



U.S. Department of Transportation

Notice of Funding Opportunity Number 693JJ324NF00001

“Electric Vehicle Charger Reliability and Accessibility Accelerator”

Issue Date: September 13, 2023

Application Due Date: November 13, 2023

## TABLE OF CONTENTS

<u>SECTION</u>	<u>TITLE</u>	<u>PAGE</u>
A	PROGRAM DESCRIPTION AND BACKGROUND	4
B	FEDERAL AWARD INFORMATION	6
C	ELIGIBILITY INFORMATION	7
D	APPLICATION AND SUBMISSION INFORMATION	11
E	APPLICATION REVIEW INFORMATION	14
F	FEDERAL AWARD ADMINISTRATION INFORMATION	16
G	FEDERAL AWARDED AGENCY CONTACTS	17

The FHWA is using [www.grants.gov](http://www.grants.gov) for issuance of this Notice of Funding Opportunity (NOFO). Applicants may subscribe at grants.gov under NOFO Number 693JJ324NF00001 to receive notifications of updates/amendments to this NOFO. **It is the Applicant's responsibility to monitor the grants.gov site for any updates/amendments to this NOFO.**

*Summary Information*

<b>Funding Opportunity Summary:</b>	<b>Up to approximately \$100 million in Federal funding to provide grants to eligible entities to improve reliability of existing electric vehicle (EV) infrastructure by repairing and replacing existing chargers that are broken or non-operational.</b>
Federal Agency Name:	U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) Office of Planning, Environment and Realty 1200 New Jersey Avenue, SE Washington, D.C. 20590
Funding Opportunity Title:	Electric Vehicle Charger Reliability and Accessibility Accelerator
Announcement Type:	This is the initial announcement of this funding opportunity. This is not a follow-on notice.
Funding Opportunity Number:	693JJ324NF00001
Type of Award:	Grants to States and local governments
Assistance Listing Number:	20.205 – Highway Planning and Construction
Application Due Date:	<b>Applications Due by November 13, 2023 at 11:59 pm EST via <a href="http://www.Grants.gov">www.Grants.gov</a>.</b>
Questions:	<b>Submit Questions to: <a href="mailto:RAA-NEVI@dot.gov">RAA-NEVI@dot.gov</a> by October 13, 2023.</b>

## **SECTION A – PROGRAM DESCRIPTION AND BACKGROUND**

The Biden-Harris Administration has set a goal of building a convenient, affordable, reliable, equitable, and Made-in-America electric vehicle (EV) charging network along the Nation’s highways and within our communities. In alignment with this goal, the Infrastructure Investment and Jobs Act (Pub. L. 117-58, Nov. 15, 2021), known as the Bipartisan Infrastructure Law or BIL, included the National Electric Vehicle Infrastructure (NEVI) Formula Program as the first major Federal funding program that focuses on a nationwide deployment of EV charging infrastructure. The NEVI Formula Program is a Justice40 covered program, identified to advance the Biden-Harris Administration’s Justice40 Initiative.

The BIL set aside 10 percent of the NEVI Formula Program for the Secretary of Transportation **“to make grants to States and localities that require additional assistance to strategically deploy electric vehicle charging infrastructure.”** The first round of funding made available in this set-aside from the NEVI program will be for the Electric Vehicle Charger Reliability and Accessibility Accelerator to focus on repairing or replacing broken or non-operational EV chargers to improve the reliability of existing EV charging infrastructure. This first round of funding will provide a targeted and cost-effective mechanism to rapidly increase the number of available chargers in parallel to larger-scale deployments funded by the NEVI Formula Program, the Charging and Fueling Infrastructure Discretionary Grant Program, and other State, local, and private investments. The total amount of the set-aside over the life of BIL is \$470 million. However, based on the expected need to repair or replace broken or non-operational chargers, this NOFO is making available up to approximately \$100 million. Broken and non-operational chargers will be limited to those listed in the Alternative Fuels Station Locator, which is maintained by the National Renewable Energy Laboratory (NREL) through its Alternative Fuels Data Center (AFDC). The remainder of the set-aside will be subject to future NOFOs.

This is a Justice40 covered program. As such, the Federal Highway Administration will use the [Climate and Economic Justice Screening Tool](#) provided by the White House Council on Environmental Quality to track how assisted chargers benefit disadvantaged communities. Recipients of awards under this program can also use the tool to ensure disadvantaged communities benefit from upgraded charging infrastructure; for example, the tool can be used to help prioritize and sequence projects to maximize benefits to disadvantaged communities.

### **1. LEGISLATIVE AUTHORITY**

Specific statutory authority for conducting this effort is found in paragraph (2) under the Highway Infrastructure Program heading in Title VIII of division J of BIL.

### **2. OVERALL ELIGIBILITY CRITERIA**

See Section C of this NOFO.

### **3. PROGRAM APPROACH**

The U.S. EV charging infrastructure has developed over approximately 15 years during a period of great technological evolution in charging infrastructure, EVs, and battery technology. Both anecdotal accounts and data collected by the Alternative Fueling Station Locator suggest some

chargers that were previously installed are in a state of disrepair, creating challenges around reliability of the charging network for drivers. Repairing or replacing these chargers presents a strategic opportunity to improve the performance of the existing network as we also build out new stations and corridors throughout the country.

This NOFO is targeted to repair or replace existing, publicly accessible<sup>1</sup> chargers that are listed as “temporarily unavailable” because they are broken or non-operational. Publicly accessible chargers may include both publicly and privately owned chargers. This program will be informed by data from the [Alternative Fuels Station Locator](#) (Station Locator), which is maintained by the NREL through its AFDC.

On September 11, 2023, 6,261 public charging ports were identified by charging providers as being “temporarily unavailable” out of a total of 151,506 nationwide.<sup>2</sup> A charging port can be identified as “temporarily unavailable” for several reasons, and the number of ports listed as “temporarily unavailable” fluctuates regularly. To view the public EV charging ports in the U.S. that are currently listed as “temporarily unavailable” on the Station Locator, please go to the following Website: <https://afdc.energy.gov/stations/#/analyze?country=US&fuel=ELEC&status=T>. For the full list, click on “download results.”

The EV charging providers with ports that are broken or non-operational and are not listed in the AFDC as “temporarily unavailable” on September 13, 2023 will have 4 weeks to begin reporting status to AFDC via a pre-existing Application Programming Interface. A final programmatic list of “temporarily unavailable” EV charging ports will be published on October 11, 2023 and Program eligibility will be limited to chargers included in that list. The list will be posted on grants.gov under “related documents” for this grant opportunity.

Please note that chargers that receive funding under this NOFO will be subject to Title 23, Code of Federal Regulations (CFR), Part 680, including data sharing requirements regarding the charger’s operational status.

#### 4. GOAL

The following strategic goal has been identified under this NOFO:

- **Enhancing and maintaining reliability:** The FHWA seeks to enhance and maintain the reliability of the charging network by focusing on the repair or replacement of existing chargers that are currently broken or non-operational.<sup>3</sup> This goal will be aligned with the Biden-Harris Administration’s Justice40 Initiative.

---

<sup>1</sup> "Publicly accessible" means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible. See [National Electric Vehicle Infrastructure Formula Program Guidance \(Update\) \(dot.gov\)](#) page 22, footnote 29.

<sup>2</sup> The AFDC Station Locator collects EV charging station data from providers on a voluntary basis. Providers can identify chargers as “available,” “planned,” or “temporarily unavailable” (TU).

<sup>3</sup> “Broken or non-operational” means electric vehicle chargers and intrinsically related equipment that no longer function as intended by the manufacturer resulting from events including, but not limited to: accident, vandalism, natural disaster, and equipment degradation.

## **5. APPLICATION AND REVIEW PROCESS**

- Total application not to exceed five pages.
- See Section D for application requirements and Section E for the review process.

## **SECTION B – FEDERAL AWARD INFORMATION**

### **1. FUNDING AND NUMBER OF AWARDS**

Based on initial estimates of eligible chargers and the funding available, FHWA anticipates that all eligible projects will likely be awarded under this NOFO. Whenever possible, applicants are encouraged to submit applications that include multiple locations to streamline the application process and review. 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.

### **2. TYPE OF AWARD**

The planned award type is a cost-reimbursable grant.

### **3. PERIOD OF PERFORMANCE**

The period of performance for awards is 12 months from the date of the grant agreement. Funded chargers should be operational within 12 months. Recipients are encouraged to start work on all chargers as soon as possible, and ensure that repairs for chargers in disadvantaged communities<sup>4</sup> are not delayed.

### **4. DEGREE OF FEDERAL INVOLVEMENT**

The anticipated Federal involvement will be on the part of the FHWA Division Office in each State and the Joint Office of Energy and Transportation, and will include oversight, technical assistance, and guidance to the recipient.

When distributing the funds, States or local agencies must follow their own laws with respect to the award of subgrants or the procurement of contracts. They are encouraged to use the most efficient method for distributing the funds whether that be a subgrant, including to a private entity if permitted by State or local law, or a contract. Applicants should describe how they plan to distribute the funding to ensure that projects are operational within 1 year.

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.

---

<sup>4</sup> <https://www.transportation.gov/equity-Justice40>

Per 2 CFR 200, local governments must follow their own laws with respect to the award of subgrants or the procurement of contracts.

## **SECTION C – ELIGIBILITY INFORMATION**

### **1. ELIGIBLE APPLICANTS**

Eligible 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.

### **2. COST SHARING OR MATCHING**

Cost sharing or matching is required, with the maximum Federal share being 80 percent of the total cost of the project. Awardees must provide at least 20 percent of the total cost of the project as a matching share in cash or in-kind services. Additional information on cost share can be found at 2 CFR 200.306 – Cost sharing or Matching and FHWA’s guidance on Non-Federal Matching Requirements.<sup>5</sup>

The FHWA will consider the following funds or contributions as a local match for the purpose of this program:

- Non-Federal funds.
- Toll credits under 23 U.S.C.
- Soft match and in-kind services.

The FHWA will not consider the following funds or contributions as a match:

- Funds already expended (or otherwise encumbered).
- Funds for which the source is ultimately a Federal program, unless specifically allowed by law to be used as non-Federal match.

### **3. ELIGIBLE PROJECTS**

- Projects must support repair or replacement of existing broken or non-operational publicly accessible Level 2 or Direct Current Fast Charging (DCFC) EV chargers, as listed by the AFDC, as of October 11, 2023.<sup>6</sup> The State DOT or local government in which the broken or non-operational charger is located may apply, with anticipated total eligible chargers as of September 11, 2023 within each State identified in Table 2.
- Eligible applicants may propose repair or replacement projects on public or private property, provided that the eligible applicant can demonstrate consent from the charging station operator and property owner. Applicants will need to confirm that chargers are broken and non-operational. Actual award amounts will be based on the application and budget submitted for each specific charger and may vary.

---

<sup>5</sup> [https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid\\_guidance\\_nfmr.pdf](https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid_guidance_nfmr.pdf)

<sup>6</sup> States or localities that have additional information regarding broken or non-operation chargers are encouraged to share that information with the Alternative Fuels Data Center.

**Table 1.** Suggested estimated per port costs by technology and power level.

Charger Type	Power	Estimated Average Replacement Cost
Alternating Current (AC) Level 2	>6kW	\$5,000
Direct Current (DC) Fast Charger	<74kW	\$50,000
	75-149kW	\$75,000
	>150kW	\$125,000

**Table 2.** EV charging ports listed as “Temporarily Unavailable” as of September 11, 2023 in the Station Locator.

State	Ports	
	Level 2	Direct Current Fast Charger
AK	0	0
AL	18	1
AR	16	1
AZ	71	8
CA	1,539	168
CO	189	21
CT	50	3
DC	73	1
DE	15	2
FL	342	14
GA	215	17
HI	40	4
IA	18	6
ID	5	4
IL	80	10
IN	34	10
KS	59	1
KY	4	2
LA	11	1
MA	248	17
MD	138	13
ME	12	1
MI	89	16
MN	40	3
MO	98	14
MS	6	1
MT	2	0



State	Ports	
	Level 2	Direct Current Fast Charger
NC	115	21
ND	1	1
NE	8	3
NH	8	2
NJ	122	14
NM	13	7
NV	47	9
NY	517	24
OH	99	10
OK	19	8
OR	66	11
PA	173	11
PR	3	0
RI	36	0
SC	63	9
SD	3	1
TN	52	6
TX	350	29
UT	110	8
VA	167	11
VT	45	2
WA	232	26
WI	35	6
WV	4	0
WY	3	0
<b>Total</b>	<b>5,703</b>	<b>558</b>

- Funded projects to repair or replace existing broken or non-operational chargers must meet the NEVI Standards found in 23 CFR 680.<sup>7</sup> Applications for projects repairing or replacing existing broken or non-operational chargers may include upgrades to other functioning components to be in compliance with 23 CFR part 680 and other Federal requirements, as applicable, such as the Americans with Disabilities Act.
- Projects may include costs directly related to the repair or replacement of the broken or non-operational EV charging equipment.
- In general, the power supply at the site should already be adequate without significant utility distribution capacity upgrades.

<sup>7</sup> [eCFR :: 23 CFR Part 680 -- National Electric Vehicle Infrastructure Standards and Requirements](#)

### Ineligible Projects

The following list identifies projects or cost components that are ineligible for program funding:

- Projects to repair Level 1 or non-networked Level 2 charging equipment. However, Level 1 and non-networked Level 2 charging equipment that is broken may be replaced with Level 2 charging equipment that complies with 23 CFR 680.
- Projects that exceed the standards and requirements in 23 CFR 680. For example:
  - Distributed energy resources that are not intrinsically needed to make the charger operational.
  - Replacement of Level 2 chargers with DCFC that are not designed to serve users of designated Alternative Fuel Corridors (AFC), as required under 23 CFR 680.
- Repair projects for which costs would exceed the cost to replace the broken or non-operational equipment with new equipment.
- Replacement projects that could be returned to a reliable operational status with less costly repairs.

### Definitions of Repair and Replace Projects

Category	Definition	Examples
Repair	<p>“Repair” projects can include hardware and labor costs up to, but not including, full replacement of EV chargers and intrinsically related equipment necessary to ensure that broken or non-operational chargers (i) resume a fully operational status for at least 5 years, (ii) function as intended by the manufacturer, and (iii) comply with 23 CFR 680.</p>	<ul style="list-style-type: none"> <li>• Repairing or replacing broken components or subcomponents (e.g., connector, screen, cord, payment terminals)</li> <li>• Upgrading broken hardware <u>or</u> functional hardware as necessary to meet 23 CFR 680 (e.g., replacing a DCFC power module to provide at least 150kW per port)</li> <li>• Repairing or replacing a broken connector port, and adding an additional port or ports as needed to comply with 23 CFR 680.</li> </ul>
Replace	<p>“Replace” projects can include hardware, permitting, service upgrade and labor costs necessary to remove broken or non-operational EV chargers from service and, at the same location, install new chargers that (i) remain operational for 5 years, (ii) function as intended by the manufacturer, and (iii) comply with 23 CFR 680.</p> <p>Broken or non-operational equipment replaced through this program cannot be redeployed through any other federally funded program and must be either recycled or scrapped.</p>	<ul style="list-style-type: none"> <li>• Fully replacing electric vehicle chargers</li> <li>• Fully replacing related equipment (e.g., switchgear, utility distribution equipment, battery storage) that is intrinsically related to the Electric Vehicle Supply Equipment (EVSE) and solely dedicated to the operation of EVSE.</li> <li>• Upgrading hardware as necessary to meet 23 CFR 680 (e.g., replacing a DCFC power module to provide at least 150kW per port).</li> </ul>

### 23 CFR Part 680 Compliance Requirements

Applicants must comply with the [National Electric Vehicle Infrastructure Standards and Requirements](#) (23 CFR Part 680). Some of the key requirements include, but are not limited to, number of charging ports, connector type, payment methods, long-term stewardship, technician qualifications, data submittal, and minimum uptime. Please be advised that provisions in 23 CFR 680 have differing requirements depending on EV charging technology (i.e., Level 2 and DCFC) and whether the charger is designed to serve users of designated AFCs.

## **SECTION D – APPLICATION AND SUBMISSION INFORMATION**

### **1. ADDRESS TO REQUEST APPLICATION PACKAGE**

Applicants may obtain application forms at [grants.gov](http://grants.gov) under the Notice of Funding Opportunity Number cited herein. The applicant must complete and submit all forms included in the application package for this NOFO as contained at [www.grants.gov](http://www.grants.gov).

### **2. CONTENT AND FORM OF APPLICATION SUBMISSION**

All applications must be submitted electronically through [Grants.gov](http://Grants.gov). The application must include the Standard Form 424 (Application for Federal Assistance), Grants.gov Lobbying Form, cover page, and the Project Narrative. Standard Forms (SF): Available online at <http://www.grants.gov/web/grants/forms/sf-424-family.html>. Submit the cover page and project narrative document as an attachment, uploaded to the Standard Form 424 under “attachments.” More detailed information about the cover page is below:

a. Cover Page (Including the Following Table):

Project Description	
Station Location(s)	
Number of Repair or replacement	
Number of broken/non-operational ports	
Is upgrade required to comply with 23 CFR 680?	Yes/No – <i>if yes, please specify how the upgrade will comply with 23 CFR 680</i>
Station ID from the AFSL Alternative Fuel Station Locator	
Estimated Date of Operation	
Total Project Cost	\$
Amount of Funding Requested Under this NOFO	\$
Total Federal Funding (including funding received under this NOFO)	\$
Are matching funds restricted to a specific project component? If so, which one?	Yes/No
Is the proposed project included in an EV infrastructure plan (State EV Infrastructure Deployment Plan under NEVI or other plan)? If so, please identify plan.	Yes/No

If known, identify the contractors or subcontractors to be used on the project, if awarded.	
---	--

b. Project Narrative

The application must include information required for FHWA to determine that the project satisfies requirements described in Sections A, B, and C and to assess the selection criteria specified in Section E (see project narrative requirements below). Applicants should provide data and evidence in a form that is verifiable or publicly available. The FHWA may ask any applicant to supplement data in its application but expects applications to be complete upon submission.

The FHWA recommends that the project narrative adhere to the following basic outline of a project description, staffing description, and funding description to clearly address the program requirements and make critical information readily apparent.

*Narrative requirements:*

- Project description, including location of charger to be repaired or replaced, project cost, evidence of charger being able to be operational within the 12-month period of grant agreement, and plan for ongoing ownership/stewardship. If there is no current owner or operator, provide plans for transferring or assuming ownership for long-term stewardship.
- Description of repair or replacement being made.
- Description of how the project will meet minimum standards and requirements (23 CFR Part 680).
- Description of how the eligible entity will ensure that approvals and requirements will be achieved in a timely way, including State and local planning approvals (programming on the Transportation Improvement Program or Statewide Transportation Improvement Program); completion of National Environmental Policy Act (NEPA) and any other applicable Federal environmental reviews and approvals, Buy America, and any other applicable State and local approvals (in most instances, EV charging stations will be eligible for a categorical exclusion classification under NEPA).
- Identification of ownership and operator of the existing facility (including the Temporarily Unavailable ports and underlying ownership of the property).
- Amount of funding requested.
- Source of matching funds.
- Risk and project readiness information (see Section E).

c. Funding Description

Application must include a breakdown of estimated costs across project work areas or tasks, including an identification of funding sources and amounts.

- A complete list of activities to be funded by the request, including organizations; estimated costs; an identification of all funding sources that will supplement the requested funds and will be necessary to fully fund the request; and a timeline for completion of the activities to be supported.
- A statement of how the 20 percent non-Federal share (cash or in-kind services) will be

funded, specifically identifying any soft match. If in-kind services are to be used as matching funds contribution, the application should include a plan for providing financial information and documentation that can be audited.

#### d. Organizational Information

In addition to the forms, provide answers to the following organizational information questions in a pdf format:

- Identify any exceptions to the anticipated award terms and conditions as contained in Section F, Federal Award Administration Information. Identify any preexisting intellectual property that you anticipate using during award performance, and your position on its data rights during and after the award period of performance.
- The use of a Unique Entity Identifier (UEI) is required on all applications for Federal grants. Please provide your organization's UEI in your budget application. See guidance on obtaining a UEI at [SAM.gov | Home](https://sam.gov).
- A statement to indicate whether your organization has previously completed a Single Audit and, if so, the date that the last Single Audit in accordance with [2 CFR 200 Subpart F, Audit Requirements](#) was completed.
- A statement regarding conflicts of interest. The applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present, or planned organizational, contractual or other interest(s), which may affect the applicant's ability to perform the proposed project in an impartial and objective manner. Actual or potential conflicts of interest may include but are not limited to any past, present, or planned contractual, financial, or other relationships, obligations, commitments or responsibilities, which may bias the applicant or affect the applicant's ability to perform the agreement in an impartial and objective manner. The Agreement Officer (AO) will review the statement(s) and may require additional relevant information from the applicant. All such information, and any other relevant information known to FHWA will be used to determine whether an award to the applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the AO may (a) disqualify the applicant, or (b) determine that it is otherwise in the best interest of the United States to contract with the applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.
- A statement to indicate whether a Federal or State organization has audited or reviewed the applicant's accounting system, purchasing system, and/or property control system. If such systems have been reviewed, provide summary information of the audit/review results to include as applicable summary letter or agreement, date of audit/review, Federal or State point of contact for such review.
- Terminated Contracts – List any contract/agreement that was terminated for convenience of the Government within the past 3 years, and any contract/agreement that was terminated for default within the past 5 years. Briefly explain the circumstances in each instance.
- The applicant is directed to review 2 CFR §170 ([http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl)) dated September 14, 2010, and Appendix A thereto, and acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully

comply with the reporting described in the term if it receives funding resulting from this NOFO. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this NOFO's Section F, Federal Award Administration Information.

- Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 entitled Remedies for Noncompliance, including suspension or debarment. (See also 2 CFR Part 180 and 31 U.S.C. 3321).

### **3. UNIQUE ENTITY IDENTIFIER AND SYSTEM FOR AWARD (SAM)**

The applicant is required to: (1) be registered in SAM before submitting its application; (2) provide a valid UEI in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

The Federal awarding Agency may not make a Federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time the Federal awarding Agency is ready to make a Federal award, the Federal awarding Agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for denial.

### **4. SUBMISSION DATES AND TIMES**

The application must be received by November 13, 2023 at 11:59 pm EST through Grants.gov.

### **5. INTERGOVERNMENTAL REVIEW**

An application under this NOFO is not subject to the State review under Executive Order 12372, "Intergovernmental Review of Federal Programs."

### **6. FUNDING RESTRICTIONS**

The FHWA will not reimburse any pre-award costs or application preparation costs.

### **7. USE OF INFORMATION FOR OTHER DEPARTMENTAL PURPOSES**

Information collected from all applicant submissions may be used for Government purposes. In addition, information gathered through this NOFO may be used to conduct outreach and engagement related to future similar opportunities.

## **SECTION E – APPLICATION REVIEW INFORMATION**

### **1. CRITERIA FOR SELECTION OF GRANT AWARDS**

If a project does not meet the applicable eligibility requirements (Section C.), the application will not be evaluated for the Review and Selection Process. The Government will evaluate applications based on the following criteria.

- Does EV infrastructure require repair or replacement; and are the proposed activities eligible (see Section C.3).
- Does the application include an adequate plan for ongoing ownership/stewardship?

- Ability to meet 12-month timeline for charger to be operational.
- Availability of 20 percent match.

## **2. REVIEW AND SELECTION PROCESS**

The FHWA will establish a team to review each application. The team may be composed of individuals from the FHWA Office of Planning, Environment, and Realty; other FHWA offices; the Office of the Secretary; other DOT Modal Administrations; the Joint Office of Energy and Transportation; and the U.S. Department of Energy. The team will review each application against the eligibility criteria. When finished, the team will assign an overall rating of “Recommended” or “Not Recommended” to the application. Recommended projects will include all projects that meet the criteria.

The Administrator will determine which projects to advance to the Secretary. The Secretary will make final project selections.

## **3. RISK ASSESSMENT**

The Government will assess the risks posed by an applicant before they receive an award. This Risk Assessment will include evaluation of some or all of the following items relative to the applicant and/or sub-applicants as applicable:

1. Project readiness: applicant’s ability to gain approvals and meet applicable requirements;
2. Applicant’s financial stability;
3. Applicant’s quality of management systems and ability to meet the management standards prescribed in 2 CFR Part 200;
4. Applicant’s audit reports and findings from audits performed on the applicant pursuant to 2 CFR Part 200 Subpart F—Audit Requirements or the reports and findings of any other available audits;
5. Applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities;
6. Applicant’s potential for conflict of interest if applicable; and
7. Note: The FHWA will review information provided by the applicant, and any other relevant information known to FHWA, to determine whether an award to the applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the FHWA may (a) disqualify the applicant or (b) determine that it is otherwise in the best interest of the United States to award to the applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.
8. Applicant’s eligibility to receive Federal funding. Per the guidelines on government-wide suspension and debarment in 2 CFR Part 180, the Government will confirm that the applicant and any named sub-applicants are not debarred, suspended or otherwise excluded from or ineligible for participation in Federal programs or activities. Pursuant to 2 CFR Part 200.206, prior to making a Federal award, the Federal awarding Agency is required to review information available through any Office of Management and Budget-designated repositories of government-wide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System, Dun and Bradstreet, and Sam.gov. The Government’s review of this information will occur as part of the risk assessment. An applicant, at its option,

may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding Agency previously entered and is currently in the designated integrity and performance system accessible through SAM. The FHWA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206.

#### **4. ANTICIPATED FEDERAL AWARD DATES**

The DOT anticipates making grant awards for the Electric Vehicle Charger Reliability and Accessibility Accelerator later this year.

### **SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION**

#### **1. FEDERAL AWARD NOTICES**

If your organization's application is selected for award, you will be notified and sent an award document for signature. Applicants not selected for award will be notified in writing by the FHWA.

Only the Agreement Officer (AO) can commit the FHWA. The award document, signed by the AO, is the authorizing document. Only the AO can bind the Federal Government to the expenditure of funds.

Notice that an Applicant has been selected as a Recipient does not constitute approval of the application as submitted. Before the actual award, the FHWA will enter into negotiations if necessary. If the negotiations do not result in an acceptable submittal, the FHWA reserves the right to terminate the negotiation and decline to fund the applicant.

#### **2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS**

**All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR 200, as adopted by DOT at 2 CFR 1201.**

On February 21, 2023, the Federal Highway Administration published a [Federal Register Notice](#)<sup>8</sup> that it established a temporary public interest waiver to waive Buy America requirements for steel, iron, manufactured products, and construction materials in electric vehicle (EV) chargers. The waiver applies to all EV chargers manufactured by July 1, 2024, whose final assembly occurs in the United States, and whose installation has begun by October 1, 2024. Beginning with EV chargers manufactured on July 1, 2024, FHWA will phase out coverage under this waiver for those previously covered EV chargers where the cost of

---

<sup>8</sup> <https://www.federalregister.gov/documents/2023/02/21/2023-03498/waiver-of-buy-america-requirements-for-electric-vehicle-chargers>



components manufactured in the United States does not exceed 55 percent of the cost of all components. This second phase will therefore apply to all EV chargers that are manufactured on or after July 1, 2024, whose final assembly occurs in the United States, and for which the cost of components manufactured in the United States is at least 55 percent of the cost of all components.

In most instances, EV charging stations are eligible for a “categorical exclusion” (CE) National Environmental Policy Act (NEPA) class of action. EV charging station installation is generally the type of action that would not be expected to result in significant environmental impacts, and can be processed with a CE (see 23 CFR 771.117(c) and 23 CFR 771.117(d)), unless there are unusual circumstances that may require a higher NEPA class of action<sup>9</sup>.

### **3. ADDITIONAL REPORTING REQUIREMENTS**

Not later than 1 year after the date on which the first eligible entity receives a grant under this section, each recipient of a grant under this section shall submit to the Secretary a report that describes how the project has been carried out with grant funds to meet the objectives described in subsection (c).

## **SECTION G – FEDERAL AWARDING AGENCY CONTACTS**

Address any questions to: [RAA-NEVI@dot.gov](mailto:RAA-NEVI@dot.gov).

A TDD is available for individuals who are deaf or hard of hearing at (202) 366-3993.

---

<sup>9</sup> [https://www.fhwa.dot.gov/environment/nevi/resources/nevi\\_program\\_faqs.pdf?v=2](https://www.fhwa.dot.gov/environment/nevi/resources/nevi_program_faqs.pdf?v=2)

