

## REQUEST FOR PROPOSALS FOR ELECTRICAL VEHICLE INFRASTRUCTURE DEPLOYMENT (EVID)

**AGENCY:** Arkansas Department of Transportation (ARDOT)  
**ACTION:** Request for Proposals (RFP)  
**ADDRESSES:** Proposals must be submitted through [ardot.gov/nevi](https://ardot.gov/nevi)  
**CONTACT:** Local Programs Division: [NEVI@ardot.gov](mailto:NEVI@ardot.gov)

The Arkansas Department of Transportation (ARDOT) has developed this competitive procurement program soliciting proposals for eligible entities to install, own, operate, maintain, and report on National Electric Vehicle Infrastructure (NEVI) Formula Program funded and compliant Electric Vehicle (EV) charging stations throughout the state of Arkansas. Schedule milestones related to this solicitation are shown in **Table 1**.

**TABLE 1. ARDOT NEVI COMPETITIVE PROCUREMENT PROGRAM DATES**

PROJECT MILESTONE	DATE
Open for Proposal Submittal	September 27, 2023
Informational Webinars for Prospective Proposers	October 9, & October 17, 2023
Deadline for Written Questions	October 18, 2023
Early Proposal Completeness Review Deadline	October 27, 2023
<b>Final Proposal Submission Deadline</b>	November 27, 2023 (prior to 4:00 p.m. CST)
Anticipated Award Announcement	Early 2024

Proposers must complete a proposal submission package, as detailed in **SECTION IV.A** and **APPENDIX I** of this RFP. To apply for funding under this solicitation, Proposers must designate primary points of contact and upload all required proposal materials through the online proposal submission page: [ardot.gov/nevi](https://ardot.gov/nevi)

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## I. EVID PROGRAM DESCRIPTION

### A. OVERVIEW

The National Electric Vehicle Infrastructure (NEVI) Formula Program is a \$5 billion program established by the Infrastructure Investment and Jobs Act (IIJA) to build a national network of 500,000 electric vehicle (EV) charging stations along federally designated Alternative Fuel Corridors (AFCs) by 2030.

Arkansas will receive approximately \$54 million over five years to create an EV charging station network across the state under provisions of the NEVI Formula Program. These initial funds are required by law for use to achieve full build-out<sup>1</sup> of EV charging stations along Arkansas' portions of the Federal Interstates Highway system and FHWA designated Alternative Fuel Corridors (AFCs). Once fully built-out, additional RFPs for EV charging stations will be published for locations beyond Interstates and AFCs, deploying additional EV charging stations across Arkansas.

The [2023 Arkansas Electric Vehicle Infrastructure Deployment Plan](#) was developed and submitted to the Joint Office of Energy and Transportation in compliance with federal legislation. This updated plan complies with federal mandates and demonstrates a strong commitment to ensuring a convenient, reliable, affordable, and equitable electric vehicle charging network. The Arkansas EVID Plan is available at: [ardot.gov/nevi](https://ardot.gov/nevi).

### B. PROGRAM STRUCTURE

This competitive procurement program intends to award NEVI Program funding to eligible entities to install, own, operate, maintain, and report on NEVI Formula Program compliant EV charging stations throughout the state. Proposals will be evaluated using criteria outlined in the **Responsiveness to Review Criteria Narrative (Form EVID-07)**.

Federal program funding will be awarded on a competitive basis and disbursed for reimbursement up to 80% Federal project cost share. A minimum twenty percent (20%) non-Federal match, including private funding covering each project's share of ARDOT's Program Administration Costs, is required by each Awardee.

ARDOT will retain 7% of the total awarded Federal funds for state administrative costs. The Awardee will be required to provide the 20% match for the State's administrative costs as a deposit before initiating the project. The **Project Budget (Form EVID-09)** is

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<sup>1</sup> To be considered "fully built-out," the NEVI Standards and Requirements require Interstates and AFCs be equipped with Publicly accessible DC Fast Charging Stations every 50 miles and within 1 travel mile of the interchange, equipped with: (1) minimum four 150kW DC Fast Chargers, (2) ports must be Combined Charging System (CCS1), and (3) capability to simultaneously DC fast charge four EVs at 150kW.

configured to help proposers assess administrative fees. The Awardee shall be responsible for the state administrative costs that are beyond what is retained.

## **C. AWARD INFORMATION**

### **1. AVAILABILITY OF FUNDS**

Available NEVI funds will be distributed on a reimbursement basis after FHWA project authorization is received, all final award agreements are signed, and ARDOT has issued relevant Notices to Awardees for each project phase. NEVI projects will include at least three main phases, each with a corresponding Notice provided from ARDOT:

- a. PRE-CONSTRUCTION PHASE** can begin with awardee request and ARDOT issuance of Notice to Proceed One (NTP 1),
- b. EQUIPMENT PURCHASE AND CONSTRUCTION PHASE** can begin with awardee request and ARDOT issuance of Notice to Proceed Two (NTP 2),
- c. OPERATION AND MAINTENANCE PHASE** can begin with awardee request and ARDOT issuance of Notice of Acceptance (NOA) acknowledging construction is complete to EVID program requirements and EV charging project is operational.
  - i. Awardee shall submit a request to ARDOT for NOA.
  - ii. Request for NOA must occur within 2 years of execution of award agreement unless a mutually agreed extension is granted.

Reimbursable costs will be provided only upon receipt of all relevant invoice and reporting documentation from awarded EV charging projects. To be eligible for reimbursement, no work shall begin prior to the issuance of the requisite Notice for each phase from ARDOT.

### **2. START DATES AND PERIOD OF PERFORMANCE**

ARDOT will select Awardees for a conditional award and provide formal notification to primary points of contact to conduct final award negotiations. Upon receipt of conditional award notification, the conditional Awardee can submit a request to ARDOT for authority to proceed with work on the pre-construction phase of the project. Once the first Notice to Proceed (NTP 1) is issued, the Awardee may proceed with pre-construction work, including but not limited to assisting with

finalizing environmental clearances, finalizing the project site host agreement, and executing the final award agreement with ARDOT.

At the time of execution of a final project award agreement between ARDOT and the Awardee, the successful Awardee shall furnish surety for the full length of the project contract terms as prescribed by [ARDOT's Standard Specifications for Highway Construction](#) in the form of:

- a. Performance bond or bonds for 100% of total project costs extending for the full life of the project contract terms.
- b. Payment bond or bonds for 80% of total project costs extending for the full life of the project contract terms.

Following execution of final award agreement and completion of pre-construction phase work, Awardee can submit a request to ARDOT for authority to proceed with the next phase of work. Once the second Notice to Proceed (NTP 2) is issued, Awardee may proceed with equipment purchase and construction.

Following completion of all construction activities, the Awardee shall submit a request to ARDOT for a Notice of Acceptance (NOA). ARDOT and Awardee will confirm compliance with all NEVI and EVID program requirements through an inspection process. Once program compliance is confirmed through inspection, ARDOT will issue an NOA.

The NEVI required operation and maintenance performance period starts on NOA issuance date and continues for 60 months following this date. Following issuance of NOA, Awardees may submit invoices and reimbursement requests at least every 90 days but no more than 30 days to ARDOT for all final purchase and construction costs. Reimbursements for five-year Operations and Maintenance project phases may be submitted to ARDOT bi-annually (every six months) with appropriate documentation.

### **3. AWARD SIZE**

ARDOT expects to award available funding for at least as many EV charging stations as funding allows, to achieve fully built-out status. Proposers may apply for reimbursement of eligible project costs of up to 80% Federal funding share of the total site construction and O&M costs per project. Matching funds must be composed of non-Federal funds for the remaining non-Federal share of eligible project costs.

Proposers who apply for less than 80% of EV charging station site development total cost may be rated highly responsive in the evaluation process.

## I. ELIGIBILITY INFORMATION

### A. ELIGIBLE PROPOSERS

1. Registered Utility in the State of Arkansas, or
2. Business registered with the Arkansas Secretary of State, or
3. Non-profit entity registered in the State of Arkansas (as defined in Title 26 US Code Section 501(c)), or
4. Tribal Organization within Arkansas (defined in [Title 25 US Code Section 5304 \(I\)](#)).

### B. ELIGIBLE PROJECTS

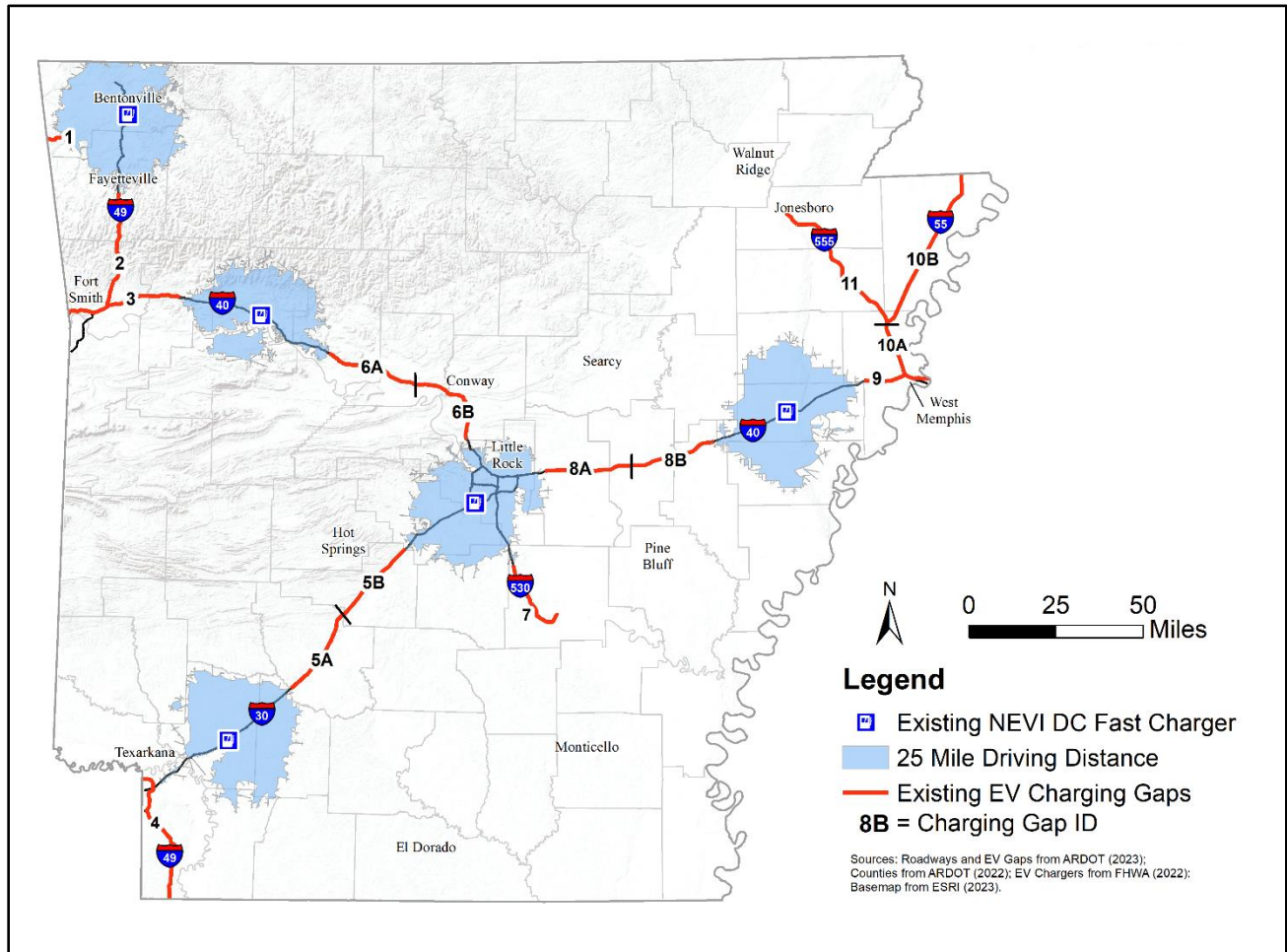
NEVI Formula Program funding will be used to fund EV charging infrastructure proposals that (1) meet all Federal NEVI and ARDOT EVID Program Requirements and (2) are located on designated EV AFC Corridors. The Program will initially focus on building out AFCs. Service gaps are illustrated in **Figure 1**. A list of interchange exits along eligible EV charging station service gaps is provided in **Table 2**. It is estimated that 15 EV charging sites along 11 EV service corridor segments are needed to achieve full build out of the Interstates and AFCs.

**TABLE 2. EXIT LOCATIONS WITHIN EV CHARGING STATION CORRIDOR SERVICE GAPS**

CHARGING GAP ID NO.	AFC	INTERCHANGE (EXIT NUMBERS FOR BOTH DIRECTIONS)
1	US-412 <sup>2</sup>	N/A
2	I-49	21, 24, 29, 34, 45, 53
3	I-40	3, 5, 7, 12, 13, 20, 24
4	I-49	4, 6, 16, 18, 24, 26, 29, 31, 32, 35, 37, 41
5A	I-30	54, 63, 69, 73, 78
5B	I-30	83, 91, 97, 99, 106, 98A
6A	I-40	83, 84, 88, 94, 101, 107, 108
6B	I-40	112, 117, 124, 125, 127, 129, 132, 135
7	I-530	24, 27, 30, 32, 34, 35, 36, 37, 39, 41, 42, 43, 44, 46
8A	I-40	169, 173, 175, 183
8B	I-40	193, 202, 216
9	I-40	265, 271, 275, 276, 277, 278, 280, 279A, 279B
10A	I-55	10, 14, 17, 21, 23
10B	I-55	34, 36, 41, 44, 48, 53, 57, 63, 71, 72
11	I-555	2, 7, 8, 13, 14, 18, 24, 29, 35, 36, 39, 40, 42, 44, 45, 46, 47, 49

<sup>2</sup> US Route 412 in Arkansas is not a controlled-access highway; therefore, no interchanges/exit numbers are provided.

FIGURE 2. ARKANSAS' NEVI COMPLIANT EV CHARGING STATION GAP MAP



## C. SUBMISSION REQUIREMENTS

Proposers must prepare a complete proposal submission package, as detailed in **SECTION IV** for each individual NEVI compliant project site seeking funding. There is no limit on the number of project sites that a single Proposer can submit proposals for through this program, however, each site must be submitted as its own proposal.

## D. ELIGIBLE AND INELIGIBLE COSTS

Proposers will not be reimbursed for any costs, nor be eligible to cite any matching costs, other than those in compliance with the NEVI and ARDOT EVID Program Requirements, as clearly outlined in the proposal submittal and approved by ARDOT in the final project agreement with the Awardee.

## 1. ELIGIBLE PROJECT COSTS

- a. Costs for pre-construction work, including environmental clearance documents, design, surety bonds, and permitting.
- b. Surety in the form of a Performance bond(s) for 100% and Payment bond(s) for 80% of total project costs.
- c. Costs of minor grid updates (work necessary to connect charging station to the electric grid distribution network) including:
  - i. Costs for minor extensions or upgrades to existing power lines.
  - ii. Costs to acquire and install on-site electric service equipment (e.g., power meter, transformer, switch gear).
- d. Costs to procure and install new NEVI compliant EV charging stations related hardware and software.
- e. Costs to procure and install, repair, upgrade, or replace existing EV charging equipment to meet NEVI minimum standards and requirements, including costs to upgrade existing EV charging stations to meet Americans with Disabilities Act (ADA) requirements.
- f. Construction costs for EV charging station installation (as defined under 23 U.S.C. 101(a)(4)), including site restoration after installation, directly related to the EV charging station.
- g. Costs for installations or upgrades to comply with Arkansas EVID project requirements directly related to EV charging stations.
- h. Costs to install onsite signage for user wayfinding to EV charging station.
- i. Operating and Maintenance (O&M) costs for up to five years after charging station is operational, limited strictly to the following three categories:
  - i. Charging equipment lease fees (if proposer chooses lease option for charging equipment rather than purchase option). The lease costs are only eligible if paid through a fixed contract.
  - ii. Cellular network fees, internet service fees, or similar fees/costs for EV charging station data sharing. This includes, to the extent practicable, costs related to the specific data sharing requirements of this program as well as costs of data sharing on all chargers and charging activities on the

EV network funded by this program. Networking costs are only eligible if paid through a fixed contract.

- iii. Hardware and software maintenance and repair costs, including service agreements with third-party contractors, charging equipment manufacturers, warrantors, or aftermarket providers. Hardware and software maintenance and repair costs are only eligible if paid through a fixed contract.

j. Construction project management costs directly related to EV charging station.

k. Costs of shipping fees and taxes for eligible items.

## **2. INELIGIBLE COSTS**

Costs beyond those defined above and not deemed by ARDOT as directly related to acquisition and installation of EV charging infrastructure will be treated as an ineligible cost under this program. An exhaustive list of all ineligible costs is not possible, for reference, examples of ineligible costs are provided:

- a. Costs incurred prior to requisite project phase Notices (NTP or NOA) from ARDOT.
- b. Costs for purchase or rental of real estate.
- c. Costs for construction or general maintenance of building and parking facilities not directly related to EV charging.
- d. Variable EV charging station operating and maintenance costs, including costs for electricity, insurance, and other recurring business costs such as staffing.
- e. Costs of major grid upgrades (longer line extension or upgrades, improvements to offsite power generation, bulk power transmission, or substations).
- f. Costs already covered by funding from any other programs, grants, or utility tariff rules.
- g. Costs to obtain development entitlements (permits and inspections).

## **II. FEDERAL AND STATE NEVI PROGRAM MINIMUM REQUIREMENTS**

This section outlines two areas of consideration for Proposers: (A) FHWA Statutory Program Requirements and (B) State EVID Program Requirements.



**A. FEDERAL NEVI PROGRAM STATUTORY STANDARDS AND REQUIREMENTS:**

Proposal submittals must demonstrate fulfillment of all Federal statutory requirements. Minimum Federal statutory requirements can be found in the [Final NEVI Standards and Requirements](#)<sup>3</sup> Part 680 – National Electric Vehicle Infrastructure Standards and Requirements. These Final Federal requirements govern the following aspects of NEVI funded projects:

1. Procurement Process Transparency: § 680.106(a)
2. Number and Type of Chargers: § 680.106(b)
3. Connector Type: Section: § 680.106(c)
4. Power Levels: § 680.106(d)
5. Availability: § 680.106(e)
6. Payment Methods: § 680.106(f)
7. Equipment Certification: § 680.106(g)
8. Security: § 680.106(h)
9. Long Term Stewardship: § 680.106(i)
10. Qualified Technician: § 680.106(j)
11. Customer Service: § 680.106(k)
12. Customer Data Privacy: § 680.106(l)
13. Use of Program Income: § 680.106(m)
14. Interoperability of Electric Vehicle Charging Infrastructure: § 680.108
15. Traffic Control Devices or on-premises signs: § 680.110
16. Data Submittal: § 680.112
17. Charging Network Connectivity: § 680.114
18. Communication of Price: § 680.116(a)
19. Minimum Uptime: § 680.116(b)
20. Third-Party Data Sharing: § 680.116(c)
21. Title 23, 2 CFR 200, and Buy America: § 680.118(a)
22. Davis Bacon Federal Wage Rate: § 680.118(b)
23. ADA Requirements: § 680.118(c)
24. Title VI of the Civil Rights Act of 1964: § 680.118(d)
25. Title VIII of the Civil Rights Act of 1968: § 680.118(e)
26. Uniform Relocation Assistance and Real Property Acquisition Act: § 680.118(g)
27. National Environmental Policy Act of 1969 (NEPA): § 680.118(h)

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<sup>3</sup> FHWA Federal Register Final Rule 88 FR 12724 (01/28/2023)

## **B. STATE EVID COMPETITIVE PROCUREMENT PROGRAM REQUIREMENTS**

The Federal NEVI Program recommends each State implement physical safety strategies related to the charging station site design, fire prevention, and electrical safety, as well as implement cybersecurity safety strategies such as software update management and certifications to ensure charging station operations protect consumer data and privacy. ARDOT has established additional **EVID Program Requirements (Form EVID-02)** to supplement Part 680 of the NEVI Program Standards and Requirements.

## **III. PROPOSAL SUBMISSION PROCEDURES**

### **A. REQUIRED PROPOSAL PACKAGE AND SUBMISSION PROCESS**

To apply for funding, proposers should adhere to the process outlined below and detailed in **APPENDIX I**. Proposers should review all Program documents available on the EVID Program webpage: [ardot.gov/nevi](https://ardot.gov/nevi).

1. Proposers must prepare a complete proposal submission package for each individual EV charger project site seeking funding. There is no limit to the number of proposal submissions a single Proposer can submit.
2. A full and complete proposal package consists of the following required proposal items, as further detailed in **Proposal Checklist and Instructions (APPENDIX I)**:
  - a. Proposer Certification Statement (Form EVID-04)
  - b. Preliminary Site Agreement (Form EVID-05)
  - c. Project Utility Coordination (Form EVID-06)
  - d. Project Responsiveness to Review Criteria Narrative (Form EVID-07)
  - e. Site Plan and Design Information Coversheet (Form EVID-08)
  - f. Project Budget (Form EVID-09)
  - g. Financial Requirements Documentation Coversheet (Form EVID-10)
3. Optional proposal items (if applicable)
  - a. NEVI Distance Requirements Exception Request (Form EVID-11)
  - b. EVID Program Requirements Exception Request (Form EVID-12)
  - c. Additional Supporting Documentation
4. All proposal materials and attachments are to be submitted electronically during the open proposal period via the online submission portal, by an eligible Proposer

before the Program deadline. The online proposal submission portal can be accessed via: [ardot.gov/nevi](https://ardot.gov/nevi)

5. Proposers shall upload files in accordance with the **Proposal Checklist and Instructions (APPENDIX I)**.
6. Proposer files shall follow the naming conventions detailed in **APPENDIX I**.

ARDOT will contact designated primary points of contact for all communications regarding proposal, selection, and award process.

#### **B. DEADLINE FOR RECEIPT OF PROPOSER WRITTEN QUESTIONS**

Proposers may submit written questions to ARDOT via email before 4:00 PM CST, October 18, 2023. All written questions must be submitted via email to [NEVI@ardot.gov](mailto:NEVI@ardot.gov). ARDOT will respond to each proposer question in writing via email as well as post a Frequently Asked Questions (FAQ) document detailing all written Proposer questions and ARDOT answers to the agency website at: [ardot.gov/nevi](https://ardot.gov/nevi).

#### **C. EARLY PROPOSAL COMPLETENESS REVIEW OPTION**

Proposers interested in early proposal completeness review can submit a complete proposal packet early for review. Proposals submitted prior to 4:00 PM CST, October 27, 2023, will receive an early proposal completeness review. ARDOT staff will notify proposer's designated primary point of contact via email, identifying if the proposal is complete by November 9, 2023. Proposers who receive notification of an incomplete proposal can submit additional materials prior to final proposal submission deadline.

#### **D. COMPETITIVE PROCUREMENT PROGRAM SCHEDULE**

Major schedule milestones related to this procurement are detailed in **Table 1**.

#### **E. CONFIDENTIAL INFORMATION**

1. ARDOT is not requesting proposal materials that contain confidential or proprietary information. All proposal materials submitted to ARDOT under this program are subject to the Arkansas Freedom of Information Act (FOIA). Arkansas FOIA is one of the most comprehensive and strongest open-records and open-meetings laws in the country, though the Arkansas FOIA exempts certain confidential information.
  - a. FOIA exempts numerous records and pieces of information from disclosure. See Ark. Code Ann. § 25-19-105(b) (Supp. 2021).
  - b. In addition, FOIA incorporates confidentiality provisions of other statutes in Arkansas Code.

2. If a public record does not fall squarely within an exemption, it must be disclosed. Exemptions must be narrowly construed. Unclear or ambiguous exemptions will be interpreted in a manner favoring disclosure.
3. Any proposal materials submitted to ARDOT may be claimed as confidential trade secrets by the submitter. Any such claim must be asserted at the time of submission in accordance with Ark. Code Ann. § 25-19-105(b) (Supp. 2021). If a claim of confidentiality is asserted, the documents will be reviewed by an attorney in the Legal Division, and a determination will be made as to whether the information submitted is entitled to protection as business confidential. Procedures for the receipt, processing, and handling of confidential information are set forth in Ark. Code Ann. § 25-19-101 to 25-19-110.
4. If no claim is made at the time of submission, ARDOT may be required to make information available to the public upon Arkansas FOIA request without further notice to the proposer.

#### **IV. PROPOSAL EVALUATION**

The evaluation process consists of three areas of proposal evaluation, (1) Completeness Review; (2) Minimum Requirements Pass/Fail Assessment; and (3) Responsiveness to Review Criteria.

##### **A. COMPLETENESS REVIEW**

First phase evaluation process consists of a Proposal Completeness Review to ensure application submittal is complete. Proposals deemed incomplete will be rejected with no further review. Proposers can submit Proposals prior to 4:00 PM CST, October 27, 2023, for an Early Completeness Review, if incomplete, Proposer has option to revise and re-submit a complete Proposal by the Final Proposal Submission deadline.

##### **B. MINIMUM REQUIREMENTS PASS/FAIL ASSESSMENT**

The second phase of the evaluation process will consist of minimum requirements pass/fail assessment. Proposals are required to conform to the [NEVI Standards and Requirements](#) and the ARDOT's **EVID Program Requirements (Form EVID-02)**. A failed assessment may result in the proposal being rejected with no further review of the **Responsiveness to Review Criteria Narrative (Form EVID-07)**.

Proposers concerned about the ability to meet Federal distance requirements or the State's EVID program requirements can submit an exception request form and provide documentation for ARDOT review and determination.

### **C. RESPONSIVENESS CRITERIA EVALUATION**

The final step of the evaluation process is review of the proposal in alignment with the Responsiveness Criteria Evaluation. Examples of proposal benefits in the **Responsiveness to Review Criteria Narrative (Form EVID-07)** are not intended to be exhaustive or to restrict innovation. Novel proposed innovations or improvements to responsiveness criteria categories may contribute to a higher score.

## **V. PROPOSAL SELECTION PROCESS**

The proposal selection process will consist of the three stages:

### **A. EVALUATION COMMITTEE**

ARDOT will convene an Evaluation Committee. All members of the evaluation committee will be required to execute a Conflict of Interest and Non-Disclosure Agreements prior to review of any proposals for this Program. Each member of the committee will independently review assigned proposals and based on the **Responsiveness to Review Criteria Narrative (Form EVID-07)**, will provide written comments and recommendations related to each proposal.

### **B. ARDOT ADMINISTRATION REVIEW AND RECOMMENDATION**

ARDOT Administration will review the analysis, justifications, and recommendations presented by the evaluation committee.

### **C. ARKANSAS STATE HIGHWAY COMMISSION (COMMISSION) FINAL APPROVAL**

Upon the Director's approval of project selection, a Minute Order will be submitted to the Arkansas State Highway Commission (Commission) to approve the recommended projects.

### **D. DISCLOSURE**

ARDOT will not publicly disclose Proposal Evaluation Responsiveness or Rankings except as required by law.

### **E. RESERVATION OF RIGHTS**

ARDOT reserves the right, in its discretion as administrator of NEVI Formula Program to:

1. Make more or fewer awards than anticipated.
2. Cancel an award before notice to proceed has been issued.
3. Seek or obtain data from any source that has potential to improve understanding and evaluation of the proposals.

4. Appoint evaluation or selection committee(s) and evaluation teams to review proposals or seek the assistance of outside technical experts in proposal evaluation.
5. Waive weaknesses, discrepancies, informalities, omissions, or minor irregularities in the proposal and seek and receive clarifications to a proposal.
6. Award funds to a different proposer if the awarded proposer is unable or unwilling to reach site completion and operational status.
7. Issue no awards and reserve funding for future RFP rounds.

## **VI. AWARD NOTIFICATION AND AWARD FINALIZATION PROCESS**

Proposers that have been conditionally awarded funding will receive notification via a formal letter from ARDOT. Conditional awards do not constitute final awards, and Awardees will need to receive requisite notices from ARDOT prior to incurring any expenses to be considered reimbursable, as well as complete the processes below and execute the Final Agreement with ARDOT in order to be authorized to request reimbursement for any expenses. The conditional award notification will outline the process for finalizing the award with ARDOT. This process will include completing information and processes outlined below.

### **A. CONDITIONAL AWARD NOTIFICATION AND FIRST NOTICE TO PROCEED (NTP 1)**

ARDOT will communicate with designated primary points of contact to conduct final award negotiations. If a proposal is selected for conditional award, it is not a commitment to issue an award. It is imperative that Awardee be responsive during the conditional award process and meet all award finalization steps and deadlines.

#### **1. AGREEMENT OF UNDERSTANDING**

ARDOT will provide an Agreement of Understanding to conditional Awardees, detailing the terms of conditional award acceptance and the expectations of all documentation and processes that conditional Awardees must complete in order to execute final award agreements with ARDOT. Conditional Awardees must execute the Agreement of Understanding and submit to ARDOT in order to proceed with award finalization.

#### **2. FIRST NOTICE TO PROCEED (NTP 1)**

Upon completion of the Agreement of Understanding, the conditional Awardee can submit a request to ARDOT for authority to proceed with work on the pre-construction phase of the project. Once the first Notice to Proceed (NTP 1) is issued, the Awardee may proceed with pre-construction work, including but not limited to assisting with finalizing environmental clearances, finalizing the project

site host agreement, and executing the final award agreement with ARDOT. Eligible costs for work during this phase are qualified for reimbursement from ARDOT but are considered “at risk” of the conditional Awardee failing to execute the final award agreement with ARDOT for the project. Final award agreement execution is dependent on the project receiving all environmental clearances, FHWA project authorization, and completion of all ARDOT requirements.

### **3. ENVIRONMENTAL REVIEW AND FHWA CLEARANCES**

The conditional Awardee will work with ARDOT and FHWA to obtain environmental clearances for the site work related to EV charging station installation as required by the National Environmental Protection Act (NEPA). The conditional Awardee shall be responsible for all permitting responsibilities and third-party agreements for the site. Any amendments to the obtained NEPA clearances shall be the responsibility of the Awardee.

### **4. FINAL SITE HOST AGREEMENT**

The conditional Awardee and the property owner must execute a final Site Host Agreement (if the property owner is different than the Awardee) that provides the Awardee with a contractual right to install EV charging stations on the property, as well as grants ARDOT a contractual right to access the site for the term of the award agreement. Within 60 days after receiving the conditional award, the conditional Awardee must submit a Site Host Agreement to ARDOT. Contingent agreements or fully executed letters of interest are sufficient for final award agreement execution.

### **5. RIGHT OF WAY MEMORANDUM OF UNDERSTANDING**

The conditional Awardee must execute a Memorandum of Understanding (MOU) with ARDOT in order to convey adequate property rights, or Right of Way (ROW), to construct, operate, and maintain EV charging stations on private property with FHWA funding as required by [23 CFR 1.23](#). ARDOT will provide conditional Awardees with a ROW MOU template for completion. ARDOT’s ROW MOU will not seek to acquire property ownership, will be limited to the project contract period, and will not involve any payments, lease terms, or costs for conditional Awardees.

### **6. SURETY BOND DOCUMENTATION**

Conditional Awardees shall secure and furnish surety in the form 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 as prescribed by ARDOT's Standard Specifications for Highway Construction. Surety bond documentation will be incorporated by reference in the final award agreement contract.

#### **7. FHWA PROJECT AUTHORIZATION**

All required documentation will be submitted to FHWA prior to final Federal project authorization.

#### **B. FINAL AWARD AGREEMENT EXECUTION**

When FHWA project authorization is received, ARDOT will issue a final award agreement for execution between ARDOT and the Awardee. The conditional Awardee must sign the final award agreement and the conditional Awardee will then be considered a final Awardee based on the terms of the final award agreement. If the conditional Awardee fails to return a signed agreement within 90 days, ARDOT may rescind the award and use the funds to award other responsive proposers or use funds in future RFP rounds.

#### **C. SECOND NOTICE TO PROCEED (NTP 2)**

Following execution of the final award agreement, Awardee can submit a request to ARDOT for authority to proceed with the equipment procurement and construction phase of the project. Once a second Notice to Proceed (NTP 2) is issued, the Awardee may proceed with procurement and construction. This results in the formal permission for the Awardee to begin incurring project costs.

#### **D. DEBRIEFINGS AND SUBSEQUENT AWARD AFTER NON-SELECTION**

ARDOT will offer debriefings to non-selected proposers and all eligible proposers are permitted to reapply for subsequent ARDOT NEVI Formula Program RFP rounds.



## APPENDIX I: PROPOSAL CHECKLIST AND INSTRUCTIONS

Proposers must submit proposal materials for consideration of EVID Program funding to ARDOT's EVID proposal submission webpage by November 27, 2023, and **prior to 4:00PM CST: [ardot.gov/nevi](https://ardot.gov/nevi)**. To be considered eligible for funding, proposers must submit the required documentation listed below. All documents shall be submitted with corresponding file naming convention provided in the checklist. ARDOT will communicate with the designated primary points-of-contact for communications regarding the proposal, selection, and award process.

### A. EVID INFORMATIONAL MATERIALS

1. **EVID Program Definitions (Form EVID-01)**
2. **EVID Program Requirements (Form EVID-02)**
3. **Draft Award Agreement with Terms and Conditions (Form EVID-03)**

### B. REQUIRED SUBMITTAL MATERIALS

☐ **Proposer Certification Statement (Form EVID-04)**

**Format:** PDF or MSWord (.doc)

**Naming:** ApplicantName\_Applicant\_Certifications\_Form\_Site\_Address

☐ **Preliminary Site Agreement (Form EVID-05)**

**Format:** PDF or MSWord (.doc)

**Naming:** ApplicantName\_Preliminary\_Site\_Agreement\_Site\_Address

☐ **Utility Coordination (Form EVID-06)**

**Format:** PDF or MSWord (.doc)

**Naming:** ApplicantName\_Project\_Utility\_Coordination\_Form\_Site\_Address

☐ **Responsiveness to Review Criteria Narrative (Form EVID-07)**

**Format:** PDF or MSWord (.doc)

**Naming:**

ApplicantName\_Project\_Responsivness\_Criteria\_Narrative\_Site\_Address

☐ **Site Plan and Design Information Coversheet (Form EVID-08)**

**Format:** PDF or MSWord (.doc)

**Naming:** ApplicantName\_Project\_Site\_Plan\_and\_Design\_Site\_Address

☐ **Project Budget (Form EVID–09)**

**Format:** PDF or MSWord (.doc)

**Naming:** ApplicantName\_NEVI\_Project\_Budget\_Form\_Site\_Address

☐ **Financial Requirements Documentation Coversheet (Form EVID–10)**

**Format:** PDF or MSWord (.doc)

**Naming:** ApplicantName\_NEVI\_Project\_Specific\_Match\_Site\_Address

**C. OPTIONAL SUBMITAL MATERIALS (ONLY IF APPLICABLE)**

☐ **NEVI Distance Requirements Exception Request (Form EVID–11)**

**Format:** PDF or MSWord (.doc)

**Naming:** ApplicantName\_Exemption\_Request\_Form\_Site\_Address

☐ **EVID Program Requirements Exception Request (Form EVID–12)**

**Format:** PDF or MSWord (.doc)

**Naming:** ApplicantName\_Exemption\_Request\_Form\_Site\_Address

☐ **Additional Supporting Documentation (Optional)**

**Format:** PDF | MSWord (.doc) | MSEXcel (.xls)

**Naming:** ApplicantName\_Additional\_Supporting\_Documentation\_Site\_Address