



Joint Office of
**Energy and
Transportation**

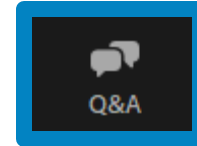
Contracting and Procurement Considerations for EV Station Deployment

3/28/2023

driveelectric.gov

Zoom Tips and Housekeeping

- Controls are located at the bottom of your screen. If they aren't appearing, move your cursor to the bottom edge.
- Submit questions using the “Q&A” window



Disclaimer

Notice: This webinar is being recorded and may be posted on the Joint Office website or used internally.

If you speak during the webinar or use video, you are presumed to consent to recording and use of your voice or image.

Agenda

Introduction from the Joint Office

FHWA Office of Infrastructure

Brief Q&A

**Tennessee Department of Environment
and Conservation**

Xcel Energy

Facilitated Discussion



Panelists



Jim DeSanto
*FHWA Office of
Infrastructure*



Alexa Voytek
*Tennessee Dept of
Environment and
Conservation*



Craig Miller
Xcel Energy



Federal Highway Administration Office of Infrastructure

Contract Administration & The National Electric Vehicle Infrastructure (NEVI) Formula Program



U.S. Department of Transportation
Federal Highway Administration

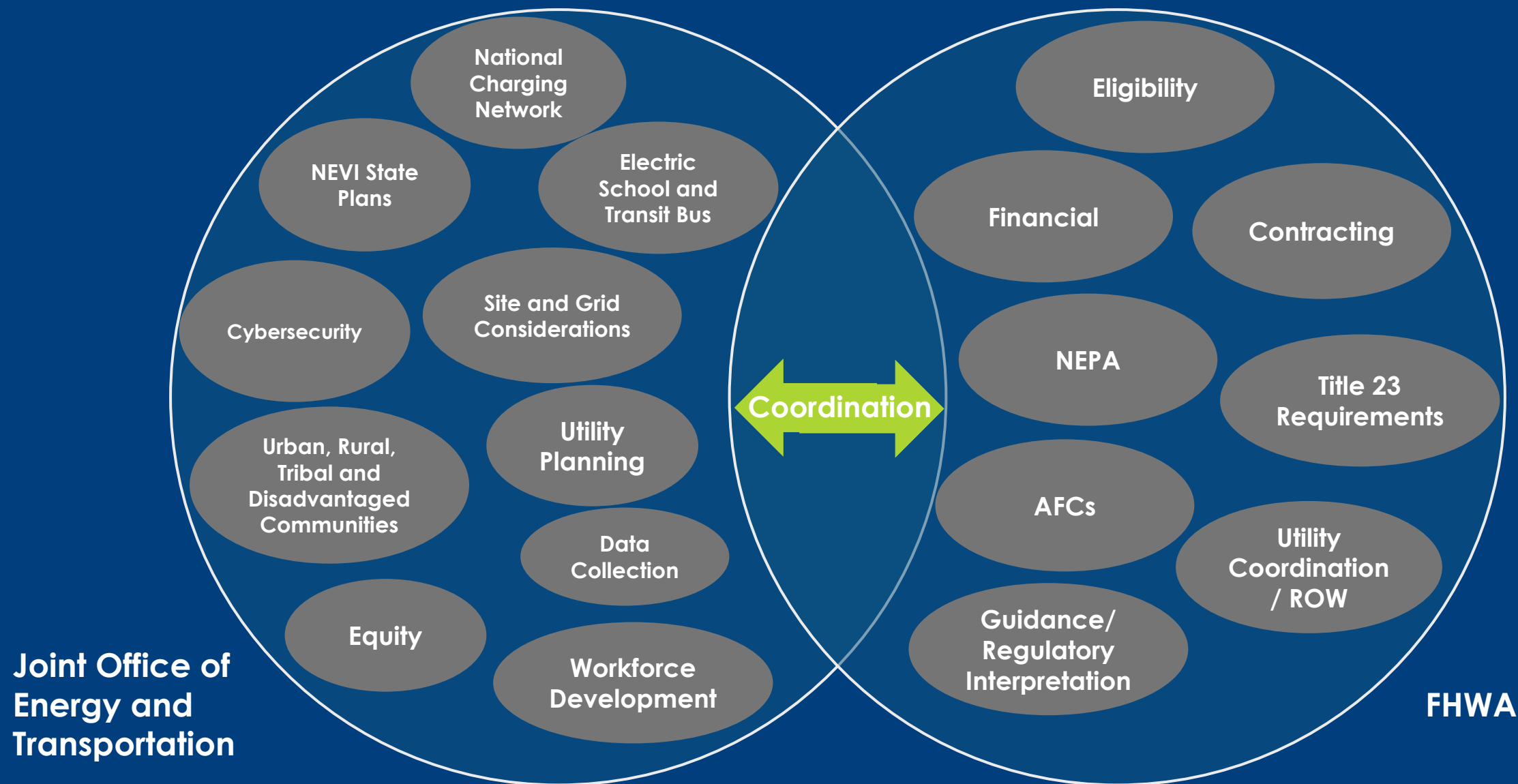
Disclaimer

2

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

Providing Technical Assistance

3



Focus of this webinar

Contracting for NEVI Formula Program projects.

- ▶ Buy America is part of contract administration but not the focus of this webinar.
- ▶ NEPA: not the focus of this webinar.
- ▶ Final Rule: separate webinar recordings available at

<https://www.fhwa.dot.gov/environment/nevi/resources/>

Outline

5

01

**NEVI
Overview**

02

**Deployment
Approach
Options**

03

**Anticipated
Construction
Contracting
Methods**

04

**Contract
Administration**

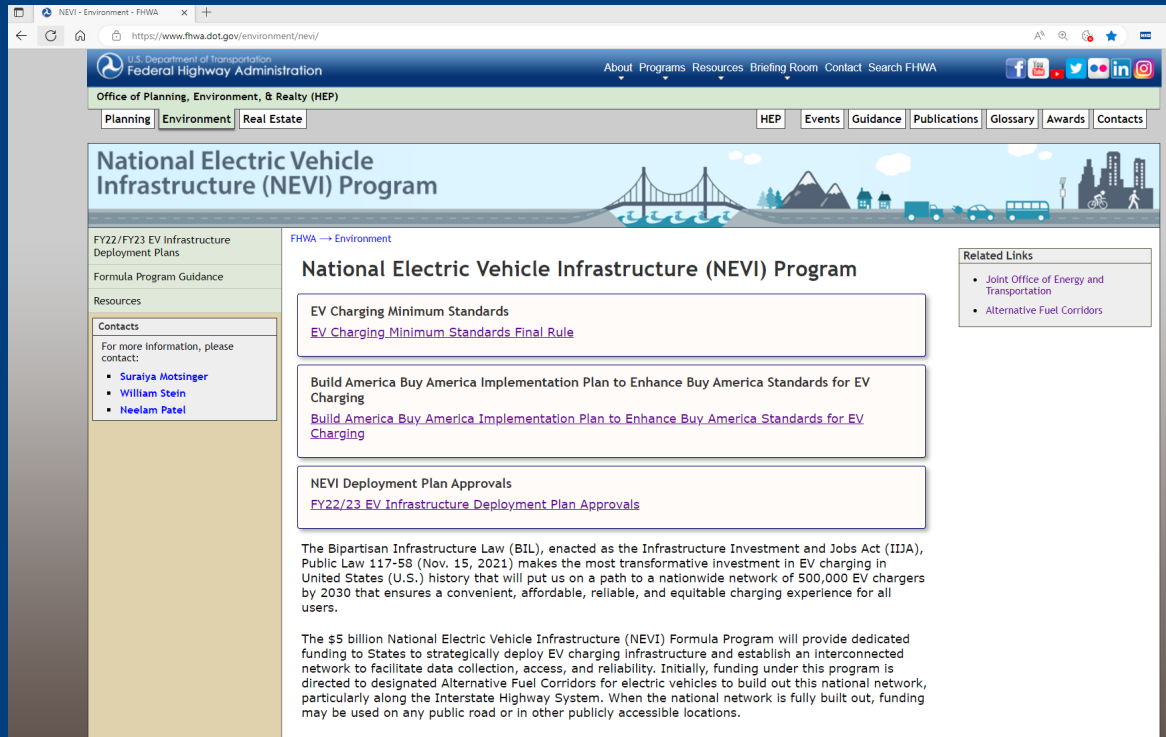
05

**Questions/
Support**

NEVI Formula Program Overview

6

01
NEVI
Overview



- Provides funding to States to strategically deploy electric vehicle (EV) charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability.

- [NEVI Fact Sheet](#)
- [Program Guidance](#)
- [Frequently Asked Questions](#)
- [State Plans](#)



Where are we in the NEVI Formula Program?

7

01
NEVI
Overview

Recent Milestones:

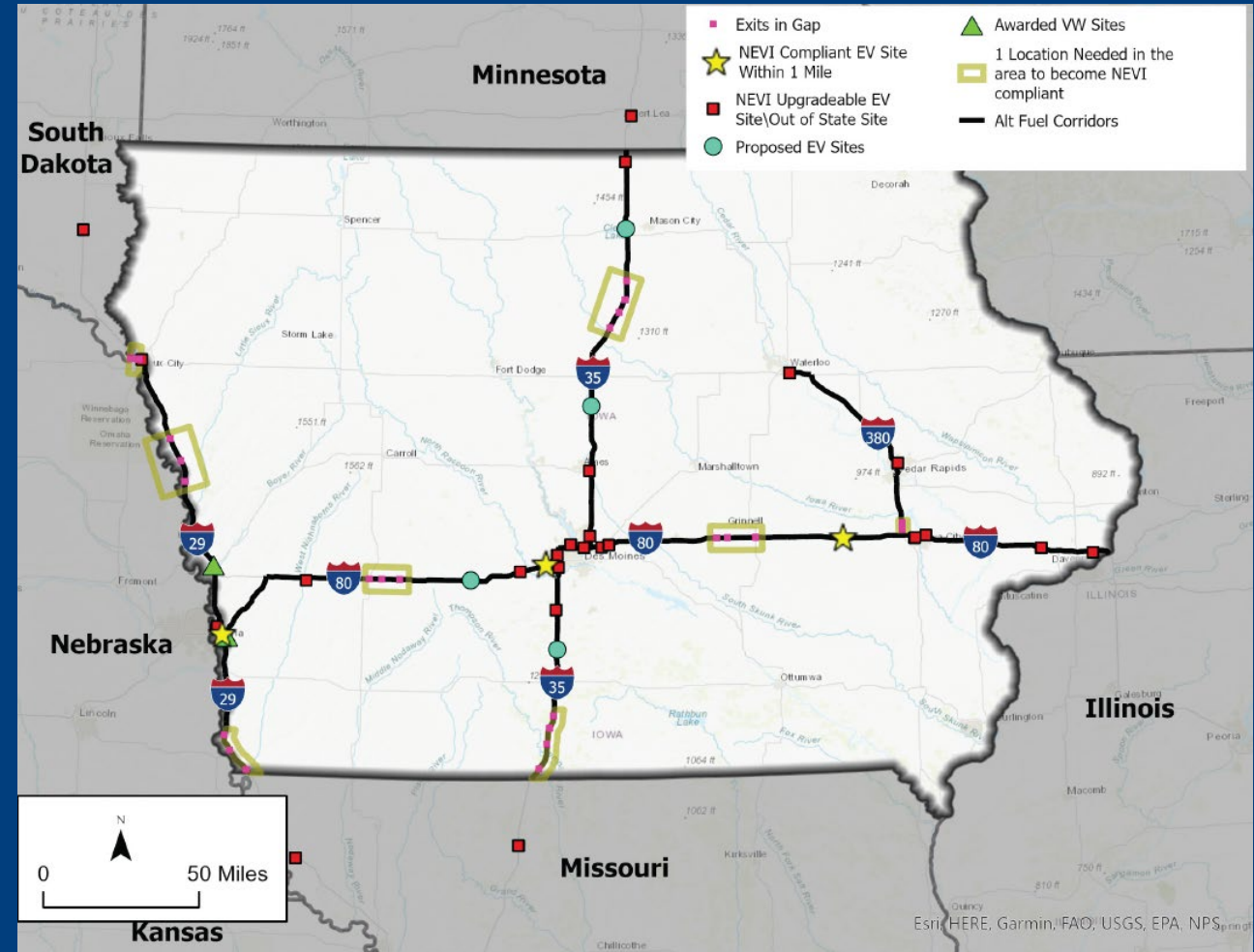
- ▶ August 1, 2022 – All 50 States, District of Columbia, Puerto Rico submitted EV Infrastructure Deployment Plans.
- ▶ September 2022 – All plans were approved by FHWA.
- ▶ September/October 2022 – FY22 and FY23 NEVI Formula funds released.
- ▶ Currently – State implementation is underway:
 - ▶ Solicitations for project siting, site hosts, private partners.
 - ▶ Environmental review.
 - ▶ Contracting and agreements.
- ▶ National Electric Vehicle Infrastructure Standards and Requirements – 23 CFR part 680(published in the Federal Register 2/28/23)

Common themes from State Plans

8

01
NEVI
Overview

- ▶ General locations identified (groupings of interchanges).
 - more precise siting to be done as part of project development.
- ▶ Most State DOT's do not want to own/operate charging stations.
 - contract with private sector operators.
- ▶ Contracting.
 - many States laid out several options that are being explored.



Source: Iowa Electric Vehicle Infrastructure Deployment Plan

Contracting

What is the same?

9

01
NEVI
Overview



- ▶ Restriction on prohibited equipment (2 CFR 200.216)
- ▶ NEVI formula-funded projects are to be administered as apportioned under chapter 1 of Title 23, U.S.C.
- ▶ Federal-aid construction contracting requirements apply, such as:
 - 23 U.S.C. 101: Definitions and declarations of policy,
 - 23 U.S.C. 106: Project approval & oversight,
 - 23 U.S.C. 112: Letting of contracts,
 - 23 U.S.C. 113: Prevailing rate of wage,
 - Etc.
- ▶ The State DOT as the direct recipient of formula funds is responsible for compliance.
 - This is true even when there are sub-recipients (local public agencies, state energy offices, private developers, etc.).



Contracting

Where are there differences?



- ▶ The DBE requirements do not apply to NEVI Formula funds.
 - Section 11101(e)(3) of the BIL provides that the DBE Program applies to the amounts made available for any program under division A (other than section 14004), division C, and 23 U.S.C. 403. The NEVI Formula Program is authorized and appropriated in division J, which is not specifically covered by Section 11101(e)(3).



- ▶ Equipment is likely installed, owned & operated by private entities who may not be as familiar with Federal-aid construction contracting requirements.
- ▶ Federal-aid construction work may often be on private property.
 - Ensure there is sufficient access to construct, operate, maintain.
- ▶ Treated as if located on a Federal-aid highway (23 U.S.C. 109(s)(2))
 - ▶ Davis Bacon

Deployment Approach Options

Based on the State EV Infrastructure Deployment Plan, States will have options for how to deploy EV chargers each year:

Scenario 1	Scenario 2	Scenario 3
State DOT lets a set of identified projects	State DOT issues a solicitation (such as a Request For Proposals, Notice of Funding Opportunity, etc.) to select subrecipients that will identify and deliver proposed projects	Mix of Scenarios 1 & 2

Regardless of approach, Title 23 applies.

Anticipated Common Construction Contracting Methods

- ▶ Design-Build
 - ▶ 23 CFR 636
- ▶ Public-Private Partnership (P3) Design-Build
 - ▶ 23 CFR 636.119
- ▶ Indefinite Delivery/Indefinite Quantity (ID/IQ)
 - ▶ 23 CFR 635 Subpart F

Photo source: FHWA



Design-Build

13

03
Methods

- ▶ 23 CFR 636
- ▶ The State DOT defines its overall project goals and requirements, and then selects the design-builder based on the ability to meet the established goals. Competitive Procurement
- ▶ Single Phase (RFP) or Two-Phase (RFQ, RFP)
 - Best value selection is permitted.

Photo Source: South Dakota Electric Vehicle Infrastructure Deployment Plan



P3 Design-Build

14

03
Methods



Photo source: Microsoft Office

- ▶ 23 CFR 636.119
- ▶ Award must be based on a competitive process that complies with State and local laws.
- ▶ If public-private agreement **establishes price**, then the developer is considered the prime contractor.
 - ▶ Developer's lower-tier contracts are considered subcontracts.
- ▶ If public-private agreement **does not establish price**, then the developer is considered an "agent of the owner." (23 CFR 636.119(b)(2))
 - ▶ Developer must follow the appropriate Federal-aid procurement requirements

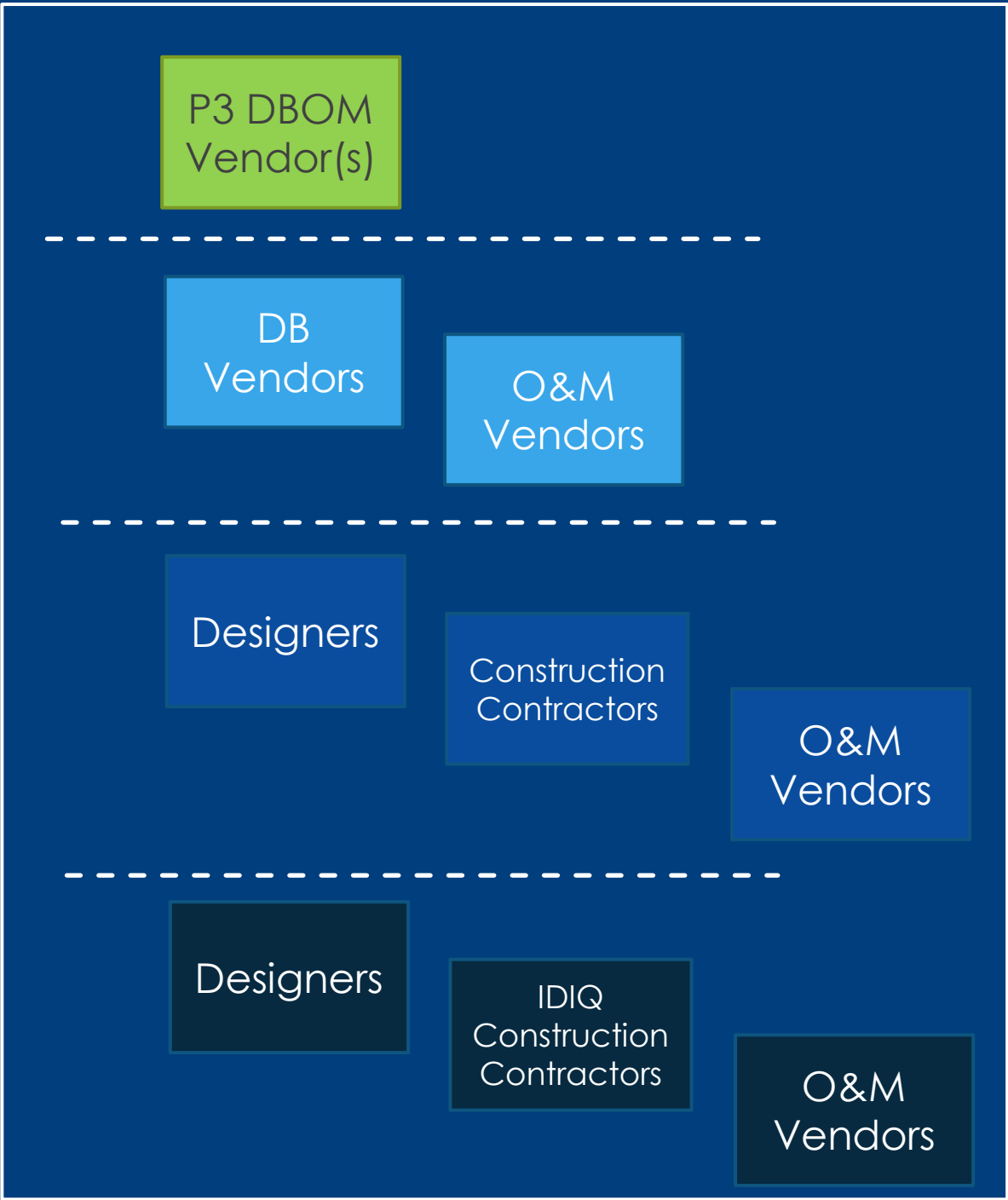
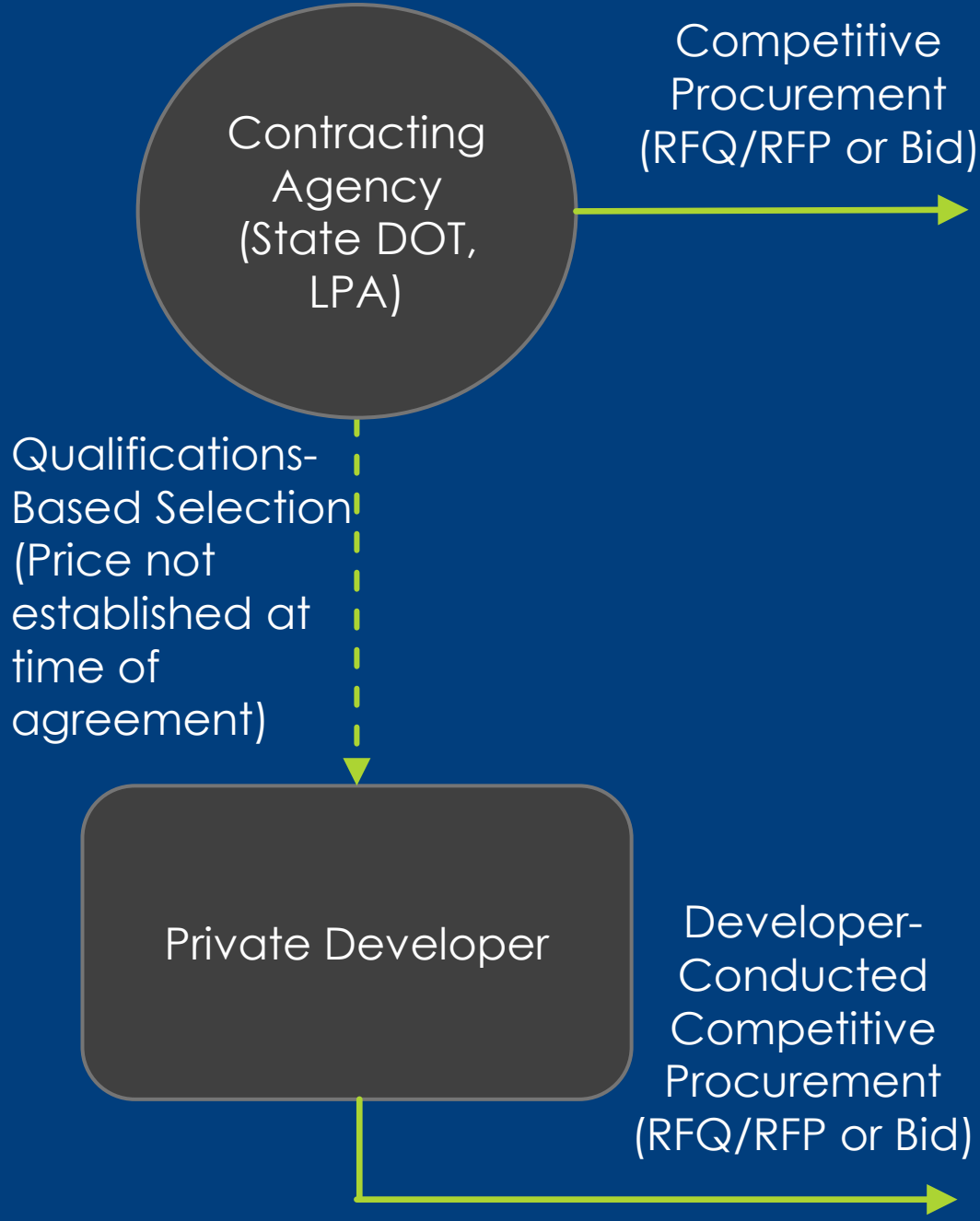
ID/IQ

- ▶ 23 CFR 635 Subpart F
- ▶ Allows an indefinite quantity of services for a fixed time.
- ▶ Contractors bid unit prices for estimated quantities of standard work items.
- ▶ Work orders are used to define the location and quantities for specific work.
 - ▶ This method could be made available to a private developer acting as an “agent for the owner.”



Choosing a Contracting Method: Key Decision Points

- ▶ What contracting methods are available in your State?
- ▶ Who will be conducting the competitive procurement – the contracting agency or the private entity (“agent of the owner”)?
- ▶ Will the same private entity be responsible for designing, building, operating and maintaining?



Construction Phase – Contract Notes

- ▶ Installation of EV Charging Infrastructure is typically considered **construction** under the Title 23 definition (not an operational improvement).
- ▶ **Construction requirements apply**, such as:
 - ▶ Buy America (note newly published *Implementation Plan to Enhance Buy America Standards for EV Charging*)
 - ▶ Form FHWA-1273
 - ▶ Etc.
- ▶ Electric vehicle charging infrastructure projects are **to be treated as if located on a Federal-aid highway** (23 U.S.C. 109(s)(2))
 - ▶ Davis Bacon

Operations/ Maintenance Phase - Contract Notes

- ▶ **O&M eligible only where NEVI used for Acquisition/Installation**
- ▶ **State DOT needs to ensure performance and data requirements are met throughout the 5-year time period identified in Final Rule.¹**
 - Data may be submitted by owner/operators.

1. § 680.106 (i)

Who to contact with contracting questions

20

05
Support

- ▶ State DOT's should reach out to Division Office. Include NEVI program lead and Contract Administration lead.
- ▶ If further assistance/clarification are needed, Division can reach out to FHWA Headquarters.



- ▶ Office of Infrastructure
 - Brian Hogge (brian.hogge@dot.gov)
 - Jenny Balis (jennifer.balis@dot.gov)
 - Jim DeSanto (james.desanto@dot.gov)

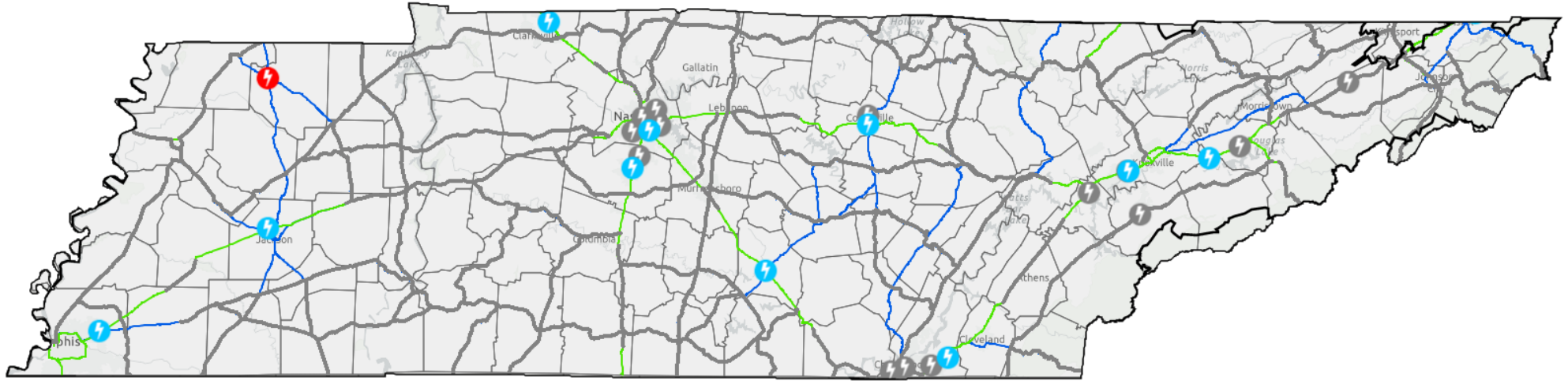
- ▶ Office of Planning, Environment and Realty
 - Suraiya Motsinger (suraiya.motsinger@dot.gov)
 - Neelam Patel (neelam.patel@dot.gov)
 - Will Stein (william.stein@dot.gov)



Department of
**Environment &
Conservation**

State of TN – Electric Vehicle Infrastructure Contracting & Procurement Lessons Learned

Existing DC Fast Charging Infrastructure in TN



- Lightning bolt symbols on the above map show existing, publicly accessible DC fast charging infrastructure sites that offer at least one non-proprietary charger (both CCS and CHAdeMO plug types available), allowing any plug-in EV driver to fuel. (This does not include proprietary Tesla Supercharger stations, of which there are 17 in the state, or stations that only include one type of non-proprietary port, of which there are 33).
- The gray symbols denote charging sites with just one charger available. The blue symbols denote charging sites with at least two chargers available. Red symbols denote locations installed as part of the Fast Charge TN Network, with each site offering 2-4 chargers (see next slide for more information on the Fast Charge TN Network and the expected number of stations to be installed under this program in the next 1-3 years).

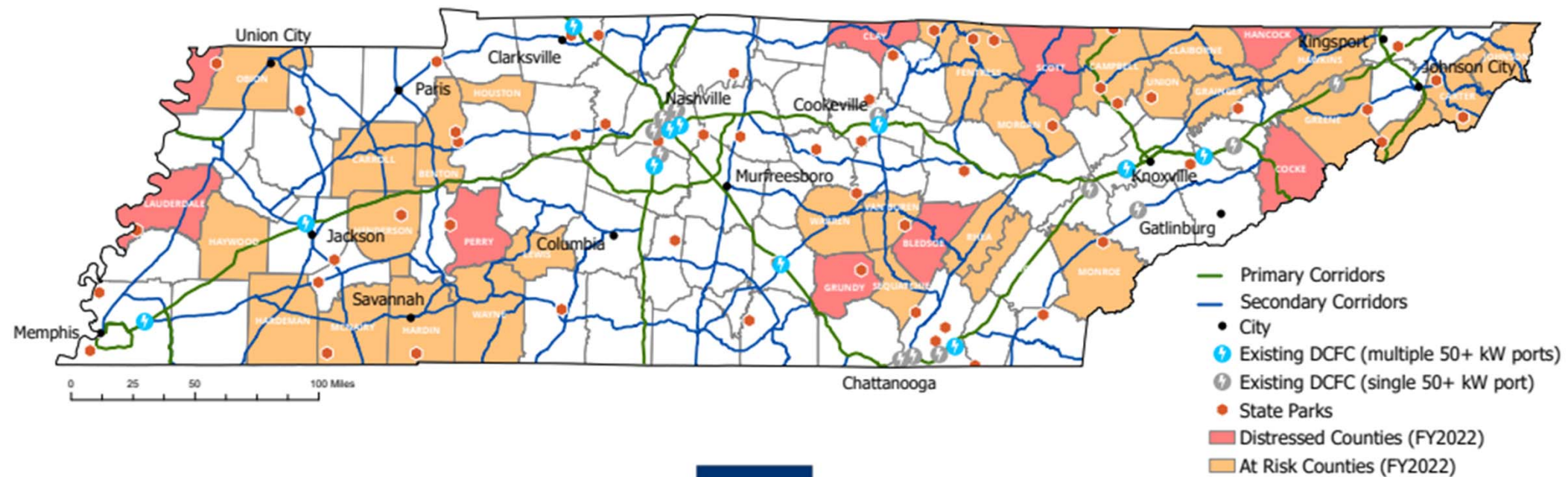
TN

Fast Charge TN Network

- Joint effort between TDEC and TVA to build out fast charging along major TN corridors (primary and secondary highways shown on next slide), with the goal of having charging locations at least every 50 miles
- Grantees are local power companies (municipal utilities or rural cooperatives) within TVA's service territory; these entities will own and operate the charging infrastructure and will negotiate site host agreements with property owners if applicable
- Minimum of two chargers at each location, with a minimum power level of 120kW per charger
- Two tiers of funding made available; higher tier funding for NEVI-compliant stations
- TDEC: funding **32 chargers at 13 locations**
- TVA: funding **58 chargers at 28 locations** (in TN alone)
- One installation in Martin completed to date



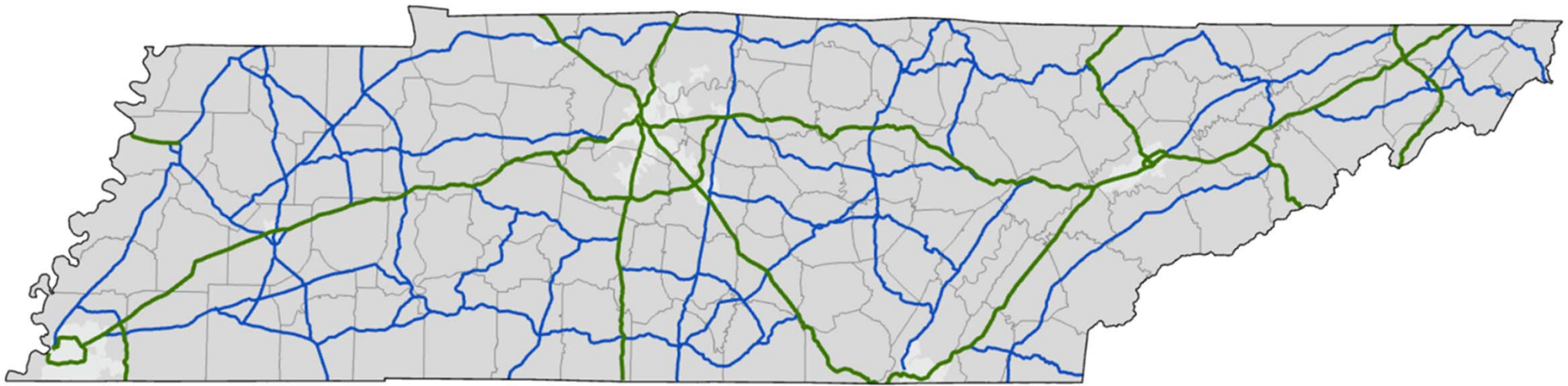
Fast Charge TN Network



Drive Electric
TENNESSEE



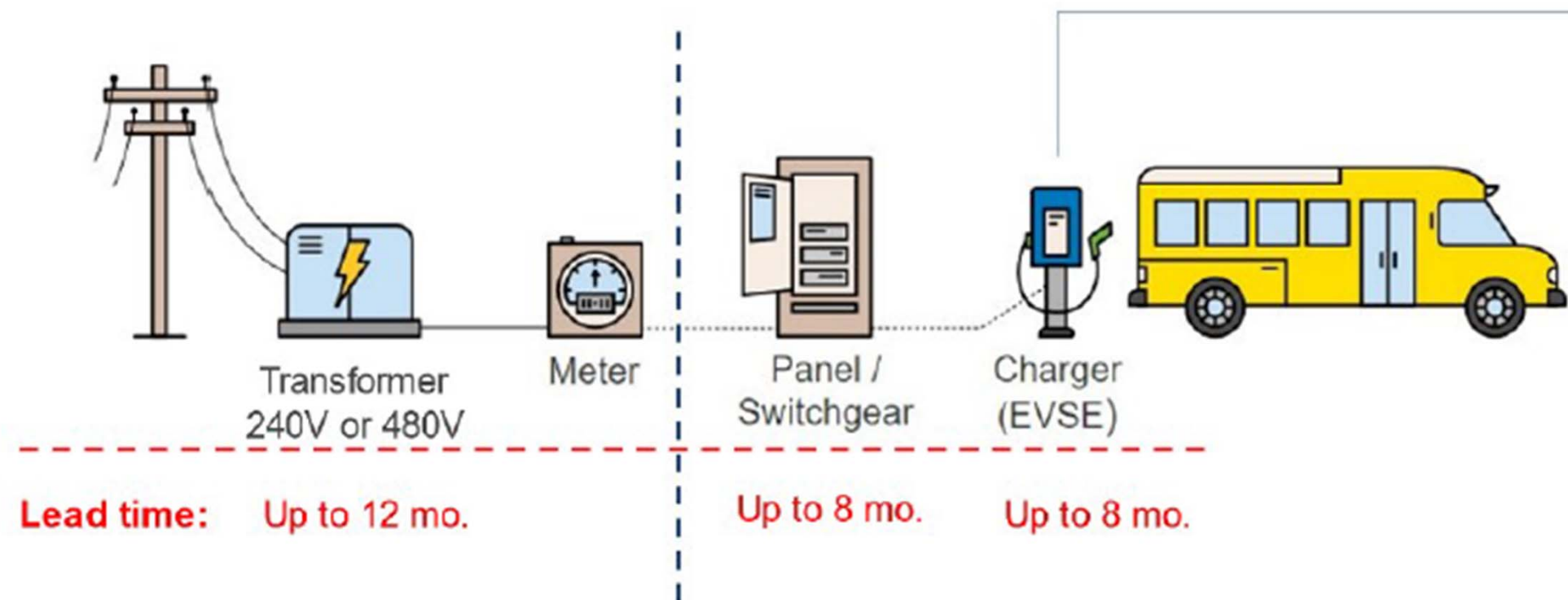
Fast Charge TN Network Corridors of Priority



Takeaway Themes

- **“Every site is a snowflake”**
- **Utility coordination/involvement early and often**
- **When leveraging multiple funding sources and/or collaborating with other project partners – need to establish common denominator, vocabulary, expectations, etc.**
- **Onsite monitoring prior to reimbursement – ensuring compliance and prevention against waste/fraud/abuse**
- **Operations and maintenance - not only uptime but how to deal with unanticipated events**
- **Reasonable expectations regarding timeline (see next slide)**

EVSE supply chain delays



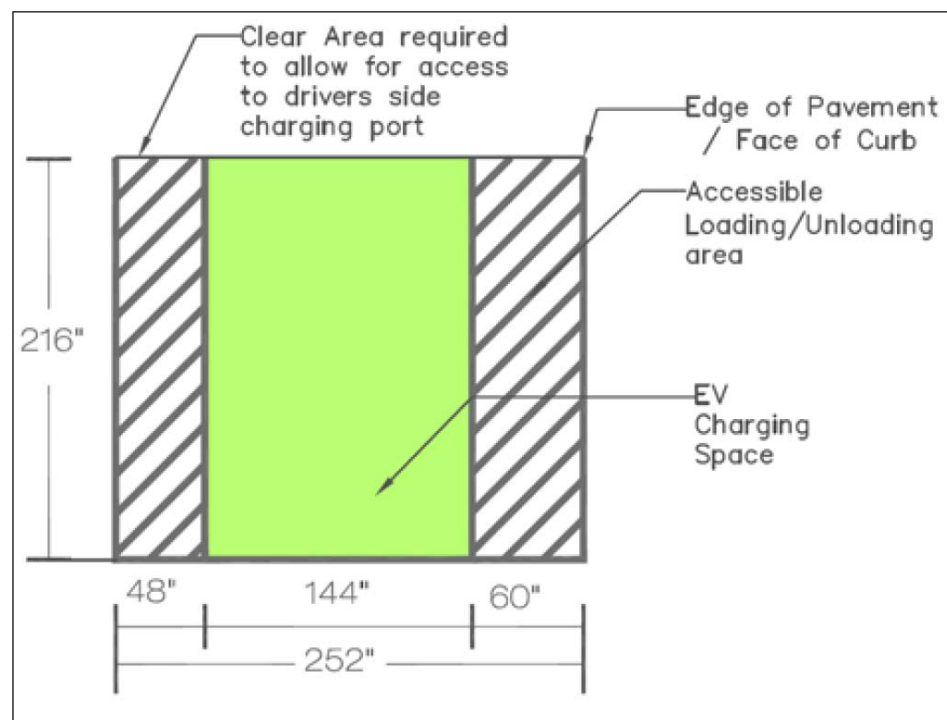
Fast Charge TN Network Accessibility Requirements

Accessibility requirements provide sufficient space for van and wheelchair accessibility to charging equipment

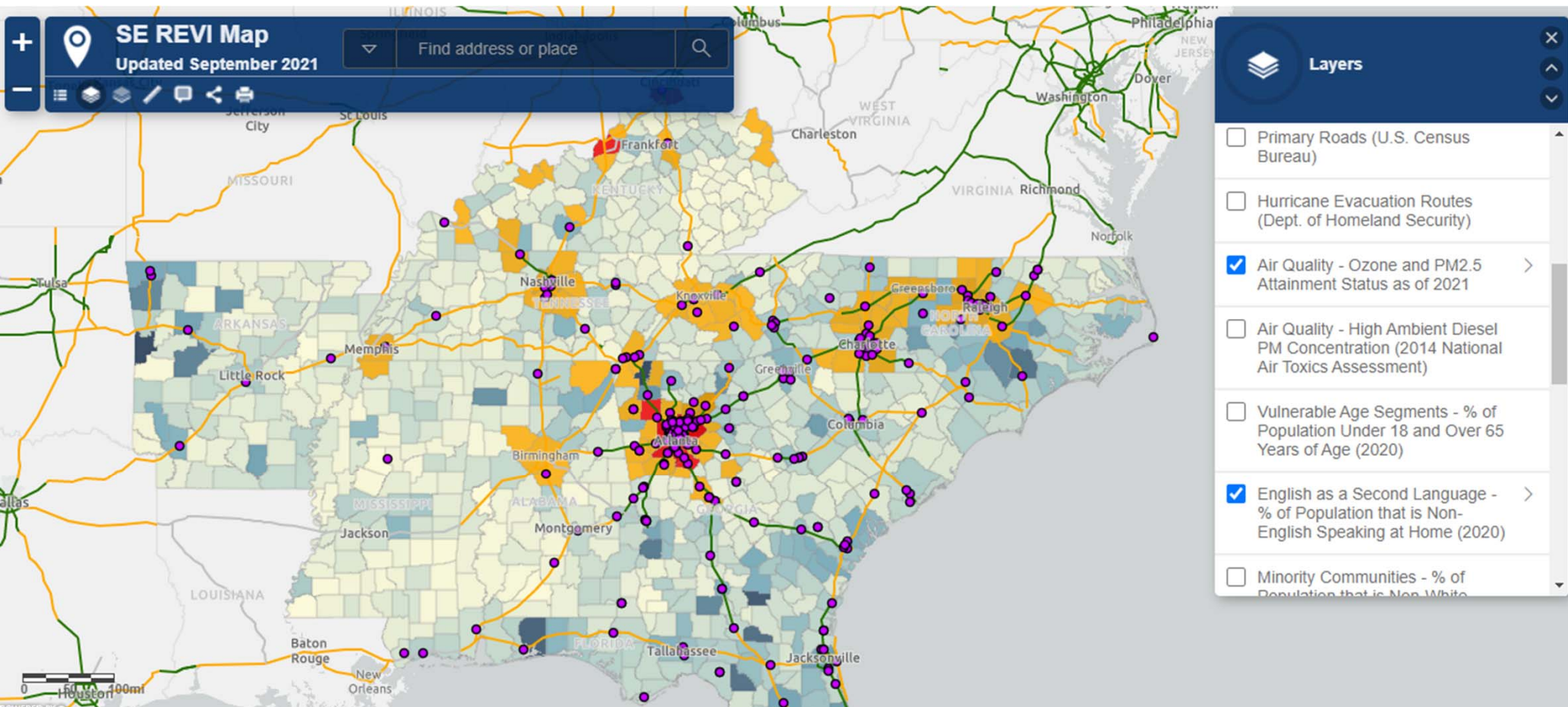
Accessibility Requirements

- Sample charging site layouts will be provided to assist with design
- Minimum Requirements: **One Van Accessible EV Charging Space**
 - Overall width must be 252" with one min. 48" aisle and one min. 60" aisle
 - Accessibility deviation requests may be submitted for review and approval

Design provides room for a wheelchair to exit the van, move to the charger location, and plug into the van's charging port



Regional Collaboration – SE REVI





Find out more at

<http://www.tn.gov/evfastcharge>

<http://www.tn.gov/evplan>

Alexa Voytek

TDEC Office of Energy Programs

Alexa.Voytek@tn.gov

615-613-1096

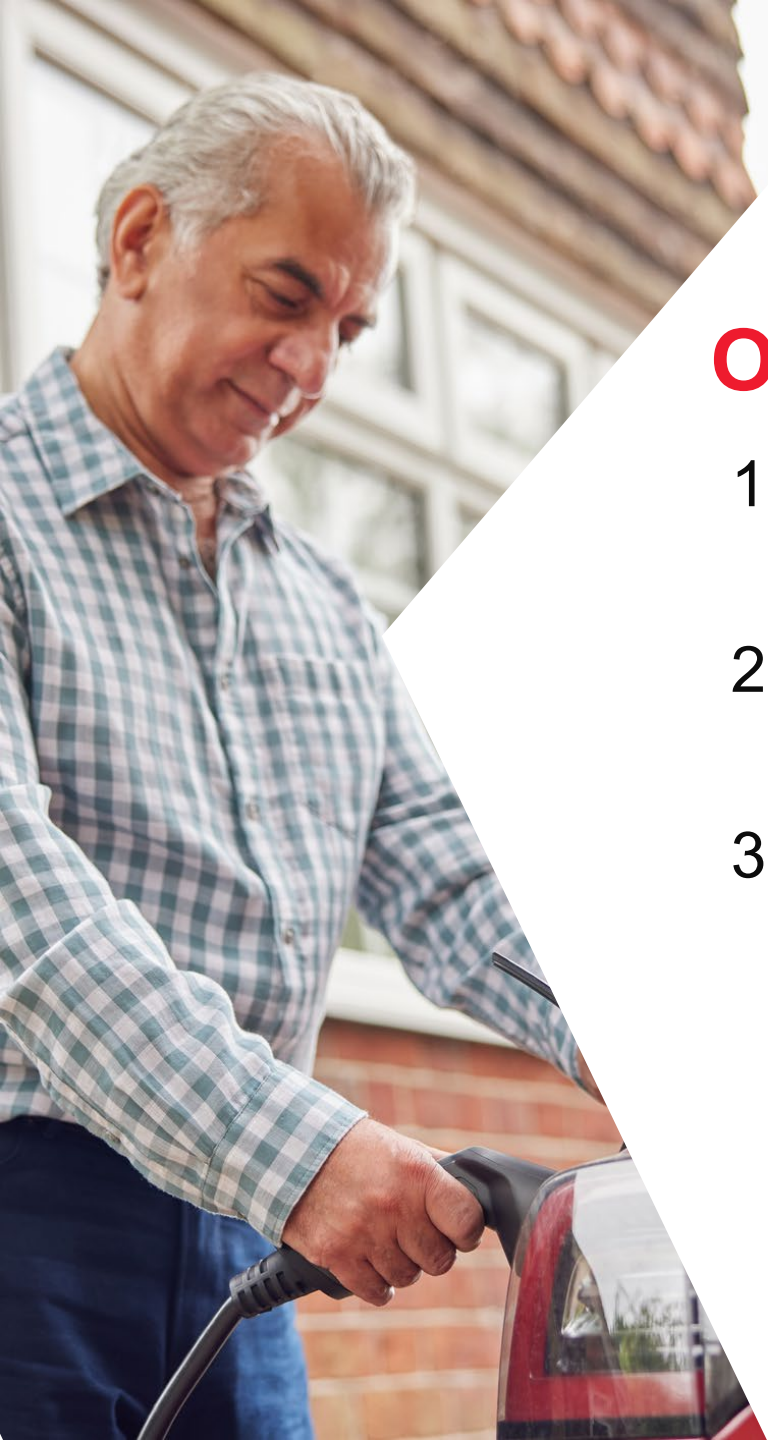


CONSIDERATIONS FOR EV PUBLIC CHARGING STATION DEPLOYMENT

Craig Miller | Senior Director, EV Infrastructure Management

Xcel Energy

March 28, 2023



OUTLINE

1. Who is Xcel Energy?
2. How can you interact with your electric utility?
3. Experience building Xcel Energy's public charging network

Xcel Energy Background

Regulated utility serving approximately 3.7 million electric customers across 8 states.

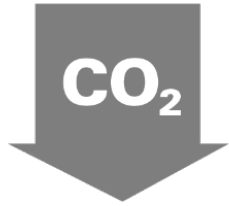
Our innovative EV programs raise awareness, reduce up-front costs, and make it easier for customers to charge electric vehicles on low cost, low carbon energy in a way that's good for the grid.

Providing EV Programs for all Customers



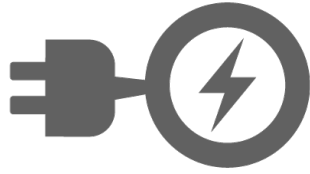
Clean Transportation Vision

Our Vision is to enable one out of five vehicles in the areas we serve to be electric by 2030 and all vehicles to run on carbon-free electricity or other clean energy by 2050



ZERO CARBON ENERGY

Provide the fueling infrastructure and energy system to run all vehicles on carbon-free electricity or other clean energy



EASY CHARGING

All customers can conveniently access affordable EV charging at home or within one mile of home



ACCESS

Underserved communities can participate in our programs and the related economic development benefits



XCEL ENERGY FLEET

Our entire fleet runs on carbon free electricity or other clean energy

Note that one out of five vehicles being electric by 2030 is the equivalent to at least 1.5 million EVs on our roads

Utility ↔ Customer Interaction

Early and often!!!

TYPICAL PROCESS

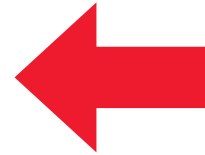
For requesting new electric service from Xcel Energy

What You'll Need to Apply	
1. Service Address	✓
2. Billing Address	✓
3. Contact Information	✓
4. Service Details	✓
5. Site Plan	✓
6. Additional Project Needs	✓

RECOMMENDED PROCESS

Available for pre-application consultation

- Dedicated planning and design and groups to support EV projects
- Capacity checks
- Site selection
- Project feasibility



Early and often!!!

Experience with our own charging network

- Overview of Xcel Energy's own public fast charging network:
 - ~30 stations in various stages of design and construction to be opened in 2023.
 - Have submitted plans for 700+ stations across Minnesota and Wisconsin from 2024 – 2026.
 - Developing additional expansion plans in Colorado.
- Considerations for contracting and procurement:
 1. E, P, C, + contracts versus single turnkey contract.
 2. Charging network – sets foundation for the customer experience, charger uptime; select carefully.
 3. Material lead times – 12+ months for L3 chargers, ancillary equipment.
 4. A LOT of vendors offering EV infrastructure services; vet carefully.





Questions and Answers

Examples for Contracting and Procurement

- Colorado Energy Office

<https://energyoffice.colorado.gov/zero-emissions-vehicles/dcfc-plazas>

- Pennsylvania Department of

Transportation <https://www.penndot.pa.gov/ProjectAndPrograms/Planning/EVs/Pages/Apply.aspx>



Upcoming Webinar Topics

April 4th

Site Design State of the Practice

April 11th

Community Engagement #1

April 18th

Cybersecurity

April 27th

Ensuring a Reliable Charging Experience

May 2nd

Community Charging Models

driveelectric.gov/webinars



** Some dates may be subject to change*

Thank you!

Today's Presentation:
Contracting and Procurement
Considerations

Didn't get your question answered?
Want to learn more about the state of the practice on site evaluation?
Ask the Joint Office: **driveelectric.gov/contact**



Sign up for Joint Office news,
events, and funding opportunities:
driveelectric.gov/subscribe

The webinar recording and slides will
be posted within a few weeks here:
driveelectric.gov/webinars