



**North Dakota**

# **National Electric Vehicle Infrastructure Program**

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**Notice of Funding Opportunity  
June 11, 2024**

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# 1 OVERVIEW

## 1.0 Background

Congress passed the Infrastructure Investment and Jobs Act (IIJA), also known as Bipartisan Infrastructure Law (BIL), on November 15, 2021, which included the *National Electric Vehicle Infrastructure (NEVI) Formula Program*. The NEVI Formula Program provides dedicated funding to construct and deploy NEVI-compliant electric vehicle supply equipment (EVSE) across the state, establishing a charging network.

North Dakota will receive approximately \$26 million in total over federal fiscal years (FFY) 2022–2026. These funds require at least a 20 percent non-federal match and are provided to selected sites on a reimbursement basis. FFY22 federal funding was \$3,831,352, FFY23 federal funding was \$5,527,749, and FFY24 funding is \$5,527,787, totaling \$14,886,888 available for Phase 1 deployment. No state funding will be used.

## 1.1 Introduction

The North Dakota Department of Transportation (NDDOT) is seeking Applicants for this Notice of Funding Opportunity (NOFO) to participate in the deployment of NEVI-compliant charging infrastructure across the state. The NOFO published under this competitive selection provides available funding for updates to existing EVSE and new charging sites within identified location clusters along designated Alternative Fuel Corridors (AFC) that meet NEVI Formula Program requirements.

NDDOT's goal is to deploy EVSE strategically to support the development of convenient, accessible, reliable, and equitable EVSE infrastructure along the designated clusters.

This NOFO focuses on design, construction, acquisition, installation, operations, maintenance, and ownership of EVSE infrastructure at locations near the interstate system where there is a lack of EVSE sites. NDDOT will not own or operate any EVSE. The EVSE infrastructure and project sites will not be located within state-owned right-of-way. This NOFO includes requirements for direct current fast charging (DCFC) equipment, site selection, installation, operations and maintenance (O&M), and reporting.

This NOFO also includes information on the process by which competitive selections will be awarded, funding match levels and requirements, project eligibility, funding priorities, activities eligible for reimbursement, and other information that will help Applicants plan their project and submit an application.

## 1.2 Letter of Intent to Apply

Potential Applicants are requested to submit a letter of intent to apply by completing Attachment 10 and emailing it to [dotnevi@nd.gov](mailto:dotnevi@nd.gov) no later than **Friday, July 12th, 2024**. Submitting a letter of intent to apply in no way commits the Applicant to submitting an application. NDDOT will evaluate all applications as outlined in this NOFO, regardless of whether a letter of intent to apply is submitted.

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## 2 ATTACHMENTS AND REFERENCE DOCUMENTS

### 2.1 Attachments

The following attachments are incorporated into and made part of this NOFO by reference:

- Attachment 1 – Technical Requirements
- Attachment 2 – Scope of Work
- Attachment 3 – Technical Application Form
- Attachment 4 – Cost Proposal Form
- Attachment 5 – Utility Coordination Form
- Attachment 6 – Draft Agreement
- Attachment 7 – Wage Rates
- Attachment 8 – FHWA Form 1273
- Attachment 9 – Example Letter of Credit
- Attachment 10 – Letter of Intent to Apply

### 2.2 Reference Documents

**Applicants are urged strongly to conduct their due diligence as it relates to the NEVI Formula Program and the federal, state, and local laws that apply to this funding.** The following reference documents are available: *National Electric Vehicle Infrastructure Standards and Requirements*, *Federal Highway Administration (FHWA) NEVI Program Guidance*, *Bipartisan Infrastructure Law NEVI Program Fact Sheet*, and the *FHWA NEVI Program Frequently Asked Questions*. Applicants are also encouraged to review *NDDOT's NEVI program website*, and the *North Dakota Electric Vehicle Implementation Deployment Plan (EVIDP)* and subsequent updates.

## 3 APPLICANT ELIGIBILITY

### 3.1 Eligible Applicants

Eligible Applicants for this funding opportunity include, but are not limited to:

- For-profit businesses
- Privately owned electric utilities
- Non-profit organizations
- Teaming partnerships that include the above eligible entities. A clear primary Applicant and point of contact are required.

### 3.2 Ineligible Applicants

Ineligible Applicants include:

- Government entities as primary applicants
- Municipal utilities as primary applicants
- Political subdivisions

- Entities or individuals who are currently suspended or debarred by the state of North Dakota or the federal government

### 3.3 Application Limitations and Requirements

Each application can include only one charging site. Applicants may submit only one application per cluster. Applicants may submit applications for more than one cluster. Applications for locations outside of the identified clusters will not be accepted.

## 4 ELIGIBLE PROJECTS

### 4.1 Project Requirements

The NEVI Formula Program aims to establish a DCFC infrastructure network consisting of sites with a minimum of four ports capable of continuous charging at a minimum 150 kW concurrently. These sites shall be located no farther than 50 miles apart and shall not be located more than 1 driving mile from an AFC.

Funding for any agreement resulting from this NOFO will be paid entirely from NEVI Formula Program funds. All applicable requirements of *Title 23 United States Code (U.S.C.)* and *2 Code of Federal Regulations (CFR) Part 200* apply to the administration of these funds. This includes, but is not limited to, *23 CFR 680*; *FHWA 1273*; the *Davis-Bacon Act*; Attachment 7, Wage Rates; the *Americans with Disabilities Act of 1990 (ADA)*; *Title VI of the Civil Rights Act of 1964*; the *National Environmental Policy Act of 1969 (NEPA)*; and the *Build America, Buy America (BABA) Act*. EVSE funded under any agreement resulting from this NOFO will be covered by the *Build America, Buy America (BABA) Implementation Plan to Enhance Buy America for Electric Vehicle (EV) Chargers*. In addition to these requirements, the Awardee must comply with all other applicable federal, state, and local laws, standards, and requirements. All relevant terms within the NOFO are assumed to use the definitions as defined in *23 CFR 680*.

The Awardee will be required to provide at least a 20 percent contribution (Applicant Cost Share) in dollars to the overall project costs authorized by an agreement between the Awardee and NDDOT.

### 4.2 Priority NEVI Location Clusters

NEVI station locations must be limited to a 1-mile driving distance from one of the exits within each cluster. NDDOT has identified 10 clusters along two corridors, each of which will be awarded a single charging station.

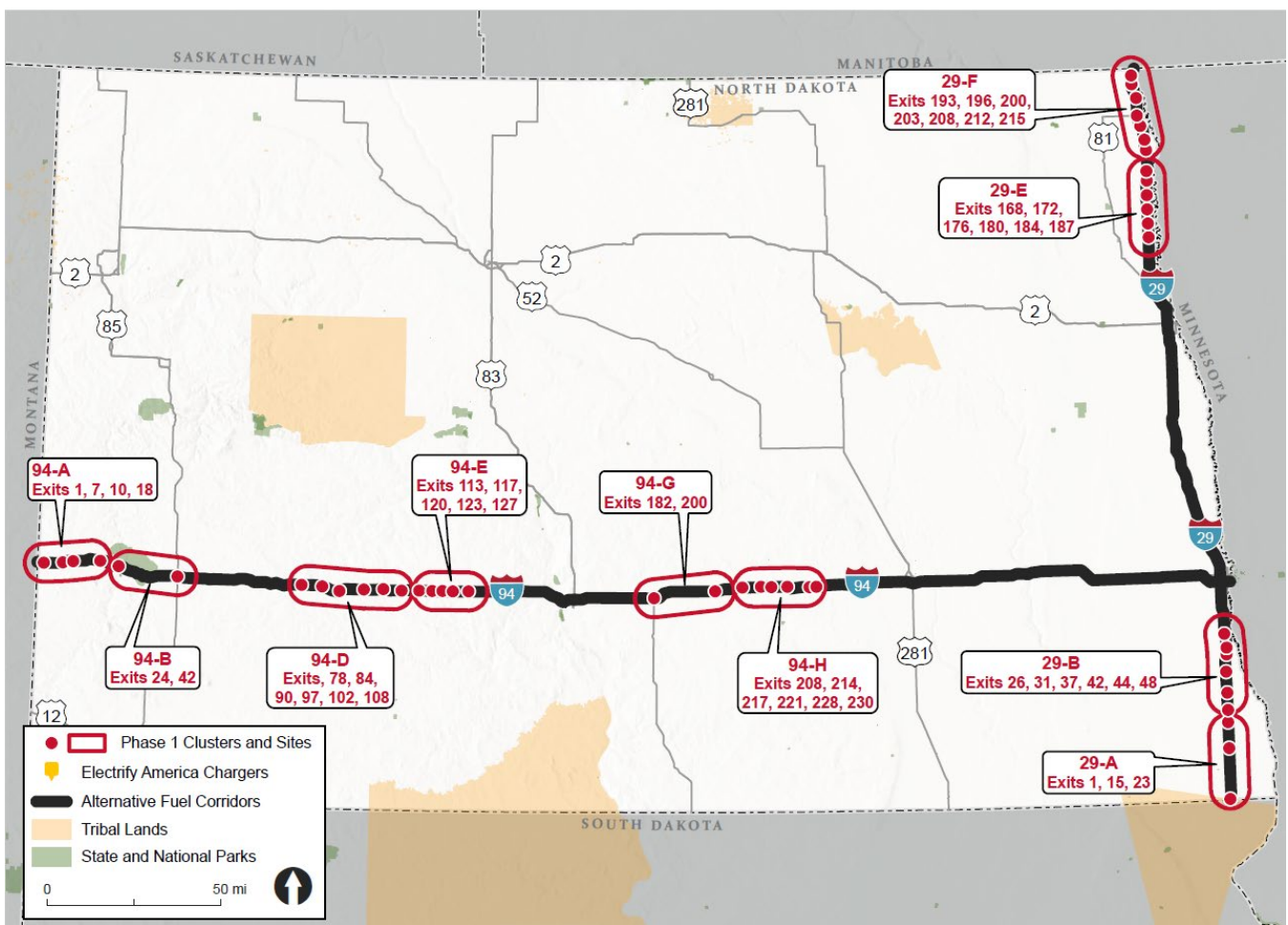


Figure 4-1 North Dakota NEVI Site Corridors and Identified Clusters for Round 1 Funding

Table 4-1 Priority Clusters

AFC – Cluster	Cluster Name	Exit #
94-A	Beach-Sentinel Butte	1
94-A	Beach-Sentinel Butte	7
94-A	Beach-Sentinel Butte	10
94-A	Beach-Sentinel Butte	18
94-B	Medora – Bellfield	24
94-B	Medora – Bellfield	42
94-D	Taylor – Richardton	78
94-D	Taylor – Richardton	84
94-D	Taylor – Richardton	90
94-D	Taylor – Richardton	97
94-D	Taylor – Richardton	102
94-D	Taylor – Richardton	108
94-E	New Salem	113
94-E	New Salem	117
94-E	New Salem	120

AFC – Cluster	Cluster Name	Exit #
94-E	New Salem	123
94-E	New Salem	127
94-G	Sterling – Steele	182
94-G	Sterling – Steele	200
94-H	Dawson – Medina	208
94-H	Dawson – Medina	214
94-H	Dawson – Medina	217
94-H	Dawson – Medina	221
94-H	Dawson – Medina	228
94-H	Dawson – Medina	230
29-A	Dakota Magic – Mooreton	1
29-A	Dakota Magic – Mooreton	15
29-A	Dakota Magic – Mooreton	23
29-B	CR 10 – Christine	26
29-B	CR 10 – Christine	31
29-B	CR 10 – Christine	37
29-B	CR 10 – Christine	42
29-B	CR 10 – Christine	44
29-B	CR 10 – Christine	48
29-E	Drayton	168
29-E	Drayton	172
29-E	Drayton	176
29-E	Drayton	180
29-E	Drayton	184
29-E	Drayton	187
29-F	Pembina	193
29-F	Pembina	196
29-F	Pembina	200
29-F	Pembina	203
29-F	Pembina	208
29-F	Pembina	212
29-F	Pembina	215

### 4.3 Eligible Costs

For the purpose of this NOFO, a project site is defined as a location where one or more charging stations are located. A project site may contain both a NEVI charging station and a non-NEVI charging station. NEVI charging stations must be compliant with 23 CFR 680 and the entirety of this NOFO. Applications will be evaluated on the NEVI charging station and related amenities as outlined in this NOFO. Awardees will be reimbursed for only NEVI charging station related costs and required utility upgrades per this NOFO. When ports and stations are referenced in this NOFO they refer only to NEVI ports and NEVI charging stations, unless otherwise specified.

Awardees will be reimbursed for eligible costs according to the submitted Cost Proposal Form (Attachment 4). Applicants may apply for up to 80 percent federal cost share of the eligible costs, with a minimum required 20 percent match from non-federal sources. The remaining project costs are the



Applicant's responsibility. Eligible costs are expenses deemed eligible by 23 CFR 680. For further information on cost eligibility, refer to [FHWA guidance](#) and their [Frequently Asked Questions \(FAQ\)](#).

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

Examples of eligible costs include:

Capital costs, including:

1. Costs for lease of real estate
2. Costs for pre-construction work, including environmental documents and studies, preliminary engineering, and related work
3. Construction costs (as defined under 23 U.S.C. 101(a)(4)) related directly to EV charging station
4. Costs for planning, permitting, acquisition, and installation of on-site distributed energy resource equipment (e.g. stationary batteries)
5. Costs to purchase or lease and install on-site electric service equipment (e.g., power meter, transformer, switch gear)
6. Costs of minor electric service and distribution grid updates (work necessary to provide adequate service and connect a charging station to the electric grid distribution network, similar to extending or upgrading existing power lines)
7. Costs to install signage at site
8. Costs for workforce development activities
9. Costs to procure, install, repair, upgrade, and/or replace existing EV charging equipment to meet NEVI minimum standards and requirements
10. Costs to procure and set up EV charging equipment related hardware and software
11. Costs to upgrade existing EV charging stations to meet ADA requirements
12. Costs to purchase and install proprietary adapters, including additional connector types and/or adapters on the required four charging ports with CCS connectors
13. Costs to upgrade the project site to meet NOFO requirements, **including canopies above chargers, pull-through spaces for charging, seating, safety lighting for EV charging area, security cameras for EV charging area, and additional parking spaces dedicated to EV charging.**
14. Cost of any shared equipment that supports both NEVI and non-NEVI ports prorated based on the proportion of the power rating of the equipment that can supply the NEVI ports simultaneously

O&M costs including:

1. Cellular network fees, internet service fees, or similar fees
2. Hardware and software maintenance and repair costs, including service agreements with third-party contractors, charging equipment manufacturers, and warranties
3. Costs for EV charging infrastructure data sharing and reporting, including, to the extent practicable, costs related to the specific data sharing requirements of this program and costs of data sharing for all chargers and charging activities on the EV network
4. Costs for electricity
5. Costs for electricity demand charges

6. Costs for EV project site O&M, including snow, trash, and recycling removal
7. Other necessary operating costs deemed eligible by 23 CFR 680
8. Direct administrative costs to manage the program, including quarterly, annual, or one-time data reporting, as required under 23 CFR 680.112

#### 4.4 Ineligible Costs

Ineligible costs are expenses deemed to be ineligible by 23 CFR 680, as well as other applicable federal, state, and local laws.

Ineligible costs include, but are not limited to:

1. Costs incurred prior to a fully executed agreement with NDDOT
2. Costs not related directly to vehicle charging
3. Costs for lobbying, or for the intervention in state, federal regulatory, or adjudicatory proceedings
4. Costs for construction or general maintenance of building and parking facilities (if not related directly to vehicle charging), **including the construction and upgrade of restrooms, parking lot or spaces not for exclusive EV charging use, access road, and new ingress/egress from access road**
5. Costs of major grid upgrades (e.g., longer line extension or upgrades, improvements to offsite power generation, bulk power transmission, substations)
6. Level 2 chargers
7. Utility service upgrade costs covered by the utility
8. Costs covered by programs or tariff rules of the electric utilities
9. Costs for research projects
10. Costs for indirect expenses
11. Cost of any equipment that supports only non-NEVI ports
12. Portion of the cost of any shared equipment that supports both NEVI and non-NEVI ports that is beyond the eligible amount
13. **Direct or in-direct costs** for purchase of real estate

## 5 HOW TO APPLY

### 5.1 General Application Requirements

Applicants are responsible for conducting their due diligence, including understanding all terms and conditions of the NOFO documents and applicable federal, state, and local laws. **It is recommended that Applicants review the reference documents listed in Section 2.1 thoroughly.** Questions should be submitted to NDDOT according to the instructions in this NOFO.

### 5.2 Application Contents

To apply, submit the following application materials, which can be found at <https://www.dot.nd.gov/nevi>

Each application must include the following completed attachments and documents, as further described in this NOFO and in the format identified:

The following attachments are incorporated into and made part of this NOFO by reference:

- Attachment 3 – Signed Technical Application Form, including all required information detailed in Attachment 3 (Searchable PDF format, file name: Attachment 3 Technical Application Form)
- Attachment 4 – Signed Cost Proposal Form (Excel format, file name: Attachment 4 Cost Proposal)
- Letter from the site owner (Searchable PDF format, file name: Letter from Site Owner)
- Acknowledgement of FHWA Form 1273 (Searchable PDF format, file name: Form 1273 Acknowledgement)
- Acknowledgement of all issued addendums (format to be detailed in addendum, file name: Acknowledged Addendums)

**Note: All submitted PDFs shall be searchable, including images from scanned print-offs. Any application that contains a PDF that is obfuscated and not searchable may be deemed non-responsive.**

### **5.2.1 Technical Application Form**

Applicants must complete each section of Attachment 3, Technical Application Form, and provide all required information and documents. Links to information outside of the form shall not be used and will not be reviewed. No macros are allowed. The minimum font size is 10-point font. The page size shall be 8.5 x 11 inches. Larger 11 x 17-inch pages are allowed for drawings or graphics and will count for two pages. The maximum number of pages shall be 30 pages, including text, graphics, tables, charts, and photographs. Resumes for key personnel may be attached to the form. Resumes shall be limited to two pages per resume. Resumes do not count toward the 30-page limit. No more than five resumes are permitted per application. EVSE specifications and cut sheets do not count toward the 30-page limit.

### **5.2.2 Cost Proposal Form**

Applicants must provide a completed Attachment 4, Cost Proposal Form. An Applicant must enter the required information in the Cost Proposal Form and shall not change any formula within the form. The Cost Proposal Form will calculate the Applicant’s maximum total project reimbursement and will be used to establish the maximum budget for the project. Within Attachment 4, Cost Proposal Form, each Applicant is required to follow the instructions provided in the attachment and provide the following:

- The requested reimbursement (%) for capital costs, which shall not exceed 80 percent
- The requested reimbursement (%) for O&M costs, which shall not exceed 80 percent
- The project costs for each cost item, as identified in Attachment 4. Costs shall include only items eligible under the NEVI program, as defined in Section 5.3 Eligible Costs

### **5.2.3 Letter from the Site Owner**

The Applicant shall ensure public access to the proposed site 24 hours a day, 7 days a week, throughout the year, for the life of the agreement, per 23 CFR Part 680. This shall include any property required for ingress and egress. A letter from the site owner of the proposed site must be provided by each Applicant. The letter must clearly state the following:

- The proposed site will be available to the Applicant for the entire length of the proposed agreement for the purpose of acquiring, constructing, installing, operating, and maintaining an EV charging station in accordance with 23 CFR 680 and all applicable laws and regulations.
- The proposed site will be accessible 24 hours a day, 7 days a week, throughout the year, for the life of the agreement, including any ingress.

- The proposed site will be accessible to the Applicant, NDDOT, and their agents for the entire length of the Agreement.
- The letter from the site owner shall also include proof of ownership.
- If the proposed site is controlled via a long-term lease, the lessee must provide a similar letter stating their intent to provide access to the site, as described above, as well as a copy of the lease highlighting the section of the lease that gives them the right to agree to the terms of the proposed site host agreement.

NDDOT reserves the right to determine the sufficiency of the letter. The letter from the site owner will not be scored, but will be part of the non-technical responsiveness check.

### 5.3 Application Timeline

The timeline below outlines the activities and corresponding dates that all Applicants must meet. NDDOT may update this timeline and will notify participants by posting an addendum on [dot.nd.gov/NEVI](https://dot.nd.gov/NEVI). It is the Applicant’s responsibility to refer to [dot.nd.gov/NEVI](https://dot.nd.gov/NEVI) on a regular basis for such updates.

Applications received after the deadline will be deemed ineligible and will not be reviewed. Incomplete applications may be disqualified from consideration. NDDOT is not responsible for any errors or delays caused by technical difficulties resulting from emailing applications.

ACTIVITY	DATE	TIME*	DETAILS
Final NOFO Released	June 11, 2024		<a href="https://dot.nd.gov/NEVI">dot.nd.gov/NEVI</a>
Question Period	June 11, 2024 - July 12, 2024	5 p.m. CT	All questions can be sent to <a href="mailto:dotnevi@nd.gov">dotnevi@nd.gov</a>
Answers Posted	Posted weekly		<a href="https://dot.nd.gov/NEVI">dot.nd.gov/NEVI</a>
Applications Due	August 9, 2024	5 p.m. CT	All applications to be sent to <a href="mailto:dotnevi@nd.gov">dotnevi@nd.gov</a>
Notice of Award (anticipated)	Approximately 90 days after application window closes		<a href="#">Website</a> and by Email
Execution of agreement (anticipated)	Approximately 45 days after award date (Includes all requirements outlined in Section 7.1 below)		To be detailed in Notice of Award

### 5.4 Application Submission

Applicants shall submit the signed, completed application, with the required contents noted in Section 2, Application Contents, as separate attachments and in the file format noted above to [dotnevi@nd.gov](mailto:dotnevi@nd.gov). The email subject line shall be **Applicant Name – North Dakota NEVI, Cluster #**. NDDOT has a 100 MB limit on incoming e-mails. Zip files will not be accepted. Multiple emails can be sent to submit the application if the 100 MB limit will be exceeded; however, the email sequence (i.e., 1 of 3, 2 of 3, etc.) must be included in each subject line.

## 5.5 Application Questions

Questions or requests for clarification about this NOFO may be submitted in writing via email to [dotnevi@nd.gov](mailto:dotnevi@nd.gov). Verbal or audio recorded questions will not be addressed. Applicants shall not contact any other NDDOT personnel, consultants, or agents regarding this NOFO from the date of advertisement until an award is issued by NDDOT. Violation of this section by an Applicant may be grounds for rejecting an application(s) from that Applicant. NDDOT will respond to questions on a rolling basis during the question-and-answer period referenced in Section 5.3.

Questions should be addressed via email with the following information. Questions that do not identify all of the requested information will not be addressed.

- NOFO Document Name
- NOFO Document Section #
- NOFO Document Page #
- Question

NDDOT reserves the right to amend this NOFO at any time by addendum. If the addendum is issued after the closing date for receipt of applications, NDDOT may, in its sole discretion, allow Applicants to amend their project applications in response to the addendum, if necessary. The Applicants shall acknowledge all addendums in writing, per the instructions included in the addenda. Failure to review and acknowledge all addenda may be grounds for rejection of an application and may be deemed non-responsive.

Any person requiring a special accommodation due to a disability should contact NDDOT by email at [dotnevi@nd.gov](mailto:dotnevi@nd.gov) for assistance with this NOFO at least 5 business days prior to the activity or action for which assistance is needed.

## 5.6 Amendment or Withdrawal of an Application

Applicants may withdraw or amend and resubmit project applications at any time before the deadline. The amended application or withdrawal must be in writing, with an applicant authorized signature consistent with the original submission.

## 5.7 North Dakota DOT Discretion

NDDOT reserves the right to reject any or all applications at any time prior to the execution of an agreement.

NDDOT is not obligated to fund an application from an Applicant that has demonstrated marginal or unsatisfactory performance on previous competitive selections or contracts with NDDOT or other state agencies.

NDDOT reserves the right to verify information contained in the application. This may include using publicly available information.

## 5.8 Disqualification of Applications

NDDOT may outright reject or may not evaluate applications for any one of the following reasons:

- The Applicant fails to deliver the application by the due date and time
- The Applicant acknowledges that a requirement of the application cannot be met

- The application materially changes a requirement of this NOFO or the application is not compliant with the requirements of this NOFO
- The application limits the rights of NDDOT
- The Applicant fails to submit a timely response to NDDOT’s request for information, documents, or references
- The Applicant fails to include an authorized signature
- The Applicant presents the information requested by this NOFO in a format inconsistent with the instructions of the NOFO or otherwise fails to comply with the requirements of the NOFO, including but not limited to failing to provide all required information
- The Applicant provides misleading or inaccurate responses
- The application includes conditional offers or non-committal language
- There is insufficient evidence (including evidence submitted by the Applicant) to satisfy NDDOT that the Applicant is properly qualified to meet the requirements of the NOFO or application
- The proposed project(s) are not in compliance with applicable state and federal statutes and rules

### **5.9 Process for Clarification of Application Information**

NDDOT reserves the right to contact an Applicant after the submission of an application for the purpose of clarifying the application to ensure mutual understanding. NDDOT will not consider information received if the information materially alters the content of the application or alters the type of project the Applicant is proposing. Failure to comply with requests for additional information may result in rejection of the application as non-compliant.

### **5.10 Disposition of Applications and Copyrights**

All applications become NDDOT property and will not be returned to the Applicant at the conclusion of the selection process. Contents of all applications will be in the public domain and open for inspection by interested parties, subject to North Dakota Law and other applicable laws.

The Applicant agrees that NDDOT may copy the application for purposes of facilitating the evaluation of the application or to respond to requests for public records. By submitting an application, the Applicant consents to such copying and warrants that such copying will not violate the rights of any third party.

## **6 EVALUATION OF APPLICATIONS**

### **6.1 Evaluation Process**

NDDOT will use the following process to evaluate applications:

#### **6.1.1 Step 1: Responsiveness Check**

All applications will be reviewed for responsiveness (responsiveness check) to confirm the application meets the NOFO requirements. The responsiveness check is a two-step, pass/fail assessment. The first step is an administrative responsiveness check. Applications that fail the administrative responsiveness check will be deemed non-responsive and will not be evaluated further. If an Applicant or application fails to meet one or more of the requirements detailed in Attachment 3, Technical Application Form, it may be deemed non-responsive.

The second step is a technical responsiveness check. Applications that fail the technical responsiveness check will be deemed non-responsive and will not be evaluated further. If an Applicant or application fails to meet one or more of the requirements detailed in Attachment 3, Technical Application Form, it may be deemed non-responsive.

Applications must meet minimum NEVI requirements per 23 CFR 680. This includes, but is not limited to, the requirements outlined in Attachment 3, Technical Application form.

**6.1.2 Step 2: Technical Application Scoring Criteria and Evaluation**

For the purpose of evaluating technical applications, NDDOT will establish a review committee made up of no less than three members. Applications that pass the responsiveness check will be evaluated and scored individually by each review committee member on a competitive basis according to the scoring criteria and point maximums provided in the table below.

TECHNICAL SCORING CRITERIA		MAXIMUM POINTS POSSIBLE (175 TOTAL)
<b>1. Applicant Background, Experience, and Team Organization</b>	<b>Evaluation Considerations</b>	<b>36</b>
<p><b>Applicant Team Organization:</b> Describe the Applicant team organization per Attachment 3, Technical Application Form.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>Identification of team members with <b>proven</b> prior experience in all of the roles outlined in Attachment 3, Section 4</li> <li>Team members that have <b>completed</b> projects with similar requirements</li> <li>Team members that have <b>completed</b> work in North Dakota previously</li> <li>Organizational chart that clearly outlines the relationship between different team members as well as clearly outlines roles and responsibilities</li> </ul>	5
<p><b>Approach to Project Management:</b> Describe the approach to project management per Attachment 3, Technical Application Form.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>Identification of responsible team members</li> <li>Descriptions of commitments and actions already taken</li> </ul>	5
<p><b>Prior Experience with 50 kW or Higher Port Past Projects:</b> Provide prior EVSE experience per Attachment 3, Technical Application Form.</p> <ul style="list-style-type: none"> <li>7 pts for 16+ projects</li> <li>5 pts for 11–15 projects</li> <li>3 pts for 5–10 projects</li> </ul>		7

TECHNICAL SCORING CRITERIA		MAXIMUM POINTS POSSIBLE (175 TOTAL)
<p><b>Prior System Performance:</b> Provide prior EVSE system performance per Attachment 3, Technical Application Form.</p> <ul style="list-style-type: none"> <li>• 7 pts for 97%+</li> <li>• 5 pts for 90–96%</li> <li>• 3 pts for 85–89%</li> </ul>		7
<p><b>Prior Experience with Title 23 Funding and Federal Programs:</b> Describe the Applicant team experience with Title 23 funding and federal programs.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification of responsible team members</li> <li>• Examples of relevant projects that have been completed demonstrating experience and understanding</li> </ul>	3
<p><b>Prior Experience with Davis-Bacon Act Compliance:</b> Describe the Applicant team experience with Davis-Bacon Act compliance.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification of responsible team members</li> <li>• Examples of relevant projects that have been completed demonstrating experience and understanding</li> </ul>	3
<p><b>Prior Experience with Build America, Buy America Act Compliance:</b> Describe the Applicant team experience with Build America, Buy America Act compliance.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification of responsible team members</li> <li>• Examples of relevant projects that have been completed demonstrating experience and understanding</li> </ul>	3
<p><b>Prior Experience with State Funded Government Projects:</b> Describe the Applicant team experience with State Funded Government Projects</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification of responsible team members</li> <li>• Examples of relevant projects that have been completed demonstrating experience and understanding</li> </ul>	3
<b>2. General Project Approach and Understanding</b>		<b>30</b>
<p><b>Project Approach and Understanding:</b> Describe the project approach and understanding per Attachment 3, Technical Application Form.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification of responsible team members</li> <li>• Descriptions of commitments and actions already taken</li> <li>• Clear understanding of basic NEVI requirements outlined in 23 CFR 680</li> <li>• Clear understanding and approach to managing reporting and submittals, including required reporting and other federal requirements such as EV-ChART reporting,</li> </ul>	10



TECHNICAL SCORING CRITERIA		MAXIMUM POINTS POSSIBLE (175 TOTAL)
	<p>Davis Bacon Act, Build America, Buy America Act, etc.</p> <ul style="list-style-type: none"> <li>• Detailed and realistic project schedules that include tasks outlined in the Scope of Work</li> <li>• EVSE that exceeds basic NEVI requirements, providing additional power, ports, and operational range.</li> </ul>	
<p><b>Approach to Permitting and Utility Coordination:</b> Describe the approach to permitting and utility coordination per Attachment 3, Technical Application Form.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification of responsible team members for each activity</li> <li>• Identification of required permits</li> <li>• Proof of coordination/outreach to permitting agencies and utilities</li> <li>• Descriptions of commitments and actions already taken</li> </ul>	5
<p><b>Approach to Operations and Maintenance:</b> Describe the approach to O&amp;M per Attachment 3, Technical Application Form.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification of responsible team members for each key O&amp;M activity and whether that team member is on-site, on-call, or remote</li> <li>• Descriptions of O&amp;M approach to hardware (cables, connectors, etc.), software (updates), EVSP network, communications, and the site (trash removal, snow removal, light replacement, bathroom cleaning, etc.)</li> <li>• Descriptions of scheduled and emergency maintenance, including any service level agreements</li> <li>• Frequency of scheduled maintenance</li> <li>• Description of factors that go into establishing prices and identified price or price range in \$/kWh</li> <li>• Descriptions of commitments and actions already taken</li> </ul>	10
<p><b>Approach to Cybersecurity and Data Management:</b> Describe the approach to cybersecurity and data management per Attachment 3, Technical Application Form.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification of responsible team members for each key cybersecurity activity</li> <li>• Identification of any existing or planned third-party certifications and clarification if they are for the site operator and/or the EVSP network operator</li> <li>• Description of compliance with Payment Card Industry requirements</li> </ul>	5

TECHNICAL SCORING CRITERIA		MAXIMUM POINTS POSSIBLE (175 TOTAL)
	<ul style="list-style-type: none"> <li>• Description of Cybersecurity Event Management Team and notification process including identification of responsible team member</li> <li>• Description of approach to addressing findings identified in risk assessments or SOC2 audits</li> <li>• Description of cybersecurity approach for both local site and EVSP network</li> <li>• Description of physical and on-site security as it relates to cybersecurity</li> <li>• Description of approach to cybersecurity training</li> </ul>	
<b>3. Site Proposal</b>		<b>63</b>
<p><b>Proposed Site Details, Design, and Layout and Area Map:</b> Describe the proposed site details, design, layout, and area map, and identify each item clearly in a preliminary site design and layout or the area map as described in Attachment 3, Technical Application Form.</p> <ul style="list-style-type: none"> <li>• 10 pts for ease of entry, access, and visibility from the main road directly off the AFC</li> <li>• 10 pts for site safety, ease of navigation for pedestrians on the site, signage, lighting, striping of walkways, security, cameras, etc.</li> <li>• 10 pts for existing and proposed site characteristics, including hours of access to bathrooms, food, drink, and amenities, as well as quality of amenities</li> <li>• 10 pts for site layout for ease of EVs getting around the site, pull-through islands, siting and protection of equipment, oversize spaces vs. normal spaces, no one way directions, etc.</li> </ul>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Clarity of description and visualization of site details, characteristics, and amenities</li> <li>• Quality of site details, characteristics, and amenities</li> </ul>	40

TECHNICAL SCORING CRITERIA		MAXIMUM POINTS POSSIBLE (175 TOTAL)
<p><b>Primary Amenities:</b> 4 points for each of the following publicly and ADA-accessible applicable items within 1,000-foot walking distance.</p> <ul style="list-style-type: none"> <li>• 24/7 access to restrooms</li> <li>• Access to food and drink</li> <li>• Retail on-site</li> <li>• Canopy above chargers</li> <li>• Space for pull-through passenger trucks pulling trailers</li> </ul>		20
<p><b>Additional Amenities:</b> 1 point for each of the following publicly and ADA-accessible applicable items within 1,000-foot walking distance.</p> <ul style="list-style-type: none"> <li>• Playground area</li> <li>• Seating/benches</li> <li>• Additional parking spaces for overflow</li> </ul>		3
<b>4. Innovation and Resiliency</b>		<b>26</b>
<p><b>Approach to Site Resiliency:</b> Describe the approach to site resiliency per Attachment 3, Technical Application Form.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification and description of proposed site elements to improve site resiliency</li> </ul>	5
<p><b>Resiliency:</b> 2 points for each of the following criteria.</p> <ul style="list-style-type: none"> <li>• Back-up power</li> <li>• Undergrounding of lines/conduits for utility feed</li> <li>• Energy storage</li> <li>• Future proofing (must include construction of element to support future proofing)</li> </ul>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification and description of proposed site elements to improve site resiliency</li> </ul>	8
<p><b>Approach to Innovation:</b> Describe the approach to innovation per Attachment 3, Technical Application Form.</p>	<p>Evaluators will consider the following:</p> <ul style="list-style-type: none"> <li>• Identification and description of proposed innovative site elements that provide benefits</li> </ul>	5

TECHNICAL SCORING CRITERIA		MAXIMUM POINTS POSSIBLE (175 TOTAL)
<b>Output Voltage Range:</b> 5 points if EVSE is capable of providing DC output voltages over the entire range of 250–920 volts (VDC).		5
<b>EVSE Operating Temperature:</b> 3 points if EVSE is capable of operating between -23 and -40 degrees Fahrenheit.		3
<b>5. Workforce, Equity, and Rural Considerations</b>		<b>20</b>
<b>Approach to Workforce:</b> Describe the approach to workforce per Attachment 3, Technical Application Form.	Evaluators will consider the following: <ul style="list-style-type: none"> <li>• Identification of responsible team members for each activity</li> <li>• Identification of subcontractors with required workforce qualifications</li> <li>• Identification and discussion of approach to achieving EVITP certification for workforce</li> <li>• Identification and discussion of leveraging of local workforce training programs</li> <li>• Description of approach to recruiting and retaining a qualified workforce</li> <li>• Descriptions of commitments and actions already taken</li> </ul>	5
<b>Equity and Disadvantaged Community (DAC) Considerations:</b> Describe the approach to equity and DAC considerations per Attachment 3, Technical Application Form.	Evaluators will consider the following: <ul style="list-style-type: none"> <li>• Identification of responsible team members for outreach efforts</li> <li>• Description of approach to addressing equity and DAC considerations</li> <li>• Descriptions of commitments and actions already taken</li> </ul>	5
<b>Project is located within 1 mile of a DAC or historically disadvantaged community</b>		5
<b>Rural Considerations:</b> Describe the approach to rural considerations per Attachment 3, Technical Application Form.	Evaluators will consider the following: <ul style="list-style-type: none"> <li>• Identification and description of approach to addressing rural risks and challenges</li> <li>• Descriptions of commitments and actions already taken</li> </ul>	5

The technical score will be calculated by averaging the total scores from each review committee member. NDDOT reserves the right to hold consensus meetings.

### 6.1.3 Step 3: Cost Proposal Evaluation

The cost score for each cost proposal will be calculated according to the formula detailed below.

SCORING CRITERIA – COST PROPOSAL	MAXIMUM POINTS POSSIBLE
<b>Cost Proposal</b>	<b>25</b>
<p>The cost proposal will be evaluated based on the Applicant’s maximum total project reimbursement, as calculated and defined in Attachment 4, Cost Proposal Form.</p> <p>The lowest maximum total project reimbursement for each cluster will receive a total of 25 points. All other cost proposals will be normalized according to the following calculation:</p> $\text{Cost Score} = \frac{\text{Lowest Maximum Total Project Reimbursement from all Responsive Applicants per cluster}}{\text{Maximum Total Project Reimbursement from Applicant}} \times 25$	25

### 6.1.4 Step 4: Score Tabulation

The final score for each responsive application will be calculated by adding the technical score to the cost score. The maximum final score for any application is 200 points. The review committee will finalize all award recommendations. The review committee will provide a recommendation to the NEVI Steering Committee, which will be comprised of three to five NDDOT representatives. The NEVI Steering Committee will finalize all award decisions.

NDDOT has final decision-making authority to award an agreement to the selected Applicants.

### 6.1.5 Step 5: Award

NDDOT will notify successful Applicants and post the intent to award on [NDDOT's NEVI program website](#). An agreement may be awarded to a responsive application that has been recommended by the review committee and approved by the NEVI Steering Committee.

## 6.2 Application Irregularities and Clarifications

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

# 7 POST-AWARD

## 7.1 Execution of Agreement

The Applicant shall sign the agreement within 45 calendar days of receipt of the agreement. At the time of execution of the agreement, the Applicant shall provide the following documents:

- Signed Site Host Agreement
  - The Site Host Agreement shall include proof of ownership and shall have an effective date no sooner than the date of execution of the agreement. The site host agreement

must include agreement to the details outlined in Section 2.3, Letter from the Site Owner, and must address what occurs if either party becomes in default with either the site host agreement or the agreement the Awardee has with NDDOT.

- If the site is controlled via a long-term lease, the lessee must also provide a letter from the Site owner, as well as a copy of the lease highlighting the section of the lease that gives the lessee the right to agree to the terms of the Site Host Agreement.
- Signed Letter from the Utility
  - The signed letter from the utility shall confirm that the utility will provide electrical service to the Applicant at the proposed site.
- Letter of Credit
  - The letter of credit shall include all language provided in Attachment 9, Example Letter of Credit, and shall have an effective date no sooner than the date of execution of the agreement.
  - The Letter of Credit shall be provided for an amount equal to 60 percent of the Maximum Total Project Reimbursement. After each successful year of O&M, the total amount of the Letter of Credit can be reduced by 20 percent of the original amount following notification from NDDOT. The Letter of Credit will be drawn upon in the event of default by the Applicant.
- Proof of registration to do business in North Dakota
- Any additional certificates or documents deemed necessary by NDDOT

## 7.2 Reimbursement Mechanism

Awardees will be eligible to submit invoices for reimbursement in accordance with the following:

- **Capital Construction Payment:** Cost reimbursement may be claimed upon full compliance with and completion of Tasks 1, 2, 3, and 5, as detailed in Attachment 2, Scope of Work. Supporting documentation of actual costs incurred is required, including invoices and proof of payment for reimbursement of costs already paid by the Awardee.
  - **Capital Construction Payment Withholding:** NDDOT will withhold 40 percent of the total capital maximum reimbursement amount claimed. Of this withholding, 20 percent will be released on an annual basis at the time of annual O&M payments, if all performance requirements and obligations of the agreement are met.
- **Annual O&M Payment:** Cost reimbursement may be claimed for annual O&M costs upon annual compliance with and completion of Tasks 4 and 5, as detailed in Attachment 2, Scope of Work. Supporting documentation of actual costs incurred is required.
- **Final Payment:** Cost reimbursement may be claimed for the final year of O&M costs and all remaining withholding upon annual compliance with and completion of Tasks 4, 5, and 6, as detailed in Attachment 2, Scope of Work. Supporting documentation of actual costs incurred is required.

NDDOT will only pay up to the maximum total project reimbursement detailed in the cost proposal form during the application process, and all costs will be finalized in the final agreement.

### 7.3 Pay for Performance

Additionally, a pay-for-performance approach shall be incorporated into the payment mechanism, incentivizing optimal performance of the charging stations, specifically meeting the 97 percent uptime requirement per port, as required by 23 CFR 680.

During the O&M period, the following deductions will occur from the annual O&M payment when claims for reimbursement are submitted:

- For every percentage point, or fraction thereof, that the 97 percent uptime is not met on a per-port basis, per the NEVI rule, \$1,000 will be deducted from that year’s O&M payment.
- If there is no remaining O&M payment for the deduction to be subtracted from, the amount will be deducted from the remaining withholding.
- Once deducted, the funds can never be reclaimed.

### 7.4 Reasonable Return on Investment

Per question **6.4 in the NEVI Formula Program Q&A** and **23 CFR 680.106(m)2ii**, the Awardee is allowed to make a Reasonable Return on Investment on the charging station (project). This applies only to income received from EV charging. Reasonable Return on Investment on the charging station is determined by the State as no more than 25 percent profit on the project over the life of the project agreement.

The profit is calculated once at the end of the project and does not extend beyond the life of the project agreement. Profit is defined as the remainder of all revenue received from the operation of the EV charging and reimbursements from NDDOT (Total Revenue) after all eligible expenses, including reimbursable and non-reimbursable expenses, have been deducted.

$$Profit \% = \frac{(Revenue\ from\ Operations + Reimbursements) - Eligible\ Expenses}{Eligible\ Expenses} \times 100\%$$

**Revenue:** Revenue received from the operation of the project and reimbursements over the life of the project agreement.

**Eligible Expense:** Includes all reimbursed and non-reimbursed eligible expenses the Awardee has incurred over the life of the project agreement. This includes the Applicant Cost Share.

Any profit over 25 percent must be returned to NDDOT. This is capped at the Total Reimbursement amount. The Awardee shall provide a signed letter with the final invoice stating the amount of profit earned. NDDOT may ask for the Awardee to provide documentation as to the amount of profit earned.

In the example below, the Awardee receives \$45 in revenue from EV Charging Operations. The total eligible expenses for the project equals \$100. This includes both reimbursable and non-reimbursable expenses. The Awardee is reimbursed 80% of their total eligible expenses, equaling \$80. In this example, the Applicant Cost Share is \$20. In addition to making back their Applicant Cost Share of \$20, the Awardee is able to make an additional \$25 in profit, more than doubling their at-risk investment (Applicant Cost Share) before they would have to return any money to NDDOT. If the Awardee made more than \$45, the amount above \$45 would be subtracted from the final withholding amount. If the Awardee made \$150 in Total Revenue, the Awardee would repay the total Federal Cost Share of \$80 and would keep the remaining \$70.

