

ARKANSAS DEPARTMENT OF TRANSPORTATION

Guidelines for Implementation of the National Electric Vehicle Infrastructure (NEVI) Formula Program

Introduction

The National Electric Vehicle Infrastructure (NEVI) Formula Program is a \$5 billion program established by the Infrastructure Investment and Jobs Act (IIJA), funded through the U.S. Department of Transportation's (USDOT) Federal Highway Administration (FHWA), to build a national network of 500,000 electric vehicle (EV) charging stations by 2030 along federally designated Alternative Fuel Corridors (AFC). NEVI will provide funding to state governments over the next five years to strategically deploy Electric Vehicle charging station infrastructure and increase access to charging stations for the public to travel across the country in EVs.

Purpose

This document establishes Arkansas Department of Transportation (ARDOT) procedures for program design, request for proposal (RFP) issuance and evaluation, and procurement for the implementation of the [Arkansas Electric Vehicle Infrastructure Deployment \(EVID\) Plan](#). Eligible projects may include funding for pre-construction activities; the acquisition, installation, and network connection of EV charging stations to facilitate data collection, access, and reliability; proper operation and maintenance of EV charging stations; and long-term EV charging station data sharing.

Program Requirements

1. ARDOT is responsible for updating its EVID Plan and submitting annually to FHWA for approval in order to secure release of the next fiscal year NEVI funding. ARDOT will allow funding to contract with eligible entities for the acquisition and installation of publicly accessible EV charging infrastructure.
2. ARDOT will require a project agreement with the Awardee prior to initiating a Federal-aid project to ensure the Awardee complies with all Title 23, Buy America Build America, Americans with Disabilities Act requirements issued by the US Access Board, and any other applicable regulations. ARDOT will require the Awardee to comply with the FHWA Final NEVI Rules as detailed in: <https://www.regulations.gov/document/FHWA-2022-0008-0399>.
3. ARDOT must ensure awarded projects report for five years of subsequent operation and maintenance to USDOT, with data standards and reporting templates to be provided by USDOT.
4. ARDOT will continue to include NEVI Program Funding in the Statewide Transportation Improvement Program/Transportation Improvement Program (STIP/TIP).
5. Awardees' workforce and workforce training will be required to meet all Title 23 and NEVI Program requirements.

Funding Guidelines

1. Projects will be eligible for funding of up to 80% federal share and a minimum of 20% non-federal match on eligible project expenses. ARDOT will retain a percentage of NEVI funding for state administrative costs and the Awardee will be required to provide the 20% match for the State's administrative costs as a deposit before initiating the project. The Awardee shall be responsible for all state administrative costs that exceed the amount retained by ARDOT.
2. NEVI eligible project expenses are those that are directly related to the charging of a vehicle and only for EV charging infrastructure that is open to the public or to authorized commercial motor vehicle operators from more than one company.
 - a. To be considered directly related to charging of vehicles, items must be a necessary component in the EV charging station (including pre-construction costs), be a necessary component to connect the EV charging station to the electricity source (or to supply power from the electricity source), provide eligible signage to direct EV users to the charging station, or provide information to EV users about use of the charging station. This includes the cost of new public EV charging stations, as well as upgrades to existing EV charging stations.
 - b. Fixed annual operating and maintenance costs (up to five years after the EV charging station is in operation) include: Cellular network fees, internet service fees, or similar fees are eligible project expenses. Comprehensive hardware and software maintenance and repair services, including service agreements with third-party contractors and charging equipment manufacturers or warrantors acceptable to ARDOT are eligible project expenses.
 - c. Surety in the form of performance bond(s) for 100% and payment bond(s) for 80% of total project costs extending for the full life of the project contract terms are eligible project expenses.
3. EV charging infrastructure projects acquired or installed with NEVI Formula Funding must be located along a designated AFC; or if all designated AFCs in Arkansas are fully built out, as defined in the FHWA Final NEVI Rules, can be located on any public road or publicly accessible location.

Project Selection Process

The projects are selected through a competitive procurement program with both minimum requirements for eligible proposers as well as evaluation criteria. The awarded projects will meet the NEVI Formula Program requirements and state goals presented in the EVID Plan.

1. A solicitation for project proposals may occur every year in which funding is available.
2. The NEVI review and evaluation process of proposals includes:
 - a. Completeness Review and Minimum Requirements Pass/Fail Assessment
 - b. Responsiveness Criteria Evaluation and ARDOT Administration Review
 - c. Upon the Director's approval of project selection, a Minute Order will be prepared for the Arkansas Highway Commission (Commission) to approve the recommended projects.

Project Initiation

1. Upon Commission approval of projects, a notice of award will be sent to the Awardee.
2. ARDOT will schedule a meeting with Awardees and discuss the program process.
3. An Agreement of Understanding will be prepared by ARDOT and signed by both the Awardee and ARDOT.

Project Development (Pre-Construction)

1. Compliance Reviews and Authorization
 - a. Awardee must request authority to proceed.
 - b. ARDOT will issue the Pre-construction Phase Notice to Proceed (NTP 1).
 - c. Environmental Review – National Environmental Policy Act (NEPA) includes:
 - i. The Awardee will provide design information and environmental clearance documentation.
 - ii. ARDOT will review and coordinate with FHWA for final environmental clearance.
2. Project Contracting and Funding Obligation
 - a. Awardee must secure surety requirements in the form of performance bond(s) for 100% of the contract value and payment bond(s) for 80% of the contract value for the full length of the contract.
 - b. A Memorandum of Understanding for right of way access and rights will be prepared by ARDOT and signed by both the Awardee and ARDOT.
 - c. ARDOT will review, approve, and execute all final contracts with Awardees.
 - d. ARDOT will obligate project funding.

Project Implementation (Procurement and Construction)

1. Design Review and Authorization
 - a. Awardee must request authority to proceed.
 - b. ARDOT will review and approve the equipment and design specifications, and engineering plans.
 - c. ARDOT will issue the Procurement and Construction Phase Notice to Proceed (NTP 2).
2. Project Construction
 - a. Awardee must follow all required Federal-aid program procedures and FHWA NEVI Final Rules in the construction phase.
 - b. Awardee must follow all applicable state laws and EVID Program requirements in the construction phase.
 - c. ARDOT will verify that the Awardee has followed all applicable Federal-aid program requirements and state laws during the construction phase.
3. Testing and Inspection after Installation
 - a. Awardee must provide proof to ARDOT of testing and inspection of equipment for program compliance and functionality.
 - b. Awardee must secure and provide proof to ARDOT of the following non-ARDOT inspections:
 - i. Weights & Measures “Method of Sale Inspections”
 - ii. Local Jurisdiction for permitting, coding, and zoning, etc.
 - c. ARDOT issues Notice of Acceptance (NOA) formally indicating the start of the five-year federal operations and maintenance performance period requirements.

Operations and Maintenance

1. Five-Year Operation and Maintenance (O&M) Requirements
 - a. O&M is the responsibility of the Awardee. NEVI funding will pay for fixed O&M of networking and extended warranty.
 - b. Awardee will be responsible for five-year O&M meeting the NEVI Program's 97% uptime requirements.
 - c. Reimbursements for five-year O&M of networking and extended warranty may be submitted to ARDOT bi-annually (every six months) during the O&M phase.

Invoice Review & Funding Disbursement

1. Awardee will complete required invoice request documentation and submit for review.
 - a. Awardee may only request reimbursement for costs incurred after receiving all necessary ARDOT notices.
 - b. Awardee must request reimbursement at least every 90 days but no more than 30 days during the pre-construction and procurement and construction phases or until all state reimbursement obligations have been met.
2. ARDOT will review submitted invoices.
3. ARDOT will issue reimbursements for approved invoices.

Reporting and Project Closeout

1. Awardee will be responsible for all required federal reporting on each individually funded EV charging station project (i.e. usage, uptime, etc.).
2. ARDOT will report all data required by state administrators to FHWA.
3. Awardee must retain auditable records for the life of the project contract, including an additional three years after the project close out per 2 CFR 200.