

NOTICE OF GRANT OPPORTUNITY/REQUEST FOR PROPOSALS

Minnesota Department of Transportation
National Electric Vehicle Infrastructure
Legislative Authority: Minnesota Statutes, Section 174.47

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1.0 Introduction

1.1 Background

Congress passed the Bipartisan Infrastructure Law (BIL), also referred to as the Infrastructure Investment and Jobs Act (IIJA), on November 15, 2021, which included the [National Electric Vehicle Infrastructure \(NEVI\) Formula Program](#). The NEVI Formula Program provides dedicated funding to construct an electric vehicle (EV) charging infrastructure network across the country.

1.2 Overview

The Minnesota Department of Transportation (MnDOT) requests responses to this Request for Proposals (RFP) to participate in the deployment of NEVI-compliant electric vehicle supply equipment (EVSE) across the state. The RFP published under this competitive selection provides available funding for updates to existing EVSE sites and new EVSE sites along identified Alternative Fuel Corridors (AFC) that meet NEVI Formula Program requirements. MnDOT's goal is to deploy the State's NEVI formula funds strategically to support the development of convenient, accessible, reliable, and equitable EVSE along the designated AFCs.

This RFP will focus on design, construction, acquisition, installation, operations, maintenance, and ownership of EVSE at locations near the interstate system where there is a lack of EVSE sites (clusters). MnDOT will not own, operate, or maintain any of the EVSE. The EVSE and project sites will not be located on MnDOT or state-owned right-of-way. This RFP includes requirements for EVSE, site selection, installation, operations and maintenance (O&M), and reporting.

This RFP also includes information on the process by which competitive grant selections will be awarded, funding match levels and requirements, project eligibility, funding priorities, activities eligible for reimbursement, and other information that will help Applicants plan their project and submit an application.

The NEVI Formula Program supports the acquisition, installation, operation, and maintenance of direct-current, fast-charging (DCFC) infrastructure. Minnesota will receive approximately \$68 million in total over federal fiscal years (FFY) 2022–2026. FFY22 federal funding is \$10.09 million, FFY23 federal funding is \$14.52 million, and FFY24 federal funding is \$14.52 million, which totals \$39.13 million available for Phase 1 deployment. In addition to federal funding, the Minnesota legislature allocated State funding to provide matching funds to NEVI projects. NEVI formula funds will cover up to 70 percent of eligible project costs, State funds will cover up to 20 percent of eligible project costs, and Applicants will be required to cover a minimum of 10 percent of eligible project costs. All federal and State funds will be provided on a reimbursement basis.

This RFP does not obligate MnDOT to award a grant or complete the project, and MnDOT reserves the right to cancel the solicitation if it is considered to be in its best interest. Applicants must adhere to all terms of this RFP. All costs incurred responding to this RFP will be borne by the Applicant.

1.3 Goals

The goal of this project is to implement Phase 1 of MnDOT's NEVI formula funds program with stations built at 18 clusters along the two AFCs in the state—Interstate 94 (I-94) and Interstate 35 (I-35). MnDOT will fund one NEVI-compliant charging station in each cluster. MnDOT has established the following goals for the state's NEVI program:

- Maximize federal dollars while following federal requirements.
- Have a choice of Applicants with proven knowledge and experience installing EV chargers.

- Use a best-value approach to evaluation.
- Include a process for disadvantaged communities—including Black, Indigenous, and People of Color (BIPOC)—and low-income communities, who have been traditionally marginalized, to influence site selection and key project elements.
- Guarantee that charger installations, operations, maintenance, and ownership can be handled by an experienced contract partner and will not be MnDOT’s responsibility.

2.0 Attachments and Reference Documents

2.1 Attachments

The following attachments are incorporated into and made part of this RFP by reference:

- Attachment 1 – Technical Requirements
- Attachment 2 – Scope of Work and Deliverables
- Attachment 3 – Technical Application Form
- Attachment 4 – Cost Proposal Form
- Attachment 5 – Utility Coordination Form
- Attachment 6 – Draft Agreement
- Attachment 7 – Federal Highway Administration (FHWA) Form 1273
- Attachment 8 – Example Letter of Credit

2.2 Reference Documents

Applicants are urged strongly to conduct their due diligence as it relates to the NEVI Formula Program and the federal, state, and local laws that apply to this funding. The following reference documents are available:

- [National Electric Vehicle Infrastructure Standards and Requirements](#)
- [FHWA NEVI Formula Program Guidance](#)
- [FHWA NEVI Program Frequently Asked Questions](#)
- [National Electric Vehicle Infrastructure \(NEVI\) Formula Program Q&A, Set #2 \(dot.gov\)](#)
- [MNDOT’s NEVI program website](#)

3.0 Eligibility

3.1 Eligible Applicants

Applicants must meet the minimum requirements to be considered fully for this grant opportunity.

Eligible Applicants include, but are not limited to:

- For-profit businesses
- Privately owned electric utilities
- Non-profit organizations
- Governmental entities
- Tribal Nations
- Utilities
- Teaming partnerships that include the above eligible entities with a clear primary Applicant and point of contact

3.2 Ineligible Applicants

Ineligible Applicants include entities or individuals that are currently suspended or debarred by the state of Minnesota or the federal government. More information on suspended and debarred vendors can be found on the [Minnesota Office of State Procurement Website](#).

3.3 Application Limitations and Requirements

Each application can only include one site. Applicants may submit only one application per cluster. Applicants may submit applications for more than one cluster. Applications for locations outside of the identified 18 clusters will not be accepted. Cluster information is found in Section 4.2, Priority Clusters.

3.4 Eligible Costs

For the purpose of this RFP, a Project site is defined as a location where one or more charging stations are located. A Project site may contain both a NEVI charging station and a non-NEVI charging station. NEVI charging stations must be compliant with 23 CFR 680 and the entirety of this RFP. Applications will be evaluated on the NEVI charging station and related amenities as outlined in this RFP. Awardees will be reimbursed for only NEVI charging station related costs and required utility upgrades per this RFP. When ports and stations are referenced in this RFP they refer only to NEVI ports and NEVI charging stations, unless otherwise specified.

Grantees will be reimbursed for eligible costs according to the Cost Proposal Form (Attachment 4). Applicants may apply for grant funds for up to 90 percent of the eligible costs, with a minimum required match of 10 percent to be provided by the Applicant. NEVI Formula funds will cover up to 70 percent of the eligible costs, and State funds will cover up to 20 percent of the eligible costs. The remaining project costs are the responsibility of the Applicant. Eligible Costs are expenses deemed to be eligible by [23 Code of Federal Regulations \(CFR\) 680](#) and [2 CFR Part 200 Subpart E – Cost Principles](#).

To be considered directly related to the operation of an EVSE station, an item must be a necessary component in the EVSE station operations, be a necessary component to connect the EVSE charging station to the electricity source (or to supply power from the electricity source), enable management of electricity demand or back-up availability (if applicable), 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 EVSE charging stations as well as upgrades to existing EVSE charging stations.

Example eligible costs include:

- Capital costs, including:
 - Required utility upgrades
 - Distributed energy resource equipment and installation
 - Equipment to provide power to EVSE stations and installation
 - On-site electric service equipment and installation
 - Minor grid upgrades (a minor grid upgrade is defined as the work necessary to connect a charging station to the electric grid distribution network; for example, extending power lines or upgrading existing power lines several miles)
 - Repairs, upgrades, or replacements of existing EV charging equipment to meet NEVI Formula Program minimum standards and requirements
 - Costs to update existing EVSE charging stations to meet Americans with Disabilities Act (ADA) requirements
 - Costs to upgrade the project site to meet RFP requirements
 - Costs to promote EV workforce development activities

- Pre-construction costs associated with environmental review and preliminary engineering
- Proprietary adaptors, including CHAdeMO (Note: CHAdeMO adapters will be eligible for reimbursement using FFY22 funds)
- **Cost of any shared equipment that supports both NEVI and non-NEVI ports prorated based on the proportion of the power rating of the equipment that can supply the NEVI ports simultaneously**
- Light-duty EVSE infrastructure projects that meet NEVI program requirements
- O&M costs, including:
 - Full extended warranty per charging port
 - Site maintenance
 - General inspections/charger upkeep
 - Electricity and demand charges (Note: will only be reimbursed for costs during the quarterly invoice period that are above the [Average Electric Price for Businesses](#) for the Minneapolis-St. Paul-Bloomington, MN-WI area as published on the date of the invoice)

$$\text{Allowable Cost} = \text{Total Cost} - (\text{Energy Used in kWh} \times \text{Average Price})$$
 - Miscellaneous operations including software fees, communications fees, insurance, customer service line, etc.
 - Charging equipment lease fees (up to 5 years after charging station is commissioned)
 - Cellular network fees, internet service fees, or other similar fees necessary to provide communication between EVSE stations (up to 5 years after charging station is commissioned)
- Administrative costs, including:
 - Administrative costs to manage the program, including the data reporting of quarterly, annual, or one-time data as required under [23 CFR 680.112](#)

3.4.1 Wage Rates

Minnesota state prevailing wage rates and federal (Davis Bacon) wage rates apply to the construction phase of the project and any physical maintenance to the charging stations. Minnesota wage rates are updated annually in November, and the federal rates are updated in January. The wage rates in effect at the time the grant agreement is signed are the ones that will apply and will be included as exhibits to the grant agreement. Applicants can find information on the current prevailing wage rates on the [Minnesota on the Department of Labor and Industry website](#). Applicants should review the Federally Funded Contracts Special Division A (Exhibit M of grant agreement), which describes the requirements for documenting compliance with these wage rates and payroll reporting required to MnDOT. Forms and resources can be found on [MnDOT's Labor Compliance Forms webpage](#). MnDOT will provide a training session for awarded grantees to review the requirements for wage rates.

3.5 Ineligible Costs

Ineligible costs are expenses deemed to be ineligible by [23 CFR 680.112](#) as well as other applicable federal, state, and local laws. Ineligible costs include, but are not limited to:

- Costs incurred prior to a fully executed agreement with MnDOT
- Costs not related directly to vehicle charging
- Costs for lobbying or for the intervention in State, federal regulatory, or adjudicatory proceedings

- Costs for construction or general maintenance of building and parking facilities (if not related directly to vehicle charging)
- Costs for major grid upgrades (longer line extension or upgrades, improvements to offsite power generation, bulk power transmission, or substations)
- ~~Costs for additional ports or chargers that are not compliant with 23 CFR 680~~
- Cost of any equipment that supports only non-NEVI ports
- Portion of the cost of any shared equipment that supports both NEVI and non-NEVI ports that is beyond the eligible amount
- Level 2 chargers if reimbursement is sought for the Level 2 chargers
- Utility service upgrade costs covered by the utility
- Costs covered by programs or tariff rules of the electric utilities
- Costs for demand charges up to the average cost of electricity during the quarterly invoice periods
- Costs for research projects
- Medium- or heavy-duty EVSE infrastructure projects
- Indirect cost

4.0 Project Requirements

4.1 Federal Project Requirements

The NEVI Formula Program aims to establish a network of DCFC infrastructure consisting of sites with a minimum of four ports capable of continuous charging at 150 kW concurrently. These sites shall be located no farther than 50 miles apart and shall not be located more than 1 driving-mile from the AFC.

Funding for any agreement resulting from this RFP will be paid from NEVI formula funds and state funds. All applicable requirements of [Title 23 United States Code](#) of regulations and [2 CFR Part 200](#) apply to the administration of these funds, which include but are not limited to [23 CFR 680](#), the [Davis-Bacon Act](#), [FHWA Form 1273](#), the [Americans with Disabilities Act of 1990 \(ADA\)](#), [Title VI of the Civil Rights Act of 1964](#), the [National Environmental Policy Act of 1969 \(NEPA\)](#), and the [Build America, Buy America \(BABA\) Act](#). In addition to these requirements, the Grantee must comply with all other standards and requirements that may be required by federal, state, and local laws.

Projects funded under any agreement resulting from this RFP will be covered by the [Build America, Buy America \(BABA\) Implementation Plan to Enhance Buy America for Electric Vehicle \(EV\) Chargers](#).

The Grantee will be required to provide at least a 10 percent contribution (Applicant Cost Share) to the overall project costs that are authorized by an agreement between the Grantee and MnDOT.

4.2 Priority Clusters

MnDOT has identified 18 clusters along I-94 and I-35, and one site will be funded in each cluster, pending viable applications for all locations.

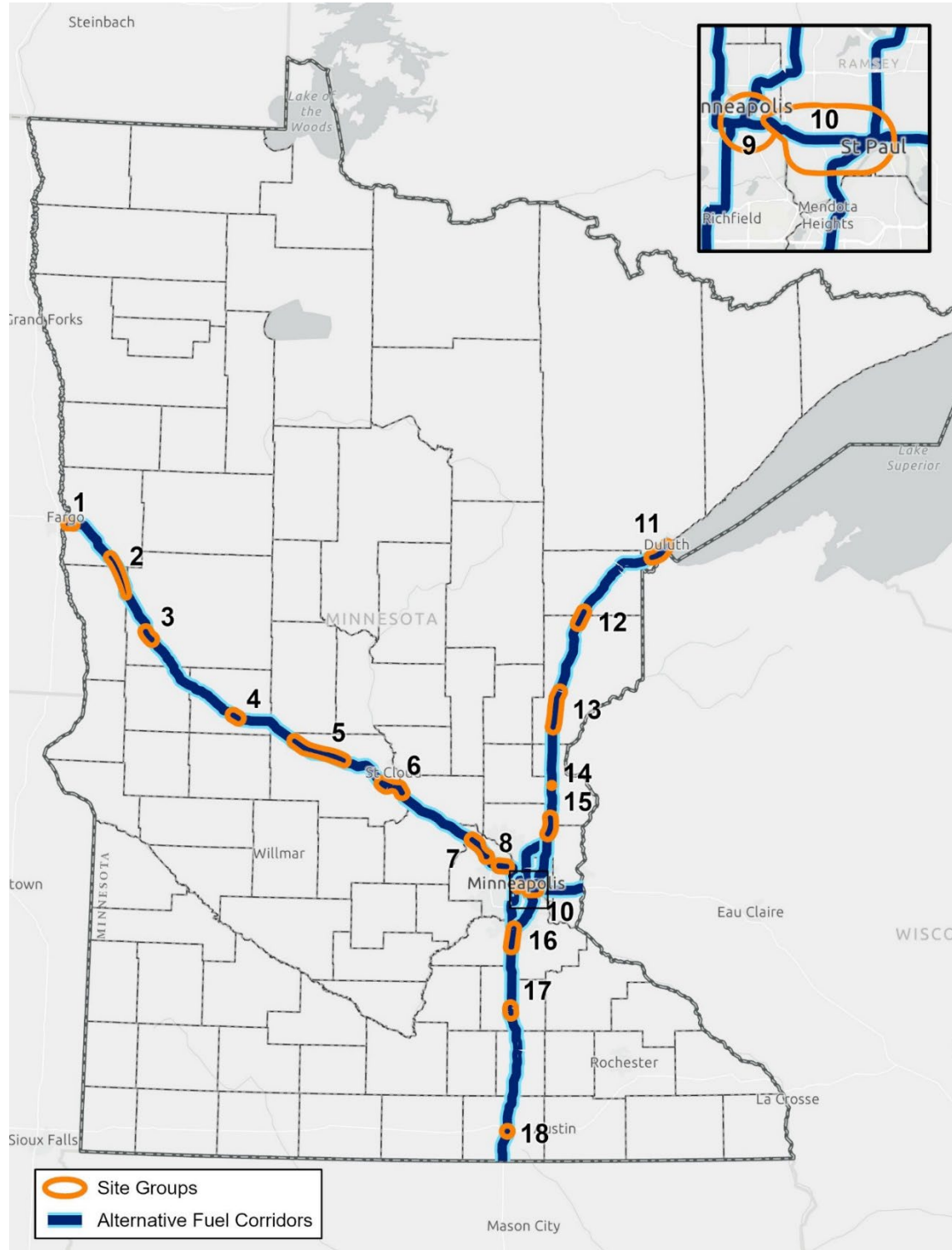


Figure 1: MnDOT AFC Corridors and Clusters for Phase 1 NEVI Deployment. Cluster specific details, exits, and distances from AFC are available on the [online mapping tool](#).

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AFC	Cluster Number	Cluster Name	Exit Name	Exit #
I-94	1	Moorhead	US 75/8th	1A
I-94	1	Moorhead	US 52/Main Ave	2A/B
I-94	2	Barnesville/Rothsay	MN-9	22
I-94	2	Barnesville/Rothsay	MN-34	24
I-94	2	Barnesville/Rothsay	Co Rd 11	38
I-94	3	Fergus Falls	MN-210	54
I-94	3	Fergus Falls	Co Hwy 1	57
I-94	4	Alexandria	Co Rd 46	100
I-94	4	Alexandria	MN-29	103
I-94	5	Sauk Center	Main St S	127
I-94	5	Sauk Center	MN-4	131
I-94	5	Sauk Center	Co Rd 13	135
I-94	5	Sauk Center	MN-238	147
I-94	6	St. Cloud	MN-23	164A/B
I-94	6	St. Cloud	MN-15	167A/B
I-94	6	St. Cloud	Roosevelt Rd	171
I-94	6	St. Cloud	Opportunity Dr	173
I-94	7	Rogers	45th St. NW	205
I-94	7	Rogers	Main St.	207
I-94	7	Rogers	Dayton Pkwy	213
I-94	8	Brooklyn Center	Boone Ave N	30
I-94	8	Brooklyn Center	Bottineau Blvd	31
I-94	8	Brooklyn Center	Brooklyn Blvd	33
I-94 & I-35	9*	Minneapolis	3rd St/Washington Ave	17C
I-94 & I-35	9*	Minneapolis	Cedar Ave	234C
I-94 & I-35	9*	Minneapolis/St. Paul	Riverside Ave/25th Ave	235A
I-94	10	Minneapolis/St. Paul	Huron Blvd	235B
I-94	10	Minneapolis/St. Paul	Vandalia St/Cretin Ave	237
I-94	10	Minneapolis/St. Paul	MN-51/Snelling Ave	238
I-94	10	Minneapolis/St. Paul	Hamline Ave	239A
I-94	10	Minneapolis/St. Paul	Lexington Ave	239B
I-94	10	Minneapolis/St. Paul	Dale St	240
I-94	10	Minneapolis/St. Paul	Marion St/Kellogg Blvd	241A
I-35	11	Duluth	5th Ave W/Lake Ave	256B
I-35	11	Duluth	US-53 N/21st Ave W	255A
I-35	11	Duluth	40th Ave W	253B
I-35	11	Duluth	Central Ave	252
I-35	11	Duluth	S Boundary Ave	249
I-35	12	Moose Lake	MN-73	214
I-35	12	Moose Lake	Laketown Rd	209

AFC	Cluster Number	Cluster Name	Exit Name	Exit #
I-35	13	Hinckley	MN-48	183
I-35	13	Hinckley	MN-23	180
I-35	13	Hinckley	Beroun Crossing Rd	175
I-35	13	Hinckley	Co. Rd 11	171
I-35	13	Hinckley	Co. Rd 7	169
I-35	14	North Branch	MN-95	147
I-35	15	Forest Lake	US 61	135
I-35	15	Forest Lake	Co. Rd 2	131
I-35	15	Forest Lake	MN-97	129
I-35	16	Lakeville	Co. Rd 42	88B
I-35	16	Lakeville	Co. Rd 46	86
I-35	16	Lakeville	Kenwood Trail	85
I-35	16	Lakeville	185th St W	84
I-35	16	Lakeville	210th St W	81
I-35	17	Faribault	Lyndale Ave S	59
I-35	17	Faribault	MN-60	56
I-35	18	Albert Lea	E Main St	11

* Sites must be within one mile of an exit along both I-94 and I-35

5.0 Scope of Work and Deliverables

For detailed information, see Attachment 2 – Scope of Work and Deliverables.

6.0 How to Apply

6.1 General Application Requirements

Applicants are responsible for conducting their due diligence, including understanding all terms and conditions of the documents and applicable federal, state, and local laws. **It is recommended that Applicants thoroughly review the reference documents listed in Section 2.2, Reference Documents.** Questions should be submitted to MnDOT according to the instructions in this RFP.

6.2 Application Contents

To apply, submit the following application materials, which can be found at <https://www.dot.state.mn.us/nevi/>. Each application must include the following, completed attachments and documents, as described in this RFP and in the format identified:

- Attachment 3 – Signed Technical Application Form, including all required information detailed in Attachment 3 (Searchable PDF format)
 - Affidavit of Non-Collusion (Searchable PDF format)
 - Conflict of Interest Checklist and Disclosure Form (Searchable PDF format)
- Attachment 4 – Signed Cost Proposal Form (XLSX format)
- Letter from the Site Owner (Searchable PDF format)
- Letter from Bank or Financial Institution (Searchable PDF format)
- Acknowledgement of Federal Form 1273 (Searchable PDF format)
- Acknowledgement of all issued addendums (format to be detailed in addendum)

It is important to note that all submitted PDFs shall be searchable and not obfuscated, including images from scanned print-offs. Any application that contains a PDF that is obfuscated and not searchable may be deemed non-responsive.

6.2.1 Technical Application Form

Applicants must complete each section of Attachment 3, Technical Application Form, and provide all required information and documents. Links to information outside of the form shall not be used and will not be reviewed. No macros are allowed. The minimum font size is 10-point font. The page size shall be 8.5 x 11 inches. Larger 11 x 17-inch pages are allowed for drawings or graphics and will count for two pages. The maximum number of pages shall be 30 pages including text, graphics, tables, charts, and photographs. Resumes for key personnel may be attached to the form. Resumes shall be limited to two pages per resume. Resumes do not count toward the 30-page limit. No more than five resumes are permitted per application. Technical specification cut sheets do not count toward the 30-page limit.

6.2.2 Cost Proposal Form

Applicants must provide a completed Attachment 4, Cost Proposal Form. An Applicant must enter the required information in the Cost Proposal Form and shall not change any formula within the form. The Cost Proposal Form will calculate the Applicant's Maximum Total Project Reimbursement and will be used to establish the maximum budget for the project. Within Attachment 4, each Applicant is required to follow the instructions in the attachment and provide the following:

- The Requested Reimbursement (%) for capital costs, which shall not exceed 90 percent
- The Requested Reimbursement (%) for O&M costs, which shall not exceed 90 percent
- The Project Costs for each cost item, as identified in Attachment 4. Costs shall include only items eligible under the NEVI program as defined in Section 3.4, Eligible Costs

6.2.3 Letter from the Site Owner

The Applicant shall ensure public access to the proposed site 24 hours a day, 7 days a week, throughout the year, for the life of the Agreement, per [23 CFR Part 680](#). This shall include any property required for ingress and egress. A letter from the proposed site's owner must be provided by each Applicant. The letter must state the owner's intent to make the proposed site available to the Applicant for the entire length of the proposed Agreement for the purpose of studying, acquiring, constructing, installing, operating, and maintaining an EV charging station in accordance with 23 CFR 680 and all applicable laws and regulations. In addition, the letter must also state that the Applicant will provide access such that MnDOT and its agents have the right to enter the property as well as to visually examine the property and ground to complete environmental reviews necessary to comply with NEPA. The letter from the site owner shall address what occurs if either party becomes in default with either the Site Host Agreement or the Agreement the Grantee has with MnDOT. The letter from the site owner shall also include proof of ownership. If the proposed site is controlled via a -long-term lease, the lessee must provide a similar letter stating their intent to provide access to the site, as described above, as well as a copy of the lease highlighting the section of the lease that gives the lessee the right to agree to the terms of the proposed Site Host Agreement. MnDOT reserves the right to determine the sufficiency of the letter. The letter from the site owner will not be scored but will be part of the non-technical responsiveness check.

6.2.4 Letter from Bank or Financial Institution

The Applicant shall provide a signed letter from a bank or financial institution stating that if the Applicant is selected to receive an award, the Applicant will be able to provide the required Letter of Credit at the time of the Agreement's execution per [Minnesota State Statute](#). If the Applicant is

submitting multiple applications in response to this RFP, the letter shall confirm the Applicant’s ability to secure all individual Letters of Credit required for all submitted applications, should the Applicant be awarded funding for all submitted sites. Letters of Credit will be required at the time of the execution of the Agreement for an amount equal to 60 percent of the Maximum Total Project Reimbursement. The Letter of Credit shall cover the entire length of the Agreement. After each successful year of O&M, the total amount of the Letter of Credit can be reduced by 20 percent of the original amount following notification from MnDOT. The Letter of Credit will be drawn upon in the event of default by the Applicant. An example Letter of Credit can be found in Attachment 8, Example Letter of Credit. MnDOT reserves the right to determine the sufficiency of the letter. The letter from bank or financial institution will not be scored but will be part of the non-technical responsiveness check.

6.2.5 Affidavit of Non-Collusion

Applicants must complete the attached “Affidavit of Non-Collusion” and submit it as part of the application. This is included within Attachment 3 – Technical Application Form. The Affidavit of Non-Collusion will not be scored but will be part of the non-technical responsiveness check.

6.2.6 Conflicts of Interest

In order to comply with Minnesota Office of Grant Management (OGM) [Policy 08-01](#) on conflict of Interest, each selected grantee must fill out an organizational conflict of interest form. Applicants must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this RFP. This list should indicate the name of the entity, the relationship, and a discussion of the conflict. Applicants must complete the attached Conflict of Interest Checklist and Disclosure Form (part of Attachment 3, Technical Application Form) and submit it as part of the application. The Conflict of Interest Checklist and Disclosure Form will not be scored but will be part of the non-technical responsiveness check.

6.3 Application Timeline

The timeline below outlines the activities and corresponding dates that all Applicants must meet. MnDOT may update this timeline and will notify participants by posting an addendum on <https://www.dot.state.mn.us/nevi/>. It is the Applicant’s responsibility to refer to <https://www.dot.state.mn.us/nevi/> on a regular basis for such updates.

Applications received after the deadline will be deemed ineligible and will not be reviewed. Incomplete applications may be disqualified from consideration. MnDOT is not responsible for any errors or delays caused by technical difficulties resulting from submitting applications.

ACTIVITY	DATE	TIME	DETAILS
RFP Advertisement	12/11/2023	NA	https://www.dot.state.mn.us/nevi/
Questions due	1/10/2024 Rolling Window 3/20/2024 – 4/1/2024	5pm CT	Email to: neviproject.dot@state.mn.us

Answers posted	1/24/2024 Rolling Window 3/20/2024 – 4/2/2024	NA	https://www.dot.state.mn.us/nevi/
Applications Due	2/9/2024 4/3/2024	12pm CT	https://www.dot.state.mn.us/nevi/ neviproject.dot@state.mn.us
Conditional Award date (anticipated)	90 Days after Application Window Closes		https://www.dot.state.mn.us/nevi/ and Email
Execution of agreement (anticipated)	90 Days after Conditional Award Date		To be detailed in Conditional Award Notice

6.4 Questions

Responders who have any questions regarding this RFP must submit questions by e-mail only to:

Contract Administrator: Kacie Stanek
E-Mail Address: neviproject.dot@state.mn.us

Questions should be addressed via email with the following information. Questions that do not identify all of the requested information will not be addressed.

- RFP Document Name
- RFP Document Section #
- RFP Document Page #
- Question

All questions and answers will be posted at <http://www.dot.state.mn.us/nevi/>. All prospective responders will be responsible for checking the web page for any addendums to this RFP and any questions that have been answered. **Note that questions will be posted verbatim as submitted.**

No other MnDOT personnel are allowed to discuss the RFP before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above may result in disqualification.

MnDOT reserves the right to amend this RFP at any time by addendum. If the addendum is issued after the closing date for receipt of applications, MnDOT may, in its sole discretion, allow Applicants to amend their project applications in response to the addendum, if necessary. Applicants shall acknowledge all addendums in writing, per the instructions included in the addendums. Failure to review and acknowledge all addendums may be grounds for rejection of an application and may be deemed non-responsive.

Any person requiring this document in an alternative format (such as braille, large print, or in a different language) can receive it at no cost. Please email your request to Accessibility.DOT@state.mn.us or call 1-833-400-8432. Relay service: 711.

Any person requiring a special accommodation due to a disability should contact MnDOT by email at ADArequest.dot@state.mn.us for assistance with this RFP at least 5 business days prior to the activity or action for which assistance is needed.

6.5 Application Submittal

All applications will be submitted electronically at <http://www.dot.state.mn.us/nevi/>.

For electronic submission, all applications are limited to 50 MB.

In addition, all Applicants must Register as Vendors in Statewide Integrated Financial Tools (SWIFT).

The Vendor ID will be included on the RFP application document to track the application through the scoring process. It will also be used for processing invoices and payments for grantees. If the grant applicant already has a SWIFT Vendor ID, you do not need to register again. Navigate to the [Supplier Portal Vendor Registration website](#) to register as a vendor.

6.6 Application Amendment or Withdrawal

If an applicant wants to withdraw or amend an application, email the Contract Administrator as outlined in Section 6.4, Questions. Applicants will then need to re-submit the entire application through the entire application process.

6.7 MnDOT Discretion

MnDOT reserves the right to reject any or all applications at any time prior to the execution of an agreement. MnDOT is not obligated to fund an application from an Applicant that has demonstrated marginal or unsatisfactory performance on previous competitive selections or contracts with MnDOT or other state agencies. MnDOT reserves the right to verify information contained in the application. This may include using publicly available information and other outside sources to evaluate the Applicant's performance under other contracts.

6.8 Disqualification of Applications

MnDOT may outright reject or may not evaluate applications for any of the following reasons:

- The Applicant fails to submit the application by the due date and time
- The Applicant acknowledges that a requirement of the application cannot be met
- The Applicant materially changes a requirement of this RFP, or the application is not compliant with the requirements of this RFP
- The application limits the rights of MnDOT
- The Applicant fails to submit a timely response to MnDOT's request for information, documents, or references
- The Applicant fails to include an authorized signature
- The Applicant presents the information requested by this RFP in a format inconsistent with the instructions of the RFP or otherwise fails to comply with the requirements of the RFP, including but not limited to failing to provide all required information
- The Applicant provides misleading or inaccurate responses
- The application includes conditional offers or non-committal language
- There is insufficient evidence (including evidence submitted by the Applicant) to satisfy MnDOT that the Applicant is properly qualified to meet the requirements of this RFP or the application
- The proposed project(s) are not in compliance with applicable state or federal statutes or rules

6.9 Process for Clarification of Application Information

MnDOT reserves the right to contact an Applicant after the submission of an application for the purpose

of clarifying the application to ensure mutual understanding. MnDOT will not consider information received if the information materially alters the content of the application or alters the type of project the Applicant is proposing. Failure to comply with requests for additional information may result in rejection of the application as non-compliant.

6.10 Disposition of Applications and Copyrights

All applications become MnDOT property and will not be returned to the Applicant at the conclusion of the selection process. Contents of all applications will be in the public domain and open for inspection by interested parties.

The Applicant agrees that MnDOT may copy the application for purposes of facilitating the evaluation of the application or to respond to requests for public records. By submitting an application, the Applicant consents to such copying and warrants that such copying will not violate the rights of any third party.

6.11 Public Data

Per [Minnesota Statute § 13.599](#):

- Names and addresses of Applicants will be public data once application responses are opened.
- All remaining data in application responses (except trade secret data as defined and classified in [§13.37](#)) will be public data after the evaluation process is completed (for the purposes of this grant, when all grant agreements have been fully executed).
- All data created or maintained by MnDOT as part of the evaluation process (except trade secret data as defined and classified in § 13.37) will be public data after the evaluation process is complete (for the purposes of this grant, when all grant agreements have been fully executed).
- Responses to this RFP will be public information under the Minnesota Data Practices Act, Minnesota Statutes Chapter 13.

7.0 Evaluation of Applications

7.1 Evaluation Process

MnDOT will use the following process to evaluate applications.

7.1.1 Step 1: Responsiveness Check

All applications will be reviewed for responsiveness (Responsiveness Check) to confirm the application meets the RFP requirements. The Responsiveness Check is a two-step, pass/fail assessment. The first step is a Non-Technical Responsiveness Check. Applications that fail the Non-Technical Responsiveness Check will be determined to be non-responsive and will not be evaluated further. If an Applicant or application fails to meet one or more of the requirements detailed in Attachment 3, Technical Application Form, it may be determined to be non-responsive.

The second step is a Technical Responsiveness Check. Applications that fail the Technical Responsiveness Check will be determined to be non-responsive and will not be evaluated further. If an Applicant or application fails to meet one or more of the requirements detailed in Attachment 3, Technical Application Form, it may be determined to be non-responsive.

All requirements can be found in Attachment 3, Technical Application Form.

7.1.2 Step 2: Technical Application Scoring Criteria and Evaluation

For the purpose of evaluating technical applications, MNDOT will establish a Review Committee made up of no less than three members. Applications that pass the Responsiveness Check will be evaluated

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and scored individually by each Review Committee member on a competitive basis according to the scoring criteria and point maximums provided in the table below.

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE (175 TOTAL)
1. Applicant Background, Experience, and Team Organization	30
Applicant Team Organization: Describe the Applicant team organization per Attachment 3, Technical Application Form.	5
Approach to Project Management: Describe the approach to project management per Attachment 3, Technical Application Form.	5
Prior Experience with 50 kW or higher Port Past Projects: Provide prior EVSE experience per Attachment 3, Technical Application Form. <ul style="list-style-type: none"> • 10 points for 16+ projects • 5 points for 11–15 projects • 3 points for 1–10 projects • 0 pts for 0 Projects 	10
Prior System Performance: Provide prior EVSE system performance per Attachment 3, Technical Application Form. <ul style="list-style-type: none"> • 10 points for 97%+ • 5 points for 90–96% • 3 points for 85–89% • 0 pts for below 85% or no prior experience 	10
2. General Project Approach and Understanding	40
Project Approach and Understanding: Describe the project approach and understanding per Attachment 3, Technical Application Form.	20
Approach to Permitting and Utility Coordination: Describe the approach to permitting and utility coordination per Attachment 3, Technical Application Form.	5
Approach to Operations and Maintenance: Describe the approach to operations and maintenance per Attachment 3, Technical Application Form.	10
Approach to Cybersecurity and Data Management: Describe the approach to cybersecurity and data management per Attachment 3, Technical Application Form.	5
3. Site Proposal	60
Driving Distance to AFC interchange: <ul style="list-style-type: none"> • Less than 0.25 mile: 10 points • 0.25–0.50 mile: 5 points • 0.50–0.75 mile: 2 points • More than 0.75 mile to 1 mile: 1 point 	10

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE (175 TOTAL)
<p>Proposed Site Details, Design, Layout, and Area Map: Describe the proposed site details, design, and layout and provide an area map. Identify each item clearly in a Preliminary Site Design and Layout or the Area Map as described in Attachment 3, Technical Application Form.</p>	32
<p>Primary Amenities: 2 points for each of the following publicly and ADA -accessible applicable items within a 500-foot pedestrian travel distance.</p> <ul style="list-style-type: none"> • On-site staff • On-site retail • On-site restaurant • Emergency stop button • Extra parking spaces for overflow/waiting • Canopy over EVSE • Pull-through charging location for trucks and trailers 	14
<p>Additional Amenities: 1 point for each of the following publicly and ADA -accessible applicable items within a 500-foot pedestrian travel distance.</p> <ul style="list-style-type: none"> • Pet area/dog run • Squeegee • Playground/recreation area • Benches/seating area 	4
<p>4. Innovation and Resiliency</p>	20
<p>Approach to Site Resiliency: Describe the approach to site resiliency per Attachment 3, Technical Application Form.</p>	5
<p>Resiliency: 2 points for each of the following criteria.</p> <ul style="list-style-type: none"> • Back-up power (contract, source, etc.) and back-up power connection on EVSE • Energy storage (batteries, solar, etc.) • Environmental hardening (undergrounding of lines/conduits, raised equipment, etc.) • Future proofing (installation of extra conduit, installation of larger transformer, etc.) • EVSE spare parts on-site 	10
<p>Approach to Innovation: Describe the approach to innovation per Attachment 3, Technical Application Form.</p>	5
<p>5. Workforce, Equity, and Rural Considerations</p>	25
<p>Approach to Workforce: Describe the approach to workforce per Attachment 3, Technical Application Form.</p>	5

TECHNICAL SCORING CRITERIA	MAXIMUM POINTS POSSIBLE (175 TOTAL)
Equity and Disadvantaged Community (DAC) Considerations: Describe the approach to equity and DAC considerations per Attachment 3, Technical Application Form.	5
Project is located within 1 mile of a DAC or historically disadvantaged community.	5
Rural Considerations: Describe the approach to rural considerations per Attachment 3, Technical Application Form.	5
Small Business: Describe the approach to working with small businesses per Attachment 3, Technical Application Form.	5

The Technical Score will be calculated by averaging the total scores from each Review Committee Member.

7.1.3 Step 3: Cost Proposal Evaluation

The Cost Score for each Cost Proposal will be calculated according to the formula detailed below.

SCORING CRITERIA – COST PROPOSAL	MAXIMUM POINTS POSSIBLE
Cost Proposal	25
<p>The cost proposal will be evaluated based on the Applicant’s Maximum Total Project Reimbursement, as calculated and defined in Attachment 4, Cost Proposal.</p> $\text{Cost Score} = \frac{\text{Lowest Maximum Total Project Reimbursement from all Responsive Applicants per Cluster}}{\text{Maximum Total Project Reimbursement from Applicant}} \times 25$	25

7.1.4 Step 4: Score Tabulation

The final score for each responsive application will be calculated by adding the technical score to the cost score. The maximum final score for any application is 200 points. Applications will be evaluated on a per cluster basis, and the highest scoring application within each cluster will be selected. The Review Committee will finalize all award recommendations. The program manager will draft a recommendation report of grant award(s) and submit the report to the office director for approval prior to notifying Applicants.

If two sites in the same cluster have the same score, the site with the highest combined cost proposal score and site proposal score will be awarded. MnDOT has final decision-making authority to award an Agreement to the selected Applicants.

7.1.5 Step 5: Award

MnDOT will notify successful Applicants via email and will post the intent to award on <https://www.dot.state.mn.us/nevi/>. An Agreement may be awarded to a responsive application that has been approved by the Review Committee.

7.2 Application Irregularities and Clarifications

MNDOT has the authority to reject any or all applications and to waive or allow corrections of any minor irregularity or non-material omission. MnDOT can request clarifications from Applicants and the answers must be provided in the format detailed and deadline provided by MnDOT. Applicant's answers and clarifications will become part of the application.

8.0 Award

8.1 Pre-Award Activities

The Applicant shall participate in the following pre-award activities after the Notice of Intent to Award has been provided to the Applicant.

8.1.1 Pre-Award Audit

Successful Applicants with proposed costs exceeding \$50,000 will be required to submit pre-award audit information and comply with audit standards. Pre-award audit will ensure the Applicant has an acceptable accounting system, adequate and proper justification for rates charges to perform work, knowledge of cost eligibility, and documentation and file retention requirements. Failure to do so may result in disqualification. If the Applicant is a governmental entity, that entity is not required to submit for a pre-award audit. If the Applicant's subcontractor/subconsultant costs exceed \$10,000 or more, the subcontractor must also complete a pre-award audit. The pre-award audit applies to both for-profit and non-profit entities.

8.1.2 Pre-Award Risk Assessment

The Applicant must work with the program manager to complete a pre-award risk assessment prior to executing the Agreement. This includes, but is not limited to, Applicant's experience managing federally funded grants, legal assessment and status, accounting systems and internal controls, financial assessment, and monitoring/audit findings. Risk assessments are valid for 12 months, so repeat Grantees do not require an additional risk assessment if one has been performed within the last 12 months. The program manager will use the results of the pre-award risk assessment to determine the appropriate level of monitoring. Any additional monitoring requirements will be added to the Scope of Work and Deliverables before execution of the Agreement.

8.1.3 Financial Review Documents

All Non-Governmental Organizations (NGO) applying for grants in the state of Minnesota must undergo a financial review after a grant award made of \$25,000 or higher. In order to comply with the [Policy on the Financial Review of Nongovernmental Organizations](#), Applicants must submit one of the following documents based on the following criteria:

- Applicants with total annual revenue under \$50,000 or who have not been in existence long enough to have a completed IRS Form 990 should submit an audit with their most recent board -reviewed financial statements.
- Applicants with total annual revenue of \$50,000 or more and less than \$750,000 should submit their most recent IRS Form 990.
- Applicants with total annual revenue over \$750,000 should submit their most recent certified financial audit.

8.2 Execution of Agreement

After the pre-award activities have been completed, the program manager will send the Agreement to the Applicant. The Applicant shall sign the Agreement within 45 calendar days of receipt of the

Agreement. At the time of execution of the Agreement, the Applicant shall provide the following documents:

- Signed Site Host Agreement
 - The Site Host Agreement shall include proof of ownership and shall have an effective date no sooner than the date of execution of the Agreement. The Site Host Agreement must include agreement to the details outlined in Section 5.2.3, Letter from Site Owner, and must address what occurs if either party becomes in default with either the Site Host Agreement or the Agreement the Awardee has with MnDOT.
- Signed Letter from the Utility
 - The signed letter from the utility shall confirm that the utility will provide required electrical service that complies with NEVI requirements to the Applicant at the proposed site.
- Letter of Credit
 - The letter of credit shall include all language provided in Attachment 8, Example Letter of Credit, and shall have an effective date no sooner than the date of execution of the Agreement.
- Proof of registration to do business in Minnesota
- Any additional certificates or documents deemed necessary by MnDOT

It should be noted that the Applicant cannot incur or agree to the payment of any costs to be requested for reimbursement prior to the execution of the Agreement.

Once the Applicant has provided the required documents outlined above, MnDOT will sign the Agreement and the project will be considered funded and has commenced. If the Applicant does not sign the Agreement and provide the required documents in a timely manner, MnDOT may rescind the award.

9.0 Post-Award

9.1 Reimbursement Mechanism

Grantees will be eligible to submit invoices for reimbursement in accordance with the requirements.

9.1.1 Quarterly Construction Payments

Cost reimbursement may be invoiced quarterly upon compliance with the applicable reporting requirements of Task 5, as detailed in Attachment 2, Scope of Work and Deliverables. Supporting documentation of actual costs incurred is required, including invoices and proof of payment for reimbursement of costs already paid by the Grantee.

9.1.2 Construction Payment Withholding

MnDOT will withhold 20 percent of each reimbursement invoice. Of this withholding, 20 percent will be released on an annual basis at the time of the final O&M payment of the year, if all performance requirements and obligations of the Agreement are met.

9.1.3 Quarterly O&M Payments

Cost reimbursement may be invoiced for quarterly O&M costs upon quarterly compliance with and completion of Tasks 4 and 5, as detailed in Attachment 2, Scope of Work and Deliverables. Supporting documentation of actual costs incurred is required.

9.1.4 Final Payment and Release of Withholdings

Cost reimbursement may be invoiced for the final quarter of O&M costs and all remaining withholding upon quarterly compliance with and completion of Tasks 4, 5, and 6, as detailed in Attachment 2, Scope of Work and Deliverables. Supporting documentation of actual costs incurred is required. MnDOT will only pay up to the Maximum Total Project Reimbursement detailed in the Cost Proposal Form during the application process, and all costs will be finalized in the final Agreement.

9.2 Pay for Performance

Additionally, a pay-for-performance approach shall be incorporated into the payment mechanism, incentivizing optimal performance of the charging stations, specifically meeting the 97 percent uptime requirement, per port, as required by [23 CFR 680](#).

- During the O&M period, the following deductions will occur from the final quarterly O&M payment of each year when the invoice for reimbursement is submitted:
 - For every percentage point, or fraction thereof, that the 97 percent uptime is not met on a per-port basis, per the NEVI Rule, \$1,000 will be deducted from that quarter's O&M payment.
 - The uptime will be calculated during the month the invoice is submitted for the prior 12-months of operation.
 - If there is no remaining O&M payment for the deduction to be subtracted from, the amount will be deducted from the remaining withholding.
 - Once deducted, the funds can never be reclaimed.

9.3 Reasonable Return on Investment

The Grantee is not allowed to make more than a reasonable return on investment on the project. Reasonable return on investment on the project is defined as no more than 15 percent annual profit on the project. This profit is defined as the remainder of all revenue received from the operation of the project and reimbursements (total revenue) after all eligible expenses have been deducted. For this calculation only, the total capital costs of the project shall be applied as an expense divided equally between the first 5 years of operation.

$$\text{Profit \%} = \frac{(\text{Revenue from Operations} + \text{Reimbursements}) - (\text{Eligible Expenses} + \frac{\text{Total Capital Costs}}{5})}{\text{Eligible Expenses} + \frac{\text{Total Capital Costs}}{5}} \times 100\%$$

Revenue: Revenue received from the operation of the project and reimbursements.

Expense: All eligible expenses (reimbursable or non-reimbursable) and 20 percent of the total capital costs.

Any profit over 15 percent must be returned to MnDOT. The Grantee shall provide a signed letter with each invoice stating the amount of profit earned. If more than 15 percent profit was earned, the difference will be subtracted from the amount owed to the Applicant. MnDOT may ask for the Grantee to provide documentation as to the amount of profit earned.