

# Nebraska

## State Plan For Electric Vehicle(EV) Infrastructure Deployment (Year One)

08.01.2023 National Electric Vehicle Infrastructure (NEVI) Formula Program



**NEBRASKA**

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

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# **Plan For Electric Vehicle (EV) Infrastructure Deployment (Year One) State of Nebraska**

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August 1, 2023

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# Introduction

US Federal Highway Administration (FHWA) approved Nebraska's National Electric Vehicle Infrastructure (NEVI) plan in September 2022. This plan provides an update on activities the Nebraska Department of Transportation (NDOT) has been engaged from September 2022 through July 2023 in advancing implementation of the state's NEVI program including:

- Soliciting feedback from stakeholders, agency partners and Departments of Transportation in peer states.
- Working with inter-agency partners to navigate challenges posed by existing Nebraska state law.
- Evaluating updated NEVI guidance to ensure the state's deployment complies with all the requirements in 23 U.S.C., 23 CFR 680.
- Exploring contracting options to prepare for infrastructure deployment.
- Developing a draft Request For Proposals (RFP) to be used for soliciting applications for funding.

NDOT intends to spend federal NEVI formula program funds in its first phase to electrify the I-80 Alternative Fuels Corridor (AFC) with the goal of achieving fully built out status in 2025. NDOT led the creation of Request for Information (RFI) that informed the development of a draft Request for Proposals (RFP).

NDOT anticipates release of the RFP in Summer/Fall 2024 to solicit bids to close current electrification gaps in the AFC by deploying electric vehicles charging infrastructure or upgrading existing charging locations to fully comply with the NEVI requirements set forth in 23 CFR 680. The Summer/Fall 2024 target date is predicated on the state legislature approving a change to the current restriction in the state on who can sell electricity by the kilowatt hour, as is required for station operators approved for NEVI funds. Due to this restriction, NDOT has not expended FY 2022 or FY 2023 NEVI formula program funds for construction. NDOT is working with internal and external stakeholders to navigate the challenges posed by this restriction and anticipates a resolution in early 2024.

NDOT has developed a scoring methodology to use a competitive selection process to identify charging station partners with industry expertise who can meet all federal requirements.

NDOT will continue to closely evaluate the changing environment around electric vehicles infrastructure (EVSE) to ensure that the state NEVI program implementation is equitable and supports the needs of its residents.

## Updates from Prior Plan

The following sections of the plan have been updated:

- **State Agency Coordination:** Section updated to include a description of coordination efforts to navigate challenges faced by Nebraska's limitation on the sale of electricity to only public entities such as municipal utilities and public power districts.
- **Public Engagement Efforts:** Section updated to include a description of public engagement

efforts since the approval of the NEVI plan.

- **Plan Vision and Goals:** Section updated to provide an overview of a methodology developed to determine NEVI funding investments following Nebraska's AFCs being certified as fully built out.
- **Contracting:** Section updated to include information on efforts to develop a Request for Proposals (RFP).
- **Civil Rights:** Section updated to include a discussion on NDOT's plans to ensure ADA compliance for EV chargers.
- **Existing and Future Conditions Analysis:** Section updated to include an additional NEVI compliant charging station and the physical addresses of existing charging stations.
- **Electric Vehicle (EV) Charging Infrastructure Deployment:** Section updated to include a list of planned charging locations.
- **Implementation:** Section updated to include more information on ensuring that current and planned charging stations are fully compliant with the requirements of the federal NEVI program.
- **Equity Considerations:** Section updated to include planned outreach activities and measures to evaluate the benefits of the program's implementation.
- **Labor and Workforce Considerations:** Section updated to include a discussion on NDOT plans to ensure that the workforce installing electric vehicle supply equipment (EVSE) has appropriate licenses, certifications and trainings in compliance with 23 CFR 680.106 (j) and how these requirements are enforced through the state's NEVI contracting and procurement strategies.
- **Program Evaluation:** Section updated to include information on the development of a program evaluation methodology.

## State Agency Coordination

The Nebraska Department of Transportation's Strategic Planning Division is coordinating the deployment of the Nebraska Electric Vehicle Infrastructure Plan.

NDOT is currently working with the State Attorney General's office to identify ways to amend restrictive state laws that currently prohibit the deployment of NEVI compliant charging infrastructure. Currently, Nebraska state law only allows public power companies to charge consumers by kilowatt hours for electricity. As a result, operators of electric vehicle charging stations may only charge consumers by the time their vehicle is connected to the charging station. This method is not seen by the Federal Highway Administration (FHWA) and the Department of Energy (DOE) as an accurate or equitable way to charge the consumer as all batteries take charge at different rates. For example, two different models of electric vehicles, charging at the same station for one hour may consume dramatically different levels (kWh) of power.

An inter-agency meeting was convened to discuss this issue that included NDOT, the Governor's Policy Research Office, Nebraska Department of Environment and Energy, the Nebraska Attorney

General’s office and the Power Review Board. Subsequently, proposed legislation was introduced in the 108<sup>th</sup> Legislature to allow commercial electric vehicle charging station operators to charge customers for electricity by the kilowatt hour consumed. While the bill was indefinitely postponed, it is expected that language addressing charging by the kilowatt hour consumed will be revisited during the 2024 session. The law continues to remain a significant obstacle to federal compliance, stakeholder engagement, RFP development and infrastructure deployment efforts.

NDOT also conducted meetings with the peer states of Iowa, Kansas, Wyoming and South Dakota to share information, discuss best practices and identify upcoming challenges and opportunities.

## Public Engagement

### Community Engagement Outcomes Report

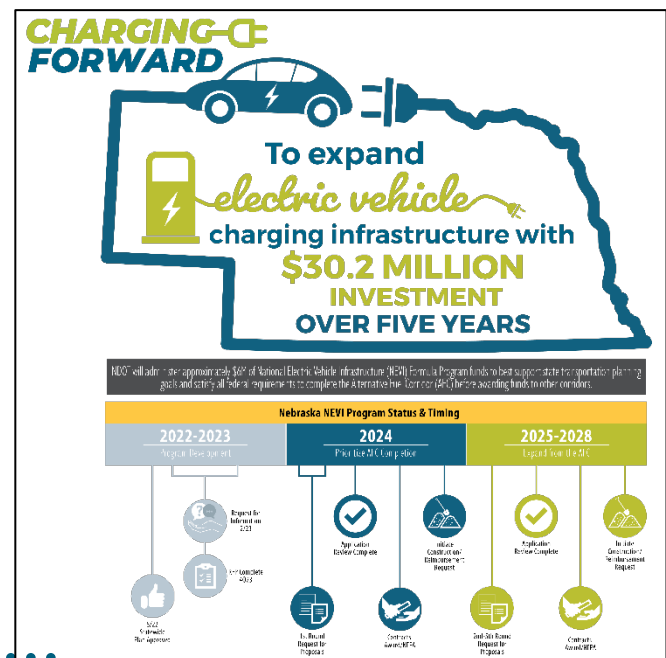
Community outreach over the calendar year since adoption of the initial NEVI infrastructure deployment plan was directed more to potential grant applicants as their input prior to distribution of the initial RFP will improve the process, potentially increase competition and address questions prior to the application period. In the period, information for informing the public regarding the program was initiated with distribution to be timed with a better understanding of when the legislature will address electricity charging constraints for the program. Summarized below are key outreach efforts completed and planned:

- NDOT sent out a Request for Information (RFI) to gain feedback from community partners and other stakeholders on the goals of the planned NEVI infrastructure deployment. The RFI requested input from stakeholders on various aspects of the planned development. Stakeholders included representatives from communities, utilities and potential site operators. NDOT held a stakeholder meeting on February 13, 2023 to provide participants with an overview of the RFI process and receive feedback on the process.

Several responses to the RFI were received that included feedback on whether NDOT should “bundle” future sites (i.e. having the same operator bid for all of the locations in which NEVI infrastructure will be deployed in a given year), the length of time the RFP should remain open and the provision of site amenities among others. The RFI and a summary of the feedback from potentially interested parties and the NDOT responses are reproduced in **Appendix A**.

Responses from the RFI are being used to guide the development of a future Request for Proposals (RFP) that will be used to score and select electric vehicle charging site operators.

NEVI Program Webpage Timeline



- Community outreach material, including information for potential RFP respondents has been developed to the draft stage and will be finalized over the Fall of 2023 and distributed. The intent will be to have material available for public consumption prior to the legislature convening and submitting an updated bill addressing electricity charging by the kilowatt hour.
- Engagement with federally recognized Tribes is planned in a future phase of the NEVI deployment. The Nebraska Department of Transportation held a Tribal Transportation Conference in March of 2023 where implementation of the Bipartisan Infrastructure Law was discussed.
- A public-facing outreach program has been initiated with information on the proposed initial implementation timeline as a product. The timeline will be incorporated into the NDOT NEVI webpage as material is approved for distribution.

## Plan Vision and Goals

NDOT NEVI program goals incorporate system planning goals from the Long Range Transportation Plan (LRTP)<sup>1</sup> to ensure that the NEVI program implementation goals were in line with other planning efforts at the state and regional levels. Following the release of the NEVI final rule (Federal Register, 2/28/2023), Nebraska program’s goals and objectives were reviewed relative to the final rule content to confirm the Nebraska program established goals and objectives remained consistent with federal program guidelines.

A significant amendment put forth in the final rule was the ability for NEVI funds to be directed to community charging installations following the build-out of the state’s AFC network. Central to a review of the original program goals and objectives was to ensure the program goals and objective support the intent of adding community charging to the national program. As the NDOT program goals and objectives are broad and encompassing, only minor language revisions were needed to support final rule modifications to the national program. Table 1 outlines the Nebraska NEVI program goals and objectives.

## Program Goals and Objectives Review and Analysis

### Asset Preservation

The cost of maintaining or replacing infrastructure on Nebraska’s transportation system necessitates wise investment decisions at all levels of government in Nebraska to achieve the best return for each dollar spent on keeping transportation assets in a state of good repair. Relative to development of a charging network across the state, supporting both long distance travel charging and community charging, the NDOT will require successful applicants to submit an asset maintenance and operations plan. The plan, which is under development, will outline reporting requirements covering station utilization, charging levels by event, uptime/station availability, response times for maintenance, etc.

The Long Range Transportation Plan (2040 Plan), acknowledges more widespread adoption of EVs will require an update to funding overall transportation network maintenance as gas taxes

<sup>1</sup> Nebraska DOT Long Range Transportation Plan, 2040 Plan, <https://dot.nebraska.gov/projects/publications/lrtp/>



are the primary source. Thus, as the NEVI program matures and EV numbers increase, the Department will be assessing alternatives and adjusting the funding program to ensure adequate asset maintenance/preservation/improvement funding levels.

**Table 1. Nebraska DOT EV Charging Infrastructure Plan Goals and Objectives**

| Goal  | Objectives  |
|---|---|
| <b>Asset Preservation:</b> Keep Nebraska's multimodal transportation assets in a state of good repair   | Optimize road and bridge preservation investments on AFCs   |
|   | Invest in the preservation of EV charging infrastructure along AFCs   |
|   | Develop criteria for evaluating the condition of EV charging infrastructure   |
| <b>Mobility choices for people and freight:</b> Provide efficient, affordable and equitable options across all modes for moving people and goods throughout Nebraska and beyond.            | Make AFCs in the state compliant with NEVI program maximum spacing of 50 miles or obtain exemptions when the guidelines is not feasible.            |
|   | Optimize locating publicly accessible EV charging infrastructure to support urban and rural mobility  |
|   | Provide support for freight and transit electrification across Nebraska   |
| <b>Secure and Resilient Transportation:</b> Manage the risk and magnitude of major disruptions to Nebraska's transportation system  | Consider roadway network and in particular I-80 and alternate route plans when developing a program of device placement                             |
|   | Minimize risk to EV charging assets from cyber attacks  |
|   | Ensure EV charging networks support all users   |
|   | Coordinate with public power districts to address electrical grid capacity for EV charging infrastructure to provide reliable charging for vehicles |
| <b>Safety:</b> Provide a transportation system in Nebraska that is safe for all users   | Minimize risk to EV charging users from inclement weather through providing storm shelter areas   |
|   | Create safe charging locations through lighting parking, access, etc.   |
| <b>Support for economic and community vitality:</b> Support investments in Nebraska's transportation system that best support the vitality of Nebraska's economy and all of its communities | Ensure installation, maintenance and operations of EV charging network is supported by industry professional throughout the life of the system      |

### Mobility Choice

The objectives of this goal include efforts to support electrifying the AFC corridor according to NEVI guidelines as well as a robust community charging program. This goal aligns with NEVI requirements of completing the build out of electrification along AFCs first with DCFC charging stations. A review of this goal and its objectives indicates a desire to prioritize EVSE deployment along major mobility routes that support inter-city and through state travel. These needs are likely best addressed by direct current fast charger (DCFC) charging that will allow EV owners to quickly and efficiently continue their travel and decrease range anxiety.

AFC electrification is likely best served by DCFC charging due to the nature of trips on the

corridor. The goal also calls for optimizing the location of publicly charging infrastructure to support both urban and rural mobility, in addition to supporting transit and freight electrification. The objectives of this goal support the program taking a regional mindset to ensure that intercity passenger and freight travel are supported by EVSE.

## **Security and Resilience**

An objective of this goal is to address the need for system redundancy along major travel routes in the state, particularly I-80, in the event of natural or man-made disasters. Additionally, relative to EV charging station deployment, the goal seeks to ensure:

- All users are considered in EVSE deployment.
- Providing sufficient electrical grid capacity for increased EV demand.

The objectives of this goal also favor the creation of another tier of electrification corridors that can serve as critical travel routes statewide in the event of disruptions to the AFC.

Other key objectives of this goal, such as the desire to serve all users of the transportation system will require more analysis to determine whether DCFC or Level 2 Charging will be more likely to satisfy these requirements. For example, transit users may be best served by charging stations deployed in dense urban environments that can charge electric buses. For non-auto inter-city travel, heavy vehicle electric charging may be best paired with DCFC locations that already have sufficient electrical grid capacity and infrastructure installed.

This objective, including charging station locations, will also be informed by the Freight Plan to address commercial vehicle needs into the future.

## **Safety**

The objectives of this goal focus on protecting EV charging customers from inclement weather and other threats by providing adequate lighting and other amenities. While no direct connection is immediately apparent between this goal and the question at hand—it is important that charging station locations are comfortable, attractive, facilities that increase customer confidence in public EV charging. It is to be noted that providing oversight over the safety characteristics of fewer locations may reduce administrative burdens for the state.

## **Support for Economic and Community Vitality**

The objectives of this goal are focused on ensuring that the installation, maintenance and operation of Nebraska's NEVI funded EVSE is supported by local employment. Both DCFC and Level 2 charging installations are likely to provide clean energy jobs that directly enhance the state's economy. However, tradeoffs must be considered: DCFC installations are far more complex and will likely generate jobs that require high skills and provide higher salaries. However, many more Level 2 chargers can be installed for the same capital investment.

## **Additional Considerations: Charging & Fueling Infrastructure Discretionary Grants Program**

Another consideration in this analysis is the announcement of FHWA's Charging and Fueling Infrastructure Discretionary Grants Program. This is a new competitive grant program created under the Bipartisan Infrastructure Law to strategically deploy publicly accessible electric vehicle

charging and alternative fueling infrastructure in the places people live and work, in addition to AFCs.

This program provides \$2.5 billion over five years in two categories: the first being charging focused communities and the second focused on electrifying corridors. Unlike NEVI that is a formula based program, CFI provides a dedicated source of funds for community focused charging—allowing for the large scale deployment of Level 2 charging infrastructure.

Due to state laws that prohibit the sale of electricity by kWh, entities that wish to apply for this grant program are currently also bound by the same restrictions. Once the electricity charging restriction has been addressed and an initial round of RFP distribution focused on the AFC has been completed, the NDOT will be positioned to advance guidelines for the discretionary grant program.

## Review of Peer States' Goals

Understanding the intent of the NEVI funding program is to establish a nation-wide charging network, the NDOT reviewed their goals and objectives with those of several peer states to confirm a consistent plan for advancing implementation. The FHWA approved NEVI plans of three peer states were reviewed to identify common goals and deployment strategies.

### Minnesota

The State of Minnesota expects to receive approximately \$68 million in NEVI funds over the next five years. The Minnesota Department of Transportation has established the following goals for the NEVI program:

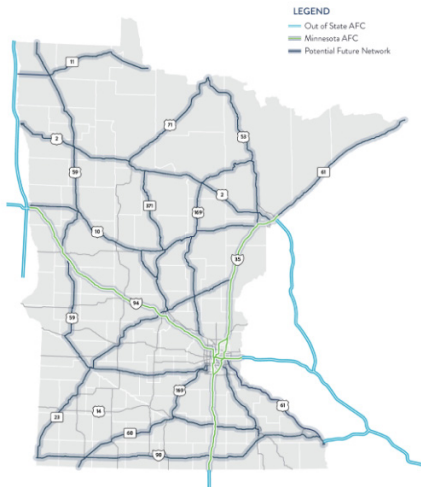
1. Support Minnesota's Greenhouse Gas emissions reductions goals and minimize transportation's impact on human and environmental health.
2. Facilitate regional and statewide travel while setting the standard for EV infrastructure in the Midwest.
3. Distribute 40% of NEVI Formula Program funds towards disadvantaged communities in Minnesota.
4. Advance EV adoption.

The plan also establishes five year targets for the program:

- **Five Year Target 1:** Full build out of all two-digit interstates to full NEVI compliance by the end of the program.
- **Five Year Target 2:** Build-out of the EV fast-charging network (to potentially secondary standards) by the end of the program.

The state has a goal of achieving 20 percent light duty EVs on road by 2030, but is currently not on track to meet it. Following the release of the final NEVI rule relaxing DCFC use, Minnesota has published a survey to gain feedback from the general public on where to install chargers after the AFC network has been built out, and what level of power those chargers must be. The survey can be accessed [here](#).

Figure 1. Minnesota planned EV charging network (Source: MnDOT)



## Iowa

The State of Iowa is slated to receive approximately \$51 million in NEVI funding over five years. The following are the goals of Iowa's NEVI program:

1. An EV charging system that supports regional and interstate travel.
2. A local EV system that promotes equitable access and mobility throughout Iowa's communities.
3. A charging network that helps provide the community with a variety of transportation and energy options.
4. A transportation system that reduces life cycle emissions to minimize impact on human and environmental health.
5. A sustainable transportation and energy system that can adapt to economic, technological and environmental changes while providing a high level of system reliability.
6. A charging network that supports long-term EV station success, which maximizes economic benefits for consumers.
7. A growing network of chargers that fosters innovation and collaboration to expand economic opportunities.

## Kansas

The State of Kansas will receive \$40 million in NEVI funding over five years. The following are the goals of the state's NEVI program:

- Sustainable movement of goods and people throughout the state:
  - Collaborate with partner states to provide a seamless charging experience for EV drivers.
  - Facilitate the adoption of EVs.
  - Support improved air quality and reduction of greenhouse gas emissions.
- Modernization of transportation infrastructure:
  - Build out electric Alternative Fuel Corridors (AFCs).

- Integrate EV planning into other modal planning efforts.
- Leverage other electrification funding opportunities such as fleet modernization and EV workforce development.
- Promote investments in Kansas communities and places:
  - Provide equitable access/investments in disadvantaged communities.
  - Modernize the electric grid.
  - Facilitate data sharing on EV charging.

Kansas notes in its plan that a community focus group revealed widespread interest in charging as an amenity for Kansas communities and in locations such as state parks and trails, that will not necessarily be served by investments along highway corridors.

## Vision and Goals Recommendations

The current goals of the program focus on ensuring that the AFC network is built-out as the top priority. Other key considerations include supporting electric mobility throughout the state, providing a safe and resilient infrastructure network, and supporting economic and community vitality. Additional considerations include the existence of separate federal funds to invest in community charging, as well as an understanding of peer states' EVSE deployment goals.

Based on this review a framework was developed as follows to assist in determining the most efficient use of state resources:

1. In Year One, ensure that the Nebraska Alternative Fuels Corridor is fully built out with DCFC charging infrastructure.
2. Support regional development by allowing EV users to safely and easily travel between Nebraska's major population and economic centers.
3. Support growth in Nebraska's EV market by ensuring consumers have reliable access to high quality public charging infrastructure.
4. Ensure statewide coverage: deploy chargers strategically to ensure geographic balance across the state.
5. Rollout a statewide public and stakeholder communication plan to effectively explain the program for adding electric vehicle charging infrastructure across the state to support the federal NEVI program.

This framework may be used to determine priority order and level of charging for future EVSE deployment. Applications for new EV installations may also be scored using this framework.

## Contracting

### Status of Contracting Process

Consistent with the process outlined in the 2022 inaugural EV infrastructure deployment plan, the NDOT will administer funding distribution as a grant program, with projects selected based on the application merit relative to the range of evaluation criteria and program goals set by the Department. The NEVI program's goal of creating a convenient, reliable and Made-in-America EV charging network across the country will require potential site operators to have several qualifications that will require specialized skill sets. While cost will be a component of the

selection process, many other program goals will also be scored to ensure that site operators are able to provide a robust installation that meets the needs of Nebraska's EV users. Through this approach, the NDOT believes the projects most favorable to meeting the program goals will be selected for funding.

The NDOT will request approval of a best value selection of applicants by requesting an exception to Title 23 USC through FHWA's Special Experimental Project No 14 (SEP-14) - "Innovative Contracting. The Department's SEP-14 request will outline the NDOT's best value selection process for establishing and implementing a competitive solicitation process to request proposals from qualified entities (proposers) to design, build, operate and maintain electric vehicle supply equipment (EVSE) stations. Proposals will be evaluated, and applicants selected on a competitive basis, with several components, including cost.

The NDOT anticipates the content of the Request for Proposals (RFP) to be approved by leadership by the end of 2023, with a target release date in Summer/Fall 2024. This schedule is reflective of the previously stated limitation that private operators do not currently have the legal ability to charge for power by the kilowatt hour, as is required by the federal NEVI program. In July 2023, the period the Year One plan update is being finalized and approved, the RFP is in an administrative draft stage, The RFP has been reviewed by NDOT Strategic Planning Division staff; however, the Director's Office has not reviewed or approved it for distribution. The RFP will be finalized following approval of legislation allowing potential operators, who are not public power providers, to charge for electricity consistent with the NEVI program guidelines. NDOT leadership is anticipating introducing legislation in the 2024 legislative session (slated to open January 3, 2024 and run for sixty days). The draft RFP is attached in Appendix A.

The final NEVI rule requires that all compliant charging terminals must display by the kWh the price for charging before February 28, 2024. All electricity sold for retail consumption in the state is, by law, generated at a publicly-owned facility. Private companies can sell electricity but would need to charge by the minute or another time-based unit.

NDOT continues to work with stakeholders, including the State Attorney General's Office, to navigate the challenges posed by this legal restriction. While a bill was introduced in the legislature in 2023 to amend the law to remove this restriction and allow EV charging operators to sell electricity by the kilowatt hour, it did not advance. It is likely that another attempt to amend the law will be made in the 2024 legislative session.

## **Awarded Contracts**

The RFP will be the vehicle to apply for funds and as the charging by the kW restriction to public power providers has not been resolved, the RFP has not been finalized nor have contracts been awarded. It is anticipated an RFP will be distributed shortly after legislation supporting power charging by the kilowatt hour. Based on a preliminary timeline, it is expected that the first contract could be awarded/signed in the fall of 2024.

## **Scoring Methodologies Utilized**

NDOT has developed a scoring methodology that aims to support technically sound competitive proposals, while addressing equity and supporting Justice40 Initiative through the NEVI Program. Applications for charging infrastructure will be scored based on the rubric set forth in Table 2. A more detailed discussion of the scoring methodology for evaluating applications is in Appendix B.

Table 2. 2022 Infrastructure Deployments – Build-out the Nebraska AFCs and Fill the I-80 Gaps

| Scoring Category  | Points     |
|---|------------|
| 1. Qualifications and Project Approach                          | 12         |
| 2. Candidate Site Information                                   | 40         |
| 3. Site Readiness   | 8          |
| 4. Future Proofing  | 4          |
| 5. Sustainability, Equity, Resilience, and Economic Development | 12         |
| 6. Safety and Training  | 4          |
| 7. Project Costs  | 20         |
| <b>Total</b>  | <b>100</b> |

### Plan for Compliance with Federal Requirements

Applicants for funding under the NEVI program will be required to document how their project meets the minimum standards and requirements as outlined in 23 U.S.C., 23 CFR 680 and all applicable requirements under 2 CFR 200 and as detailed in the approved NDOT Electric Vehicle Infrastructure Plan. The following template will be used to ensure that all relevant requirements in the NEVI Federal Rule are being met.

### NEBRASKA DOT - EV INFRASTRUCTURE PROPOSAL SUBMITTAL DOCUMENTS/INFORMATION

| Item Number                    | Proposal Response Item  | Included |    | NDOT Comments |
|--------------------------------|---|----------|----|---------------|
|                                |   | Yes      | No |               |
| <b>NDOT Required Forms</b>     |   |          |    |               |
|                                | Items to be Added as Finalized  |          |    |               |
| <b>23 CFR Part 680 Content</b> |   |          |    |               |
| 680.106(b)                     | A minimum of 4 charging ports will be provided at each charging station location  |          |    |               |
| 680.106(c)                     | Each DCFC port will have a Combined Charging System (CCS) Type 1 Connector  |          |    |               |
| 680.106(d)                     | Each charging port will provide a minimum power level of 150kWH and support output voltages between 250 volts DC and 920 volts DC |          |    |               |
| 680.106(e)                     | Charging stations will be available to the public 24 hours per day, 7 days per week, year-round                                   |          |    |               |

| Item Number | Proposal Response Item  | Included |    | NDOT Comments |
|-------------|---|----------|----|---------------|
|             |   | Yes      | No |               |
| 680.106(f)  | Provide for secure payment methods, accessible to persons with disabilities, which at a minimum shall include a contactless payment method that accepts major debit and credit cards, and either an automated toll-free phone number or a short message/messaging system (SMS) that provides the EV charging customer with the option to initiate a charging session and submit payment;  |          |    |               |
| 680.106(f)  | Charging stations will not require a membership for use   |          |    |               |
| 680.106(f)  | Charging stations will not delay, limit, or curtail power flow to vehicles on the basis of payment method or membership   |          |    |               |
| 680.106(f)  | Charging stations will provide access for users that are limited English proficient and accessibility for people with disabilities. Automated toll-free phone numbers and SMS payment options will clearly identify payment access for these populations.   |          |    |               |
| 680.106(h)  | Physical and cybersecurity standards provided are consistent with the state EV deployment plan  |          |    |               |
| 680.106(h)  | All chargers are certified by an Occupational Safety and Health Administration (OSHA) nationally recognized testing laboratory  |          |    |               |
| 680.106(i)  | EVSE will be maintained for at least five years after installation  |          |    |               |
| 680.106(j)  | All electricians working on installing EVSE to be certified through the EVITP, or another registered electrical apprenticeship program that includes EVSE-specific training.  |          |    |               |
| 680.106(k)  | EV charging customers have mechanisms to report outages, malfunctions, and other issues with charging infrastructure. Customers have access to accessible platforms that provide multilingual services. Reporting mechanisms will comply with the American with Disabilities Act of 1990 requirements and multilingual access when creating reporting mechanisms.   |          |    |               |
| 680.106(h)  | Only personal information strictly necessary to provide the charging service to a consumer will be collected, processed, and retained, including information to complete the charging transaction and to provide the location of charging stations to the consumer. Chargers and charging networks will be compliant with appropriate Payment Card Industry Data Security Standards (PCI DSS) for the processing, transmission, and storage of cardholder data. Reasonable measures to safeguard consumer data will be taken. |          |    |               |
| 680.108     | EVSE will conform with national standard ISO 15118-2 and Plug and Charge requirements   |          |    |               |
| 680.116     | Price for charging will be displayed in in \$/kWH   |          |    |               |



## Civil Rights

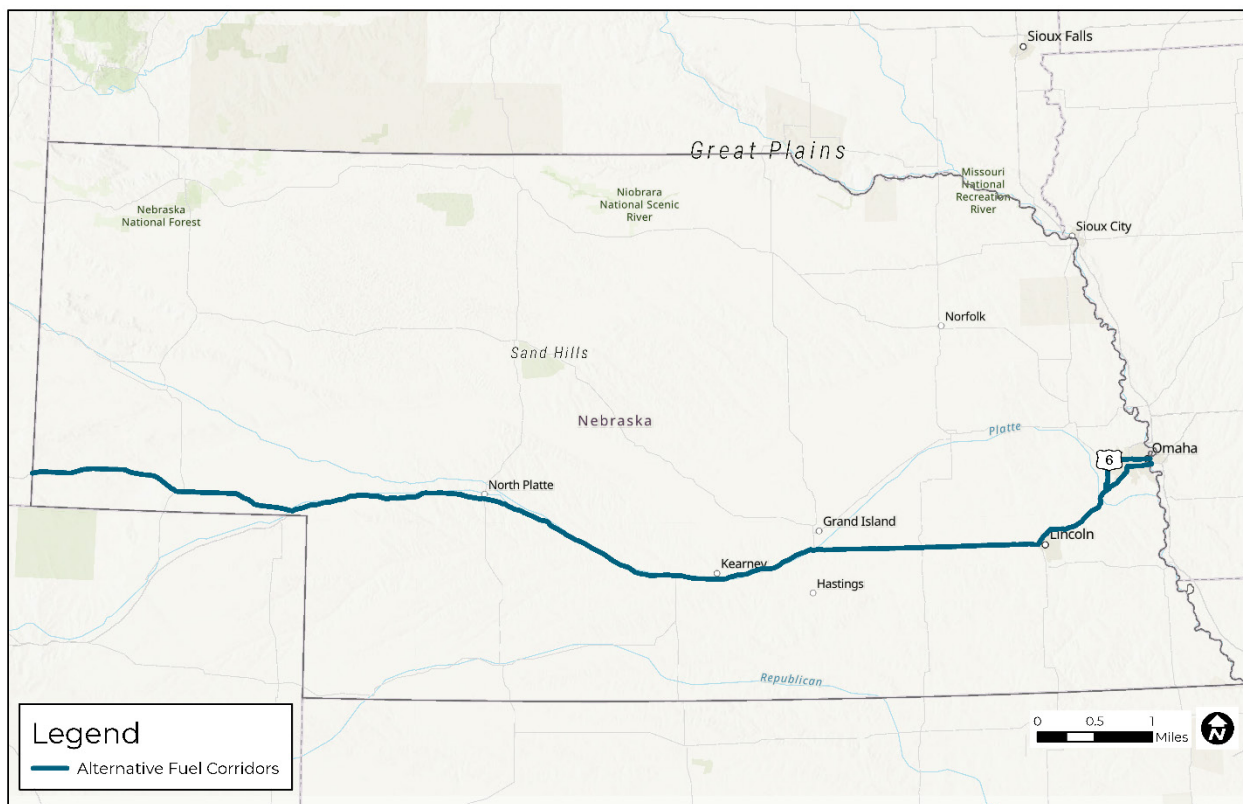
In addition to Title VI considerations, NDOT will ensure compliance with State and Federal civil rights laws pertaining to individuals with disabilities, e.g., the Americans with Disabilities (ADA) and Section 504 of the Rehabilitation Act (Section 504) including applicable accessibility standards adopted by USDOT in its regulations at 49 CFR Parts 27 and 37 and by USDOJ in its regulations at 28 CFR Parts 35. To address gaps in existing ADA standards that do not specifically address EV charging stations, NDOT will require that charging stations are designed and constructed according to the US Access Board issued guidance *Design Recommendations for Accessible Electric Vehicle Charging Stations*. Charging stations will be designed and constructed in accordance with this guidance to demonstrate ADA compliance and optimize usability for persons with disabilities.

## Existing and Future Conditions Analysis

### Alternative Fuel Corridor (AFC) Designations

Since Round 4 of nominations, the NDOT has not requested additional corridors be added to the AFC designation. The current AFC network is displayed in Figure 2.

Figure 2. Current Nebraska Alternative Fuel Corridors



## Existing Charging Stations

Through a desktop review using available online sources, the list of electric vehicle charging stations along the AFC was updated. Table 3 highlights current locations, as of July 2023, of charging stations capable of delivering 150kW of charge.

Table 3. Existing DCFC Locations Along I-80 AFC

| Alternative Fuels Data Center Identifier | Route | Location                                 | Owner/Number of Ports/ Connector Type     | Utility Territories                     | Anticipated Station Ownership (P – Private Ownership) | 2022 Funding Amount |
|--|-------|--|---|---|---|---------------------|
| 190422                                   | I-80  | 201 Pony Express Lane, Ogallala          | Electrify America - 7 DCFC<br>CHAdEMO CCS | Ogallala (NPPD)                         | P   | NA                  |
| 190443                                   | I-80  | 1401 S Dewey Street, North Platte, 69143 | Electrify America - 7 DCFC<br>CHAdEMO CCS | North Platte PPD                        | P   | NA                  |
| 190444                                   | I-80  | 200 Frontier Street, Lexington           | Electrify America – 7 DCFC<br>CHAdEMO CCS | Lexington PPD or Dawson PPD if on south | P   | NA                  |
| 190416                                   | I-80  | 7838 S Hwy 281, Grand Island             | Electrify America - 7 DCFC<br>CHAdEMO CCS | Southern PPD                            | P   | NA                  |
| 190446                                   | I-80  | 110 NW 20th Street, Lincoln              | Electrify America - 7 DCFC<br>CHAdEMO CCS | LES                                     | P   | NA                  |

## EV Charging Infrastructure Deployment

### Planned Charging Stations

To buildout the AFC, charging stations are anticipated for the locations identified in Table 4.

### Stations Under Construction

There are currently no stations under construction using NEVI funding.

### Planning Towards a Fully Built Out Determination

The I-80 is the only AFC with gaps under the 50 miles spacing rule of the NEVI program. Approximately 28 miles of US 6 is also designated as an AFC; however, the segment length is such that a charging station is not needed to identify the corridor as built-out. A total of 12 NEVI compliant charging stations will be required along I-80 for the corridor to be certified as fully built out.

**Table 4. Infrastructure Deployments to Achieve Build-out the Nebraska AFCs and Fill the I-80 Gaps**

| City/Town   | Route | Location              | Anticipated Number of Ports | Utility Territories  | Anticipated Year Operational/ NEVI Sources | 2022 Funding Amount |
|-------------|-------|-----------------------|-----------------------------|--|--|---------------------|
| Kimball     | I-80  | Exit 20<br>US 71      | 4                           | Kimball Power District or High West Energy                       | 2025/ FY 2022                              | \$800,000           |
| Sidney      | I-80  | Exit 59<br>17J-US 385 | 4                           | Sidney Public Power District/<br>Wheatbelt Public Power District | 2025/ FY 2022                              | \$800,000           |
| Big Springs | I-80  | Exit 107<br>258       | 4                           | Big Springs (NPPD)   | 2025/ FY 2022                              | \$800,000           |
| Gothenburg  | I-80  | Exit 211<br>N-47      | 4                           | Gothenburg PPD   | 2025/ FY 2022                              | \$800,000           |
| Kearney     | I-80  | Exit 272<br>N-44      | 4                           | Kearney NPPD   | 2025/ FY 2022                              | \$800,000           |
| York        | I-80  | Exit 353<br>US 81     | 4                           | York (NPPD)  | 2025/ FY 2022                              | \$800,000           |
| Omaha       | I-80  | TBD                   | 4                           | OPPD   | 2025/ FY 2022                              | \$800,000           |

A preliminary analysis completed as part of the Statewide Plan development found five charging stations that tentatively conform to NEVI spacing requirements and other criteria set forth in Title 23. A more recent desktop examination found an additional compliant charging location at the eastern end of the AFC in Council Bluffs, IA. In addition, feedback from participants received as part of the RFI indicated that in general, stakeholders were not supportive of NDOT bundling all locations required to fully build out the AFC. As a result, the forthcoming RFP will solicit applications for individual sites.

The NDOT program will focus on closing current gaps in the AFC with the expectation that AFC is certified fully built out in 2025.

### Post AFC Build-out Charging Station Funding

Funding levels are adequate to support build-out of the AFC with approximately one year of the state’s five-years appropriations. The NDOT priority since adoption of the inaugural plan has been addressing barriers/challenges to initiating implementation. Over the year, alternate concepts for statewide deployment have been explored and will be refined and a post-AFC deployment plan will be developed in 2023-24.

## Implementation

NDOT plans in the first year of program implementation to focus on electrifying the I-80

Alternative Fuels Corridor (AFC). The state will contract with one or more private entities for the installation, operation and maintenance of EV charging infrastructure through a fair and transparent Request for Proposal (RFP) process. As stated in the approved plan, NDOT will provide up to 80 percent of the capital and installation costs of new charging infrastructure, with the remaining cost share coming from the program applicants. NDOT continues to evaluate options for distributing funding relative to the implementation phase with the following options currently being evaluated:

- Reimbursement following demonstration devices are functional, including the ability to collect payment and provide summary records.
- Substantial completion with the Applicant providing a surety bond for the full cost of the project.
- Reimbursement of up to 75 percent of the grant amount during construction with the remaining 25 percent paid following demonstration devices are functional, including the ability to collect payment and provide summary records.

There are currently six locations with charging stations that have four ports and at least 150 kW of power delivery per port along the corridor. However, more investigation will be required to ensure that these locations comply fully with all the requirements set forth in Title 23 of the Code of Federal Regulations (CFR 680), effective 3/30/2023. Prior to the release of the RFP, NDOT plans to further evaluate these charging locations to understand if upgrades may be necessary to ensure full compliance with regulations set forth in the code.

## Equity Considerations

### Identification and Outreach to Disadvantaged Communities (DACs) in the State

For the NEVI assessment, the NDOT references Justice40 census tracts in Nebraska <sup>2</sup> from the national map available through the USDOT. In addition to using this map to aid decision-making in funding EV charging stations along the designated AFC, NDOT will conduct outreach and collect relevant data about DACs to refine electrification priorities after the AFC has been fully built-out. For the Justice40 Initiative, benefits of NEVI Program investments experienced within DACs will be measured to assess program impacts on equity. Project locations will be selected considering the significant need for EV infrastructure in rural corridors statewide. Ensuring statewide coverage by selecting charging locations strategically in rural areas will ensure geographic balance across the state and extend additional indirect benefits to DACs.

### Process to Identify, Quantify, and Measure Benefits to DACs

#### Purpose

This summary is provided to establish a context for NDOT to review NEVI project applications as they pertain to the flow of benefits intended to be achieved through the Justice40 initiative. The following assumptions have been incorporated into the NDOT process to identify, quantify and measure benefits to DACs:

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<sup>2</sup> <https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/ETC-Explorer---National-Results/>

- The NDOT will employ the USDOT definitions for key terms such as disadvantaged communities within the Nebraska NEVI Plan benefits assessment.
- NDOT has organized data to document benefits that can be quantified for the state population overall as well as the people located in areas defined as disadvantaged communities.

## Background of Executive Orders

The analysis of equity as it pertains to NEVI implementation has many elements to consider and resources from which to draw. Since Executive Order 13985 was issued: *On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*<sup>3</sup>, there have been numerous elements of additional guidance and tools that serve to further specify how equity analysis could be performed and how the Justice40 requirements could be best accommodated.

On January 20<sup>th</sup>, 2021, EO 13985 was released, providing the first glimpse at the equity priorities of the Biden administration, and loosely outlined how these elements would be applied. Several terms are defined, including ‘underserved communities’ and ‘equity.’ Along with people of racial minority, religious minorities, and LGBTQ+ peoples, persons living in a rural community are also considered members of the underserved communities toward whom equity efforts could be focused. The full definition of equity from the document is formatively stated as:

*“the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.”*

## Developing Benefits, Measures, and Metrics

The initial Nebraska EV infrastructure deployment plan placed a strong reliance on the existing DAC mapping tool provided by the USDOT. With additional consideration of recommended investment goals and the Final Rule, a method of determining benefit to DACs that considers alternative sources, such as rural populations, may provide for a more nuanced approach and a resultingly more positive impact on the communities intended to be benefited.

NDOT continues to monitor the development of national best practices for identifying, quantifying, and measuring benefits to DACs. USDOT has identified potential categories of benefits to consider, but interim guidance on Justice40 has not defined how data will be utilized to measure direct and indirect benefits. The purpose of measuring benefits is to support a data-driven decision-making framework for project selection and for achieving the goal of ensuring that at least 40 percent or more of the overall benefits of charging infrastructure funded are received by DAC.

NDOT has recognized the need to address this lack of guidelines and moved to address it with

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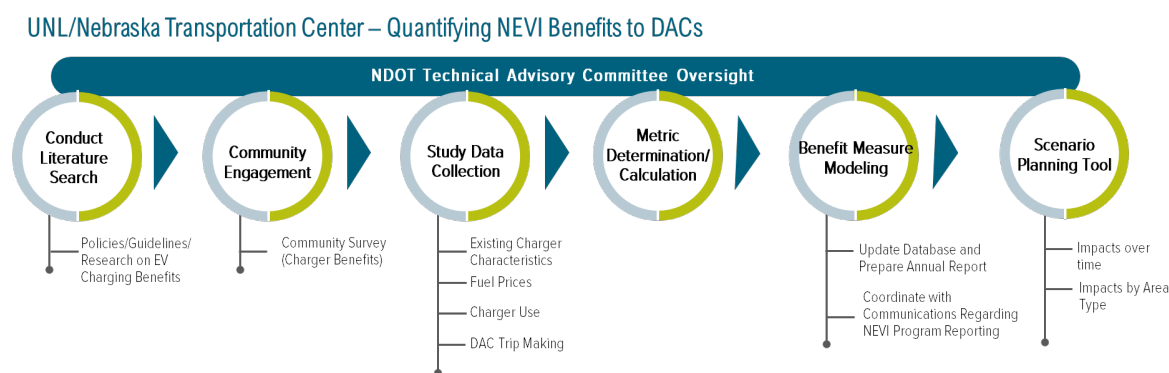
<sup>3</sup> [On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#)

additional research. In a collaborative effort between the University of Nebraska, Lincoln (UNL) and the NDOT, an academic research methodology has been proposed and approved to develop recommended measures of the benefits provided to identified disadvantaged census tracts in Nebraska. The research will result in development of answers for three research questions:

- How to incorporate different metrics to measure and track the overall benefits of charging station deployments given Nebraska conditions?
- How do the proposed models adapt to the evolving scenarios, in time and space, of EV charging station infrastructure development?
- What are the best metrics (indicators) to quantify the tangible benefits of EV charging station deployment to DACs?

Figure 3 displays the work plan steps for the NDOT sponsored study.

**Figure 3. University of Nebraska Lincoln, DAC Analysis Work Plan**



The primary outcomes of the research would be to (1) Develop a set of metrics based on data to analyze the impact of an EV charging station on transportation accessibility, energy efficiency, economic growth, and environmental and health improvements, (2) develop a framework that provides an aggregate measure of benefits from these metrics, and (3) develop a scenario planning tool to allow NDOT to examine different deployment strategies. The outcomes will enable NDOT to document benefits measured toward a selection of possible categories listed below:

- Improve clean transportation access through the location of chargers.
- Decrease the transportation energy cost burden by enabling reliable access to affordable charging.
- Reduce environmental exposures to transportation emissions.
- Increase parity in clean energy technology access and adoption.
- Increase access to low-cost capital to increase equitable adoption of more costly, clean energy technologies like EVs and EV chargers.
- Increase the clean energy job pipeline, job training, and enterprise creation in disadvantaged communities.
- Increase energy resilience.

- Provide charging infrastructure for transit and shared-ride vehicles.
- Increase equitable access to the electric grid.
- Minimize gentrification-induced displacement result from new EV charging infrastructure.

## Recommendations

### Incorporate Rural Areas into Primary Implementation Areas

Taking the Final Rule into consideration, there are three primary takeaways from the research that will provide noteworthy updates to the current Nebraska NEVI Plan relative to identifying disadvantaged communities.

1. Coordinated with the focus on disadvantaged communities within the NEVI plan, prioritize rural areas and corridors as important considerations for selecting locations for investment.
2. Define/delineate rural areas utilizing data, tools, and models provided by the USDOT and USDOE into charger placement selection. As appropriate, use the USDOT Equity Transportation Community (ETC) Explorer to identify areas with elevated levels of transportation insecurity to characterize potential priority locations in charger site selection.
3. Create a specific definition of rural for the NEVI plan that aligns with the Office of Surface Transportation program including TIFIA, RAISE, SS4A, INFRA, and Rural to provide a definitive basis on which to vet future project applications and show benefit to Justice40 communities, mapped and unmapped. Rural areas are those located outside of a U.S. Census-designated urban area with a population of 200,000 or more. A system of application analysis and site monitoring is recommended that allows for the most nuance so charger placement can benefit the most, most varied number of people possible.

### Reducing Greenhouse Gases

One of the most substantial benefits of providing a nationwide charging network for electric vehicles is the reduction in emission of greenhouse gases from mobile sources. Not only does reduction of airborne pollution have a beneficial effect on the environment it also decreases the rates of respiratory illness and contributes to overall healthy living. Calculation of this benefit may be measured by many factors, but the simplest will likely be the emission rates by vehicle class converted from gasoline powered to electric powered. Since larger vehicles produce more pollution per unit, a measurement of the type of vehicles and how many come through the State's Alternative Fuel Corridor(s) would provide useful information regarding reduction of emissions. The emissions per vehicle class are provided by the Bureau of Transportation Statistics and the Alternative Fuel Data Center. Statewide and County vehicle registrations for gasoline powered vehicles by class may be observed to measure the decreasing rate of growth over time as more electric vehicles are purchased. The difference in the rate of growth prior to the NEVI program to the future growth rate can be estimated for a difference in greenhouse gas emissions benefiting disadvantaged communities.

Across the state, elevated levels of greenhouse gas emissions are observed in urban areas of Omaha and Lincoln, where there are congested corridors/intersections in peak travel periods. Most of the congested mileage is located within the urban core of the metros, which is also the location of urban areas meeting the DAC definition. Thus, incorporating the potential for greenhouse gas reduction into the equity benefits assessment will elevate core areas of the largest metros into selection following buildout of the predominantly rural AFC.

## Workforce Development

As previously mentioned, whenever a new technology is introduced, a new workforce is necessitated. Development of any niche workforce or the progression of an existing workforce to support a new industry occurs over time based on market demands. Measuring the benefit of workforce development for supporting EV infrastructure may look at small businesses located within DACs or employed persons that live within a DAC as participation in these new projects. The number of businesses or employees benefiting from a unique or group of deployments can be reported directly within disadvantaged communities and the proportion of installations compared to statewide installations. Installing and maintaining electric vehicle charging infrastructure is expected to be a catalyst for a more significant range of workforce development opportunities. Electric vehicle sales and service industry will be supported and measured through the Nebraska Department of Labor. Table 5 outlines potential strategies for tracking benefits by type. Note, many of the strategies are still under development.

**Table 5. Justice40 Benefits Assessment Categories and Strategies**

| Benefits Category (examples)   | Strategy for Tracking Benefits (Metrics, Baseline, Goals, Data Collection & Analysis Approach, Community Validation)  |
|--|---|
| Improve clean transportation access through the location of chargers   | Themes: Locate EV devices in areas that provide opportunity to reduce level of emissions (even if no congestion reduction)<br>Metric: Retain statewide attainment status. |
| Decrease the transportation energy cost burden by enabling reliable access to affordable charging  | Themes: Development is In Progress<br>Metrics: Development is in Progress   |
| Reduce environmental exposures to transportation emissions   | Themes: Development is In Progress<br>Metrics: Development is in Progress   |
| Increase parity in clean energy technology access and adoption   | Themes: Development is In Progress<br>Metrics: Development is in Progress   |
| Increase access to low-cost capital to increase equitable adoption of more costly, clean energy technologies like EVs and EV chargers        | Themes: Development is In Progress<br>Metrics: Development is in Progress   |
| Increase the clean energy job pipeline, job training, and enterprise creation in disadvantaged communities<br><br>Increase energy resilience | Themes: Development is In Progress<br>Metrics: Development is in Progress   |
| Provide charging infrastructure for transit and shared-ride vehicles   | Themes: Development is In Progress<br>Metrics: Development is in Progress   |
| Increase equitable access to the electric grid   | Themes: Development is In Progress<br>Metrics: Development is in Progress   |
| Minimize gentrification-induced displacement result from new EV charging infrastructure  | Themes: Development is In Progress<br>Metrics: Development is in Progress   |



## Labor and Workforce Considerations

To maximize the use of available funds for capital infrastructure NDOT is not planning to create a separate workforce development program as part of the NEVI deployment. The NDOT will require, as is included in the Final Rule, all charging infrastructure to be installed by an Electric Vehicle Infrastructure Training Program (EVITP) certified electrician. As of July 2023, there are 17 firms in the state with EVITP certified electricians on staff. Thus, it is anticipated there will be sufficient qualified personnel to provide timely installation of devices following selection of applicants. NDOT will work with the Nebraska Department of Labor on the benefits of leveraging the Workforce Innovation and Opportunities Act (WIOA) to assess specialized workforce needs and the NDOT’s role in expanding the workforce.

During the application process, applicants will be required to certify that they will comply with all relevant state laws and local building codes.

## Program Evaluation

The NDOT Request for Proposals under development includes requirements for NEVI funded EVSE owners to operate networked EVSE on Open Charge Point Protocol Networks and provide charging station usage reports. Reporting information required supports the program goals and will apply to each NEVI compliant EVSE funded through the program. Table 6 highlights draft program evaluation metrics by goal.

**Table 6. Draft NDOT NEVI Program Evaluation Criteria**

| Nebraska Program Goal   | Focus Area           | Metric  |
|---|----------------------|---|
| Asset Preservation: Keep Nebraska's multimodal transportation assets in a state of good repair  |                      | Number of complaints per station.   |
|   |                      | Percent up time for each charging port in the network (Minimum 97%)                           |
| Mobility choices for people and freight: Provide efficient, affordable and equitable options across all modes for moving people and goods throughout Nebraska and beyond.           | Network Availability | Number of stations meeting NEVI Formula Program guidance minimum standards                    |
|   |                      | Average wait time for a charger   |
|   |                      | Build-out of the AFC Network  |
|   | Utilization          | Percent of time with a vehicle connected aggregated by time of day                            |
| Secure and Resilient Transportation: Manage the risk and magnitude of major disruptions to Nebraska's transportation system   | Reliability          | Percent up time for charger network (minimum 97%)   |
| Safety: Provide a transportation system in Nebraska that is safe for all users  | Access               | Number of complaints received   |
|   |                      | Number of stations meeting NEVI Formula Program guidance minimum standards                    |
| Support for economic and community vitality: choose investments in Nebraska's transportation system that best support the vitality of Nebraska's economy and all of its communities |                      | Share of chargers installed in or adjacent to disadvantaged communities                       |
|   |                      | Greenhouse gas reduction – Calculate based on electricity consumed and average miles per kWh. |

# Appendix A: Supporting Material

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**Nebraska State  
National Electrical Vehicle  
Infrastructure (NEVI) Formula  
Program  
Request for Proposals (RFP)**

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**Nebraska Department of Transportation (NDOT)**

**Round 1 FFY 2022 – FFY 2023**

**[DATE]**

**DRAFT**

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NDOT NEVI Formula Program: Year One Grant NOFO

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# NDOT NEVI Formula Program Grants Notice of Funding Opportunity

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**Agency:** Nebraska Department of Transportation (NDOT)

**Action:** Notice of Funding Opportunity (NOFO)

**Summary:** The purpose of this notice is to solicit applications for NOT National Electric Vehicle Infrastructure (NEVI) Formula grants. Funds for the federal fiscal years (FFY) 2022 and 2023 NEVI grant program are to be awarded on a competitive basis construct, operate, and maintain Electric Vehicle Supply Equipment (EVSE) sites across Nebraska.

**Proposal Process:** All information must be received by the deadline identified in the Schedule of Activities. No exceptions to this deadline will be given.

One (1) electronic copy (PDF format) of your firm's statement of qualification (SOQ) must be submitted using the Online "SOQ Submittal Form" link found on the Consultant Services Business Opportunities page. Please "reduce file size" of PDF before submitting.

**For Further Information:** Applicants must contact NDOT staff via email at [NDOT.NEVI@nebraska.gov](mailto:NDOT.NEVI@nebraska.gov) for any questions or further information. In addition, NDOT will post responses to questions and requests for clarifications on NDOT's website at <https://dot.nebraska.gov/travel/nevi>. The deadline to submit technical questions is DAY of Week, MONTH/DAY/YEAR.

**Supplementary Information:** Each section of this notice contains information and instructions relevant to the application process for NDOT NEVI grants. All applicants shall read this notice in its entirety along with the referenced documents and any addenda published later to have the information needed to submit eligible and competitive applications.

Please refer to the appendices to this NOFO for definitions of key terms, application instructions, , proposal evaluation criteria, descriptions for essential EVSE equipment, a list of required application materials and a sample Grant Agreement containing important legal requirements. The terms of the sample Grant Agreement may change before execution if pending federal regulations make changes necessary, or as NDOT otherwise requires.

**NPRM Updates:** NDOT's NEVI program, and the terms of this document and all others provided along with it, are subject to change to ensure conformance with Federal law and Federal Highway Administration (FHWA) regulations. On June 22, 2022, FHWA issued a Notice of Proposed Rule Making (NPRM): "Setting minimum standards and requirements for projects funded under the NEVI Formula Program and projects for the construction of publicly accessible electric vehicle (EV) chargers under certain statutory authorities." On February 27, 2023, FHWA issued a Final Rule which will take effect March 30, 2023. The NPRM, Final Rule, and all comments received may be viewed online through the Federal Rulemaking portal at [www.regulations.gov](http://www.regulations.gov) using the docket number FHWA-2022-0008. All applicants must adhere to any addendums and/or additions to this NOFO.

All provisions of this NOFO along with the appendices and the submitted application will become part of the Grant Agreement. Exhibits that require signatures must be signed before NDOT will execute the Grant Agreement.

**Note:** NDOT has retained a consultant to help manage the NEVI Formula Program. References to "NDOT" in this NOFO should be read to include NDOT's consultant or other NDOT contractors or consultants used to manage the program or perform discrete tasks.

Draft - Subject to Change

## Section I – Program Description

### A. Overview

On November 15, 2021, the President signed the Bipartisan Infrastructure Law (BIL), which included a new funding program for electric vehicle (EV) infrastructure. The National Electric Vehicle Infrastructure (NEVI) Formula Program authorized under Paragraph 2 allocates \$5 billion in formula funding and an additional \$2.5 billion in enhancements to a range of discretionary grant programs. These funds are to expand the EV charging stations already established and to host new charging infrastructure. Through the formula element of the program, Nebraska will have access to \$30.2 million over the five-year program span, or approximately \$6 million per year.

The Nebraska State Plan for Electric Vehicle Infrastructure Deployment (NDOT NEVI Plan) lays a foundation for the State to support greater EV travel opportunities and the economic activities encouraged by establishing EV charging stations statewide. The plan encourages the expanded use of EVs by providing drivers greater peace of mind knowing they will have access to charging stations outside their homes or places of work.

The Initial focus of program funding (Year One) will be I-80 from east of Pine Bluff, Wyoming to the Missouri River at the Iowa border. This corridor has been designated an Alternative Fuel Corridor (AFC). In addition to I-80, designated AFCs in Nebraska include:

- US 6 from US 6/N-31 (204th Street) to the Missouri River
- US 6/N-31 from I-80 at Exit 432 to US 6 (West Dodge Expressway)

Alternative Fuel Corridors (AFCs) represent a network of national highway corridors designated by USDOT (following nomination by state DOTs) for priority implementation of expanded plug-in electric vehicle (EV) charging and hydrogen, propane, and natural gas fueling. AFCs in the state include a combination of ‘corridor-ready’ and ‘corridor-pending’ segments. As included in the NEVI Program guidance, corridor-ready segments currently contain a sufficient number of fueling facilities to allow for corridor travel with the designated alternative fuel.

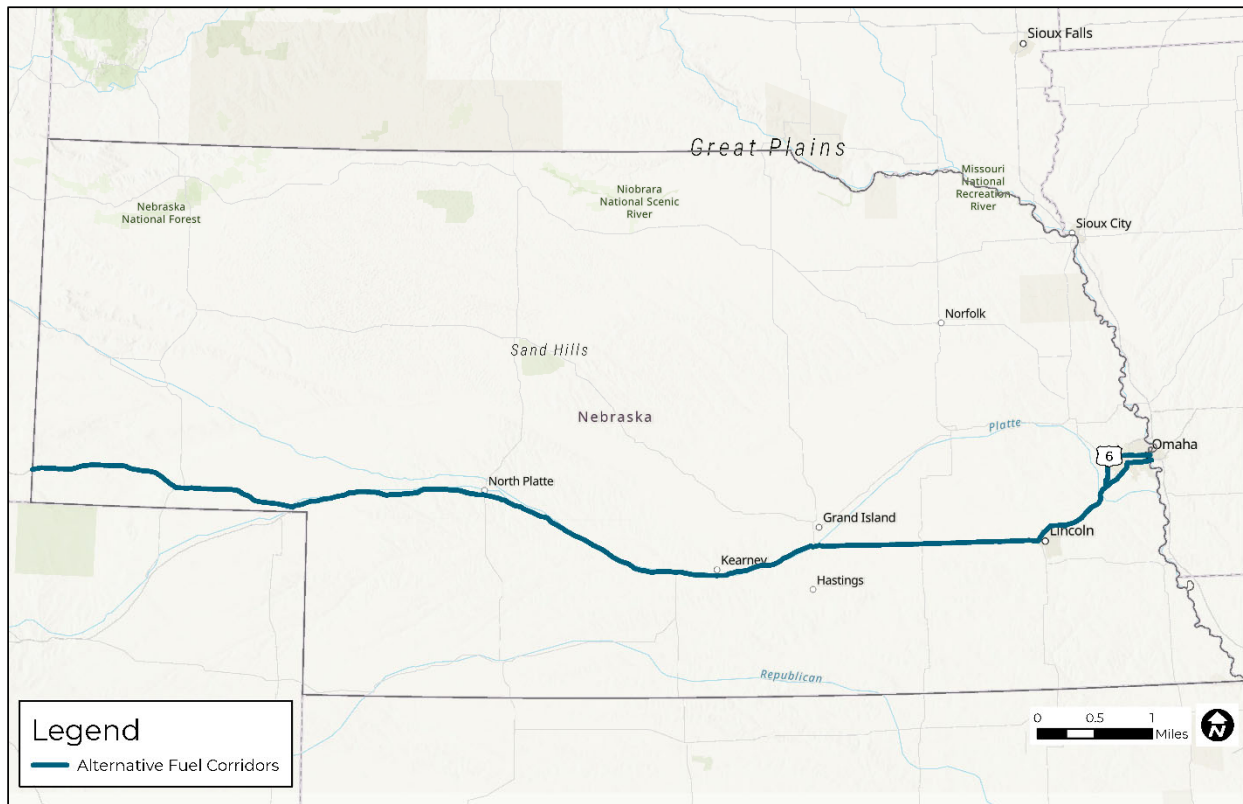
### B. Program Structure

The federal plan for NEVI-funded electric vehicle charging sites includes a phased approach over the five-year funding cycle. The first phase will focus on fully building out the AFC corridors. Funds may not be spent on other sites until all AFCs are fully built out as per federal guidelines.

The NDOT NEVI Program Year One will focus on building out designated AFC across the state before allocating NEVI program funding to other corridors. Gaps, shown in Figure 2, have been identified working from west to east across the I-80 corridor from Pine Bluff, WY to Council Bluffs, IA. The NDOT program will provide funding for new installations of four-port DCFCs that support providing devices spaced at most 50 miles apart along the corridor.



Figure 1. NDOT NEVI Corridors



In the first year of grant applications, funding will be directed toward installations that help to fill gaps longer than 50 miles between existing NEVI compliant EV charging stations. It is NDOT's intention to address existing gaps in the 50-mile spacing in the first year of accepting applications, assuming there is adequate funding available to do so. NDOT also understands for some period into the future, use of stations located in some areas along the I-80 AFC could experience a low level of use. Thus, as solicitations are prepared, NDOT will also consider requests for exemptions to the 50-mile spacing requirement for AFC segments that cannot reasonably be filled.

A preliminary analysis completed as part of the Statewide Plan development concluded approximately seven installation locations are needed to satisfy the build-out requirement of the Nebraska designated AFCs. This analysis considered the five existing locations with four-port DFCS, which are listed in Table 1. Assuming a four-port installation cost of \$1 million of which the program would fund \$800,000, the expectation is the AFC could achieve build-out in the first year.

Figure 2. Existing DCFC Locations and Gaps

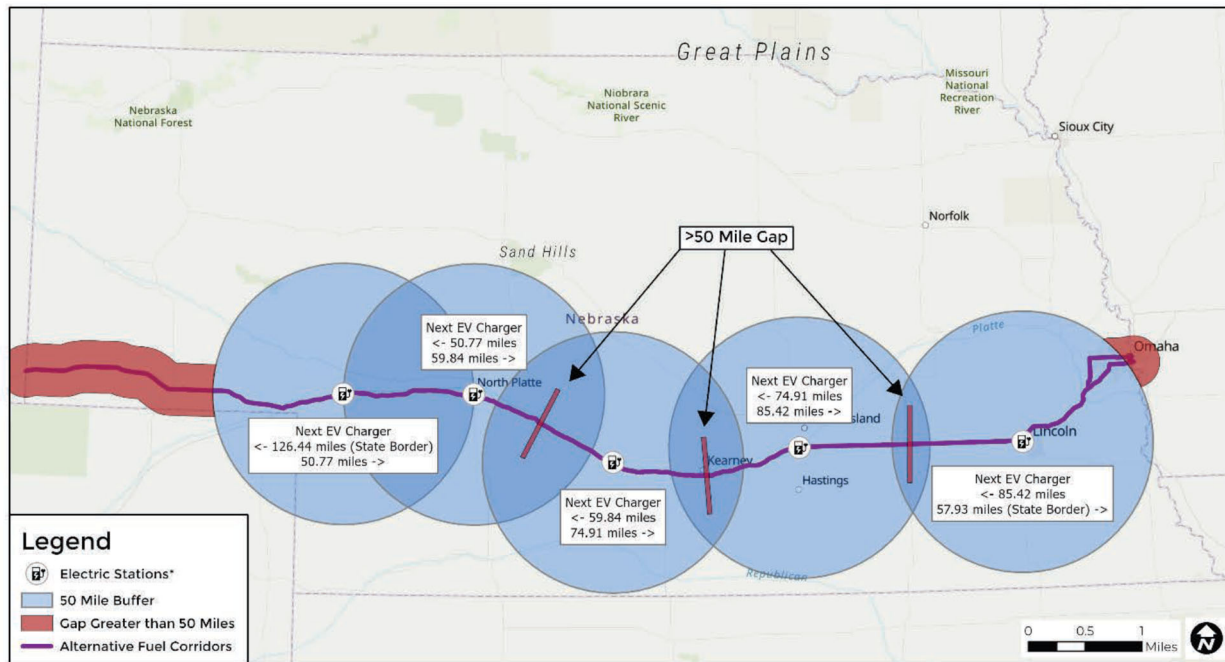


Table 1. Table 1. Existing DCFC Locations on the I-80 Corridor (As of May 4, 2022)

| Alternative Fuels Data Center ID | Charger Level | Route | Location     | NEVI Compliant for ports? | EV Network        |
|----------------------------------|---------------|-------|--------------|---------------------------|-------------------|
| 190416                           | DCFC          | I-80  | Grand Island | Yes                       | Electrify America |
| 190422                           | DCFC          | I-80  | Ogallala     | Yes                       | Electrify America |
| 190443                           | DCFC          | I-80  | North Platte | Yes                       | Electrify America |
| 190444                           | DCFC          | I-80  | Lexington    | Yes                       | Electrify America |
| 190446                           | DCFC          | I-80  | Lincoln      | Yes                       | Electrify America |

Table 2 lists the most promising installation locations identified in this analysis, moving in a west-to-east direction along I-80. For the sake of completeness, the table also includes the existing

compliant charging stations, shown as shaded rows.

While AFCs also include a 12-mile segment of US 6/N-31 from I-80 to Elkhorn and 16 miles of US 6 from Elkhorn to the Missouri River adjacent to downtown Omaha, these road segments are within the 50-mile maximum acceptable spacing. Thus, the build-out assessment is focused on I-80.

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Table 2. Table 2. Year One Infrastructure Deployments - I-80 Station Locations and Gaps

| City/Town    | Route | Location     | Port Configuration if In Place                                  | Utility Territories   | Anticipated Station Ownership (P – Private Ownership) | 2022 Funding Amount |
|--------------|-------|--------------|---|---|---|---------------------|
| Kimball      | I-80  | US 71        | TBD   | Kimball Power District or High West Energy                    | P   | \$800,000           |
| Sidney       | I-80  | US 385       | TBD   | Sidney Public Power District/ Wheatbelt Public Power District | P   | \$800,000           |
| Big Springs  | I-80  | N-258        | TBD   | Big Springs (NPPD)  | P   | \$800,000           |
| Ogallala     | I-80  |              | Electrify America - 7 DCFC CHAdeMO CCS                          | Ogallala (NPPD)   | P   | NA                  |
| North Platte | I-80  |              | Electrify America - 7 DCFC CHAdeMO CCS                          | North Platte PPD  | P   | NA                  |
| Lexington    | I-80  |              | Electrify America - 7 DCFC CHAdeMO CCS                          | Lexington PPD or Dawson PPD if on south                       | P   | NA                  |
| Gothenburg   | I-80  | N-47         | TBD   | Gothenburg PPD  | P   | \$800,000           |
| Kearney      | I-80  | Kearney N-44 | TBD – Current charger installations do not meet NEVI guidelines | Kearney NPPD  | P   | \$800,000           |
| Grand Island | I-80  |              | Electrify America - 7 DCFC CHAdeMO CCS                          | Southern PPD  | P   | NA                  |
| York         | I-80  | US 81        | TBD   | York (NPPD)   | P   | \$800,000           |
| Lincoln      | I-80  |              | Electrify America - 7 DCFC CHAdeMO CCS                          | LES   | P   | NA                  |
| Omaha        | I-80  | TBD          | TBD   | OPPD  | P   | \$800,000           |

Note: Shaded cells represent locations where NEVI compliant chargers are presently in place. Further charging stations at or near these locations are not anticipated to be funded under the Year One NEVI grant program. Un-shaded cells represent identified gaps where NDOT seeks station proposals.

Remaining gaps along AFCs will be funded in future rounds. Additional funding will be available in

future rounds to achieve other goals of the program as identified in the NDOT NEVI Plan. All site selection is at the sole discretion of NDOT.

## C. Award Information

### Total Funding Available

NDOT has \$30.2 million in total funding available through the NEVI formula program. The total funding amount for Year One is estimated at \$6 million. However, NDOT is not obligated to award all these funds to Year One projects.

The NDOT NEVI grant program is a reimbursement grant program. NDOT has committed to funding 80 percent of eligible costs for awarded projects. Applicants are required to provide a 20 percent match of the eligible costs from non-federal sources.

### Availability of Funds

Grant funding obligation occurs when a selected Applicant and NDOT enter into a written Grant Agreement after the Applicant has satisfied all applicable requirements and is selected by NDOT. A more detailed anticipated timeline is provided in **Section V – Application Evaluation**. Any costs incurred prior to a fully executed Grant Agreement are not eligible for reimbursement. NDOT NEVI grant program funds must be used within a 2-year period of Notice to Proceed (NTP) unless an extension is granted by NDOT. NDOT recognizes that factors outside of the applicant's control may result in some projects requiring an extension. NDOT retains the right to prioritize projects for selection that are most likely to achieve an efficient timeline and/or AFC build-out requirements.

### Start Dates and Period of Performance

NDOT expects to obligate NEVI grant program award funding as flexibly and expeditiously as possible after project selections have been announced via a signed Grant Agreement between NDOT and the Grantee. NTP will be given once a Grant Agreement is signed and all required documentation is completed, and Grantees can then begin installing and testing equipment. A notice of acceptance will be issued by NDOT following the successful installation, testing, and certification of the site. The performance period will start on the date the notice of acceptance is issued and continue for 60 months following this date. All funds (except the retainage) will be disbursed within two months once a final invoice is received after notice of acceptance.

### Award Size and Anticipated Quantity

NDOT expects to award as many grants as possible with the available funding for Year One with no minimum or maximum award size per site. NDOT reserves the right to make more or fewer awards and reserves the discretion to alter maximum award sizes upon receiving the full pool of applications and assessing the needs of the program in relation to the priorities. NDOT also reserves the right not to award the full funding amount requested by an Applicant.

## Section II – Eligibility Information

### A. Eligible Entities

In general, most entities are eligible to receive NEVI funds. Applicants must be registered with the Nebraska Secretary of State and be in good standing. The applicant's project team must include an experienced charging network provider.

### B. Eligible Projects

NEVI Formula Program funds are restricted to projects directly related to EV charging infrastructure that is open to the public or to authorized commercial motor vehicle operators from more than one company. Initially, funding under this program is directed to designated AFCs for electric vehicles to build out the national network, particularly along the Interstate Highway System. Refer to Table 2 for eligible interchanges and eligible project locations.

### C. Eligible and Ineligible Costs

Applicants may apply for up to 80 percent federal cost share of the eligible costs, with a minimum required match of 20 percent from non-federal sources. Eligible costs to be included in the cost share and match are defined in this section. The eligible and ineligible costs listed in this section are preliminary. Final eligible and ineligible costs may change to conform to Federal regulations and FHWA directives.

#### Eligible Costs

To be considered directly related to charging of vehicles, items must be a necessary component in the EV charging station, 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 EVs to the charging station, or provide information to EV users about use of the charging station. This includes costs of new public EV charging stations, as well as upgrades to existing EV charging stations. Eligible costs may include:

1. Costs for pre-construction work like environmental documents and studies, preliminary engineering, and related work.
2. Construction costs (as defined under 23 U.S.C. 101(a)(4)) directly related to EV charging station.
3. Costs for planning, permitting, acquisition, and installation of on-site distributed energy resource (DER) equipment (e.g., solar arrays, stationary batteries).
4. Costs to acquire and install on-site electric service equipment (e.g., power meter, transformer, switch gear).
5. Costs of minor grid updates (work necessary to connect a charging station to the electric grid distribution network like extending power lines or upgrading existing power lines).
6. Costs to install signage at site.

7. Costs for workforce development activities.
8. Costs to procure and install, repair, upgrade, and/or replace existing EV charging equipment to meet NEVI minimum standards and requirements.
9. Costs to procure and setup EVSE related hardware and software.
10. Costs to upgrade existing EV charging stations to meet ADA requirements.
11. Costs to purchase proprietary adapters, including additional connector types and/or adapters on the required four charging plugs with CCS connectors.

### Ineligible Costs

1. Costs incurred prior to a fully executed grant agreement.
2. Costs not directly related to charging of vehicles.
3. Costs for purchase or rental of real estate.
4. Costs for construction or general maintenance of building and parking facilities (if not directly related to charging of vehicles).
5. Project equipment costs associated solely with installing DC fast charging plugs beyond the four required CCS plugs are not eligible costs. Such costs could include power cabinets and charging units that do not also support one or more of the four required plugs. Charging units with maximum power output ratings less than 150 kW to each parking space are not eligible for reimbursement. Additional connector types and/or adapters on charging units beyond the four required units are not eligible costs.
6. Fixed operations and maintenance costs, which are to be funded by the Applicant, including:
  - a) Charging equipment lease fees (if Applicant chooses lease option for charging equipment rather than purchase option).
  - b) Cellular network fees, internet service fees, or similar fees.
  - c) Hardware and software maintenance and repair costs, including service agreements with third-party contractors and charging equipment manufacturers or warrantors.
7. Variable operations and maintenance costs, including costs for electricity, insurance, and other recurrent business costs such as staffing.
8. Costs of major grid upgrades (longer line extension or upgrades, improvements to offsite power generation, bulk power transmission, or substations).
9. Utility service upgrade costs covered by the utility.
10. Costs for proprietary connectors.
11. Costs covered by programs or tariff rules of the electric utilities.
12. Costs for processes to comply with otherwise applicable legal requirements (like permits).
13. Costs for studies or research projects.

## Section III – Program Requirements

Applicants must follow all FHWA NEVI Formula Program requirements. This includes requirements in the following documents:

- [FHWA National Electric Vehicle Infrastructure \(NEVI\) Formula Program Guidance \(pdf\)](#)
- [FHWA NEVI Program Frequently Asked Questions \(pdf\)](#)
- [Federal Register: NEVI Standards and Requirements – Final Rule \(website\)](#)

Any requirements specific to this NOFO are to be considered in addition to the FHWA requirements and must be adhered to by all Applicants. A full list of requirements must be agreed to when applying in the, included in **Appendix III – Application Questionnaire** of this RFP. The following subsections (A through G) include additional NDOT-specific considerations.

### A. Maintenance and Operation

#### Equipment Ownership

Upon completion of construction and installation and written acceptance by NDOT of fully operational EVSE (including power and data service) the Grantee shall own or lease the EVSE equipment. Grantees shall ensure there is a separate and distinct meter for the EVSE system.

#### Five-Year Operations and Maintenance Obligation

The Grantee shall be required to ensure the operations and maintenance of the EVSE at the site for a period of at least five years from the date identified on the Notice of Acceptance letter. Compliance with the 97 percent uptime requirement throughout the five-year performance period is essential, and Grantees may satisfy this requirement one of two ways:

1. **Option 1—Full-Coverage Service Contract:** The Grantee shall submit and comply with a five-year Operations and Maintenance Plan. The Grantee shall have a five-year service contract providing 100 percent coverage of labor, parts, and materials as well as emergency service. This contract shall include comprehensive preventive maintenance for the covered equipment and systems and repair and replacement coverage (sometimes called a “breakdown” insurance policy) for the covered equipment.
2. **Option 2—In-House Operations and Maintenance:** In-house operation and maintenance programs will comply with the Grantee’s Operations and Maintenance Plan. If NDOT receives information that the Grantee is not providing comprehensive preventive maintenance or system repair or replacement, NDOT will have the right to enter the property to inspect. If necessary, NDOT will also have the right to hire a contractor to perform the needed operations and maintenance, at the Grantee’s cost. If NDOT incurs costs it may deduct those costs from available retainage.



3.

### Transfer After or During the Performance Period

If the Grantee decides to retain and operate the equipment following the expiration of the five-year period, the Grantee will be responsible for management of, receipt, and disbursement of fees charged. If the Grantee sells the site, closes the business, or otherwise is unable to fulfill the five-year obligation, the Grantee must either work with NDOT to assign a new operator at the site or pay back project funds prorated for the portion of the remaining five years.

### Uptime Requirement

Other than allowable downtime for maintenance and repairs, equipment must be up and running 97 percent of the time or greater. Uptime shall be self-monitored by the Grantee and reported to NDOT quarterly for the four-month period. NDOT may notify the Grantee if it has reason to believe the uptime requirement is not being met and require the Grantee to develop an action plan to bring the equipment back to working condition. Grantee shall implement the action plan. **NDOT reserves the right to retain a contractor of its own choosing to repair or replace it, at the Grantee's cost.**

If NDOT determines the Grantee is not in compliance with the uptime requirements for two consecutive quarters, NDOT may require the Grantee to submit an action plan. Material or repeated non-compliance with the uptime requirements may be considered an event of default.

Notwithstanding anything to the contrary contained in this RFP (including its terms and conditions and applicable appendices) or the Grant Agreement, if the Grantee is in default of the uptime requirement, NDOT may terminate the Grant Agreement, and if the default occurs within five years following the disbursement of any part of the Grant, require the Grantee to repay to NDOT the amount of financial assistance provided, prorated for the portion of the remaining five years.

## B. Data Sharing/Interoperability Requirements

Nebraska is required to provide both quarterly and annual data submittals for similar evaluation at the national level. Data sharing/interoperability requirements are defined in the FHWA's Final Rule on NEVI Standards and Requirements (<https://www.federalregister.gov/documents/2023/02/28/2023-03500/national-electric-vehicle-infrastructure-standards-and-requirements>).

Data must be transferred or made available using methods authorized under the Grant Agreement and as agreed upon between the contracted parties. The submitted data will be maintained in a secure manner and will not be used for any purposes other than those required to fulfill the requirements of the Grant Agreement. The applicant must also disclose, via the Data Management Plan (discussed further in **Section III – Program Requirements, F. Privacy And Cybersecurity**), the location of the data and security processes and systems governing it while under the applicant's control.

## **C. Proposed Modifications to System Specifications**

This RFP includes EVSE Specifications that are compliant with the NEVI formula program. Should the applicant seek to use EVSE that deviate from the RFP minimum requirements, the applicant shall fully explain the deviation from the requirements as part of the application for NDOT review. NDOT will review the request, evaluate compliance with program requirements, and approve or reject the proposed modifications.

## **D. Testing Requirements**

Grantees shall conduct standard factory testing and post-installation system testing for each charging unit to verify functionality of the EVSE, as well as access and/or integration into the NDOT or other prescribed data sharing system. Factory test results shall be provided for each unit as verified by the Grantee's quality assurance or test manager. Similar test results for the installed system shall be provided with the test manager's approval. NDOT will also have the right to test the EVSE and any data sharing connections (NDOT systems and/or Grantee provided portal). For data sharing, NDOT will participate in the testing through verification of receipt of the specified data. For the charging unit, NDOT or its representative may run on-site testing at its own expense.

## **E. Customer Service**

Grantees shall ensure that customer service is provided and available 24 hours per day, 7 days a week. The customer service shall provide support and responses to inquiries and comments from EVSE users who are using or attempting to use the EVSE charging equipment. The Applicant shall submit a plan detailing how such service shall be provided which is accessible by all users. NDOT will provide key performance indicators (KPI) for monitoring and to ensure quality performance.

## **F. Privacy And Cybersecurity**

Grantees shall be responsible for cybersecurity as it relates to owning, operating, maintaining, and data sharing for the EVSE. After selection, Grantees shall participate in a privacy impact assessment with NDOT, including their Data Governance and Security team. After agreement execution, Grantees shall share the following:

1. How cybersecurity will be assessed throughout the Agreement term,
2. Results of third-party cybersecurity testing (not proprietary information that would make the overall system vulnerable),
3. How system updates will affect end users, and
4. Proposed protocols for notifying NDOT of any security breach.

Grantees shall develop a Data Management Plan that incorporates this information and guidance on risk assessments for personnel involved with the charging network, including contractors and service providers. Grantees shall submit the Data Management Plan to NDOT for approval. Grantees shall comply with local, state, or federal laws as they relate to cybersecurity and privacy.

Grantees shall provide an updated Data Management Plan annually along with the annual report for approval by NDOT. Grantees shall specifically identify the need for the changes and changes to the Data management Plan as part of the annual updates. Grantees can update and submit the Data Management Plan more frequently, if required.

## **G. Permitting & Third-Party Agreements**

NDOT will obtain environmental clearances for the site work related to EV installation as required by the National Environmental Protection Act (NEPA). Grantees 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 Grantee.

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## Section IV – Application Procedures

### A. Submission Process

All application materials and attachments are to be submitted electronically during the open application period via <mailto:ndot.pdRFQinfo@nebraska.gov>.

### B. Submission Deadline

Applications for the NDOT NEVI grant program will be accepted on an annual basis, beginning with Year One. Completed applications must be submitted electronically as indicated in this RFP. For Year One, the open application period will begin no later than [DATE] and will end on [DATE plus 60 days] at 5 PM CDT. Only electronic applications received during the open application period are considered to meet the application deadline for a particular solicitation round.

### C. Confidential Information

NDOT is not requesting confidential proprietary information or trade secrets. Applicants should not label entire applications as confidential, proprietary, or trade secret protected. Use the following process when submitting information you believe is confidential, proprietary, or a trade secret:

1. Prepare and submit an un-redacted version.
2. Prepare and submit a redacted version that redacts the confidential or proprietary information, or trade secret. Use a redaction program that ensures the information is permanently and irreversibly redacted.
3. Prepare and submit a signed written statement that identifies confidential or proprietary information or trade secrets and that states: the attached material contains confidential or proprietary information or trade secrets, you are submitting the material in both redacted and un-redacted format, if possible, per and you request the material be exempt under Neb. Rev. Stat. § 84-712.05 from public records requests.

Applications and other material submitted with the applications are the property of the State of Nebraska. The State has the right to use ideas not protected by intellectual property rights that are in applications regardless of whether the applicant receives a grant. Notwithstanding copyright designations, the State shall have the right to make copies and distribute applications and other submitted material and to comply with disclosure requirements per statutes, regulations, rules, and court orders.

### D. Required Application Submissions

All items needed to complete an initial application are provided in Section ##### with additional information in **Appendix VI – Required Application Materials and Project Deliverables**.

Applications may be rejected if they do not include all required submissions. Upon selection for

preliminary award, there are several other required documents that are outlined in **Appendix VI**.

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## Section V – Application Evaluation

### A. Selection Process

NDOT will review and rank each submitted applications with respect to applicable criteria for program funding, current priorities, and other factors. The anticipated timeline for the Year One NEVI Formula Program grant selection process will be as follows:

| Date | Item   |
|------|--|
|      | Notice of Funding Opportunity released   |
|      | Submit utility form to utility provider so the utility can complete and return the form to the applicant in time for the application period end date |
|      | Application submission period begins   |
|      | NDOT NEVI grant program application submission period ends at 5PM CDT  |
|      | NDOT application review  |
|      | Preliminary award approval and denial notifications  |
|      | NDOT NEPA Process  |
|      | Final award approval and denial notifications  |
|      | Grant agreement execution; Notice to Proceed   |

NDOT’s goal is to create a fair and uniform basis for the evaluation of the applications for candidate sites in compliance with all applicable legal requirements governing this grant. The application evaluation process will consist of the steps outlined in this section. NDOT will conduct the evaluation process as follows:

1. Review each application for responsiveness and pass/fail and criteria (outlined below).
2. Review and evaluate each application’s scored criteria, resulting in an overall application score for the candidate site.
3. NDOT may confer with Applicants and owners/operators of potential candidate sites and/or investigate information in the application, which could result in an adjusted overall application score for candidate sites.
4. Compare candidate site to other candidate sites submitted in the period or earlier periods and not funded and rank candidate sites by overall score.
5. The highest-ranking candidate sites for each corridor group will be considered for a preliminary award based on overall corridor priorities and as funding allows.

## Responsiveness Criteria

NDOT may declare an application ineligible for award when any of the following occur:

1. Any component of the application is incomplete or not prepared as specified in the RFP.
2. Any required project deliverables are not completed (as outlined in **Appendix VI**).
3. More than one application is received from the same applicant for the same physical address.
4. The application does not follow terms and conditions as specified in the RFP and/or contains terms, conditions, or exceptions not included in the RFP.
5. Any other omission, error, or act that, in the judgment of NDOT, renders the application nonresponsive, ineligible, or not otherwise viable.

## Pass/Fail Criteria

Applicants must provide a “yes” answer to all minimum requirements in the application questionnaire. Any “no” answer will declare an applicant ineligible for award. A full list of minimum requirements is included in **Appendix III – Application Questionnaire**.

## B. Selection Criteria

Each charging site application will be evaluated to determine its ability to meet or exceed the project scoring elements. The application will be scored in two sections. The first section will evaluate the proposer’s experience and technical capabilities as described in **Table ##**.

**Table 3. Section 1 Review**

|   | <b>Non-Responsive</b>  | <b>Low</b>  | <b>Medium</b>   | <b>High</b>   |
|---|--|---|---|---|
| <b>Proposer experience and qualifications</b> | Application did not address the proposer's experience or qualifications for electric vehicle charging station deployments. | Application does not provide sufficient information to assess the proposer's experience and qualifications. | The Proposer’s overall qualifications, including management background, experience, and technical competence, indicate the likely success of the project, but do not meet the description of the "High" rating. | <p>The Proposer’s overall qualifications, including management background, experience, and technical competence, indicate the likely success of the Project in terms of meeting NDOT's goals/objectives, the PA Terms and Conditions, and the EVSE Specifications.</p> <p>Qualifications shall include relevant projects with EVSE and charging infrastructure that the Proposer has completed.</p> <p>Proposer demonstrates financial capability that indicates that Proposer has the ability to cover up-front Project costs and will not likely be a going concern beyond the initial five-year NEVI funding period.</p> |

|   |   |   |  |   |
|---|---|---|--|---|
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>General approach to project implementation</b></p>    | <p>Application did address the proposers general approach to project implementation.</p>    | <p>Application does provides insufficient information to access the proposer's approach to project implementation.</p>  | <p>The Proposer's implementation approach including project understanding, plans for collaboration with stakeholders, risk management process/procedures, proposed technical concepts, scheduling and sequencing indicate the likely success of the project, but do not meet the description of the "High" rating.</p> | <p>The Proposer's implementation approach including project understanding, plans for collaboration with stakeholders, risk management process/procedures, proposed technical concepts, scheduling and sequencing indicate the likely success of the Project in terms of meeting NDOT's objectives, the PA Terms and Conditions, and the EVSE Specifications.</p> <p>Includes a narrative (understanding) of what work is to be accomplished in the procurement, design, and installation phase.</p> <p>Includes innovative ideas or technical concepts and how Proposer may have positive impacts on Project schedule, costs, and quality. These may include EVSE type and design, manufacturing relationships, installation methods, etc.</p> <p>Describes the Proposer's Implementation Schedule and factors that would affect the Implementation Schedule such as outside constraints, materials, equipment and labor availability, etc. Includes a schedule graphic outlining the major activities and their associated timeframes.</p> |
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Approach to contract management and reporting</b></p> | <p>Application did address the proposers general approach to project implementation.</p>    | <p>Application provides insufficient information to assess the proposer's approach to contract management and reporting.</p>  | <p>The Proposer's implementation approach to contract management and reporting indicate the likely success of the project, but do not meet the description of the "High" rating.</p>   | <p>Describes approach to reporting of performance indicators, charging sessions, EVSE uptime, and proposed reporting mechanisms and protocols.</p> <p>Describes understanding of information to be reported under PA and privacy reporting standards.</p>   |
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Site Suitability</b></p>                              | <p>Applicant did not provide adequate information to establish any level of suitability</p> | <p>Project is located on an undisturbed or undeveloped property. Proposed site may also lack environmental resilience, unsuitable terrain, and/or provide no benefit for emergency evacuation routes.</p> | <p>Site considerations seem favorable and would occur within previously disturbed or developed area. Unusual circumstances may prevent the application from being reviewed in an expedited manner and/or Section 106 exemption is in question.</p>   | <p>Based on the application information provided, the site is highly likely to complete environmental permitting within six (6) months of grant obligation.</p>   |

The second section will score the proposed site's ability to support the NDOT NEVI Plan and provide a quality charging experience. The second section will be scored in accordance with Table 4.



Table 4. Section 2 Review

| Goal/Theme  | Elements   | Total Possible Points |
|---|--|-----------------------|
| <b><i>Mobility Choices for People and Freight</i></b> | Within a defined Gap in the NEVI Plan, Distance from AFC Interchange, Proposed Total Number Ports, Proposed Number of DCFC Ports, Population Served, Distance to Nearest Disadvantaged Community (DAC)   | 45                    |
| <b><i>Secure &amp; Resilient Transportation</i></b>   | Number of DCFC ports currently operated by applicant, Service During Power Outage  | 10                    |
| <b><i>Safety</i></b>                                  | Emergency Notification System, Storm Shelter, Lighting   | 6                     |
| <b><i>Quality of Charging Experience</i></b>          | Customer Payment Options, Publicly Accessible Restrooms, Sheltered Seating, Food and Drink Onsite, Trash Cans, Public WiFi, Canopy over charger parking, Restaurant, Convenience Store, Visitors Center/Tourism Point of Interest, Walking Trail | 24                    |
| <b><i>Cost</i></b>                                    | Total Project Cost, Percent of Capital Cost Requested  | 15                    |

### C. Disclosure

NDOT will not disclose evaluation scores or application ranks, except as required by law.

## **Section VI – Post-Selection Activities**

### **A. Conditional Award**

Following determination of the highest ranked candidate site for each corridor group and any additional negotiations NDOT deems necessary, NDOT will contingently award agreements to selected site applicants. The applicant must then sign and return a conditional acceptance.

The award will be contingent upon two factors, the environmental review and the site host agreement.

#### **Environmental Review**

NDOT is in the process of preparing a NEVI assessment category. The expectation is APPLICANTS will be responsible for selecting a consultant from the pre-approved NDOT list and contract with them for the NEPA document. NDOT will be responsible for approving the document. More definition will be prepared as process is finalized.

#### **Site Host Agreement**

The site applicant and the property owner must execute a site host agreement (if the property owner is different than the site applicant) that provides NDOT with a real property interest or other contractual right to access the site for the term of the Grant Agreement. Contingent agreements or fully executed letters of interest are sufficient to secure a real property interest prior to award.

When the NEPA process is completed and the site host agreement complies with NDOT policies and requirements, NDOT and the applicant will execute the Grant Agreement.

### **B. Grant Agreement**

After the applicant conditionally accepts the conditional award and the contingencies are satisfied, the applicant will receive and execute a Grant Agreement. If the applicant fails to return a signed agreement within three months, NDOT may rescind the award and use the funds to award grants to others.

### **C. Notice to Proceed**

Following full execution of the Grant Agreement, NDOT will issue a Notice to Proceed (NTP) after all conditional requirements have been satisfied (including a fully executed site host agreement, if applicable).

### **D. Subsequent Award after Non-Selection**

If one or more awards are declined or rescinded, NDOT may make a grant offer to an applicant initially notified that an award would not be made. Notice and acceptance of a subsequent award shall be in accordance with this RFP.

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# APPENDICES

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## Appendix I – Definitions

**Application:** The site applicant’s response to this RFP, including all application materials and attachments.

**Candidate Site:** A property proposed by a site applicant for the purpose of installing and maintaining NEVI compliant EVSE. A candidate site must be located within a one-mile roadway travel distance from an interstate highway interchange ramp terminal or be granted an exemption by NDOT and FHWA.

**Grantee:** The site applicant who, upon awarding of a contract, will be responsible for managing the awarded contract and the party to whom payment will be made.

**NDOT:** The term NDOT may refer to the Nebraska Department of Transportation and NDOT contractors or consultants, as determined by NDOT.

**Notice of Acceptance:** A Notice of Acceptance is a written notification sent by NDOT to the Grantee advising the acceptance of the installed EVSE. Operations and Maintenance period will start on the date identified in the Notice of Acceptance.

**Notice of Funding Opportunity (NOFO):** All documents, whether attached or incorporated by reference, utilized for soliciting applications.

**Notice to Proceed:** A Notice to Proceed (NTP) authorizes the Grantee to proceed with the work in the Grant Agreement. NDOT will issue a Notice to Proceed following the execution of Grant Agreement. Any work done prior to fully executed Grant Agreement will not be reimbursed. Cost incurred between the execution of fully executed Grant Agreement and NTP may not be reimbursed until after the NTP.

**Period of Performance:** For this grant, period of performance refers to the length of time during which a Grantee is obligated to provide Operations and Maintenance (O&M) services for the EV site. The period of performance for the Grant Agreement is 5 years or 60 months. The begin and end for the period of performance will be identified in the Notice of Acceptance.

**Site Applicant:** The company and/or authorized representative of the company who has signed and is submitting the signed application response and who will be responsible, if subsequently identified as the Grantee, to ensure proper performance of the agreement awarded. The site applicant must be the organization that will own/operate the charging stations following installation.

## **Appendix II – Application Instructions**

A complete NEVI grant program application shall consist of the following:

- Section 1: Applicant Information
- Section 2: Project Overview
- Section 3: Project Site
- Section 4: Narrative
- Section 5: Budget
- Section 6: Addenda Information
- Section 7: Signing Authority
- Section 8: Certification

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## Appendix III – Application Questionnaire

The following questionnaire is identical to the questions that will be required by Applicants to be answered as part of Section 6, Addenda Information, of the BidX application. Next to each question is an answer type given in square brackets. This answer type (e.g., “File Upload”) explains how the answer will be submitted into the BidX system. In general, file uploads will not be limited by type or quantity of files, and essays are limited to 3000 characters. Applications will be scored using the scoring rubric shown in Appendix IV.

The following items will be used to score applications according to overall fit with the NDOT NEVI program. Responses should succinctly address all items requested. A scoring rubric will be used to score each of these items. Applications will be ranked against others in the same interchange (e.g., all sites submitted for I-80 in Kimball will be ranked against each other). Although NDOT intends to use the scores and ranks to guide award decision making, a high score and/or rank does not guarantee an applicant funding. NDOT reserves the right to make more or fewer awards, as well as reserves the right not to award the full funding amount requested by an applicant.

### Minimum Requirements [Yes/No] Must be met for grant consideration]

- 0.1. The EV charging site is within 1.0 miles of driving distance between the end of at least one off-ramp at the AFC interchange and the entrance to the site property.
- 0.2. EV charging infrastructure includes at least four 150kW Direct Current Fast Chargers (DCFCs) with Combined Charging System (CCS) ports capable of simultaneously DC fast charging four EVs continuously.
- 0.3. EV charging infrastructure has minimum station power capability at or above 600kW and supports at least 150kW per port simultaneously across four ports for charging continuously.
- 0.4. EV charging infrastructure has minimum ability to continuously charge two vehicles at 300 kW power when only two vehicles are charging.
- 0.5. Charging is available 24 hours a day, 365 days a year.
- 0.6. At least 20% non-federal match is provided by other sources.
- 0.7. All EVSE requirements are met, as listed in Appendix V – EVSE Specifications.

### 1. Team Qualifications and Experience

- A. Provide a list of all organizations expected to be part of the project and provide a brief description of their roles and the project team’s structure. At a minimum, identify the following: project owner, site host, EVSE supplier, EVSE installer/contractor, operator, maintainer, utility provider, sub- contractors (if known), and consultant (if any). If a single entity is performing multiple of these roles, please list all the roles from the preceding list that the entity will perform. In addition, identify any partnership and/or site agreements that are in

place or planned. [File Upload]

- B. List up to 10 prior EV installations completed by a member or members of your team. Please limit this list to projects installed over the last five years for any EVSE that meet or are similar to the NEVI EVSE requirements. Highlight Nebraska installations first, and then other installations in the United States.

| EVSE Installation Experience |         |                     |             |                             |                             |                         |                   |                     |  |                                       |
|------------------------------|---------|---------------------|-------------|-----------------------------|-----------------------------|-------------------------|-------------------|---------------------|--|---------------------------------------|
| Team Member (s)              | Role(s) | Contact Information | City, State | Address / Specific Location | EVSE Operational State Date | No. of DC Fast Chargers | Connector Type(s) | Power Level(s) (kW) | Charger Uptime (%)<br>Over Past 6 Months | Charger Uptime (%)<br>Since O&M Start |
|                              |         |                     |             |                             |                             |                         |                   |                     |  |                                       |
|                              |         |                     |             |                             |                             |                         |                   |                     |  |                                       |
|                              |         |                     |             |                             |                             |                         |                   |                     |  |                                       |
|                              |         |                     |             |                             |                             |                         |                   |                     |  |                                       |
|                              |         |                     |             |                             |                             |                         |                   |                     |  |                                       |
|                              |         |                     |             |                             |                             |                         |                   |                     |  |                                       |
|                              |         |                     |             |                             |                             |                         |                   |                     |  |                                       |
|                              |         |                     |             |                             |                             |                         |                   |                     |  |                                       |

- C. Describe general financial capabilities of the proposer and document: 1) any funding commitments or financing in place today, 2) funding sources that will be available in the future that are intended to support the project, and 3) how the team plans to manage cash flow during the project period. [File Upload]
- D. Describe the financial structure. Include who will assume ownership of the project, receive any financial benefits, and pay for operations, maintenance, and repair. *Note: NDOT is not seeking detailed financial information of the company.* [Essay]
- E. Provide a general description of the proposer’s approach to 1) the proposed rate structure and methodology for assessing user fees (e.g., cost +1%, additional cost at peak times, discount coupons to use EVSE at the candidate site), 2) ensure payment options are secure, equitable, and accessible, and 3) billing practices. Provide statement confirming the approach described is consistent with NEVI formula program requirements and FHWA Final Rule. [Essay]
- F. Describe additional relevant team experience (if any) not captured by the previous questions. [Essay]

## 1. Project Approach

For your project,:

- A. Describe your team's approach to project planning. [Essay]
- B. Describe your team's approach to design and permitting. [Essay]
- C. Describe your team's approach to site preparation and construction. [Essay]
- D. List the duration of your commitment to operate your charging station of your charging agreement. [Drop down; 5-10+ with yrs. at end of box]
- E. Describe your team's plan to operate and maintain the facility for the five-year period, and potentially longer. [Essay]
- F. Describe your plan to meet the uptime requirements of 97% or greater. [Essay]
- G. Describe processes and procedures related to data sharing responsibilities and identify critical cybersecurity and data safety issues with appropriate measures to manage cybersecurity for all parties involved. [Essay]
- H. Provide an estimate of the project schedule/timeline along with major project milestones. Discuss plans to ensure the EVSE site will be installed and ready for public use in a reasonable time and how you are working to mitigate supply chain delays, and other potential project delays. For purposes of estimating, assume a notice to proceed date of 10/01/2023. [Essay]
- I. Provide a site schematic for the candidate site using a diagram, map, or schematic showing the parking space(s) (final engineering plans are not required). Show locations of the following items and any additional items useful for understanding the site layout. [File Upload]
  - I. Existing and proposed designated EV charging parking space(s)
  - II. EVSE equipment
  - III. Point of sale equipment
  - IV. On-premises signage
  - V. Electric service to the candidate site
  - VI. Space (if any) available for future use
  - VII. American Disability Act (ADA) access

## Candidate Site Information

Physical Address:

Municipality: County:

Primary Interstate Corridor Group being serviced (e.g., I-80 Group G): [Short Answer]

Is this a current DC fast charging station that needs upgrades and/or additional ports/power?  
[Y/N]

Identify major characteristics of the candidate site with details on each of the items A-F below.  
[Essay]

- A. Describe the vehicular access to the site when operational
- B. Describe the surrounding road access to the site including traffic patterns
- C. Describe site compliance with ADA, 42 U.S.C. 12101 et seq., and 49 U.S.C. 322 or describe modifications proposed to make the site compliant
- D. Is the EVSE site within a designated FEMA flood zone? If so, identify the risk associated with locating EVSE in flood zone and plans for mitigating this risk.
- E. Is the EVSE equipment and supporting infrastructure hardened against damage or loss of service due to weather, transient surge voltages, traffic incidents, vandalism, or other environmental factors.
- F. Describe EVSE access during times of emergency such as evacuation during natural disasters.

How many total Direct Current (DC) fast charging stalls with dedicated DC fast charging ports will be available for charging? [Drop down; 4-10+]

What is the proposed total power available for DC fast charging at all times? [Short answer; with kW at end of box]



Identify other enhancements or amenities associated with this candidate site. Select the elements in Questions A-Q and include details in Question R.

- A. Lighting at the charging facility [Y/N]
- B. Cameras covering the charging facility [Y/N]
- C. Canopy cover of charging area [Y/N]
- D. Emergency call system (e.g., blue light phones) at the site [Y/N]
- E. Availability of staff at the site [Y/N]
- F. Dedicated support staff person for EV charging available at the site [Y/N]
- G. Availability of prepared and/or non-prepared food at the site [Y/N]
- H. 24/7 availability of prepared and/or non-prepared food at the site [Y/N]
- I. Availability of prepared and/or non-prepared food at or within 0.25 miles of the site [Y/N]
- J. 24/7 availability of prepared and/or non-prepared food at or within 0.25 miles of the site [Y/N]
- K. Availability of Open/free wi-fi at the facility [Y/N]
- L. Access to shopping at the facility or within 0.25 miles of the facility [Y/N]
- M. Access to recreation at the facility or within 0.5 miles of the facility [Y/N]
- N. Access to restrooms at the facility [Y/N]
- O. 24/7 access to restrooms at the facility [Y/N]
- P. Access to public transportation (bus, subway, light rail, e-bikes, scooters) within 0.25 miles of the facility. [Y/N]
- Q. At least one charging stall offers the ability to pull through a passenger vehicle and/or accommodate a vehicle that is towing. [Y/N]
- R. Describe each enhancement/amenity A-Q, and any additional amenities included at the site in one to two sentences each. [Essay]

## Site Readiness

### Utility and Networking Coordination

- A. Describe the coordination efforts between the applicant or site host and the utility provider for your specific site including how power will be transmitted to the site, and any upgrades that are required. [Essay]
- B. Describe the communications networking capabilities at your site. [Essay]
- C. Upload completed Utility Form. [File Upload]

### Site Preparation and Risks

- A. Will the entire project occur within an existing parking lot, paved area, or maintained (periodically mowed) lawn? [Y/N]
- B. Are any project partners, including the site host, aware of any site contamination/remediation or cleanup activity associated with hazardous materials? If yes, please clarify. [Essay]
- C. Describe the current state of the site and development required to prepare for EVSE installation. Include any applicable site development needs including plans for site acquisition, site construction, or other site preparation other than power-related preparation. [Essay]
- D. Are there any permits or other approvals that are required to complete this project? If so, provide the status of each permit and anticipated timeline to obtain approval. Example permit types could include the air/land user, electrical, structural, zoning, local agency, environmental, etc. [Essay]
- E. Identify potential risks, issues, challenges, and needs related to the candidate site and plans for mitigating these risks. [Essay]

## 1. Future Proofing

Describe the potential for additional charging ports, stalls, and power to be provided in the future. [Essay]

Describe the current and future ability of the site to allow for parking and charging of medium- and/or heavy-duty vehicles, if any. [Essay]

## 1. Sustainability, Equity, Resilience and Economic Development

Describe any usage of renewable energy sources in the electric vehicle charging process for this site. [Essay]

Describe any innovative technologies used and/or innovative approaches, such as on-site battery storage, to site design or operation being employed on the project. [Essay]

Describe your plan for use of small, women-owned, minority-owned, veteran-owned, and/or other diverse businesses and/or workforce as part of the project team and/or in Planning, Design, Construction and Inspection, and Operations & Maintenance [Essay]

Describe your plan for use of local businesses and/or workforce in Planning, Design, Construction and Inspection, and Operations & Maintenance [Essay]

### Charging Accessibility and Equity Principles

- A. Describe the plan for the site to serve users with disabilities including access to amenities at the site. [Essay]
- B. Describe your plan to allow for a variety of payment options including those for unbanked individuals. [Essay]
- C. Describe your plan for addressing additional components the [Justice40 Initiative](#) to allow for a more equitable charging experience for all users. [Essay]
- D.

### 1. Safety and Training

Describe all safety considerations at the site, including safety for users and safety equipment (e.g., site lighting, fire extinguisher, Automated External Defibrillator (AED), automatic safety shutoff, etc.). [Essay]

Describe the plan for potential EVSE incidents and explain the management approach and strategies to facilitate site safety as well as safety during construction. [Essay]

Describe your team's plan for workforce training. [Essay]

Describe your team's plan for public and/or stakeholder engagement. [Essay]

## 1. Project Costs

### Funding Requests

- A. What is the overall eligible cost of the project as proposed? [Short Answer; \$ at beginning of box]
  
- B. What is the overall grant amount being requested from NDOT? [Short Answer; \$ at beginning of box]
  
- C. Provide a cost breakdown and narrative describing where costs will be incurred on the project. Include all costs such as site costs, project planning, design, O&M, data sharing, and utilities. [File Upload]

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## **Appendix IV – Evaluation Process**

Evaluation criteria for each questionnaire element from Appendix III is described in detail in the tables below.

INSERT WHEN APPROVED BY NDOT LEADERSHIP]

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## Appendix V – EVSE Specifications

These specifications are for EVSE that are compliant with the NEVI Formula Program. NDOT reserves the right to additional requirements specified in FHWA's rulemaking process, subject to the conditions of the agreement. These specifications do not direct the proper methods for installation of the equipment. The installer of the equipment must provide the proper infrastructure and power source up to the location of the EVSE.

NDOT will consider various makes and models of EVSE equipment used to supply electricity to plug-in hybrids and other electric vehicles. The EVSE covered under these specifications are limited to Direct Current Fast Charging (DCFC). Any items other than EVSE, including but not limited to network capabilities, extended warranties, retractable cables, preventive maintenance agreements, and stand-alone credit card terminals for public use chargers are to be included separately from these specifications.

The Grantee shall comply with the following EVSE requirements:

1. All pay equipment (i.e., credit card terminals) integrated with the EVSE equipment must possess the capabilities to ensure credit card transactions are compliant with the latest Payment Card Industry Data Security Standard (PCI DSS). Installers of equipment under these specifications must use commercially reasonable security standards to protect sensitive and/or confidential data both in transit and at rest. All pay equipment must be operational at start-up.
2. Manufacturers and/or suppliers under these specifications must provide warranties covering a minimum of five years for all chargers and equipment from the time of notice of acceptance.
3. Suppliers must provide complete specifications and installation guides for all chargers and equipment. This information must also include any infrastructure required for the installation of a charger, including placement of bollards and curb stops. Installation guides are intended for construction or personal safety requirements related to installation to not cause injury, damage the equipment or void the warranty.
4. The charging equipment must also meet the following standards, including:
  - a. All electric vehicle chargers and equipment must meet the National Electric Code (NEC) 625 and FCC regulations for safety and operation requirements.
  - b. EVSE shall be certified by an Occupational Safety and Health Administration Nationally Recognized Testing laboratory.
  - c. EVSE must be compliant with the following standards or equivalent:
    - i. Society of Automotive Engineers (SAE) J-1772 Combined Connector System (CCS) Standards, or equivalent.
    - ii. IEEE Std 2030.1.1-2015 (If CHAdeMO is implemented).
    - iii. UL 2251 or equivalent – Cover plugs, receptacles, connectors rated up to 800 volts.
    - iv. Alignment with national standards for NIST Handbook 44 – Electric Vehicle Fueling Systems – Tentative Code. This is anticipating the need for EVSE to indicate the electrical energy, the unit price, and the total price of each transaction.

- v. Authorization under part 15, subpart B of the FCC regulations for unintentional radiators.
5. Electrical Safety:
- a. In case of emergency, EVSE shall have the ability to stop the flow of power away from the charging unit through a remote disconnect or breaker shunt device. EVSE shall have over-current protection rated for application.
  - b. EVSE shall be equipped with design to shut off the flow of electric power to reduce the risk of electric shock in case of a ground or other fault such as a Charge Circuit Interrupting Device (CCID) or Ground Fault Circuit Interrupter (GFCI). See Underwriters Lab 2231 as reference.
6. Networking:
- a. EVSE shall be network-ready to allow for management of charging operations.
  - b. EVSE shall use the latest Open Charge Point Protocol to communicate with a network.
  - c. EVSE hardware shall be operable by a different network service provider without modification necessary from the original vendor.
  - d. EVSE shall be capable of remote configuration, reporting, and management.
  - e. EVSE shall be capable of connecting to a network via a secure hardwired, wireless or cellular network.
  - f. EVSE shall be accessible by NDOT upon request for inspection, testing, etc.
  - g. EVSE shall be able to communicate through a secure network with electric utilities, other energy providers, and local energy management systems.
7. Load Management/Demand Response:
- a. Installers must coordinate with the local utility provider to confirm that expected power demand will remain within the capacity of the designed electrical system.
  - b. The network communications, controls, and back-office support service shall have the ability to monitor energy usage (kWh) and energy demand (kW) of the EVSE.
  - c. Where applicable, network communications, controls, and back-office support service shall have the ability to respond to utility provided demand response signals via the OpenADR 2.0b (or equivalent) protocol.
  - d. EV-to-charger communications must meet ISO 15118 standards or equivalent.
  - e. Communications must meet the latest Open Charge Point Interface protocols or equivalent. Reference latest testing process as provided by Open Charge Point Alliance.
8. Customer Payment Options:
- a. As applicable, the network infrastructure shall be PCI compliant in order to execute financial transactions with EV drivers safely and securely. Network provider shall have PCI DSS certification.



- b. The fee collection system shall accept, at a minimum, two forms of payment, such as access codes, mobile application, and/or contactless RFID cards without incurring additional fees, inconvenience, or delays for one payment or access control method over another.
  - c. Infrastructure shall have a point-of-sale and supporting network that uses an open protocol to allow subscribers of other EV charging system networks to access the EVSE.
  - d. Payment options must be secure, equitable, accessible and available to accommodate future innovations in payment methods:
    - i. Multilingual access and access for people with disabilities must be provided in the creation of payment instructions.
    - ii. At a minimum, the user shall be able to make payment using a credit card and one other option such as plug and charge or mobile payment via cell phone.
9. Charger Specifications:
- a. Power per DC Fast Charging port must be at or above 150-kilowatt (kW). Each charging station must be capable of providing at least 150-kW charging simultaneously across all charging ports. Grantees may supply any combination of charging stations that meet these minimum requirements such as 2-350kW dual port chargers instead of 4-150kW EVSEs.
  - b. Charging stations must be fully operational to charge at least four (4) Electric Vehicles.
  - c. Minimum of four (4) SAE CCS Combo standard.
  - d. Ability to charge two vehicles at 300 kW power when only two vehicles are charging.
10. Data Collection and Reporting: Refer to § 680.112 of the NPRM for data collection and reporting requirements. Clarification will be provided upon release of FHWA's final rulemaking.
11. Screen displays:
- a. Displays shall be LCD, LED or equivalent or better, user friendly, easy to operate, daylight and night viewable, and UV-protected with human-machine interface capability.
  - b. Display must show cost (\$), time limitations, power, charging, charging complete, remote control, system status, faults, and service.
  - c. Displays shall be ADA compliant.
12. Access:
- a. EVSE must be ADA complaint, accessible to all members of the public, 24 hours per day, seven days per week, year-round, with no membership required to a specific network for access or additional energy level.
13. Appearance:
- a. Any form of graphics including branding, logos, and/or art, included on or in the vicinity of the charging stations within the public ROW are subject to the rules and regulations as directed by NDOT. NDOT reserves the right to provide a reasonably sized visual identifier to be placed on the equipment that received NEVI funding from

NDOT. Should vendors seek to use additional NDOT branding, they must coordinate that with NDOT's Communications Office.

14. Misc. Minimum Requirements:

- a. EVSE shall include security design features to remain tamper-resistant and vandalism resistant, such as tamper-resistant screws, anti-vandalism hardware, locked enclosures, and graffiti-resistant coating or paint. Vandal resistance is intended mostly relative to the touch screen, but the overall goal is to limit damage to vital parts of the equipment as it can sometimes be difficult to get a quick turnaround on parts such as card readers and other items.
- b. EVSE shall be capable of operating in an ambient temperature range of minus 22 to 122 degrees Fahrenheit with a relative humidity of up to 90 percent.
- c. EVSE shall be able to withstand extreme weather conditions including minor flooding, heavy rains, high winds, snow and ice, and is protected from malfunctions due to condensation.
- d. Cabinets and above ground structures shall be designed to a 90 MPH wind load.
- e. EVSE and any external accessories (if applicable) shall have outdoor-rated enclosure - NEMA 3R or greater.
- f. EVSE shall have the ability to measure demand and energy delivered at an accuracy per national standards.

## Appendix VI – Required Application Materials and Project Deliverables

An Applicant must complete a full application for their candidate site to be considered for grant selection. This application includes several deliverables, all of which are submitted through [insert the NDOT email address for package submittal – Same as usual for RFPs?]. If an Applicant is conditionally selected for an award, there are several additional deliverables that must be completed. Many of these will be updates to information given in the application, and others will be new or expanded documentation.

The stages of the process are as follows:

- **Stage 0: Application Period** – Applicants complete their applications, which includes all necessary submissions to be considered for a grant. This period also includes the NDOT application review.
- **Stage 1: Conditional Award Period** – Applicants selected for a conditional award must go through the contracting process with NDOT, which includes the completion of several deliverables. Upon successful completion, NDOT will issue a Notice to Proceed and the Applicant will become a Grantee.
- **Stage 2: Installation Period** – Once selected as a Grantee, Grantees must complete installation of the equipment and several deliverables before NDOT accepts the project as operational. Upon successful installation of equipment and completion of these deliverables, NDOT will issue the Notice of Acceptance.
- **Stage 3: Operational Period** – Once equipment is successfully installed and the Grantee is given Notice of Acceptance, the Grantee will operate the charging equipment and complete additional documentation periodically over the five-year operational period.

The following table shows a list of all required deliverables as part of the four stages of the project.

| Deliverable   | Detail  |
|---|---|
| Worker Protection and Investment Certification Form(s)                      | Certification of compliance with applicable Nebraska state labor and workforce safety laws – additional forms are required for all subcontractors |
| Written Statement on Proprietary Information and Confidentiality (optional) | Identify any proprietary information and/or confidential trade secrets that should not be made available to the public                            |
| Site Design   | Site schematic, design, and construction plans  |
| Operations and Maintenance Plan   | Five-year plan to operate and maintain the facility for use by the public with at least 97% uptime – includes O&M contract if applicable          |
| Data Management Plan  | Plan to manage EV charging related data including a privacy impact assessment   |
| Networking Agreement  | Five-year plan to provide for networking connectivity for the charging site   |
| Utility Form  | Information related to the utility  |
| Safety Management Plan  | Plan to address safety on the site including risks and mitigation strategies  |
| Customer Service Plan   | Plan to allow charging customers to get 24/7 assistance   |
| Site Host Agreement   | Agreement between site applicant and the property owner   |

| Deliverable           | Detail  |
|-----------------------|---|
| Test Results          | Results from various levels of charging equipment testing   |
| Reporting             | Reporting as required per forthcoming NEVI regulations on the EVSE to ensure that the network meets FHWA standards of access, reliability, and convenience operational requirements |
| Downtime Notification | The Grantee shall immediately notify NDOT of any prolonged down time (greater than 24 hours), system failures, or other incidents related to charging electric vehicles.            |
| Audit Compliance      | The Grantee shall cooperate if selected for audit   |

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## Appendix VIII – Utility Form

SITE APPLICANT INFORMATION (Site Applicant to complete.)

Name of Company/Customer: \_\_\_\_\_ Facility Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact Name: \_\_\_\_\_ Contact Phone: \_\_\_\_\_  
Contact Email: \_\_\_\_\_

SITE INFORMATION – ELECTRICAL DISTRIBUTION SERVICE NEEDS (Site Applicant to complete.)

Address of Site: \_\_\_\_\_

Latitude/Longitude: \_\_\_\_\_

Number of chargers anticipated: \_\_\_\_\_ Total service power level (kW): \_\_\_\_\_

Type of Service:  New Service (No existing lines)  Existing Service Lines  Upgrade of Existing Service

Account #: \_\_\_\_\_

Provide aerial view of site with transformer location and termination point. Show nearest 3-phase source (if known):

Type:  Primary Service  Secondary Service Proposed In-Service Date: \_\_\_\_\_

Number and size of conductors anticipated: \_\_\_\_\_

Requested voltages (i.e., 3-phase 277/480V 4 wire): \_\_\_\_\_

Service Capacity (amps): \_\_\_\_\_ Load Requested (kVA): \_\_\_\_\_

COST ESTIMATE (Utility Company to complete.)

| Utility Company Name:  |                       |
|--|-----------------------|
| DESCRIPTION  | TOTAL COST & TIMELINE |
| High-level Engineering & Construction Cost & Time Estimate   | \$                    |
| (This high-level cost* and time estimate** includes Power Transformer, terminator pole, if applicable, Service Lateral or conductor and Metering.)   | Timeline:             |
| *Cost estimate to be covered by Site Applicant.  |                       |
| **Time estimate is from the time of official service request and subject to change.  |                       |
| Additional Engineering & Construction Costs/Time Estimates   | \$                    |
| (These estimates include additional time and costs for primary line extension to customers' location and upgrades required to accommodate new load.) | Timeline:             |
| Site Applicant construction responsibilities for electric distribution service   | \$                    |
| Electric Distribution Company (EDC) construction responsibilities for electric distribution service  | -\$                   |
| Total Estimated Timeline for Site Applicant:   |                       |
| Total Estimated Cost to Site Applicant: \$   |                       |

Signature from Utility Company: \_\_\_\_\_

Additional notes:

## **Appendix IX – Sample Grant Agreement with Terms and Conditions**

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# Federal Funding Accountability and Transparency Act Subrecipient Data Sheet

The Subgrantee must complete Federal Funding Accountability and Transparency Act Subrecipient Data Sheet (FFATA Sheet) attached here. The FFATA Sheet is to be completed and incorporated as part of this agreement.

Failure to provide accurate information for the Subgrantee named as a party to this agreement or to complete the FFATA Sheet will cause the inability of the NDOT to process this agreement and resulting in delay or loss of funds to the Subgrantee. The Subgrantee's documentation will be considered incomplete until such time that Subgrantee provides accurate FFATA information.

- (a) Registration and Identification Information – The Subgrantee must maintain a current full registration that permits their entity registration to appear in a public search in the System for Award Management or SAM ([www.SAM.gov](http://www.SAM.gov)) at all times during which they have active federal awards funded pursuant to this agreement. A Unique Entity Identifier (UEI) is issued upon registration in SAM.gov. Subgrantee must provide its UEI, to the NDOT along with the signed agreement.
- (b) Primary Location - Subgrantee must provide to the NDOT the primary location of performance under the award, including the city, State, and zip+4. If performance is to occur in multiple locations, then Subgrantee must list the location where the most amount of the award is to be expended pursuant to this agreement.
- (c) Compensation of Officers - Subgrantee must provide to the NDOT the names and total compensation of the five most highly compensated officers of the entity **if**
  - 1. the entity in the preceding fiscal year received—
    - a.** 80 percent or more of its annual gross revenues in Federal awards; **and**
    - b.** \$30,000,000 or more in annual gross revenues from Federal awards; **and**
  - 2. the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1).

If the Subgrantee does not meet the conditions listed above, then it must specifically affirm to the NDOT that the requirements of this clause are inapplicable to the Subgrantee. Subgrantee must provide information responding to this question along with Subgrantee's return of the signed agreement. The NDOT will not process this agreement until such time that Subgrantee provides such information responding to this question.