Period.

NOFO, Section 6.4, Pages 25-26

**Question:** Will there be another question period once applicants receive the responses to the questions enclosed herein?

**WSDOT Response:** No. The NOFO/RFP Round1 Question period closed November 15, 2024. WSDOT will not accept or respond to additional NEVI NOFO/RFP Round 1 questions.

### 2. Cost Proposal Form, Exhibit D.

**Question:** In the Exhibit D Word document provided by WSDOT, it references a Cost Proposal Form in excel format. Will this excel Cost Proposal also be provided to applicants or is this expected to be created by the proposer and submitted with the PDF Exhibit D?

**WSDOT Response:** On November 13, WSDOT sent the Cost Proposal Form to Interested Parties and potential NEVI Applicants via GovDelivery. If you are not currently subscribed to GovDelivery and would like a copy of the NOFO/RFP Exhibits, please email [nevi.programk@wsdot.wa.gov](mailto:nevi.programk@wsdot.wa.gov), with the subject “**Request for NOFO/RFP Exhibits**”.

### 3. Copies of Exhibits.

NOFO/RFP Section 6.12, Exhibits and reference documents, page 29.

**Question:** Can the DOT confirm where copies of the required Exhibits can be found to download and complete?

**WSDOT response:** WSDOT will make NOFO/RFP Exhibits available to Interested Parties upon request. Any person requiring Exhibits should contact WSDOT by email at [nevi.programk@wsdot.wa.gov](mailto:nevi.programk@wsdot.wa.gov)

### 4. Grant Writing Assistance.

**Question:** Does WSDOT provide technical or grant writing assistance?

**WSDOT response:** No. However, applicants may hire consultants or use free services such as those provided through the Federal Funds Grant Writing Assistance Program (FFGWAP) <https://www.commerce.wa.gov/federal-energy-funding/ffgwap/>. Note that use of outside assistance such as FFGWAP is not considered an endorsement of the application and does not guarantee that the proposed project meets NEVI requirements.

All applications will be evaluated on their merits and only WSDOT has the authority to determine NEVI-compliance.

## NEVI Grant Agreement

### 5. Comments on NEVI Sample Agreement.

NOFO Sample Agreement – Entire Document

**Question:** If an applicant would like to comment on the contractual language, should we do that in the application phase, or wait until awardees have been selected?

**WSDOT Response:** On or around November 7, WSDOT posted a State approved (Office of Attorney General) Sample NEVI Agreement to our website and emailed GovDelivery subscribers a copy of the document. The NOFO/RFP Round1 Question period closed November 15, 2024. The Agreement was drafted based on NOFO/RFP criteria and based on standard terms and conditions required for all State contracts.

Applicants who **receive a conditional NEVI notice of proposed award** may comment on the Agreement, provided that any and all comments or suggestions (1) reference industry standard and best practices regarding executed EV Agreements **and** (2) include a copy of an executed contract or reference to a public EV industry website as a basis for WSDOT review of the proposed comment or suggestion. WSDOT will not consider any comments to the NEVI Agreement that do not comply with these requirements.

## **NOFO/RFP – Section 1 - Introduction**

### **NEVI Overview**

#### **6. Conduit and Wiring.**

NOFO/RFP Page: 6, Section 1.2, Overview.

**Question:** NOFO states that “future proofing to include conduit and wiring...” While additional conduit is common for future proofing, including wiring as well significantly increases costs due to the need for larger switchgear to connect the wiring. Is the wiring truly required now, or is the intent to add conduit and wire in the future when additional chargers are installed?

**WSDOT response.** **The wiring is required now.** Please reference the NOFO/RFP language. “This NOFO includes **additional requirements** for EVSE, site selection, installation, operations and maintenance (O&M), and reporting requirements (our emphasis). Conduit and wiring are mentioned as one of several **current requirements** needed to future-proofing EVSE. WSDOT has determined that the requirement shall remain in place.

#### **7. Site Requirements.**

NOFO/RFP, Section 6.2 (Site Requirements), page 21.

**Question:** Is the Grantee required to own the EVSE charging station(s) in their applications?

**WSDOT response:** No, the Grantee is **NOT** required to own the EVSE charging station(s) in their applications. Please review NOFO/RFP Section 1.2, as follows: “WSDOT’s goal is to deploy the State’s NEVI formula funds to strategically support the development of reliable, convenient, affordable, and equitable EVSE along the identified corridors. The Grantee will install, operate, and maintain the EVSE throughout the term of the Grant Agreement.”

#### **8. Site Upgrades.**

**Question:** We note the language on page 9 regarding site upgrades. Are all the site design requirements (NACS, future-proofing for two dispensers) applicable to upgrade sites as well as new builds? For instance, is a plan to replace an existing four-dispenser site with four NEVI dispensers non-compliant unless the site is also modified to include two make-

readies? We seek to understand the extent of required capital work at existing sites beyond charger replacement.

**WSDOT response:** Yes, all site design requirements apply to both new builds and upgraded sites. The NOFO/RFP indicates that “The NOFO published under this competitive selection provides available funding for **updates to existing EVSE sites** and new EVSE sites along Washington’s EV Alternative Fuel Corridors (herein referred to as “AFC” or “corridors”). (Our emphasis, see NOFO/RFP Section 1.2). Applicants may apply to upgrade these stations if they have the **specific knowledge** that the station doesn’t meet all “relevant minimum requirements” as outlined by the Joint Office of Energy and Transportation in the June 2024 guidance, as per 23 CFR 680 requirements. WSDOT anticipates that Applicants’ showing of “specific knowledge” will be reflected in their NOFO/RFP bid proposal.

#### 9. **NACS (SAE J3400).**

The NOFO cites “Requiring Applicants to plan for the inclusion of NACS (SAE J3400) dual-port charging equipment when Nationally Recognized Testing Laboratory (NRTL)-listed equipment is available.”

##### **Questions:**

Does this mean that equipment installed in the NEVI program must either include or be upgradeable to include NACS?

We seek to understand if this is a firm requirement to support NACS on the specific equipment proposed for this opportunity or whether it’s a more general question about organization NACS strategy. If future NACS capability at sites is required, is a commitment to evaluate or deploy NACS/CCS chargers in the future at the two make-ready spots a viable strategy, or do the specific units installed during the initial deployment require future NACS capability?

**WSDOT Response:** Applicant proposals should include a EVSE plan, strategy or approach to incorporate and/or transition to NACS J3400 standards. Applicants should discuss their approach/plan to ensure that equipment installed under NEVI be fully capable of upgrade to include NACS. Until then, WSDOT’s will evaluate and score Applicant proposals based on demonstration of a plan for future transition to NACS J3400.

WSDOT anticipates that project timetable will allow Grantees sufficient time to include NACS J3400 standards in their initial EVSE deployment. WSDOT expects to issue Conditional Notices of Award in late February 2025 and execute Grant Agreements soon thereafter. We expect that Grantee preliminary engineering and NEPA work to take six months after the Grant Agreement is executed.

WSDOT anticipates that by the time Grantee’s project begins the construction phase – no sooner than summer 2025 -- Underwriters Laboratory (UL) listed equipment that meets the J3400 will have been adopted as the official industry standard. As such, WSDOT will require specific units installed during the initial EVSE deployment to include NACS capability.

Finally, WSDOT is monitoring -- and encourages Applicants to review – the development of industry consensus in adoption of J3400 standards. Please review Joint Office of Energy

and Transportation guidance and recommendations for the J3400 standard.  
(<https://driveelectric.gov/charging-connector>).

## **AFC Corridors, Segments**

### **10. GIS Data, AFC Corridors, AFC Segment End Points.**

NOFO Document Name: NOFO/RFP, Section 1.4 (page 8)

**Question:** Does WSDOT have GIS , GeoJSON or .shp data files, or information that can be shared representing the corridors and segments mentioned in the NOFO?

Further, Do the segments listed include the end points as eligible locations? For example, in the "Ritzville to Idaho Border" segment, can a proposed site be located in Ritzville?

**WSDOT response:** No. Unfortunately, WSDOT does not have GIS, GeoJSON or .shp data that we can share with Interested Parties. WSDOT has not determined the demarcation for where a given AFC segments will end. Instead, we rely on Applicants to include in your proposals site locations that are based on your GIS methodology and mapping capabilities. Although there is no GIS data for a given AFC segment, Applicants may use end points -- such as a city boundary -- as a proxy for segment end point. Applicants may reference public information such as boundaries that City/Municipal Tax Assessors use to levy property assessments. Applicants may also rely on commercial GIS information in your proposals.

The NEVI Program utilizes established geospatial data standards, primarily those set by the Federal Geographic Data Committee (FGDC), to ensure consistency and interoperability when collecting and sharing data related to electric vehicle charging station locations across the United States, allowing for seamless integration with other geographic information systems (GIS) platforms. Regardless of the type of GIS data used, WSDOT will

review the methodology and criteria to ensure that proposed sites meet 1- and 50-mile NEVI program requirements.

## 11. AFC Corridors, Segments (Estimated Number of Sites).

NOFO Document Page: 30, Section Number: 6.12.1, List of Exhibits

**Question:** Exhibit B, Section 1.2 requires a station to be within 50 miles of another NEVI compliant charging station, and if near a state border, within 25 miles of the border. However, WSDOT recommends only 1-2 sites for segment US-97, which isn't sufficient to meet both requirements based on our assessment. Does this imply the state would want more than 2 sites for that segment to satisfy both requirements? We have the same concern for other AFC segments where the estimated number of sites is 1, but both requirements can't be met.

**WSDOT Response:** The NOFO/RFP Figure 1 (NEVI Eligible Fuel Corridors) includes our **estimate** of the number of sites needed for a given AFC segment and/or corridor (our emphasis).

WSDOT will consider Grantees' analysis of GIS and other spatial data, to support their bid for a given AFC corridor and/or segment. We will consider Applicants bid as viable and NEVI-compliant, to the extent that Grantee's analysis of spatial data and engineering specifications demonstrates the need for more (or less) sites and meets distance and other NEVI requirements.

### Project Requirements

## 12. Allowing NOFO/RFP Bids for Individual Sites.

“WSDOT will also allow Applicants who demonstrate technical expertise and capacity in specialized or niche market segment(s) to submit Applications for entire AFC segments. WSDOT will not accept Applicant proposals for individual sites.”

**Question:** Would WSDOT consider modifying the scoring criteria to award additional points to, but not require, applicants to propose multiple locations along a corridor?

“While we understand WSDOT's intent behind the corridor approach may be to ensure all sites along a corridor receive sufficient applications, we caution that this approach would likely have the opposite effect - resulting in fewer applications and less competitive, more expensive sites by prohibiting many potential applicants from applying.

The proposed corridor approach would prohibit applicants from applying unless they can propose sites which fill every target area along a given corridor. For example, if a potential applicant has 3 candidate sites along the US-2 Corridor (requiring 4 sites at minimum), they are completely barred from applying for any and all of those sites — no matter how



well those sites would otherwise have scored against competing applications, including how much less costly, more reliable, or higher quality those sites would be.

We would encourage WSDOT to consider allowing applicants to apply on a site-by-site basis, creating an open solicitation for individual stations along prioritized corridors. This would encourage a more competitive applicant pool, result in lower project costs, increase the diversity of awardees, and enable WSDOT to build out the best possible charging network for Washington drivers.”

**WSDOT Response:** No, WSDOT will **NOT** modify scoring criteria, to award points to Applications proposing multiple locations along a corridor. In fact, WSDOT’s scoring criteria takes into account the possibility that Applicants may submit multiple proposals. WSDOT stated: “Applicants may submit one application per AFC corridor or 1 application per AFC segment. **There is no limit to the number of applications an Applicant may submit or that WSDOT will review.**” (see NOFO/RFP Section 1.4).

WSDOT will focus our evaluation on the quality and capacity of an Applicant’s proposal for each and every AFC location, not the number of locations proposed. WSDOT’s goal is to “Guarantee that charger installations, operations, maintenance, and ownership can be handled by an experienced Grantee that is responsible for complying with all federal requirements attached to this funding.” (NOFO/RFP Section 1.3).

No, WSDOT will not accept Applicant proposals for individual sites (see NOFO, page 9). All Applicant proposals must reference and include NEVI-eligible AFC Corridors and/or segments identified in the NOFO/RFP Section 1.4. If a segment is comprised of only one (1) site, that proposal will be considered as an AFC segment proposal (e.g., I-90 Ritzville to Idaho Border, US-395 Spokane to Colville, or US-395 Colville to Canadian Border).

WSDOT must ensure that all corridors associated with the NEVI program, regardless of location or desirability, are fully built out to meet or exceed NEVI requirements. WSDOT determined that the most reliable and agile method for delivering fully built-out corridors is for awardees to develop full corridors or segments, rather than individual sites along the corridor which could lead to gaps in the network.

## **Section 2 – Project requirements**

### **Physical sites**

### **13. Charging System Requirements.**

NOFO/RFP Exhibit B- Technical Specifications-Requirements-Operation

Section Number: 2.6, Page Number: 3

**Question:** Is the expectation that a charging system should provide 150kW **simultaneously across three ports** while providing a **charge above 150kW at the fourth port**?

**WSDOT Response:** It may be useful to **distinguish between chargers and ports**.

**Charger Standards.** NEVI requires that Grantees provide at least one (1) charger that is capable of charging at above 150kW at each Charging Station. This shall have no impact on the ability to provide 150kW simultaneously to all chargers. (NOFO/RFP Exhibit B, Section 2.6 - Charger at above 150kW).

**Port Standards.** The Project location(s) shall have a minimum of 4 (four) NEVI compliant charging ports. Additional charging ports that do not meet the NEVI requirements are allowed, but these additional non-NEVI ports are ineligible for NEVI funding. Power sharing between the NEVI ports and the non-NEVI ports is allowed as long as the 150 kW continuous and simultaneous power requirements for the NEVI ports are met. (NOFO/RFP Exhibit B, Section 2.9 - NEVI Port Power Sharing).

We also cite to the port power sharing standard in the NOFO. The NEVI operational requirement is that a charging system must have a minimum of 4 (four) 150kW combined charging system (CCS) direct-current fast-charging (**DCFC**) ports capable of powering 4 (four) electric vehicles simultaneously, for a power capability of 600 kW or more per site. Extra points will be added to scores for applications that include additional charging ports capable of charging at 150kW or higher power simultaneously beyond the required minimum 4 (four) 150kW charging ports (must be new or upgraded chargers).

#### **14. Funding and Project Match.**

**Questions:** What is the Max Applicant Funding? What is the Max Project Funding? Is there an established Purchase Order Timing? Is there an established timeline for Deployment?

**WSDOT response:** There is no maximum applicant funding. WSDOT **may** award Round 1 NOFO/RFP funding up to \$25 million in project funding. Although the NOFO does not obligate WSDOT to award a grant or complete the project, WSDOT hopes to award **multiple Round 1 NOFO/RFP awards**, based on system and program requirements and on the adequacy of Applicant proposals. (see NOFO/RFP Section 1.2, Overview). Purchase order timing and reimbursements will be consistent with 2 CFR 200 guidelines.

Although there is no maximum applicant funding or ceiling, Grantees are **required** to provide at least a 20 percent contribution (Grantee Cost Share) of the eligible project costs

that are authorized by an agreement between the Grantee and WSDOT (**NOFO/RFP Section 2.14 (Funding and applicant match and Section 5.5, Match Share)**).

The Applicant/potential Grantee must also 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 (our emphasis, as response to question re maximum NEVI funding. (see NOFO/RFP Section 8.1.2, Pre-Agreement risk assessment).

Finally, Applicants should note NOFO/RFP technical scoring criteria, where WSDOT awards extra points for Grantee match share of 25% match or more – at least 5% above the 20% minimum match requirement (**NOFO RFP Section 7.1.2 (F) – Value Added Items**).

#### **15. Grantee Match Requirement.**

**Question:** Will WSDOT waive the match requirement for an Applicant who is unable to provide a project match share?

**WSDOT response.** No. The 20% minimum project match is a NEVI requirement and WSDOT will not waive it.

### **Section 3 – Scope of work and deliverables**

**Interested parties did not submit questions on NOFO/RFP Section 3.**

## Section 4 – Eligibility criteria and how to apply

### Eligible Applicants

#### 16. Confirmation re: eligible entities.

**Question:** If we are reading the 59 pg. Notice of Funding / Request for Proposals, the closest coordinator in our area would be US Highway 97 from basically Biggs Junction, Oregon, to the City of Yakima, Washington. Thus, only cities, counties, Tribes, special districts, etc. along that US Hwy 97 corridor would be eligible entries. Please confirm.

**WSDOT response:** Yes. Cities, counties, Tribes, special districts may be considered as eligible entities for the NEVI NOFO/RFP.

Funds made available under the NEVI Formula Program shall be used to contract with a private entity for the acquisition, installation, and operation and maintenance of publicly accessible EV charging infrastructure.

An eligible applicant is a private entity, as defined under 23 USC 151(f)(1) and 23 USC 151(f)(3), including corporations, partnerships, company(ies), nonprofit organizations, and other entities.

23 USC 151(f)(3) references eligible entities, to include: (A) a State or political subdivision of a State; (B) a metropolitan planning organization; (C) a unit of local government; (D) a special purpose district or public authority with a transportation function, including a port authority; (E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); (F) a territory of the United States; (G) an authority, agency, or instrumentality of, or an entity owned by, 1 or more entities described in subparagraphs (A) through (F); or (H) a group of entities described in subparagraphs (A) through (G). <https://www.law.cornell.edu/uscode/text/23/151>

## **Section 5**

**Interested parties did not submit questions on NOFO/RFP Section 5.**

## Section 6 – How to apply

### 17. How to bid on NEVI.

Question: Please advise how to register to bid on this project?

**WSDOT Response:** First, Potential NEVI Applicants and Interested Parties should visit WSDOT's website and review NOFO/RFP documents.

<https://wsdot.wa.gov/sites/default/files/2024-10/NEVI-NoticeOfFundingProposalRequest-NEVI25.pdf>

The instructions on how to submit applications are provided in Sections 4 and 6 of the NOFO/RFP. Applicants who plan to submit proposal(s) will need a copy of various NOFO/RFP Exhibits. Applicants may email [nevi.programk@wsdot.wa.gov](mailto:nevi.programk@wsdot.wa.gov), with the subject "Request for NOFO/RFP Exhibits" for copies of those documents.

Finally, **WSDOT will soon announce the launch of our NEVI NOFO/RFP application portal.** We will then provide Applicants with instructions on how they should submit their NOFO/RFP proposals.

## Application contents

### 18. Number of Applications.

Question: May an Applicant submit more than one application?

**WSDOT response: Yes.** An Applicant may submit one application per AFC Corridor or one application per AFC segment. There is no limit to the number of applications that an Applicant may submit (see NOFO/RFP Section 1.4)

Example

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

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

**Scenario #1:** Company A submits a proposal for all segments of AFC Corridor I-90. Company A's submission counts as **one** proposal, eligible to receive a maximum score of 200 points.



**Scenario #2:** Company B submits a proposal for all segments of AFC Corridor I-90 and a proposal for the [US-395] Spokane to Colville segment. Company B's submission counts as **two** proposals. Each proposal is reviewed and rated separately (on a stand-alone basis). Each proposal may receive a maximum score of 200 points.

**WSDOT does NOT combine scores for multiple applications.**

### **Page Limit Exclusions**

**19. Is the Surety Bond Information included in 30-page limit?**

NOFO/RFP Section 2.1.1 Federal Project Requirements & 6.2.2 Required surety bond (pages 12, 23)

**Question:** Exhibit D, Section 12.15 requests a letter of intent from a Surety Bond Company. Is this excluded from the 30-page limit?

**WSDOT Response.** The Surety Bond Letter of Intent is EXCLUDED from the 30-page limit. It does NOT count as part of the 30-page limit.

**20. Is FHWA Form 1273 included in 30-page limit?**

NOFO/RFP, Exhibit D, Section 15.8 requests a signed FHWA Form 1273.

Question: Is FHWA Form 1273 excluded from the 30-page limit?

**WSDOT Response.** The FHWA Form 1273 is EXCLUDED from the 30-page limit. It does NOT count as part of the 30-page limit.

## Site requirements

### 21. Site Requirements- Selected Sites under Negotiation.

NOFO/RFP Section Number: 6-6.2.1 Site Requirements - Selected Sites under Negotiation, page 20-21.

**Question:** Can a site host be part of multiple applications?

**WSDOT response.** Yes, a site host may be part of multiple applications. Applicants must include location information with site documentation (read: title of ownership) that corresponds to the location/area of the AFC Corridor and/or Segment of Applicant's proposal. Finally, Applicants should ensure that site host is able to fully comply with NEVI requirements, for all sites included in their proposal.

### 22. Must an application include all sites in an AFC Corridor or Segment.

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

**WSDOT response.** Yes. WSDOT will reject any Applicant proposal that does not include all sites on a corridor. WSDOT requires Applicants to develop proposals based on AFC corridors and/or segments identified in the NOFO/RFP. WSDOT will reject any NEVI proposal that does not include all of the sites on a given AFC corridor or AFC segment.

### **23. Counting Protocol, Grantee Provision of Site Owner Letter of Intent.**

NOFO Document Name: NOFO/RFP, Section 6.2.1(b) (page 22)

**Question:** The RFP states: "The Successful Applicant shall, at time that the application is submitted, provide a signed letter of intent from the Site Owner certifying intent of Applicant and of Site Owner, to fully execute a Site Host Agreement and Site Certification Form within thirty (30) days of Grant Award." **Does the 30 days refer to the notice of preliminary award or the contract execution date?**

**WSDOT response:** Provision of the Site Owner Letter of Intent (LOI) is a **PREREQUISITE** to Execution of the Grant Agreement. Accordingly, Grantee must submit the Site Host LOI **no later than thirty days after WSDOT informs Grantee of the Notice of Preliminary Award.** Because access to a Secured Site is a pre-requisite condition to project execution, WSDOT will not award any Grant without a Site Host LOI.

### **Required Surety Bond**

### **24. Required Surety Bond.**

NOFO/RFP Section 6.2.2., pages 22-23

**Question:** Can the applicant have multiple surety bonds equating the Maximum Total Project Costs, if the applicant does not plan on owning all stations in their application?

**WSDOT Response:** No. WSDOT requires that Grantees submit one surety bond, for an amount equal to the **Maximum Total Project Cost for a given Applicant**.

An Applicant may submit multiple proposals for AFC corridors and/or AFC segments. (See question 18). However, the total Project Cost is the **cost of all Grantee applications/proposals awarded**, whether for a single (or multiple) AFC Corridors and Segments. The question of whether or not the applicant owns (or plans to own) all stations in the application is not relevant to the surety bond requirement.

Please note NOFO/RFP policy: “The successful Applicant/Grantee shall provide **an** executed Surety Bond equivalent to 100 percent of the Maximum Total Project Costs within 10 working days of the executed Grant Agreement.” (see NOFO/RFP Section 6.2.2, our emphasis).

There are two main reasons why WSDOT requires Applicants to secure a single surety bond:

- 1.** WSDOT will monitor market information on a Grantee’s financial capacity. A surety company will determine a given Applicant’s bond limit by evaluating the company’s financial strength, including factors such as working capital, liquidity, debt and other financial indicators. If an Applicant is unable to secure a single bond to cover their NEVI project costs, it would heighten WSDOTs’ concerns about Applicant’s financial condition, as well concerns about the ongoing project viability. WSDOT will also conduct a pre-agreement risk assessment, which may include financial metrics similar to those used by surety companies. Both market and WSDOT financial review should demonstrate that the Applicant has financial capacity to continue project work over the 5-year term of the Grant Agreement.
- 2.** Should an Event of Default occur, WSDOT wants to streamline operations needed to recover funding and keep the project running. Working with a single surety company helps to facilitate project operations in the event of default.

**NOFO/RFP Amendment, Section 6.2.2.**

WSDOT requires NEVI Grantees to obtain **one** surety bond equal to **Maximum Total Project Cost**. WSDOT herein revises language provided in Section 6.2.2 to remove all references to the plural “Sureties”. Applicants should disregard all references to “Sureties”.

## 25. Government/Public Agency Requirement for Surety Bond?

NOFO/RFP Section, 6.2.2, page 23 **NOFO Section Number:** 6.2.2 Required Surety Bond

**Question:** Do Government/ Public Agencies need to obtain a Surety Bond for the WSDOT NEVI NOFO proposal? In accordance with WA State law, bonds are required for the construction and public works contracts of the sponsored project.

**WSDOT response:** Yes, government and/or public agencies must obtain a Surety Bond to support their NEVI NOFO proposal. NEVI is a **100% Federally-funded** program, with requirements based on Section 23 CFR rules and regulations and FHWA guidance. FHWA, in turn, relies on and cites to bonding requirements set forth in the "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." (also referred to as the Common Rule, see 49 CFR Part 18).

WSDOT's reading of 49 CFR 18.36(h) (2) is that the statute supports applying bonding requirements provided in the NOFO/RFP to local governments and public agencies. Accordingly, government and/or public agencies must provide a surety bond equal to 100 percent of the contract price.

## 26. Surety Bond.

NOFO Document Page: 23, Section Number: 6.2.2, Surety Bond.

**Questions:** Is the cost of purchasing a surety bond an eligible expense for federal funding? If not, then can it be considered as an eligible match share?

**WSDOT Response.** Yes, provided that expenses conform to requirements of 2 CFR Part 200 (200.427 – Bonding costs.) The cost of purchasing a surety bond may be considered an eligible expense for federal funding. Please see the attached for further information.

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E#200.427>

## Conflicts of Interest

## 27. Conflicts of Interest.

NOFO/RFP, page 24, Section: 6.2.4, Conflicts of Interest.

**Question:** Will WSDOT provide instructions on what portion of Exhibit O should be completed, signed, and returned by an applicant and site hosts? A final version of what WSDOT is looking for along with instructions would be helpful.

**WSDOT response:** Applicants should be familiar with WSDOT's Organizational Conflict of Interest policies, as part of their due diligence. Applicants should review WSDOT's COI Manual (see List of Exhibits, Exhibit O). **WSDOT will revise the Exhibit O**, and identify Forms that Applicants need to submit.

## **28. Waiver or Alternative Requirements for Reporting Conflicts of Interest.**

NOFO/RFP Section 6.2.4, page 24

**Question:** Per p. 24 of the NOFO/RFP, "Applicants and Site Host Owner must each complete Exhibit O, Conflict of Interest Checklist and Disclosure Form, and submit it as part of the application." This requirement may pose a roadblock to many Site Hosts as they require an extended period of time to review legal documents such as Exhibit O and the Organizational Conflicts of Interest Manual 3043. This issue would be exacerbated by the holiday season falling immediately before the submission deadline. Would WSDOT consider one of the following alternative options to ensure timely submissions to the state NEVI NOFO/RFP?

1. Replace Exhibit O with a standard Conflict of Interest Form.
2. Delay Site Host COI requirement and Exhibit O signature until post award.
3. Allow Site Host to confirm review of Organizational Conflicts of Interest Manual 3043 in its letter of intent/support instead of completing Exhibit O?

**WSDOT Response:** WSDOT will **NOT** waive or alter in any manner, the conflict of interest (COI) requirements for NEVI NOFO/RFP Applicants and/or Grantees.

Conflicts of interest (COI) requirements are mandated under Washington State law and by FHWA, the funding agency for NEVI. WSDOT COI reporting requirements is the demonstration of compliance with State law. The Federal Highway Administration (FHWA) addresses OCOI in relation to federally funded highway projects in general at 23 CFR §1.33, design-build projects under 23 CFR §636.116 and §636.117. WSDOT adopts these rules and COI requirements for use on all WSDOT design-build contracts, whether federally funded or not. NEVI Formula Funding for Washington State is a 100% Federally-funded program.

WSDOT notes that [project implementation] time is of the essence. There is nothing that prohibits Applicants from immediately communicating its intent to participate in the NOFO/RFP and sharing with the Site Host of program requirements. All Exhibits – including Exhibit O – is included for Applicant's review. We expect Applicants to submit COI reporting, consistent with NOFO/RFP requirements.

## Section 7 – Evaluation of Applications

### Technical and cost proposal scoring criteria and evaluation

#### 29. Technical and cost proposal scoring criteria and evaluation.

NOFO/RFP, Section 7.1.2, pages 33-34.

**Questions:** How does WA intend to score each site in the proposal when using section C. Site Characteristics evaluation criteria, if proposals include multiple sites? For corridor proposals with multiple sites, will the application be evaluated on a site-by-site basis and scores averaged together to get a total application score for this evaluation criteria?

**WSDOT response:** Criteria, evaluation, and scoring for an Applicant submitting a proposal for a single site shall be the same as that for an Applicant submitting a proposal with multiple sites. Regardless of whether an Applicant submits a proposal for a single or multiple sites, the criteria, evaluation, and scoring for each site in an Applicant's proposal shall be evaluated as described in the NOFO/RFP.

WSDOT will only accept Applicant proposals for AFC Corridors and/or Segments (see NOFO/RFP Section 1.4). In order for the proposal to be viable, subject to technical review, all sites included in the proposal must meet or exceed NEVI requirements, including but not limited to 23 CFR 680 minimum criteria. (see NOFO/RFP Section 6.1). Sites that do not meet the minimum criteria may be deemed non-responsive.

WSDOT will apply a two-step process to score applications with multiple sites. First, we will review criteria, evaluate and score proposals on a site-by-site basis, to ensure that each site meets or exceeds NEVI requirements, including but not limited to 23 CFR 680 standards. We will tally the score for each site.

Next, we will **PRO-RATE** scores according to estimated coverage for an Applicant submitting a proposal for multiple sites. **We will not average scores for proposals for**

**multiple sites.** Regardless of whether an Applicant submits a proposal for a single or multiple sites, the criteria, evaluation, and potential points for each site in an Applicant’s proposal shall as described in the NOFO/RFP. Applicants who apply for an AFC corridor will be evaluated on the exact same criteria as those who apply for an AFC segment.

Whether an Applicant submits a proposal for an AFC Corridor or an AFC segment, the maximum score possible is 200 points.

**Please see the following example:**

An Applicant submits a proposal for three (3) sites, for the Seattle-to-Ellensburg segment on AFC Corridor I-90 (see excerpt of Figure 1). WSDOT estimates National Highway mileage covered at **106 miles.**

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

Alternative Fuel Corridor (AFC)	Segment	Distance	Est No. of Sites
I-90	Seattle to Ellensburg	106	2-3
I-90	Ellensburg to Ritzville	113	2-3
I-90	Ritzville to Idaho Border	62	1

Site	Distance	Reviewer Score	Calculation	Final Awarded Points
Seattle-to-City “X”	49	150	$150 * (49/106)$	69.34
City “X” to Ellensburg	36	100	$100 * (36/106)$	33.96
City “X” to City “Z”	<b>21</b>	150	$150 * (21/106)$	29.72
Seattle-to-Ellensburg AFC Corridor (total miles)	<b>106</b>			<b>133.02</b>



The evaluation/review committee team will review and report their ratings/scores (Reviewer Score). WSDOT's goal is to provide the best possible solution to accelerate towards fully built-out status. WSDOT reserves the right to make full or partial awards, depending on overall NEVI program and AFC requirements, including but not limited to technical and equity concerns.

### 30. Cost Proposal Scoring.

**Question:** Will cost proposals be ranked? How will the cost proposal be scored?

**WSDOT response:** Cost proposals will be scored as follows:

WSDOT will review cost information provided with the Technical Application/Response Form to determine if the project is fiscally viable and can be sustained over the 5-year term of the Agreement. WSDOT may use market information such as costs (or cost estimates) of similar private sector EV projects, State and Federal EV programs. **WSDOT may award up to 20 points for an Applicant's Cost proposal.**

If WSDOT receives one or more Applicant proposals for the **same** AFC corridor or segment, we will also use market information to determine if the project is fiscally viable. However, we will also rank cost proposals.

The Applicant who submits the lowest *fiscally viable* cost proposal for a given AFC corridor or segment will receive the most points.

### 31. Tie Breaker.

**Question:** How will WSDOT evaluate and award proposals for a given AFC corridor or segment with equal (read: tied) scores?

**WSDOT response:** If there is one or more proposals for a given AFC corridor or segment with **total** tied score, WSDOT will award the bid to the Applicant who submits the lowest **fiscally viable** cost proposal. If, in turn, the cost proposal scores are also tied, WSDOT will award the bid to the Applicant with the highest score for equity (see NOFO/RFP Section 7.1.2, E).

### 32. Technical and cost proposal scoring criteria and evaluation.

NOFO/RFP, Section 7.1.2, pages 36.

**Question:** Can WSDOT provide more information on how they will determine if a site is financially feasible/viable for the project, regarding Section G. Cost Proposal Evaluation Criterion?

**WSDOT response.** WSDOT will review site costs given available EV (and ancillary) market intelligence, including but not limited to cost information from private sector EV projects, State and Federal EV programs.

### **33. Small Businesses and the NOFO/RFP.**

**Question:** Are there opportunities for small businesses to bid on and/or participate in the NOFO/RFP?

**WSDOT Response.** Yes. There are several ways small businesses who are currently certified with the State (Washington or other U.S. State) and/or with the U.S. Small Business Administration.

First, WSDOT encourages and incentivizes the use of small businesses in NEVI project work. WSDOT will award points to applicants who submit proposals that include three (3) subcontractors who have Federal, State, or WSDOT certification as a Small Business Enterprise, a Public Works Small Enterprise, or Minority and Women-Owned Business Enterprise (see NOFO/RFP Section 7.1.2, Section F – Value Added Items).

Second, WSDOT has announced our partnering tool initiative, which may help small businesses interested in the NOFO/RFP to communicate and explore possibility of partnering on the NEVI RFP. Please visit our website for additional details:

<https://wsdot.wa.gov/construction-planning/statewide-plans/washington-state-plan-electric-vehicle-infrastructure-deployment>

### **34. DBE Participation Points.**

**Question:** Can an applicant who subcontracts with a **Disadvantaged Business Enterprise (DBE)** be awarded points for their technical application?

**WSDOT response:** No. FHWA has prohibited States from voluntarily establishing and applying DBE contract goals to NEVI-funded contracts or count race-neutral DBE participation on NEVI-funded contracts toward the State's overall DBE goal. As Program Administrator for NEVI Formula Funding program, WSDOT is required to adhere to FHWA's policy mandate. For additional information on the prohibition, please refer to FHWA's guidance regarding DBEs (see Questions 12.1 to 12.6).

[https://www.fhwa.dot.gov/environment/nevi/resources/nevi\\_program\\_faqs.cfm#dbe](https://www.fhwa.dot.gov/environment/nevi/resources/nevi_program_faqs.cfm#dbe)

### 35. Veteran-owned Enterprise Points.

**Question:** Can an applicant who subcontracts with a **Veteran-owned Enterprise** be awarded points for their technical application?

**WSDOT response:** Yes. Applicants who submit a proposal that includes three (3) or more subcontractors who have Federal, State, OR WSDOT certification as a Small Business Enterprise, a Public Works Small Enterprise, Minority and Women-Owned Business Enterprise or Veteran Owned Enterprise may receive up to 10 points out of the 200 maximum points allowed for scoring the technical criteria.

**NOFO/RFP Amendment:** Section 7.1.2 (F) (Value Added Items) is amended to include Veteran Owned Enterprises, and shall read as follows:

“Application that includes three (3) or more subcontractors who have Federal, State, OR WSDOT certification as a Small Business Enterprise, a Public Works Small Enterprise, Minority and Women-Owned Business Enterprise or Veteran Owned Enterprise”

## Site features

### 36. Pull-through Requirements for Pull-through spaces.

NOFO/RFP Exhibit B, Section 1.10. NOFO/RFP requires at least 1 pull-through charging space along identified *corridors*.

#### Question:

**WSDOT response:** Yes. Applicants who submit a bid for an AFC segment must still meet the requirement of at least one (1) pull-through charging space available for trucks and trailers. (see NOFO/RFP Section 7.1.2 ( C ) – Site Characteristics. The requirement is included in the technical and cost proposal scoring criteria. WSDOT’s awards of points at the site-level – as opposed to AFC Corridor or Segment – indicates that **site** characteristics features are requirements.

### 37. Trailer Stalls/Pull-Through Charging Spaces.

NOFO Section 1.2: “This NOFO includes additional requirements for EVSE, site selection, installation, operations and maintenance (O&M), and reporting requirements, including: Incentivizing pull-through design to better enable vehicles pulling a trailer and medium-duty vehicles to easily access charging (including a requirement of at least one (1) pull-through charger on each corridor)” Exhibit B, Section 1.10: “Grantee shall provide a minimum of at least two (2) pull-through charging spaces at one (1) charging station along each of the identified corridors.”

**Questions:** Could WSDOT clarify how many pull-through charging spaces will be required at each site and for each corridor segment (i.e. is WSDOT requiring “one pull-through charger on each corridor,” one pull-through charger at each location, or a minimum of two pull-through chargers at each location?) Is the pull-through charging space requirement applicable if we’re applying for an AFC *segment*? If WSDOT is intending to promote proposals for sites with more than one pull-through charger, would WSDOT consider

awarding additional points to, but not requiring, applicants to propose locations with more than 1 trailer stall?

**WSDOT response:** WSDOT requires at least one (1) pull-through charger/charger station along each NEVI-eligible AFC corridor. Applications for both entire corridors and for corridor segments must include a minimum of one pull-through charging space at one of the proposed sites. To incentivize more pull-through charging locations, the technical scoring criteria adds two (2) points for each pull through charging space provided at each site.

### **38. CHAdeMO Connector Requirement.**

NOFO/RFP Exhibit B- Technical Specifications-Requirements-Operation Section Number: 2CHAdeMO connectors - Exhibit B, Section 2.7, Exhibit D, Section 13.6: “At least one DCFC Charger must offer a permanently attached CHAdeMO connector to be capable of charging a CHAdeMO compliant vehicle.”

**Questions:** Is there consideration for CHAdeMO as an optional connector, not a required connector? Why is there a requirement of DCFC to have a CHAdeMO connector? We find this requirement very challenging given that the entire industry has been moving away from CHAdeMO for years. Our new NEVI compliant DCFC does not come with a CHAdeMO connector.

**WSDOT Response:** CHAdeMO is no longer considered a NEVI requirement. As such, CHAdeMO is an optional connector, not a required connector.

After careful review of EV operational standards and market requirements, WSDOT has determined that the CHAdeMO connector is NOT a requirement. Applicants should note

that FHWA allows WSDOT to reimburse the costs of CHAdeMO connectors during this initial round of grant funding for Awardees that anticipate value in offering that option.

### **39. CHAdeMO Connector No Longer Required.**

**Question:** Per the November 1st webinar update that WSDOT will not be requiring CHAdeMO, will WSDOT be amending Exhibits B and D to reflect this change?

**WSDOT Response:** In addition to the announcement made during the November 1 NEVI NOFO RFP Webinar, we are using this forum – response to NEVI questions – to inform potential Applicants that CHAdeMO is NOT a NEVI requirement. This response to Applicants’ questions comprises part of the NOFO/RFP information resources. We may also email notice of the requirement change, to GovDelivery subscribers and post it to WSDOT’s NEVI website. WSDOT does not plan to issue an amendment to the NEVI NOFO RFP.

### **40. Conduit Wiring.**

NOFO/RFP Exhibit B, Section 1.15: “Applicant shall provide conduit and wiring for a minimum of two additional high-powered chargers (150kW and above) for each Charging Station at time of installation.”

**Question:** Regarding the Conduit and Wiring future-proofing requirement that applicants provide conduit and wiring for a minimum of two additional chargers, will this be considered satisfied if applicants propose to go above the 4 port minimum and install 6+ ports at a project location?

**WSDOT response:** The NEVI conduit and wiring requirement specifies two additional high-powered chargers (150kW and above) for each Charging Station at time of installation. If the 6 ports in question meet these requirements, they may be considered NEVI-compliant with respect to conduit and wiring.

### **41. Snow Removal.**

Exhibit B, Section 1.12: “The Grantee shall provide snow and ice removal service at the Project location(s) when snow accumulates above 1 (one) inch within two (2) hours of the end of the weather event.”

**Question:** In lieu of prescribing rigid timelines and specific inch counts for snow removal requirements, would WSDOT consider removing this requirement and simply evaluating applicants proposed safety features/plans (covered by “Approach to Weather Related Events” in Section 6.3 of Exhibit D - Technical Application Response Form)?

“We encourage WSDOT to consider that the current prescriptive language may not adequately reflect operational realities of winter weather events, including storms of varying intensities and durations or intermittent snow storms (which would potentially require multiple duplicative mobilizations after every two hour pause in snowfall), as well as the administrative complexity of enforcing such a requirement.”

**WSDOT response:** WSDOT will NOT accept proposals with Applicant-specific standards for snow removal methods.

However, Applicants who are unable to meet NEVI requirement for snow removal may cite relevant and specific FHWA [snow and ice] Road Weather Management standards and/or guidance, as a demonstration of their ability to address, meet, or exceed standards required for adverse weather incidents. In order to be awarded points for the snow removal requirements, Applicants must cite to the exact FHWA Road Weather Management standard or guidance to be applied to proposed Sites. If Applicants do not provide a specific FHWA standard or guidance, WSDOT will reserve the right to assess penalty points (point deductions) for site safety.

Applicants may seek additional information from FHWA Road Management Program:  
<https://ops.fhwa.dot.gov/weather/index.asp>

#### **42. Fire Extinguishers.**

Exhibit B, Section 1.13: “The Grantee shall provide a functioning Class C fire extinguisher within 10 feet of the EVSE.”

**Question:** “In lieu of requiring (potentially multiple) fire extinguishers to be permanently installed within 10 feet of all EVSE, would WSDOT consider removing this requirement and simply evaluating applicants proposed safety features/plans (covered by “Approach to Safety” in Section 4.6 of Exhibit D - Technical Application Response Form)?

We caution that requiring fire extinguishers to be permanently installed within 10 feet of EVSE is unnecessary and introduces vandalism risks at charging sites. The requirements also fail to reflect that first responders are best equipped to address on-site fires. In addition, there may be better features for ensuring fire safety such as design with fire-resistant materials, and installation consistent with appropriate electric code standards.”

**WSDOT Response:** WSDOT will NOT allow Applicant-specific standards for fire extinguishers.

Applicants who are unable to meet the requirements provided in Exhibit B, Section 1.13 may demonstrate that their proposal meets or exceeds specific National Fire Protection Association (NFPA) standards and/or codes for fire safety related to electric vehicle charging stations. In order to be awarded points for the fire extinguisher requirements, Applicants must cite to the exact NFPA statute or code to be applied to proposed Sites. If

Applicants do not provide a specific NFPA code, WSDOT will reserve the right to assess penalty points (point deductions) for site safety.

## **NOFO/RFP Exhibits – Technical questions**

### **43. Exhibit D- NEVI Technical Application Response Form.**

**Question:** Can WSDOT confirm which portions of Exhibit D need to be completed by those applying for an entire corridor vs those that are applying for a corridor segment? It is not clear how we should distinguish this in the form.

**WSDOT Response:** Exhibit D instructions specify that Applicants only need to provide information once per AFC Corridor or AFC Segment, for categories colored green.

- **Section 1: Applicant Information**
- **Section 2: Corridor or Corridor Segment(s) Selected for this Application**
- **Section 3: Applicant Background, Experience, and Team Organization**
- **Section 4: Approach to Project Management**
- **Section 5: Prior Experience and Performance**
- **Section 6: Approach to Operations and Maintenance**
- **Section 7: Approach to Workforce**
- **Section 8: Approach to Cybersecurity and Data Management**
- **Section 17: Experience with Federal Requirements**

However, Applicants need to provide information for each and every AFC location/site for categories colored blue.

- **Section 9: Site Host/Proposed AFC Corridor and/or AFC Segment Location Details**
- **Section 10: AFC Corridor and/or AFC Segment Location Proposal**
- **Section 11: General Project Approach and Understanding**
- **Section 12: Approach to Permitting and Utility Coordination**
- **Section 13: Future Proofing, Innovation, and Resiliency**
- **Section 14: Workforce, Equity, and Rural Considerations**
- **Section 15: Responsiveness Check**
- **Section 16: Technical Responsiveness Check**
- **Section 18: Value Add Items at Grantees Expense**



Let's look at two scenarios:

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

Alternative Fuel Corridor (AFC)	Segment	Distance	Est No. of Sites
I-90	Seattle to Ellensburg	106	2-3
I-90	Ellensburg to Ritzville	113	2-3
I-90	Ritzville to Idaho Border	62	1

**Scenario A:** An Applicant submits a proposal for the entire AFC Corridor I-90, for Seattle-to-Idaho Border (all 3 segments). The Applicant will submit green-category information **once** and will submit blue-category information for **each site proposed along the corridor**. Depending on Applicant's technical analysis, this means providing [blue-category] information for 5-7 sites.

**Scenario B:** An Applicant submits a proposal for AFC Corridor I-90, for Ritzville-to-Idaho Border segment only. (1 segment). The Applicant will submit green-category information **once** and will submit blue-category information for **each site proposed for the segment**. Depending on Applicant's technical analysis, this means providing [blue-category] information for one (1) site.

###