

Kansas Department of Transportation
Request for Proposals – National Electric Vehicle Infrastructure Program
Clarifications for all RFPs released August 16, 2023

Site Requirements

- Q. Please clarify that shelter is not 24 hours but rest room must be 24 hours accessibility.
- A. Correct. Restrooms must be accessible 24 hours/day but shelter does not have that requirement.
- Q. Is access to shelter during inclement weather required 24/7?
- A. No
- Q. Does food and restroom access have to be 24 hours?
- A. Restroom access must be 24 hours/day. Hot, prepared and/or prepackaged food must be available a minimum of 16 hours/day.
- Q. Are there any exceptions for the on-site food requirement?
- A. No. Hot, prepared and/or prepackaged food must be available on-site a minimum of 16 hours/day.
- Q. Are onsite restrooms required to be publicly accessible 24/7 without the requirement of purchase or entry access?
- A. Yes. It is anticipated that any requirement for purchase would be met by the purchase of EV charging.
- Q. Per NEVI guidelines at least 1 dispenser must be ADA compliant. Can you verify if Kansas is exceeding this requirement?
- A. KDOT accessibility standards are aligned with the federal standards. Per the U.S. Access Board [Design Recommendations for Accessible Electric Vehicle Charging Stations](#), a charging station with 4 dispensers (chargers) must have 1 dispenser which meets requirements for [Accessible Mobility Features](#) including adequate spacing and clear floor or ground clearance. All dispensers should meet requirements for [Accessible Communication Features](#) to enable usage of EV chargers by people with hearing or vision impairments, little people, and other people with disabilities who may not need accessible mobility features, such as access aisles. Additional information is available in the [Joint Office of Energy and Transportation Webinar: Designing for Accessible EV Charging Stations](#).
- Q. Will charging sites that allow for reservations for charging be allowed?
- A. Yes, as long as the reservation does not result in a discount on usage fees and a membership is not a requirement for usage of the station.
- Q. Would you please clarify if the 1-mile distance starts at the beginning or end of the exit ramp?
- A. The distance from interchanges should be the driving distance measured from the point where an exit ramp diverges from the freeway to the station location. Per page 23 of the [National Electric Vehicle Infrastructure Formula Program Guidance](#), “the 1 mile should be measured as the shortest driving distance from the Interstate Highway System exit or highway intersection to the proposed station at the time of the proposal.” Page 19 of the NEVI guidance states that stations should be “within 1 mile of the AFC” which would include the distance traveled on the exit.

- Q. What is the definition of 'on-site'? Is there a distance requirement?
- A. On-site is defined as having the same address or being located on the same land parcel as the charging station.
- Q. For Site Improvements, please confirm the requirement is 4 CCS1 charging ports and 1 CHAdeMO port?
- A. Per [eCFR :: 23 CFR Part 680 -- National Electric Vehicle Infrastructure Standards and Requirements](#), every port must have a CCS1 connector. A port with only a CHAdeMO connector is not an eligible expense. KDOT expects the requirement for a single CHAdeMO connector to be met by either a permanently attached adaptor or by adding a CHAdeMO connector to one of the ports. Please see the definitions for port and connector in the Technical Specifications and Requirements section of this document.
- Q. With CHAdeMO being phased out, how long would they be required on a selected site? Will there be a timeline in this agreement?
- A. Awardees for this round of RFPs must meet the requirement for 1 CHAdeMO connector per site for the full 5-year period of performance. Under the NEVI Formula Program, only FY2022 funds may be used for CHAdeMO connectors. Future RFPs using FY2023-2026 funds will not include this requirement.
- Q. Can you confirm that CHAdeMO/CCS dual compatibility is required at outset and chargers must eventually support yet a third standard (NACS)?
- A. The [National Electric Vehicle Infrastructure Standards and Requirements](#) state that each port must include a CCS connector. KDOT requires that each site (not each port) provide at least 1 CHAdeMO connector. NACS connectors are strongly recommended on all ports but not required; however, chargers that do not include NACS connectors must have the capability of adding them in the future. Please see the definitions for port and connector in the Technical Specifications and Requirements section of this document.

Utilities and the Utility Form

- Q. Has KDOT coordinated with utilities covering eligible areas and designated a utility contact to support evaluation of NEVI sites?
- A. KDOT has communicated with utilities providing service along Alternative Fuel Corridors in Kansas regarding the NEVI Formula Program. There are multiple electric utilities serving the priority areas for this round of RFPs. The specific utility contact for a proposal will depend upon the location of the site.
- Q. Will Kansas be providing a utility contact list for proposers?
- A. No, KDOT does not maintain a utility contact list. The site host should be able to provide the name of the utility serving their location.
- Q. Are utility costs considered operating costs? Electricity costs? Demand charges?
- A. Utility costs associated with minor grid upgrades may be considered installation costs or operating costs and could be eligible expenses. From page 7 of the [National Electric Vehicle Infrastructure \(NEVI\) Formula Program Q&A](#), "Costs for minor grid upgrades are eligible, provided the work is necessitated solely by the construction or upgrading of the EV charging

station and participation in the upgrade does not exceed the allocable cost of the minimum upgrades needed to match the planned power requirements of the EV charging station. A minor grid upgrade is defined as the work necessary to connect a charging station to the electric grid distribution network.... Major grid upgrades, such as longer line extensions or upgrades, improvements to offsite power generation, bulk power transmission, or substations are ineligible.” Electricity costs and demand charges are not eligible costs.

- Q. Are the local utilities aware of the RFP timeline?
- A. KDOT has communicated with utilities regarding the EV charging plans under the NEVI Formula Program including the expectation of a utility service confirmation. It is incumbent upon the Proposer to complete the top portion of the Utility Service Confirmation form and submit it to the specific utility serving the site in a timely manner so as to meet proposal deadlines.
- Q. Will applications still be accepted if applicants are unable to get signatures from the utility? Engaging utilities can be a time intensive process and obtaining signatures from utility can be difficult.
- A. No. A completed utility service form is required for a proposal to be considered complete.

Eligible Costs

- Q. Is sales tax an eligible cost?
- A. Yes.
- Q. Are power costs (kW, kWh) an eligible cost?
- A. No.
- Q. Are operational power costs eligible costs?
- A. If operational power costs refers to costs for electricity, no, it is not an eligible cost.
- Q. Are permitting and sales tax eligible costs?
- A. Permitting and sales tax are eligible costs.
- Q. Can KDOT please confirm that electricity costs (i.e. kWh and kW) are considered eligible operations assistance costs? If so, are there any maximum funding amounts or performance thresholds associated with the operating expenses?
- A. Electricity costs are NOT eligible operating costs. Per the [National Electric Vehicle Infrastructure \(NEVI\) Formula Program Q&A \(dot.gov\)](#), eligible operating costs include:
- a) Charging equipment lease fees, in the case that an EV charging station operator opts to lease rather than purchase charging equipment.
 - b) Cellular network fees, internet service fees, or other similar fees necessary to provide communications between EV charging stations and charging network providers.
 - c) Hardware and software maintenance and repair costs, including service agreements with third-party contractors and charging equipment manufacturers or warrantors.
 - d) Other operating costs that are necessary and directly related to the charging of vehicles such as charging network access fees.

- Q. The eligible costs listed in 6.2 Project Cash Match includes “Permanently attached connectors and/or connector adapters”, but in 4.2.1. KDOT Minimum Requirements “NACS connectors included as an attachment are not eligible for reimbursement.” Can KDOT confirm that a permanently attached adapter is eligible? Based on FHWA guidance, a NACS adapter should be eligible for reimbursement and is considered permanently attached if there is a mechanical linkage that prevents the adapter from being removed from the dispenser.
- A. Permanently attached adaptors are an eligible expense. An example of an ineligible adaptor would be one that could be removed from the dispenser, such as an adaptor available from an onsite clerk.
- Q. Can a CHAdeMO connector be retrofitted to a CCS or NACS connector if utilization of the CHAdeMO port falls below a certain threshold?
- A. [NEVI Standards and Requirements](#) do not allow for a charging port with only a CHAdeMO connector. Each port must have a CCS connector. A permanently attached adaptor or connector is an eligible expense and would meet the KDOT requirement of 1 CHAdeMO connector per site. Awardee must meet the requirement for a CHAdeMO connector for the full 5-year period of performance.

Application Procedures

- Q. Can KDOT confirm which map applicants should use to identify tribal land or DACS? The EV Charging Justice40 Map provided (<https://anl.maps.arcgis.com/apps/webappviewer/index.html?id=33f3e1fc30bf476099923224a1c1b3ee>) or the Climate and Economic Justice Screen Tool as recommended by the White House (<https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>).
- A. Applicants should use the EV Charging Justice40 map available from the Argonne National Laboratory site. The Electric Vehicle Charging Justice 40 Map was developed by USDOT and USDOE based on a joint interim definition of Disadvantaged Communities (DACs) for the National Electric Vehicle Infrastructure Formula Program. See <https://www.anl.gov/esia/electric-vehicle-charging-equity-considerations> for more information.
- Q. Will KDOT provide Word or Excel versions of Form C to applicants to assist with application preparation and review? If not, is it acceptable for applicants to convert the PDF to Word and modify Form C to include more information than the available space permits?
- A. A fillable pdf form is available on the NEVI website.
- Q. Does KDOT prefer supporting documents to be attached after page 5 or at the end of the application form?
- A. Either is acceptable. Please reference any supporting documents in the appropriate section.
- Q. Are there limits or requirements on the page count or size of supporting documents?
- A. The size limit for email attachments is 20MB. Please keep application documents under this limit to ensure that they are delivered promptly through the email servers. Proposers are responsible for ensuring that the proposal is received and is not rejected due to file size; KDOT is not liable for any delays in receiving proposals due to technical difficulties.
- Q. Will shapefiles of the yellow areas be provided? If so, where can they be found?

- A. No, KDOT is providing the maps in the RFPs for reference and convenience only. Official measurements will be based on driving distance from the corridor and will not be based on the maps provided.

Eligibility/Review Procedures/Contracting

- Q. How does the “lowest bidder” process work when all projects are not created equal? Is the deciding factor just cheapest cost that meets criteria, regardless of other factors?
 - A. NEVI Formula Program funds are to be administered as if apportioned under [chapter 1 of Title 23, U.S.C.](#) The BIL also includes a new provision, [23 USC 109\(s\)\(2\)](#), which states that EV charging infrastructure projects using Title 23 funds “shall be treated as if the project is located on a Federal-aid highway”. To meet these requirements, KDOT will select the lowest responsive bidder in each location. A responsive bidder is defined as an eligible bidder submitting a bid proposal for a project meeting all requirements.
- Q. Per the pricing costs, is KDOT scoring/evaluating on total eligible costs or total project costs?
 - A. KDOT will select the lowest responsive bid based on total eligible costs.
- Q. Can you further define Conflict of Interest?
 - A. Please see 23 CFR Section 636 Subpart A, particularly [Section 636.103](#) and [Section 636.116](#) regarding organizational conflicts of interest. Section 636.103 defines “organizational conflict of interest” as follows:

“Organizational conflict of interest means that because of other activities or relationships with other Persons, a Person is unable or potentially unable to render impartial assistance or advice to the Owner, or the Person’s objectivity in performing the Contract Work is or might be otherwise impaired, or a Person has an unfair competitive advantage.”
- Q. Can KDOT please define a Major Contractor and when it is appropriate for the Major Contractor to sign the required forms provided? / What is the definition of “Major Contractor” in Form B (and elsewhere)?
 - A. In these forms, “Major Contractor” means a contractor who is responsible for the construction or installation of any contract item, excluding mobilization, having an original contract value of 5% or more of the original contract amount. Major Contractors should complete and sign Forms B, F, G, I, and J.
- Q. Can proposals be submitted for any location if we didn’t submit a Project Concept Form for that location?
 - A. Yes. Entities that are deemed eligible bidders may ultimately select different site hosts than were previously submitted on a Project Concept Form. As long as all charging station requirements are met, a bid proposal may be submitted for an alternate location. Alternately, if the site host was deemed an eligible bidder, they may submit a bid proposal for a different co-sponsor than was listed on the Project Concept Form.
- Q. Is an Eligible Proposer, who has submitted a Project Concept Form, allowed to apply for a site that wasn’t included in a Project Concept Form submission?

- A. Yes. Eligible Proposers may select to work with different site hosts than were previously submitted on a Project Concept Form. As long as all charging station requirements are met, a bid proposal may be submitted for an alternate location.
- Q. If an Eligible Proposer that submitted a Project Concept Form has decided not to apply, can the lead proposer/sponsor be substituted with another entity who will apply with the same site?
- A. Any Eligible Proposer may submit a proposal application for a site subject to this round of RFPs. Site hosts are not required to work with the same Eligible Proposer as at the Project Concept Form stage. The lead proposer/sponsor must be an Eligible Proposer who completed and returned a Project Concept Form.
- Q. Will performance payments be allowed?
- A. Once a project has been selected for conditional award, the awardee will have the opportunity to select how they would prefer to receive reimbursement payments for up to 80% of eligible, approved project costs, but not to exceed the award maximum for the project. Reimbursement payments can be made either through:
- a) a one-time lump sum payment to the recipient as soon as reasonably possible upon completion of the following: a) receipt by the Secretary of proper billing and documentation (invoices and proof of payment); and b) project completion.
 - b) partial payments to the recipient, for amounts no less than \$1,000 and no more frequently than once monthly, upon receipt of proper billing, documentation, and monthly progress reports. The project must be completed prior to the recipient's receipt of final payment.
- Q. Please confirm there is no retention or payment withholding for the program. / Per section 7.1, "KDOT reserves the right to withhold reimbursement payments, terminate the Awardee contract, or initiate the execution of bond payments, at its discretion." Can KDOT share what this retainer is?
- A. KDOT is not planning to withhold retainage in payments to awardees but reserves the right to do so subject to contractual requirements.
- Q. Can KDOT provide clarity on the following requirement 4a. "Signed agreement with site host or network provider (whoever is not the awardee)". A site host and a network provider are two very distinct things having a different type of agreement.
- A. If the Lead Project Sponsor is not the site host, Project Sponsor must provide a signed agreement with the site host/owner stating that they can construct and operate the charging station on the site. Alternately, if the site host is the Lead Project Sponsor but not the developer or operator, the site host must provide a signed agreement with the developer/operator to operate the charging station on their site.
- Q. Could conditional awardees begin procuring reimbursable items at their own risk prior to an executed contract or NTP?
- A. Conditional Awardees may procure reimbursable items at their own risk prior to a Notice to Proceed (NTP). Awardees should be aware that, if an NTP is not issued for any reason, KDOT is not liable for any expenses incurred.
- Q. If an organization would like to comment on the contractual language, should we submit our comments with our proposal or should we wait until after awardees are determined?
- A. Please wait until Awardees are determined before submitting comments on contractual language.

- Q. Do Buy America requirements apply to all charging station equipment including electrical equipment, battery storage, and/or distributed energy resources?
- A. Yes. All equipment purchased with NEVI Formula Program funds must comply with [Buy America](#) requirements. FHWA has issued a [Waiver of Buy America Requirements for Electric Vehicle Chargers](#). Proposers are advised to review the waiver and corresponding [Buy America Q&A](#) for clarification.

Future RFPs

- Q. What is the timeline for future RFPs for priority sites that were not included in this round?
- A. KDOT is currently working on the NEVI Formula Program timeline and plans to have that information available Fall of 2023.
- Q. Our sites are not part of the initial push. When can we anticipate the next round of RFPs?
- A. KDOT is currently working on the NEVI Formula Program timeline and plans to have that information available Fall of 2023.
- Q. Does KDOT plan to offer this program later with fewer requirements on food and restrooms? Any idea when a basic EV charging station will be considered for funding programs?
- A. KDOT will continue to improve and update the EV charging infrastructure RFP process based on feedback from EV drivers, station developers and other interested stakeholders. This may or may not result in different requirements for future RFP rounds. KDOT is currently working on the NEVI Formula Program timeline and plans to have that information available Fall of 2023.

Technical Specifications and Requirements

- Q. Could you please provide the definitions for port and connector?
- A. KDOT uses the [Alternative Fuels Data Center definitions](#):
- EVSE Port:** An EVSE port provides power to charge only one vehicle at a time even though it may have multiple connectors. The unit that houses EVSE ports is sometimes called a charging post, which can have one or more EVSE ports.
- Connector:** A connector is what is plugged into a vehicle to charge it. Multiple connectors and connector types (such as CCS, CHAdeMO and NACS) can be available on one EVSE port, but only one vehicle will charge at a time. Connectors are sometimes called plugs.
- Q. We respectfully request KDOT to reconsider requiring one CHAdeMO connector per location, especially when coupled with a requirement to “include or have the ability to add NACS connectors at a future date”. This requirement not only adds significant cost but adds site design and engineering complexities that may limit all vehicles from being able to charge at any port and add to driver confusion. Kansas would be the only state to require three different connector types for NEVI funded projects which FHWA has clarified will only be eligible with FY 2022 formula funds.
- A. We have considered this comment and are not changing the minimum requirements of the program at this time.

- Q. What power output and ampacity are required for the CHAdeMO connector? CHAdeMO connectors are currently limited to 200 amps and 500 volts, meaning that they are limited to 100kW power outputs.
- A. CHAdeMO connectors must provide a minimum of 62.5 kW of power. Please note that all CCS1 or NACS connectors must provide a minimum of 150 kW of power at all times.
- Q. What is the required charging kWh for the CHAdeMO port?
- A. CHAdeMO connectors must provide a minimum of 62.5 kW of power. Please note that all CCS1 or NACS connectors must provide a minimum of 150 kW of power at all times.
- Q. As there are no commercially available CHAdeMO capable vehicles that can charge at speeds of 150kW, can Applicants meet this requirement by providing a single dedicated CHAdeMO port capable of charging at the maximum possible power level?
- A. [NEVI Standards and Requirements](#) do not allow for a charging port with only a CHAdeMO connector. Each port must have a CCS connector. CHAdeMO connectors must provide a minimum of 62.5 kW. KDOT expects the requirement for a single CHAdeMO connector to be met by either a permanently attached adaptor or by adding a CHAdeMO connector to one of the ports. Please see the definitions for port and connector in the Technical Specifications and Requirements section of this document.
- Q. What are the minimum power requirements for any ports over and above the 4 required ports?
- A. All EV charging ports funded through the NEVI Program must meet the specifications in [Section 680.106](#) of the NEVI Standards and Requirements. For stations serving designated alternative fuel corridors, minimum power level must be 150 kW per port. Additional ports with lower power levels can be added but are not an eligible expense.
- Q. Would KDOT consider natural gas generators fueled by RNG as an eligible DER resource?
- A. Natural gas generators powered by renewable natural gas are an eligible distributed energy resource (DER) provided that the energy generation only transfers power to and from the EV charging station. Per the [National Electric Vehicle Infrastructure \(NEVI\) Formula Program Q&A](#), DER equipment costs “should only be considered if they will lead to lower costs to consumers, greater EV charging station reliability, and if they do not substantially increase the timeline for completing an EV charging station project.” Proposers are advised to review [Kansas State Statute 66-104](#) to ensure that they understand how including DER could affect station operations.