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*Agency of Transportation
Finance & Administration*
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May 8th, 2024
To: Bidders
Re: Statewide NEVI RFQ_ VTrans Response to Questions

Bidders,

Please be advised of the following questions that were received during the Question period of the Statewide NEVI RFQ that ended on 04/29/2024. The Vermont Agency of Transportations (VTrans) has provided the following response to those questions and are outlined in blue.

1. Pg. 27 - 29, Exhibit 2 and 3: Map and Table of Vermont NEVI Priority Locations: The [VT Open Geodata Portal](#) has 29 points representing general areas for priority charging locations. The map on page 27 identifies these points as either NEVI priority, NEVI Chargehub, and/or CFI designated areas.
 - a. Can Vermont's Agency of Transportation (AOT) confirm which of these sites are eligible through the DBOOM RFQ opportunity? Are both the NEVI Priority Sites as well as the NEVI Chargehub sites eligible?
 - i. The RFQ is to establish a list of Shortlist providers who may then bid on subsequent funding opportunities through a Request for Proposals (RFP). VTrans will solicit bids from eligible entities on the short list for both the NEVI Priority and Chargehub sites, and possibly others identified as CFI sites or not yet identified, subject to funding availability.
 - b. Can AOT define to be constructed? Does this indicate that there are plans to currently construct chargers at these sites therefore they are not eligible?
 - i. In Exhibit 3, "To be constructed" and "Potential Upgrade of Existing Installation" indicates that the sites have not yet been built and will therefore be eligible for bidding in future RFPs. Only "under contract" indicates that a site is not eligible at this time.
 - c. Are the NEVI Chargehub sites required to have eight (8) or more ports?
 - i. Page 5 of the RFQ indicates areas prioritized for NEVI investments require a minimum of 4 CCS ports capable of charging at a rate of 150kW simultaneously. A NEVI Chargehub site is expected to exceed the minimum of four DCFC ports, as well as the minimum power level of 150kW. However, VTrans has not been prescriptive about how an entity might increase charging port density and power levels.
 - d. Are the CFI sites eligible to be bid on?
 - i. The RFQ is to establish a list of Shortlist providers. Subsequent RFPs will detail the sites eligible to be bid on. While the CFI sites may become eligible to bid on in the future, the first round of funding will be focused on getting Vermont to fully built-out status (with NEVI-priority sites).
 - e. Can Vermont AOT confirm that applicants can apply for potential funding within one mile of any of the AFCs (Alternative Fuels Corridors) in the areas identified in the

- general area of the identified communities or are there specific exits that are eligible?
- i. Bidders will have some flexibility in proposing projects to respond to Vermont's goal to fully build out its Alternative Fuel Corridors as cost-effectively as possible. Although specific locations have been identified in the state's NEVI plan and maps, specific exits have not.
 - f. There are 29 available sites mentioned in the RFQ, but the map shows 28. Can AOT identify where site #3 is located?
 - i. On Exhibit #2, Map of Vermont NEVI Priority Locations, Site #3 is in Winooski, partially obscured because of the density of charging stations proposed for the Greater Burlington area.
2. Pg. 27 - 29, Exhibit 2 and 3: Map and Table of Vermont NEVI Priority Locations: With roughly \$7.6 million available, how many sites does Vermont expect to fund with this round on funding?
- a. VTrans has over \$13 million available for the first RFP, with more than \$4 million becoming available in October 2024. Vermont plans to pursue competitive grant funds which may also be used in future solicitations with the list of Shortlist providers selected through this RFQ process. VTrans recognizes that project costs will vary according to the available electrical infrastructure, amount of match invested, and challenges unique to each site. VTrans will consider time and cost efficiencies included in responses to subsequent RFPs.
3. Pg. 4, Program Background: How will Vermont (VT) incorporate CFI funding into the program? To date, Vermont has not received CFI funding.
- a. If CFI corridor funding becomes available to Vermont, VTrans will solicit bids through an RFP process for the proposed work from the list of Shortlist providers developed through this RFQ.
4. Pg. 4, Program Background: Are there any restrictions on eligible applicants/ third-party contractors?
- a. Qualified bidders shall be registered and in good standing with the Vermont Secretary of State. They shall not be presently debarred, suspended, nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment>. They shall also ensure they are not presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds.
5. Pg. 4, Program Background: If an applicant has multiple sites across the state operating under multiple, separate LLCs all with common ownership, does the applicant submit per LLC or submit a single application under the parent organization? To clarify, the LLCs are not DBAs but are separate entities with unique tax IDs.
- a. A single application under the parent organization is acceptable but shall clearly outline the different LLCs associated to the parent organization and other related information such as key personnel.
6. Pg. 37, Authority to Alter Project: Is the contract period of the project five years or seven years? Page 12 indicates that Contractors must install, operate, and maintain the EV Chargers at the site for at least five (5) years but page 33 within the Special provisions it indicates in the Authority to Alter Project a seven-year term.
- a. VTrans may provide funding for operating and maintenance for a maximum of five years, and the installed NEVI stations must be maintained for a minimum of five years. However, the contracts to design, build, own, operate and maintain will naturally exceed five years to allow for pre-development activities. Further, respondents to an RFP may propose a longer contract term, and such proposals may be scored more highly because of the extended responsibility. These scoring criteria will be detailed in the RFPs to follow.


7. Pg. 11, 10. Requirements for Accessibility and Availability: Can AOT clarify if safety instructions for EV drivers regarding the proper use of the charging equipment must be physically posted or can they be provided through APPs?
 - a. Safety instructions should be posted where drivers interacting with the charger for the first time can quickly and clearly understand how to use it. While not prescribed in the CFR or in the Project Information/Scope of Work outlined in the RFQ, VTrans welcomes feedback and additional considerations from Bidders that may or may not be incorporated into subsequent RFPs. Alternative approaches to the Project may be proposed so long as federal and state requirements are adhered to and met. Any alternative proposal should strengthen Vermont's program such as through cost efficiency, equity, futureproofing, and reducing time to project completion.
8. Pg. 11, Requirements for Accessibility and Availability: Can AOT provide the list of safety instructions for EV drivers that they wish to be posted at the site?
 - a. While a list of safety instructions for EV drivers is not prescribed in the CFR or in the Project Information/Scope of Work outlined in the RFQ, VTrans welcomes feedback and additional considerations from Bidders. Alternative approaches to the Project may be proposed so long as federal and state requirements are met. Any alternative proposal should strengthen Vermont's program such as through cost efficiency, equity, futureproofing, and reducing time to project completion.
9. Pg. 11, Requirements for Accessibility and Availability: Can contact information, including a phone number, and instructions on how to receive technical assistance using a charger or making payment at the device be displayed on the charging device screen?
 - a. Contact information should be physically displayed on the device, whether or not it is also displayed on the charging device screen. This is to ensure charging customers can still access support with the device in the event of an issue with the screen.
10. Pg. 11 and 33: Page 33 of the RFQ states that transfer of ownership is allowed if approved by AOT. If the station's ownership is legally transferred according to the agreement terms, can the responsibility to maintain, keep clean and accessible also be transferred to the new EVSE owner and operator?
 - a. For five (5) years following the completion of any construction activities funded by this Agreement, **the Contractor shall not, without the express written permission of the Agency:** (A) sell or transfer ownership of all or a portion of the property which is the subject of the Project; (B) discontinue operation of all or a portion of the Project; (C) materially alter or expand the Project's purpose or function; or (D) make any physical, structural, or visual alterations to the Project.
 - b. Upon completion of the installation and activation of the EV charging equipment and acceptance of contract requirements by VTrans, VTrans hereby acknowledges and agrees to the following: (A). Electric vehicle (EV) charging hardware and other necessary functions such as network operations are and shall remain the property and responsibility of the Contractor; (B) The Contractor is the owner of all tax attributes to the EV charging hardware; and (C) The Contractor holds all rights, title, and interest in and to any funding and/or rebates received or may be received in the future in connection with the installation and or operation of the EV charging hardware.
11. Pg. 12, Site Host Agreement: Can you please confirm if a property owner/lessee applying on their own is eligible in the same way a third-party service provider proposing to own/operate EVSE on someone else's property?
 - a. No, a property owner alone is not eligible to join the State's list of Shortlist providers. The State expects to select third-party service providers with proven experience

- deploying public EV charging infrastructure and the ability to meet rigorous federal funding rules.
12. Pg. 12, Site Host Agreement: Is a site host agreement required at time of RFQ response, RFP response, or post award and prior to contract?
 - a. The Site Host Agreement will be required post award of the RFP and prior to contract.
 13. Pg. 36, Special Provisions – Historic Preservation: Are projects outside of historic areas or areas with archeological resources required to submit plans for approval by Vermont Division for Historic Preservation?
 - a. Once a site has been selected and site plans submitted, VTrans will comprehensively review the location internally for any state and federal permits and approvals required, including historic preservation. This review will be completed regardless of the location.
 14. Pg. 62, INDEMNIFICATION: Is the expectation that subcontractors and subcontractors or subcontractors supply insurance certificate copies to Vermont matching indemnification language in Attachment C and identical to those in the prime contractor's contract with State?
 - a. The Prime Contractor is responsible for insuring Subcontractor and Sub-Subcontractor insurance requirements meet the requirements outlined in Attachment C. Please refer to Attachment C, items 19- Sub Agreements regarding information that shall be included in all sub agreements.
 15. Pg. 38, Recapture of Funds: Can Vermont AOT provide further detail on how the Agency will determine if any items of income received could be potentially not allowable or if they are in excess of approved expenditures? Withholding charging revenue without clear guidelines provides uncertainty for applicants interested in participating since withholding revenue could potentially negatively impact the profitability of station ownership and discourage private development within the state.
 - a. If the Contractor fails to comply with any provisions outlined in the executed agreement or does not perform per the specifications of the executed contract VTrans has the right to recapture funds.
 - b. If the Contractor uses funds (Federal and State Funds) provided under the executed contract for unauthorized or ineligible items, VTrans has the right to recapture funds. It is important to note that charging revenue will not be withheld and it is expected that all revenue collected from the charging infrastructure will be received by the subrecipient. The selection of the DBOOM contracting method for NEVI-funded projects was purposeful to encourage profitability through ownership, as owners will be permitted to obtain 100% of charging revenue, provided all other requirements are met.
 16. Do you have GIS mapping files that you could share in order for us to look up locations?
 - a. Mapping files can be found using the below link. Such files are listed under "Resources" located towards the bottom of the page.
 - i. <https://vtrans.vermont.gov/climate/charging/nevi>
 17. Why does Vermont require publicly available charging stations to accept payment through chip and wipe credit card readers in addition to accepting contactless payments options?
 - a. Vermont's NEVI plan includes a focus on improving the accessibility of public charging stations by providing multiple payment options in line with the following excerpt from the NEVI final rule.
 - b. From the NEVI final rule (p. 16) 2023-03500.pdf (govinfo.gov): "While FHWA agrees that contactless payment methods are critical to the future of the industry, FHWA also agrees that the addition of other payment options could improve the accessibility of charging stations to disadvantaged communities... "The FHWA also agrees that, although there are some concerns with contact-based options for credit card

payments, States and other designated recipients should be allowed to include these options. Contact-based options for credit card payments are allowable under the language of the proposed rule, therefore this final rule has not been modified to further accommodate them..."

18. Pg. 11, Ongoing Operation, Maintenance, and Customer Service Support: Is the expectation that the responsibility in regard to maintaining, keeping clean and accessible remains with the Contractor after the seven-year contract period?
 - a. Statements of qualification should include a plan for ongoing performance, operations, maintenance, and reporting for the 5-year contract performance period and beyond.
 - b. VTrans welcomes additional considerations that strengthen Vermont's program including extending ongoing operation, maintenance, and customer service support beyond the contract period to encourage the distribution of federal funds more widely and equitably to projects across the state.

Angie Farrington

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