

Electric Vehicle Charger (EVC) Reliability and Accessibility Accelerator (RAA) Q & A

11/6/2023

EVC-RAA Questions and Answers

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

Technical Questions

Question 1: Do the National Electric Vehicle Infrastructure Standards and Requirements (23 CFR Part 680) apply to projects funded under this NOFO? If yes, this means that if a site has only 1 port, the project must not only repair or replace that single port but also install 3 additional ports (whether DCFC or L2) to make the site compliant with 23 CFR Part 680?

Answer:

Yes. The National Electric Vehicle Infrastructure (NEVI) Standards and Requirements (23 CFR Part 680) apply to all EVC-RAA grants funded under this NOFO. This means that projects must include activities needed to not only repair or replace the temporarily unavailable port but also any activities necessary to make the site compliant with 23 CFR Part 680. Therefore, the installation of three additional ports is an eligible cost and presents an opportunity to improve the existing electric vehicle charging network.

Question 2: Can an applicant request funding for utility work related to repairing or replacing EV charging infrastructure?

Answer:

Costs to acquire and install on-site electric service equipment (e.g., electricity meter, transformer, switch gear) are eligible. Costs for minor grid upgrades are also eligible, provided the work is necessitated solely by the construction or upgrading of the electric vehicle (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 an EV charging station to the electric grid distribution network (e.g., extending power lines or upgrading existing power lines several miles). However, major grid upgrades, such as longer line extensions or upgrades, improvements to offsite power generation, bulk power transmission, or substations are ineligible.

Per the NOFO, in general, the power supply at the site should already be adequate without significant utility distribution capacity upgrades.

Question 3: Can the project include relocation or moving an EV charger to a new location?

Answer:

No, costs to relocate or move and EV charger are not allowable. The repair and replacement of broken EV chargers should be completed at the existing location.

Question 4: Can the project include removal (not repair) of broken chargers if site hosts are unwilling or unable to replace or upgrade to be compliant with 23 CFR Part 680?

Answer:

No, the costs for removal of chargers alone are not allowable for reimbursement under this program. The project must result in making the site operational.

Question 5: Should the State DOT submit several separate applications, or one consolidated one to cover the State? Does the five-page application limit apply if a State DOT is submitting a state-wide application?

Answer:

FHWA encourages, but does not require, coordination and consolidation of sites into one application to the extent possible. Per NOFO Section B.1, “Whenever possible, applicants are encouraged to submit applications that include multiple locations to streamline the application process and review.” Per NOFO Section C. 1, "States and localities are encouraged to coordinate to the extent possible to address broken and non-operational chargers." The NOFO Section A.5 cites a 5-page application page limit. Applications are intended to be brief and should be consistent with Section D.2. of the NOFO; however, for applications that include multiple locations, FHWA will consider applications that exceed the stated 5-page application limit, if necessary.

Question 6: The Project Narrative requires the applicant to provide “evidence of charger being able to be operational within the 12-month period of grant agreement.” What is FHWA looking for as evidence? Does my application have to show written commitment of participation from all the operators and/or property owners of the charging stations being proposed for repair?

Answer:

The applicant documentation of their approach to meeting the schedule should serve as the evidence requested. FHWA does not require, but does encourage to the extent possible, commitment of participation from the operators and property owners of the charging stations being proposed for repair in the application. FHWA strongly encourages that applicants engage with charging station operators and property owners prior to submitting the application and document or describe in the application this engagement. Such engagement prior to application submittal may also provide evidence of an applicant’s ability to meet the 12-month timeline for a charger to be operational. Per NOFO Section B.1, “Applicants are encouraged to submit applications with their contractors or subgrant recipients identified to the extent allowable under their procurement requirements. In addition, applicants are also strongly encouraged to work directly with site hosts

and current owners or operators to ensure viability of the project.”

Question 7: Do the sites to be repaired have to be on a corridor?

Answer:

No. The NOFO has no restriction on the location of sites as long as they meet the eligibility requirement of the NOFO.

Contracting and Subgrants

Question 8: How should a State DOT or local government grantee administer and oversee the repair or replacement of privately owned EV charging infrastructure? Are state or local governments anticipated to primarily administer the funds to private entities allowing them to contract for the repair or replacement of equipment, or would the state or local government agencies be required to enter into an agreement with the owner operators and solicit contracted services?

Answer:

How a grantee performs, administers, and carries out the grant activities is up to the grantee to decide. The NOFO does not require a specific organizational approach to completion of the work. The grantee determines the organizational structure and approach to administer their grant award. After grant award, FHWA will reimburse the grantee for eligible expenditures allocable to the grant award that are incurred and paid. It is up to the grantee to decide upon contractual arrangements with their subawardees and subcontractors, including payments, consistent with procurement requirements.

Per NOFO Section B.4, “The FHWA has provided the maximum flexibility possible to States with respect to Title 23 procurement requirements. On July 3, 2023, FHWA issued a memorandum regarding the approval of a programmatic Special Experimental Project No. 14 (SEP-14) to allow State departments of transportation (State DOT) to deviate from procurement methods as set forth in 23 CFR 635.104 and 23 CFR part 636, and instead use the State’s own competitive policies and procedures when procuring EV charging infrastructure projects. This flexibility would also apply to State-led projects funded by this program. Notwithstanding this flexibility regarding Federal procurement requirements, the State must comply with its own procurement requirements.” Local agencies must comply with the Procurement Standards contained in 2 CFR 200.

Question 9: Does the Disadvantaged Business Enterprise (DBE) Program apply to these EVC-RAA grants?

Answer:

No. Funding for this grant opportunity is from the NEVI Formula Program. DBE requirements do not apply to the NEVI Formula funds and States may not establish DBE goals for any NEVI-funded contracts nor count race-neutral DBE participation on such contracts toward the achievement of the State’s overall DBE goal.

States may not include the use of DBE subcontractors or subcontractors of other race or gender

conscious programs as a rating factor in their procurement processes for NEVI-funded projects. Any activity that provides incentives for awarding work (in whole or in part) to firms that are identified based on race or gender conscious characteristics is prohibited. Activities that are race or gender neutral, such as encouraging outreach to increase awareness that such firms may compete for NEVI contracts by submitting bids or quotes, are permitted and encouraged.

See the [NEVI Formula Program Q&A](https://www.fhwa.dot.gov/environment/nevi/resources/nevi_program_faqs.pdf) for additional Q&As related to DBEs (available at https://www.fhwa.dot.gov/environment/nevi/resources/nevi_program_faqs.pdf).

Question 10: Can the grantee or subgrantee issue multiple repair vendor awards in order to address the most sites concurrently?

Answer:

Yes, multiple awards are an acceptable procurement approach.

Question 11: Is grant administration labor or consultant costs allowable?

Answer:

Yes, reasonable direct costs incurred for project level grant administration/support are allowable. Such costs may be incurred by the grantee and a 3rd party vendor or consultant. Please see 2 CFR 200.413. Please see program administration question from the [NEVI Formula Program Q&A](#).

Question 12: Does 2 CFR 200.313 Equipment apply to EV charging equipment procured under this NOFO?

Answer:

Yes, planned awards are subject to 2 CFR 200 and 23 CFR 680. Per 23 CFR 680.106(i) recipients must ensure that chargers are maintained in compliance with 23 CFR 680 for a period of not less than 5 years from the initial date of operation. After 5 years from the date of operation, the requirements under 23 CFR 680 will have been met and there is no federal interest in the equipment. At that time the equipment may be retained, sold, or otherwise disposed of with no further responsibility to the Federal awarding agency.

Warranty Information

Question 13: Can funding be received under this NOFO if chargers are under warranty?

Answer:

No. Electric vehicle chargers that are currently covered under a warranty that covers the needed repairs are not eligible for funding under this NOFO.

Eligible Applicants

Question 14: Could additional detail be provided related to applicant eligibility?

Answer:

Per NOFO Section C.1, “Eligible (prime) applicants include only State DOTs and local governments. States and localities are encouraged to coordinate to the extent possible to address broken and non-operational chargers.” The definition of local government is listed in 2 CFR 200.1, which states, “Local government means any unit of government within a state, including a: (1) County; (2) Borough; (3) Municipality; (4) City; (5) Town; (6) Township; (7) Parish; (8) Local public authority, including any public housing agency under the United States Housing Act of 1937; (9) Special district; (10) School district; (11) Intrastate district; (12) Council of governments, whether or not incorporated as a nonprofit corporation under State law; and (13) Any other agency or instrumentality of a multi-, regional, or intra-State or local government.” Based on this definition, tribes are not eligible prime applicants. Further, State agencies or political subdivisions are ineligible unless they are the State DOT. Metropolitan Planning Organizations (MPOs) are eligible prime applicants if they meet the definition of local government provided above as listed in 2 CFR 200.1. Entities that are not eligible to be applicants may be proposed in an application to be part of the team in some capacity such as a subawardee or other role. FHWA recommends entities that are not eligible coordinate with an eligible applicant to include your eligible EV chargers in their application.