



INDOT Electric Vehicle Infrastructure Plan

HNTB



Indiana Electric Vehicle Charging Program Notice of Funding Opportunity (NOFO) Final

August 2023



INDIANA DEPARTMENT OF
TRANSPORTATION

Overview

The Indiana Department of Transportation (INDOT) has developed this competitive procurement program soliciting applications for eligible entities to install, own, operate, maintain, and report on National Electric Vehicle Infrastructure (NEVI) Formula Program funded and compliant Electric Vehicle (EV) charging stations throughout the state of Indiana. Schedule milestones related to this procurement process are documented in *Table 1*.

Table 1. INDOT NEVI Competitive Procurement Key Dates

Milestone	Date
Post NOFO for Public Comments	June 1, 2023
Public Comments Due	June 18, 2023
Pre-Application Webinar	June 20, 2023
XBE Networking Events (5 events)	July 13, 2023 – August 16, 2023
NOFO Release	August 31, 2023
Pre-Bid Meeting*	September 12, 2023
Questions Due**	September 19, 2023
Responses to Questions	September 26, 2023
XBE Networking Event (virtual)***	September 29, 2023
Applications Due	November 22, 2023
Selection	January 2024
Contingent Award(s)	TBD
Final Award(s)	TBD

*Registration required; please register [here](#).

**Questions should be submitted [here](#). Answers to questions will be posted on the INDOT NEVI web page as well as the submittal portal.

***Registration information will be distributed at least two weeks prior to the event.

Applicants interested in this program shall follow the guidance provided in *Section 4* to compile and upload a completed application package and submit through the private submission portal that INDOT has created for this opportunity. One individual from each team should request access to the portal by emailing nevi@indot.in.gov with the individual's name, company name, individual's telephone number and email address. Once the private repository has been set up, this individual will receive log in credentials. The portal will be located at:

<https://indotmajorprojects.sharepoint.com/sites/neviprocurement>.

Access to the portal must be requested by November 1, 2023; NO ACCESS WILL BE GRANTED AFTER THIS DATE.

Key Contact

- Program Manager: Nathaniel Sturdevant
 - nsturdevant@indot.in.gov

Application Requirements

The following items will be submitted by applicants when responding to this NOFO. Applicants must submit a site application for each candidate site they are proposing on, however, items for Part A and Part B may be submitted once.

1. Part A: Administrative (one per applicant)
 - a. Application Checklist
 - b. Minimum NEVI Requirements
 - c. Financial Viability
2. Part B: Experience, Qualifications, Approach and Cost Information (one per applicant)
3. Part C: Site Application (one per site)

When uploading the files for submission, applicants shall use the following naming convention:

- Part A:
 - Prime Applicant Name_INDOT NEVI NOFO_Part A
- Part B:
 - Prime Applicant Name_INDOT NEVI NOFO_Part B
- Part C:
 - Prime Applicant Name_INDOT NEVI_NOFO_Part C_Corridor Number_Exit Number
 - For example: "Applicant A_INDOT NEVI NOFO_Part C_65 Exit 172"

List of Acronyms

ACRONYM	DEFINITION
ADA	Americans with Disabilities Act
AFC	Alternative Fuel Corridor
BIL	Bipartisan Infrastructure Law
CCS	Combined Charging System
CE	Categorical Exclusion
CFR	Code of Federal Regulations
DAC	Development Assistance Committee
DBE	Disadvantaged Business Enterprise
DER	Distributed Energy Resource
EV	Electric Vehicle
EVITP	Electric Vehicle Infrastructure Training Program
EVSE	Electric Vehicle Supply Equipment
FFY	Federal Fiscal Year
FHWA	Federal Highway Administration
IDEM	Indiana Department of Environmental Management
IDOA	Indiana Department of Administration
IEDC	Indiana Economic Development Corporation
IFA	Independent Financial Adviser
IIJA	Infrastructure Investment and Jobs Act
INDOT	Indiana Department of Transportation
IURC	Indiana Utility Regulatory
LOI	Letter of Intent
NACS	North American Charging Standard
NEPA	National Environmental Policy Act
NEVI	National Electric Vehicle Infrastructure
NOFO	Notice of Funding Opportunity
NTP	Notice to Proceed
OED	Office of Energy Development
PMC	Project Management Contract
POC	Point of Contact
PSCS	Professional Services Contracting System
TAC	Technical Advisory Committee
TBD	To be Determined

Table of Contents

Overview.....	ii
Key Contacts	iii
Application Requirements	iii
1.0 Introduction	1
1.1 Minimum NEVI Requirements	4
1.2 EV Infrastructure Planning and Implementation Schedule	5
1.2.1 Dates for Indiana’s EV Infrastructure Deployment.....	5
1.2.1 Implementation Approach and Timeframe.....	5
2.0 Procurement Overview.....	6
2.1 Procurement Overview.....	6
2.2 Procurement Schedule	7
2.3 Application Process/Format.....	7
2.3.1 Part A: Administrative.....	8
2.3.2 Part B: Experience, Qualifications, Approach and Cost Information.....	9
2.3.3 Part C: Site Application.....	11
3.0 Application Evaluation.....	16
3.1 Evaluation Criteria and Scoring Rubric	16
3.2 Evaluation Approach	16
3.2.1 Initial Evaluation.....	17
3.2.2 Technical Evaluation	17
3.2.3 Final Selection.....	17
4.0 Award Process	18
4.1 Detailed Award Information	19
4.1.1 Project Phases.....	19
4.1.2 Eligible Costs and Milestone Payments	20
4.2 Award Process	23
4.2.1 Contingent Award.....	23
4.2.2 Final Award.....	23
4.3 Supplemental Provisions	24

4.3.1	<i>Procurement Method</i>	24
4.3.2	<i>Rules of Contact / Communication Protocols</i>	24
4.3.3	<i>Conflicts of Interest</i>	26
4.3.4	<i>Debriefings</i>	27
	List of Appendices	28

List of Tables

Table 1.	INDOT NEVI Competitive Procurement Key Dates	ii
Table 2:	Indiana’s NEVI Formula Funding.....	2
Table 4:	Procurement Schedule.....	7
Table 6:	Scoring Rubric.....	16
Table 7:	Eligible Costs for Project Reimbursement.....	20
Table 8:	Non-Eligible Project Costs	21
Table 9:	Milestone Payments by Project Phase.....	22

List of Figures

Figure 1:	Current and Pending AFCs in Indiana	1
Figure 2:	Indiana's Candidate EV Charging Locations by Corridor	3
Figure 3:	INDOT EV Infrastructure Implementation Approach and Timeframe.....	5

1.0 Introduction

The November 2021 Bipartisan Infrastructure Law (BIL) created the Joint Office of Energy and Transportation and the National Electric Vehicle Infrastructure (NEVI) program. The NEVI program includes a formula component and a discretionary component. The formula program will make significant investments in the electric vehicle (EV) charging infrastructure that will put the United States on a path to a nationwide network of 500,000 EV chargers by 2030 and ensure a convenient, reliable, affordable, and equitable charging experience for all users.

FHWA's guidance prioritizes developing charging networks along designated alternative fuel corridors (AFCs) and providing charging infrastructure for underserved communities. *Figure 1* shows Indiana's current AFCs. Indiana's AFC network covers all interstates plus US 31. In Round 7 of AFC nominations, Indiana is nominating the US 30 corridor across Northern Indiana for AFC consideration, the US 50 corridor across Southern Indiana, the US 41/IN 63 corridor along Western Indiana, the Lloyd Expressway (IN 62 and IN 66) in Evansville, part of IN 930 in Fort Wayne, and portions of US 36 and US 40 near the Indianapolis International Airport.

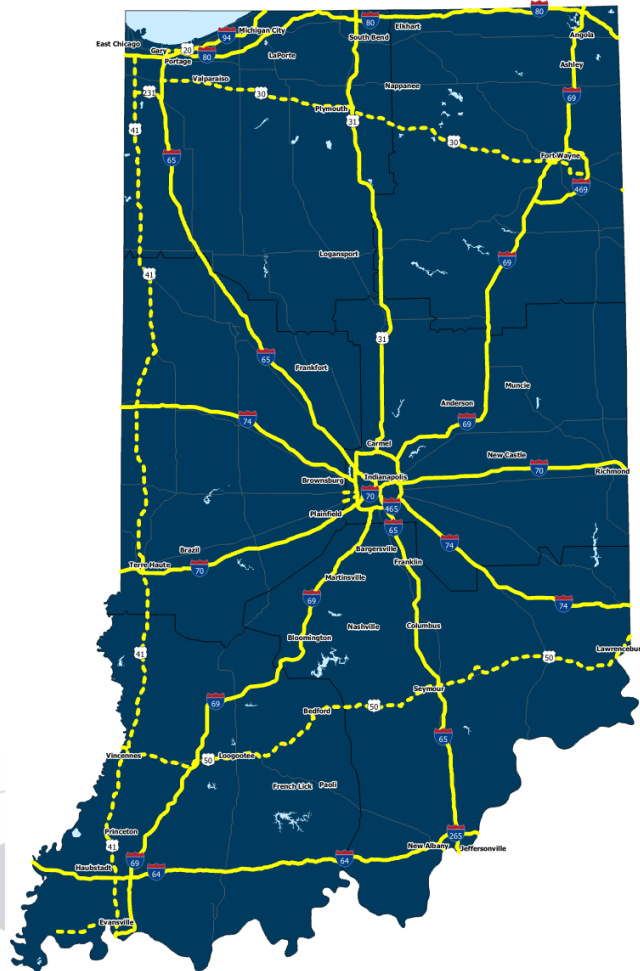


Figure 1: Current and Pending AFCs in Indiana

These corridors are not identified in the current version of the plan and will be added as pending corridors in the annual plan update. Since all six of them have not yet been designated as AFCs, they are not addressed in this Notice of Funding Opportunity (NOFO).

Under the NEVI formula program, Indiana will receive nearly \$100 million in Federal funding. This funding will be allocated across five years, as outlined in *Table 2*. The funding does not include the twenty percent match requirement of the Federal NEVI rules.

Table 2: Indiana's NEVI Formula Funding

Year	Indiana's Funding
FFY 22	\$14,473,125
FFY 23	\$21,215,523
FFY 24	\$21,215,670
FFY 25	\$21,215,688
FFY 25	\$21,215,732
Total Federal Funds	\$99,605,738

After FHWA certifies that all of Indiana's AFCs are "fully built out" to NEVI compliant standards, Indiana will have the option to use any remaining NEVI formula funds on other public roads.

The Indiana Department of Transportation (INDOT) led the development of the statewide EV Infrastructure Deployment Plan, in cooperation with the Governor's Office, Indiana Utility Regulatory Commission (IURC), Indiana Economic Development Corporation (IEDC), the Indiana Office of Energy Development (OED), the Indiana Department of Environmental Management (IDEM), metropolitan planning organizations, utilities, energy service providers, industry, and advocacy groups across the state. The plan is available online at:

https://www.in.gov/indot/files/CLEAN_INDOT-EV-Deployment-Plan_2023-07-13_Final-Version-mbh508-1.pdf.

Indiana's plan identifies eighty-six (86) total candidate sites as shown in *Figure 2*. INDOT estimates that a minimum of forty-four (44) sites will be required to achieve full build out of the current AFCs. Each of the identified sites is an interchange or intersection. The charging stations must be installed within a one-mile driving distance of the interchange/intersection. INDOT has not identified specific locations or addresses for the stations. Location information must be provided in the applications, but applications will only be accepted for these 86 sites. Applicants may not apply for or request other interchanges. A table of these 86 locations is provided in *Appendix A*. These sites are also available for viewing online at INDOT's NEVI Program web page. This online map enables viewers to see the one-mile driving distance relative to the site and other data sources (such as transportation disadvantaged communities) and provide feedback and comments. This online version is available at:

<https://experience.arcgis.com/experience/20dc3f35bc0642458e5cf31deb2aa8ab/?views=Splash-2---background>¹

The Final NEVI Rulemaking Requirements acknowledges that in very limited circumstances, a State might submit a request for discretionary exceptions from the requirement that charging infrastructure is installed within 1 travel mile of the Alternative Fuel Corridor. Exceptions shall be supported by a reasoned and clearly identified justification from the State and will be approved on a case-by-case basis. A copy of the discretionary exception template can be found in *Appendix B*.

¹ The one-mile driving distance polygon has been changed and updated in the online map as of August 25th, 2023.

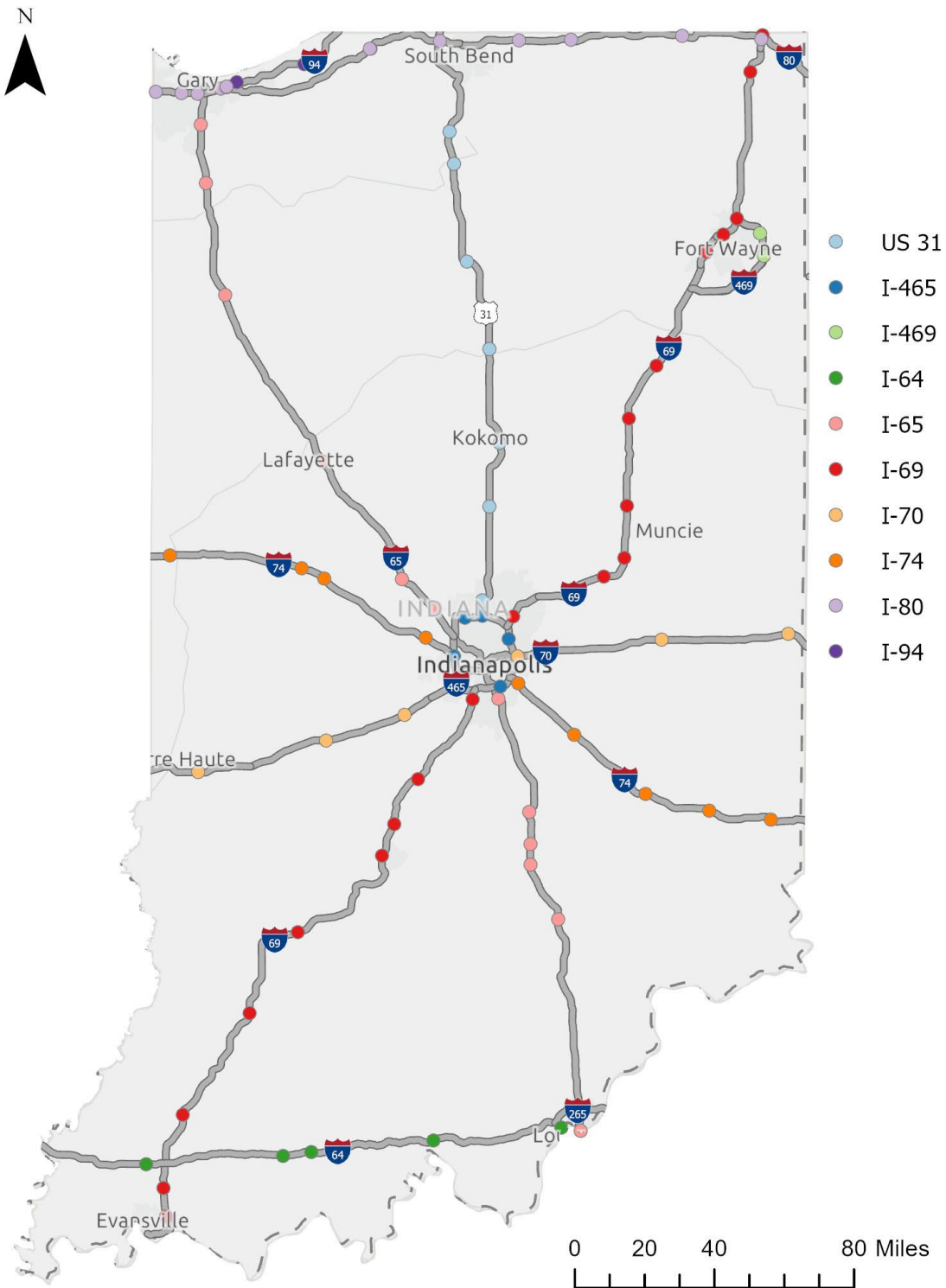


Figure 2: Indiana's Candidate EV Charging Locations by Corridor

1.1 Minimum NEVI Requirements

The NEVI Formula Program sets forth specific minimum standards and requirements that Developers must follow when implementing projects. Such minimum standards and requirements are contained in the NEVI Formula Program Guidance issued on February 10, 2022, the NEVI Formula Program Questions and Answers as updated on September 14, 2022, and the NEVI Formula Program Final NEVI Rulemaking Requirements issued on February 28, 2023 (collectively, NEVI Requirements). On June 2, 2023, FHWA released a memorandum that provides changes and updates to the NEVI Formula Program guidance and superseding the guidance issued February 10, 2022. These items are referenced below, along with design recommendations for EV charging stations to comply with American with Disabilities Act (ADA) requirements.

- Final NEVI Rulemaking Requirements (02/10/2022):
https://www.fhwa.dot.gov/environment/nevi/resources/ev_charging_min_std_rule_fr.pdf
- Final NEVI Rulemaking Requirements Fact Sheet: <https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers/>
- NEVI Formula Program Guidance Update (06/02/2022):
https://www.fhwa.dot.gov/environment/nevi/formula_prog_guid/90d_nevi_formula_program_guidance.pdf
- Buy America Waiver: <https://www.govinfo.gov/content/pkg/FR-2023-02-21/pdf/2023-03498.pdf>
- United States Access Board Design Recommendations for Accessible EV Charging Stations: <https://www.access-board.gov/news/2022/07/21/u-s-access-board-issues-design-recommendations-for-accessible-electric-vehicle-charging-stations/>

The minimum program requirements specify standards relative to electric vehicle supply equipment (EVSE) specifications, program administration items such as reporting, data sharing, interoperability and cybersecurity, physical security and operations and maintenance requirements, including up time, customer service, payment methods and price communication. The requirements are provided in *Appendix C*. Applicants must indicate via the check list that accompanies *Appendix C* that they will comply with these minimum requirements.

Please note that the Final NEVI Rulemaking Requirements does not include a requirement for participation by XBEs². However, to assist INDOT in exceeding equity goals, applicant may highlight XBE participation on their team (and at the candidate site) with their responses to Part B and Part C. This is described in more detail in *Section 3*.

1.2 EV Infrastructure Planning and Implementation Schedule

1.2.1 Dates for Indiana's EV Infrastructure Deployment

Indiana's EV Charging Infrastructure implementation process began with the passage of the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58 (Nov. 15, 2021) and the creation of the NEVI program. Federal NEVI rules required each state to prepare, publish and have Federal approval for an implementation plan. INDOT leveraged public and private sector stakeholder engagement and delivered the plan on July 29, 2022. It was approved in September 2022. Since approval, INDOT selected a program management consultant in December 2022, and is engaging with utility providers and planning for the upcoming procurement.

1.2.1 Implementation Approach and Timeframe

INDOT intends to procure as many candidate sites as possible through the initial procurement. Implementation may require multiple phases to achieve build out over the five years of the program, as shown in *Figure 3*.

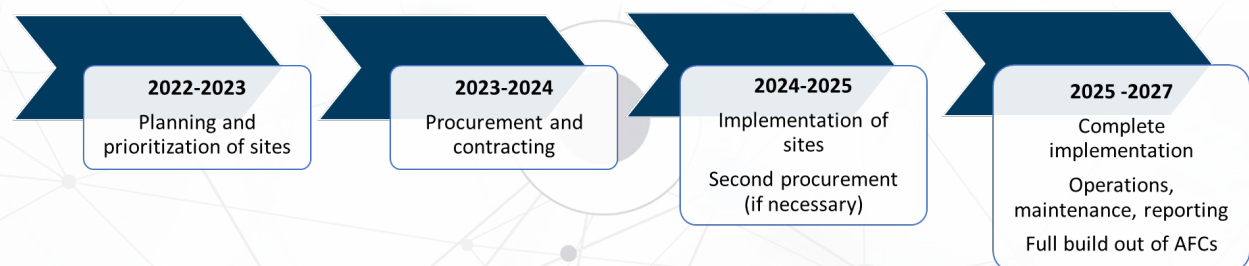


Figure 3: INDOT EV Infrastructure Implementation Approach and Timeframe

² XBE is used to reference Minority-Owned Business Enterprise (MBE), Women-Owned Business Enterprise (WBE) and Veteran-Owned Business Enterprise (MBE) as well as other disadvantaged local business enterprises as a group. In the context of NEVI, INDOT will consider any third party certification for small or disadvantaged businesses, whether certified by a federal, state, local or third party entity.

2.0 Procurement Overview

2.1 Procurement Overview

INDOT NEVI candidate site locations (shown in *Figure 2* and *Appendix A*) represent the 50-mile spacing for EVSE installations that is necessary to comply with the NEVI Program requirements and includes numerous alternate locations that could also fill EV charging station gap areas in the event that the primary interchanges do not have interested applicants. In accordance with this NOFO, applicants must submit a response for at least one of these candidate sites and may submit responses for multiple candidate sites.

INDOT reserves the right to award any number of candidate sites to the same applicant if INDOT determines that the resultant award provides the best value to the department and otherwise meets the objectives of the Indiana EV Implementation Plan. INDOT anticipates making awards to multiple applicants with the goal of awarding at least the minimum number of sites necessary to fully build out the AFCs. Depending on the number of qualified applicants, INDOT may elect to limit the total number of awards so that no one applicant receives more than twenty-five percent (25%) of available funding.

This applicant will install EVSE and provide EVSE-related services at the site(s) pursuant to the requirements of this NOFO, the Indiana EV Implementation Plan, NEVI Guidance, the FHWA Final NEVI Rulemaking Requirements and additional requirements to be finalized after contingent award and included in the final contract documents. INDOT will evaluate and award sites to applicants in accordance with the process described in *Section 4*.

Applicants shall prepare an application consisting of three parts. These parts are described in detail in the sections below. At a high level:

- Part A. Administrative Application. Submitted once per applicant and includes the information to indicate compliance with minimum NEVI requirements, and certification of financial viability. **Part A is limited to 3 pages.**
- Part B. Experience, Qualifications and Approach. Submitted once per applicant, and contains the team's experience, qualification, and technical project approach. **Part B is limited to 5 pages.**
- Part C. Site Application. Submitted for each site being proposed and shall include the required information for each candidate site being proposed. **Part C is limited to 4 pages PER SITE.**

See *Section 4.0* for information related to contingent award and the conditions required to be met before final execution of an award and contract. Upon execution, a candidate site will become an awarded site. The contract will include provisions for a five-year operations and maintenance period that will initiate when INDOT accepts installation of the EVSE by issuing a formal notice to the site team (contract-holder).

If insufficient qualified bids are received to fill the 50-mile gaps across the state, INDOT may release additional NOFOs to procure EVSE for other sites. The need for a future NOFO will be determined after the final award process for this procurement.

2.2 Procurement Schedule

Milestones related to the procurement are provided in *Table 3*.

Table 3: Procurement Schedule

Milestone	Date
Post NOFO for Public Comments	June 1, 2023
Public Comments Due	June 18, 2023
Pre-Application Webinar	June 20, 2023
XBE Networking Events (5 events)	July 13, 2023 – August 16, 2023
NOFO Release	August 31, 2023
Pre-Bid Meeting*	September 12, 2023
Questions Due**	September 19, 2023
Responses to Questions	September 26, 2023
XBE Networking Event (virtual)***	September 29, 2023
Applications Due	November 22, 2023
Selection	January 2024
Contingent Award(s)	TBD
Final Award(s)	TBD

*Registration required; please register [here](#).

**Questions should be submitted [here](#). Answers to questions will be posted on the INDOT NEVI web page as well as the submittal portal.

***Registration information will be distributed at least two weeks prior to the event.

2.3 Application Process/Format

To apply for funding, applicants shall adhere to the process outlined below and detailed in the templates for each part contained in *Appendix C*. Applicants shall be responsible for reviewing all Program documents available on the INDOT NEVI Program webpage:

<https://www.in.gov/indot/current-programs/innovative-programs/electric-vehicle-charging-infrastructure-network/>

Applicants shall prepare a complete application submission package for each individual EVSE charger project site seeking funding. If bidding on a single site, this package shall contain Part A, B and C. If bidding on multiple sites, this package shall contain Part A, B, and one Part C for each site being proposed. There is no limit to the number Part C submissions a single organization can submit.

2.3.1 Part A: Administrative

Part A - Administrative consists of four required components:

1. Application Checklist
2. Compliance with Final NEVI Rulemaking Requirements (23 CFR Part 680)
3. Demonstration of Financial Viability

Applicants shall submit one Part A regardless of the number of sites being proposed. The specific sub-sections of Part A are described in more detail in the subsections below. A template for all application parts is contained in *Appendix D*.

2.3.1.1 Application Checklist

The application checklist is contained in *Appendix E*.

All application materials and attachments shall be submitted electronically during the open application period via INDOT's online submission page, by an eligible applicant before the program deadline. INDOT's online application submission portal requires registration and can be accessed via: <https://indotmajorprojects.sharepoint.com/sites/neviprocurement>. If access has not already been requested, one point of contact (POC) from the prime applicant company should email the individual's name, company name, telephone number and email address to nevi@indot.in.gov to request access immediately. Access will be provided before the close date for the application.

Applicants shall upload the required files in the file format specified in *Appendix E* with the file names described in the same section.

2.3.1.2 Compliance with Minimum NEVI Requirements

Applicants must indicate compliance with minimum NEVI requirements as outlined in the Final NEVI Rulemaking Requirements. These requirements are contained in *Appendix C*.

2.3.1.3 Financial Viability

Although project cost is not an evaluation component, some financial information about the proposing team is required to evaluate whether the applicant's business is financially viable and able to support the project for the duration of the NEVI program. This element will be evaluated on a pass/fail basis.

Applicants shall provide a letter or documentation from a surety demonstrating the applicant's ability to provide performance, payment, and maintenance bonds, as well as any limits on the

surety bond amounts that will exist. This letter shall be provided within the Part A package. INDOT will require the prime applicant to demonstrate bond(s) equal to the estimated cost per site; if an applicant is proposing multiple sites, the demonstration of financial surety should equal the estimated total cost for all sites being proposed. Each prime applicant shall include in their Part A submission this letter from their financial surety which documents their current bonding limit (or ability to secure this limit) relative to the number of sites being proposed. More information on INDOT's application of bond requirements is contained in the 2022 Standards and Specifications Handbook³.

2.3.2 Part B: Experience, Qualifications, Approach and Cost Information

In Part B, the Applicant shall provide their experience, qualifications, project approach and high-level cost information as outlined in the sub-sections below. The template for this part is contained in *Appendix D*. Responses are limited to five (5) pages.

2.3.2.1 Applicant Experience

Provide a short narrative on the Applicant's relevant experience, including:

- Number of years providing similar services;
- The number of clients/customers and geographic locations that the applicant currently serves; and
- Indiana relevant experience.

Provide references (at least three (3) preferred), including the following information:

- Past project general information;
- Past project cost;
- Description of EVSE used in the project; and
- Reference (contact) information.

2.3.2.2 Applicant Qualifications

Applicants shall provide a list of all organizations expected to be part of the project and provide a brief description of their roles and the project team's structure. At a minimum, applicants shall identify which firms will fill the following roles:

- Project owner
- Site host
- EVSE supplier
- EVSE installer/contractor
- Operator

³ <https://www.in.gov/dot/div/contracts/standards/book/sep21/2022%20Standard%20Specifications.pdf>

- Maintainer
- Utility provider
- Sub-contractors (if known)
- Consultants (if any)

If a single entity is performing multiple roles, please list all the roles from the preceding list that the entity will perform. If multiple candidate sites are being proposed and there are different entities within a single role dependent on the site (for example, site host), please note which candidate site each entity will support.

Key staff for each entity participating on the applicant's team shall also be noted in the application along with a commitment that their participation will continue through the duration of the project.

2.3.2.3 Project Approach

Applicants shall provide a narrative describing their team's approach to site selection, site design, permitting, and construction. This section shall describe the team's post construction work including, but not limited to the following:

- Operations and Maintenance Commitment
- Maintaining Up-Time
- Data Sharing
- Physical Security
- Cybersecurity
- Safety and Training
- Rates and Billing

Finally, the applicant's project approach shall include a proposed schedule including major activities for a typical installation. The schedule shall include approximate durations and milestone tasks in a Gantt Chart format.

2.3.2.4 Project Cost Information

While INDOT is not requesting an estimated per site or total project cost as part of the application response, applicants shall include a short description of their team's financial commitment to the project, the source of this commitment, and whether any additional funding sources will be combined with the Federal NEVI funds authorized to the project. The most funding any applicant will receive is 80% of the project cost. The applicant should also describe the capacity of the team to provide performance and maintenance bonds that exceed the minimum requirement (as defined in *Section 2.3.1.3*, \$1M per site).

Applicants will complete the project cost information template contained in *Appendix D* which contains:

- Percent cost share offered. This shall include:
 - Source of cost share funds.
 - If applying another NOFO funding source, please indicate the status of that funding source. Note: Federal funds will not exceed 80% of total eligible project costs and no state funds will be allocated to awarded projects.
 - If NEVI funds are combined with other grant or competitive procurement funds, applicants shall indicate the status of that NOFO or opportunity and their commitment to satisfying the requirements of both programs.
 - If multiple candidate sites are being proposed and the percent cost share differs by site, please indicate the cost share per site.
- Description of the EVSE ownership model. This section is intended to capture roles within different members of the proposing team once the project enters the operations and maintenance phases. It shall also provide INDOT with an understanding of the rate structure and payment methods that would be presented to consumers. Description of this ownership model shall include:
 - Who receives the financial benefits (revenue) from the station?
 - Who is responsible (financially and operationally) for maintenance and repair of the station?
 - What are the approximate service fees and frequency?
 - What is rate structure and methodology that will be implemented?
 - What is the customer method(s) of payment (if above and beyond NEVI requirements)?
 - What are the billing practices that will be implemented?

2.3.3 Part C: Site Application

The following items will be used to score applications according to overall fit with the Indiana NEVI program. Responses shall succinctly address all items requested. A scoring rubric will be used to score each of these items. A high-level description of the scoring rubric is contained in the next section of the NOFO, and a detailed breakout is contained in *Appendix F*. Applications will be ranked against others for the same exit, intersection, or along the same EV Corridor. Although INDOT intends to use the scores and ranks to guide award decision making, a high score and/or rank does not guarantee an applicant funding.

2.3.3.1 Site Information

As with the previous sections, a template for Part C is contained in *Appendix D*. The template will require applicants to provide short answers to the list of questions below. The answers to these questions and information provided in a applicants' response will be the basis for a draft contract/agreement. Therefore, any items described above minimum NEVI requirements are considered commitments and will be incorporated into a contingent award.

1. How far is the proposed charging site from the EV Corridor it is meant to serve? (10 points). According to FHWA⁴, the 1 mile from interstate exits or highway intersections along AFCs should be measured as the shortest driving distance from the Interstate Highway System exit or highway intersection to the proposed station at the time of the proposal. Additional information on how measurement shall be made follows:
 - a) If the EV corridor is a freeway/interstate or has full access control, the distance shall be measured from the entrance driveway of the charging site to the center point of the nearest ramp or loop intersection with the local/adjoining road.
 - b) If the EV corridor is not a freeway/interstate or full access-controlled highway⁵, the distance shall be measured from the entrance driveway of the charging site to the center point of the intersection of the EV Corridor with the street on which the charging site is located, or to the edge centerline of the EV Corridor if the charging site has direct access to the EV Corridor.

If a discretionary exception needed for the proposed charging station location, please attach the corresponding template form in *Appendix B*.

2. How many EV charging stalls/ports are to be provided with this application? (10 points)
3. How much total power, in kilowatts (kW), will be available for concurrent, continuous charging at the proposed charging site? (10 points)
4. Describe the availability and method of providing internet/networked access to the charging site. (10 points)
5. Describe the extent of the utility improvements needed to provide sufficient electric service to the charging site. (20 points)
 - a) *Appendix G* contains utility coordination information including utility providers by candidate site, point of contact and desired information, as well as a utility questionnaire.
6. Describe all enhancements and amenities beyond the minimum requirements. This may include (but is not limited to) closed-circuit security cameras, canopy, emergency call system, availability of staff, dedicated staff, availability of food/beverages, availability of free/open wi-fi internet, access to shopping/recreation, 24x7 access to restrooms/amenities, access to public transportation, pull-through space configuration, and other enhancements. (10 points)

⁴ FHWA, June 2023.

https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/nominations/90d_nevi_formula_program_guidance.pdf

⁵ Full access control meaning preference given to through traffic movements by providing interchanges with selected public roads, and by prohibiting crossing at-grade and direct driveway connections (i.e., limited access to the facility). Source: FHWA.

2.3.3.2 Site Schematic

Applicants will include with the site application a one-page site schematic including the charging site layout including but not limited to the following information (20 points):

- Existing/proposed parking spaces
- EVSE charger
- Point of sale kiosk (if separate from charger)
- Signage
- Electric service point
- Space for future use
- ADA access

2.3.3.3 Site Readiness

Applicants shall provide a short narrative describing key elements of site readiness. Questions to be answered through this narrative include:

1. Describe the level of any existing EVSE on the site. (10 points)
2. Describe the status of the site host agreement for this location. (20 points)
3. Describe the extent of coordination completed with the electric utility provider. (10 points)
4. Describe permits needed to complete the charging site construction. Permits may include Technical Advisory Committee (TAC) reviews, zoning variances, building/occupancy permits, etc. Permit requirements will vary depending on charging site location. (10 points)
5. Describe the availability of EV charging equipment in the applicant's possession to be used for the proposed site. (5 points)
6. Describe the readiness of the site for environmental permitting activities. Specifically, please address the items below (5 points):
 - a. Will the entire project occur within an existing parking lot, paved or gravel area, or maintained (periodically mowed) lawn?
 - b. Are any project partners, including the site host, aware of any site contamination/remediation or cleanup activity associated with hazardous materials? If yes, please clarify.
 - c. Are there any special environmental permits or other approvals that are required to complete this project? If so, provide the status of each permit and anticipated timeline to obtain approval.

2.3.3.4 Future Proofing

Applicants shall provide a short narrative describing how the proposed site can scale for future growth and be sustainable. Questions to be answered through this narrative include:

1. Does the transformer proposed at or available at this site have additional capacity to support additional charging ports in the future? (15 points)
2. Have accommodations been made for to enable trailers, medium duty and/or heavy-duty vehicles? If so, please describe those. (10 points)
3. Please describe the extent to which renewable energy will be used to power this site. (5 points)
4. Please describe any innovations beyond NEVI requirements. These may include solar chargers and/or on-site battery storage. (10 points)

2.3.3.5 Equity, Workforce, and Economic Development

Applicants shall provide a short narrative describing their approach to equity, workforce, and economic development with activities taken during their planning process, as well as their future implementation plans (i.e., their “Approach”), respective to the candidate site.

With approximately 59% of Indiana’s population in a DAC and/or rural area, equitable deployment of charging infrastructure is one of the state’s primary priorities. Applicants should include any details on engagement that took place with stakeholders representing rural and disadvantaged communities. This process is important to ensure that diverse views were heard and considered throughout the planning process, and to ensure that the deployment, installation, operation, and use of EV charging infrastructure achieves equitable and fair distribution of benefits and services.

Questions to be answered through this narrative include:

1. Please describe the applicant’s approach to meeting or exceeding INDOT’s NEVI plan equity outcomes and potential metrics at the candidate site. The approach shall describe the team’s specific activities during implementation and include information on how the applicant intends to quantify measurable outcomes related these activities. (20 points)

For reference, Indiana’s EV equity outcomes and metrics from the recently updated plan, as well as those that are under consideration, are outlined below. Applicants should review and reference these metrics in their implementation approach and activities.

- a. Improve clean transportation access through the location of charging infrastructure with the percent of candidate charging station sites that are in or within each of five (5) miles and fifteen (15) miles of at least one DAC area

- b. Increase equitable adoption of clean energy technology with the percent of AFC miles within a DAC area
 - c. Enable reliable access to affordable charging with the percent uptime of NEVI charging ports accessible to DAC areas
 - d. Additionally, INDOT is considering adding the following metrics to future updates of its NEVI plan:
 - i. Metrics related to EV education and awareness
 - ii. Metrics related to clean energy job creation and training opportunities
 - iii. Metrics related to contracting with XBEs and small/local businesses
2. Please describe the extent of XBE engagement during the pre-application, application, and planned procurement period. (10 points)
3. Please list all XBE and local firms included on the applicant's team and describe their level of participation in the Work required to complete the development and operation of the charging site. (10 points)
 - a. Note: Federal NEVI requirements do not require states to include a minimum requirement for XBE participation. As such, applicants may describe any relevant XBE team members. This may include INDOT, Indiana Department of Administration (IDOA⁶), city / county / municipal governments within the state, transit agencies in the state, etc. as well as any certifications that may be held in states with which INDOT recognizes XBE certification (i.e., Kentucky Transportation Cabinet). This also includes private 3rd party certifications and other Federal certifications including Mid-States Minority Supplier Diversity Council and the United States Small Business Administration HubZone program.
 - b. For more information on the XBEs currently certified by INDOT, please visit: <https://www.in.gov/indot/doing-business-with-indot/equity-initiative-services/DBE-directory/>.
 - c. DBE certification with INDOT is separate from the demonstration of financial viability process described in Part A. For more information on DBE certification with INDOT, please contact: EISInquiry@indot.in.gov.
4. Please describe the Applicant's approach to workforce development. (10 points)
5. Please describe the Applicant's approach to EVSE education and awareness. (10 points)

All characteristics of the site included in the Site Application will become requirements upon successful contingent selection.

⁶ <https://www.in.gov/idoa/mwbe/>

3.0 Application Evaluation

INDOT will review and rank each submitted application with respect to the criteria outlined in this section. INDOT's goal is to create a fair and uniform basis for the evaluation of applications for the candidate sites. This section provides an overview of these criteria and then walks through the approach that will be followed.

3.1 Evaluation Criteria and Scoring Rubric

Each application will be evaluated to determine its ability to meet or exceed the project scoring elements. The applications will be scored as described in *Table 4*.

Table 4: Scoring Rubric

Part	Title	Contents	Points
A	Administrative	Application Checklist	Yes / No
		Minimum NEVI Requirements	Pass / Fail
		Financial Viability	Pass / Fail
	Administrative Subtotal		Pass / Fail
B	Experience	Experience (past EVSE projects)	75
		Qualifications (list firms, role, key staff)	75
		Project Approach	75
		Cost Information	25
	Experience Subtotal		250
C	Site Application	Site Information	70
		Site Schematic	20
		Site Readiness	60
		Future Proofing	40
		Equity, Workforce, and Economic Development	60
	Site Application Subtotal		250
TOTAL POINTS POSSIBLE			500

3.2 Evaluation Approach

The application evaluation approach will consist of the steps outlined in this section. The approach includes three steps:

- Initial Evaluation (Part A)
- Technical Evaluation (Part B and C)
- Final Selection

3.2.1 Initial Evaluation

Administrative applications will be evaluated using a pass/fail approach of the required elements:

1. Upon receipt of the Applications, INDOT will perform a preliminary review for general completeness and responsiveness of the required components in Parts A, B and C. Failure to adhere to the NOFO will result in failure to progress to further evaluations. INDOT will review Applications to verify that all required documents and forms are properly completed and signed as required by the NOFO.
2. INDOT will review applicant's indication of minimum NEVI requirements.
3. INDOT will perform a Pass/Fail Demonstration of Financial Viability.

3.2.2 Technical Evaluation

Applicant's experience, qualifications, technical approach, and cost information will be scored using the rubric described in *Section 4.1*. Additional details around the number of points provided for responses is contained in the detailed rubric contained in *Appendix F*.

- Experience, qualifications, and technical approach
- Site application

A total application score will be prepared for each applicant. Following the scoring process, INDOT will then evaluate the candidate sites individually and in groups to identify whether all candidate sites received bids. INDOT also assumes that some or all sites will receive multiple bids, so the scoring team will also evaluate the overlap among applicants. While scoring will be an essential element in comparing applicants' applications, a top priority that in the selection process will be achieving the full build out of current AFC's.

3.2.3 Final Selection

Based on the pass/fail and technical evaluations, INDOT will prepare a short list of applicants for all candidate sites (or for those sites that received responses, if less than the total list of candidate sites). Short list applicants will be notified, and a two-part selection will occur:

- Part 1 will finalize the number and specific location for the candidate site(s) to be included in the contingent award and draft contract for the applicant. INDOT will review all applications received and may choose to select the final number and location of candidate sites. This may include working with applicants to include candidate sites that may not have received any applications in their contingent award.
- Part 2 will require the applicant to be asked to develop and submit an estimated cost per site and per project (if more than one candidate site is being submitted) for review.

INDOT will require an estimated cost to finalize the contingent award. Part 2 may be used if two applicants receive an equal score on their initial application.

4.0 Award Process

INDOT will obligate their NEVI award funding as flexibly and expeditiously as possible after project selections have been announced via signed contracts between INDOT and the awardee. Selections will be made based on experience, qualifications, and applicant's technical approach.

Once applicants are selected (as outlined in the preceding section), INDOT will use a two-step award process whereby a contingent award is made and notice to proceed (NTP) for pre-construction activities is provided based on the awardee's application. Project cost and award size will be required following selection but prior to the contingent awards being finalized. This contingent award will enable the awardee to complete remaining site planning and pre-construction requirements.

Upon successful completion of site planning activities (which are described in detail below) a final award will be made and a second NTP issued. Awardees can then begin installing and testing equipment. This will include the five-year (60 month) period of operations and maintenance, which will begin following the completion date and site compliance verification.

Expenses will be reimbursed based on achievement of contract milestones. After notice of acceptance of work at the end of a milestone, reimbursements will be disbursed within thirty-five (35) days of an invoice being received. Reimbursements within thirty-five (35) days is in conformance with State fiscal policies and procedures and, as required by IC § 4-13-2-14.8 and will be provided by the direct deposit by electronic funds transfer to the financial institution designated by the applicant in writing unless a specific waiver has been obtained from the Indiana Auditor of State. No payments will be made in advance of receipt of the goods or services that are the subject of the contract except as permitted by IC § 4-13-2-20.

Milestones and costs eligible and ineligible for reimbursement are defined in detail in the next section and in *Table 5*, *Table 6*, and *Table 7*, respectively.

INDOT expects to make awards for as many sites as possible with the available funding, with no minimum or maximum award size per site. INDOT reserves the right to make more or fewer awards and reserves the discretion to alter maximum award sizes upon receiving the full pool of applications and assessing the needs of the program in relation to the priorities. INDOT also reserves the right not to award the full funding amount requested by an applicant during the selection process.

4.1 Detailed Award Information

4.1.1 Project Phases

For the Round 1 funding, INDOT has advanced appropriations of \$14.7 million for FFY 2022 and \$21.2 million for FFY 2023 for a total of \$35.9 million through the INDOT NEVI formula program. FHWA approval of the 2023 update to Indiana's EV Implementation Plan (submitted on August 1, 2023) is pending. Upon receipt of this approval, INDOT will also advance FFY 2024 funding in the amount of \$21.2, bringing the total to \$57.1.

The Indiana NEVI program is using a competitive selection and procurement process, and applicants are required to provide a minimum of 20 percent match of the eligible costs for non-federal sources. Eligible project costs are defined in the next section. Project costs will be reimbursed to selected applicants through a milestone payment process that aligns with the project phases throughout the five years of the NEVI program. These phases and the required elements necessary are described below, and the milestone payments associated with them are defined in *Table 7*.

- Phase 1 (Contingent Award and Preconstruction) – NTP #1
 - Final number of sites
 - Final site host agreement(s)
 - Site information/schematic(s)
 - Equipment list and estimated project cost
 - Bonding requirements
- Phase 2 (Final Award and Design) – NTP #2
 - NEPA clearance
 - Lease agreement (if applicable) - proof that a private owner will allow construction to occur on their property
 - Securing required applicable permits (air/land use, electrical, structural, zoning, environmental – water, environmental – other, local agency, other)
 - Utility approval, timeframe for coordination, any costs associated with utility coordination and work
 - Total project cost/cost per site
 - Amendment of Statewide Transportation Improvement Plan
- Phase 3: Construction – NTP #3
 - Site commissioning, construction, and equipment installation
 - Inspection (physical, communications/networking, payment)
 - Site sign-off by INDOT PMC team
- Phase 4: Post-Construction and Operations and Maintenance – NTP #4
 - 5-year O&M (post-construction)

- Reporting per NEVI requirements
- Audit and check-in at 50% completion of O&M and as needed

4.1.2 Eligible Costs and Milestone Payments

Table 5 contains project costs that are eligible for reimbursement through this program. Italicized items may be considered as eligible costs dependent on negotiation of final award.

Table 5: Eligible Costs for Project Reimbursement

Category	Item
Capital costs	Equipment and installation costs for new EVSE and associated components (transformers, panel/switchgear, meters, charger, connectors, and cables)
	Cost to upgrade existing EVSE and associated components to meet minimum NEVI standards
	Costs for minor grid upgrades*, provided the work is necessitated solely by the construction or upgrading of the EV charging station and participation in the upgrade does not exceed the allocable cost of the minimum upgrades needed to match the planned power requirements of the EV charging station.
	Signage at and leading to the site (to include both signage to designate the charging space and signage to direct travelers to the station).
	Construction, site survey and inspection
Networking and Communications	Network operations and billing to meet NEVI connectivity and interoperability requirements (for example, cellular network fees, internet service fees or similar)
	Charger communication and data reporting
Miscellaneous Costs	Site landscaping/beautification
	Additional site amenities (ex. canopies)
	Emergency service
	EVITP training for installation and operations and maintenance staff
	Physical security including video security, lighting, fire prevention, and tamper/vandalism resistant mechanisms
	Renewable energy costs** (ex. solar, battery storage, etc.)

Operations and Maintenance	Project management and administrative costs (for example: costs associated with finalizing site host agreements, securing municipal permits, utility work requests and preparation for NEPA, annual cost of securing required surety)***
	Engagement and communications costs, including community outreach, EV education and awareness, and workforce development activities
	Taxes and business license costs (up to a predefined limit)
	Hardware and software maintenance and repair costs, including service agreements with third-party contractors and charging equipment manufacturers or warrantors – both routine and emergency/unscheduled
	Parts warranty
	Extended warranty
	Maintenance costs (up to a predefined limit) to cover recurring activities such as snow removal, litter pickup/sweeping, etc.

*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.

** Renewable energy generation or storage only transfers power to and from the EV charging station. Costs for planning, permitting, acquisition, and installation of on-site distributed energy resource (DER) equipment (e.g., solar arrays, stationary batteries) that are directly related to the charging of a vehicle are eligible for reimbursement. These costs shall only be considered if they will lead to lower costs to consumers, greater EV charging station reliability, and if they do not substantially increase the timeline for completing an EV charging station project⁷.

*** Direct and indirect cost allocation for reimbursement must follow 2 CFR part 200.

Table 6 summarizes costs that are not eligible for reimbursement under this program.

Table 6: Non-Eligible Project Costs

Category	Item
All	Any costs incurred prior to contingent award
All	Any costs unrelated to the EV charging station
All	Costs for studies or research projects
Capital	Purchase or rental of real estate

⁷ https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/resources/nevi_program_faqs.pdf

Capital	Major grid upgrades, such as longer line extensions or upgrades, improvements to offsite power generation, bulk power transmission, or substations
Capital	Construction or general maintenance of building and parking facilities
Capital	Proprietary connectors*
Operations and maintenance	Electricity
Operations and maintenance	Insurance
Operations and maintenance	Customer support
Operations and maintenance	Taxes and business licenses (costs above the predefined limit)
Operations and maintenance	Charging equipment leasing fees (leasing as opposed to purchasing EVSE and associated components)
Operations and maintenance	Costs covered by programs or tariff rules of the electric utilities

*North American Charging Standard (NACS) connectors are not considered proprietary and are an eligible expense. Projects must also offer CCS connectors in addition to NACS; therefore, applicants may not propose NACS connectors in lieu of CCS.

As described in Section 4.1.1, each project will receive funding across multiple project phases. Within these phases, certain milestones must be met and documented to initiate the reimbursement process. Please note that project teams will not receive advance payment or funding for the project(s). The reimbursement process will align with the project phases and milestones in *Table 5*. This table also provides the percentage of the project cost that will be eligible for reimbursement at that milestone. The contract will include deliverables associated with each phase to demonstrate achievement of each milestone and initiate reimbursement.

Table 7: Milestone Payments by Project Phase

Phase	Milestone	Payment
Phase 1 – Contingent Award and Pre-construction	High level project cost estimate and notice to proceed	5%
	Final site host agreement(s) and executed purchase order from EVSE manufacturer	10%
Phase 2 – Final Award and Design	NEPA clearance, permits, and utility work request executed; all utility easements (if any) executed	10%
Phase 3 – Construction	Commissioning completed	20%
	Inspection and verification (final completion)	25%
	Capital payments paid quarterly during operational period	20%

Phase 4 – Operations and Maintenance	Performance audit at 50% completion of operations and maintenance period	10%
---	--	-----

4.2 Award Process

4.2.1 Contingent Award

Using the evaluation criteria presented in *Section 5*, INDOT will identify the highest ranked applications based on experience and qualifications and highest ranked sites using the combined scores. INDOT will make a contingent selection and notify the selected applicant. The applicant must provide a high-level project cost estimate to INDOT for review, negotiation, and acceptance. Upon INDOT approval, INDOT will provide a contract to the selected team to sign and return. *Appendix H* contains some of the state and federal mandatory contract/agreement terms and conditions that will be included in this contract. The awardee will have one contract that handles all phases and activities of the project: pre-construction and design, construction, post-construction, and operations and maintenance. The contract will outline requirements for authorization to move to the next phase and identify clauses allowing termination during these various phases.

If an applicant is not selected, they will receive a notice of non-selection and their scores. The contingent award, executed contract, and NTP will enable the selected team to compile their project details and specifics for each site, which will include:

- Final number of sites
- Final site schematic(s)
- Estimated project cost estimate, including equipment list and cost
- Final site host agreement

4.2.2 Final Award

Under the contingent award authorization NTP, the selected team(s) will complete the remaining preconstruction activities as outlined in the contingent award section. The team(s) will also be authorized to complete the utility coordination and local site permitting process(es) and will be required to provide inputs to the National Environmental Policy Act (NEPA) process. INDOT will conduct an environmental review at INDOT's expense, in compliance with NEPA⁸. The anticipated duration for the NEPA review is 60 days. The team(s) must secure access to the site before INDOT's environmental review, so INDOT and its representatives have the right to enter the property to complete the NEPA environmental reviews.

⁸ <https://www.in.gov/indot/engineering/environmental-services/environmental-policy/>

If INDOT determines NEPA review will take longer than 60 days and/or would result in an undue cost to INDOT, or the NEPA review determines the project would not be eligible for a categorical exclusion (CE)⁹, INDOT may withdraw the site from the program and terminate the contract. Similarly, if the awardee makes any project changes that require any additional NEPA clearance at the site, then the additional NEPA work will be at the awardee's expense (i.e., this work would not be an eligible expense for reimbursement).

A final award will not be provided until the site has NEPA approval, site permits completed, and utility coordination and cost estimating completed. Upon approval of these items, a Phase 2 milestone payment will be made and INDOT will provide awardees with a second NTP to initiate Phase 3.

If one or more contingent or final awards are declined or rescinded, INDOT may make an offer to an applicant initially notified that an award would not be made. Notice and acceptance of a subsequent award shall be in accordance with this NOFO.

4.3 Supplemental Provisions

4.3.1 Procurement Method

The INDOT EV Infrastructure will be procured as a competitive NOFO, with multiple awards. INDOT has prepared a special experimental project (SEP) request in accordance with SEP-14¹⁰ for submission to FHWA to document the process by which the use of this procurement method was determined.

Project selection and grant administration will be consistent with the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (IIJA), (Pub. L. 117-58). The NEVI formula program is authorized under Paragraph (2) under the Highway Infrastructure Program heading in title VIII of division J of the BIL.

4.3.2 Rules of Contact / Communication Protocols

From and after the date of issuance of this NOFO and ending on the earliest of (i) the execution and delivery of the Agreement, (ii) rejection of all applications by INDOT, or (iii) cancellation of the NOFO, the following rules of contact shall apply. These rules are designed to promote a fair and unbiased procurement process. Contact includes face-to-face, telephone, facsimile, electronic mail (e-mail), other electronic means ("SMS"), or formal written communication.

The specific rules of contact are as follows:

- No applicant nor any of its team members may communicate with another Applicant or its team members through its employees, agents, or representatives with regard to the NOFO or either team's application, except that (i) subcontractors that are shared between two or more applicant teams may communicate with their respective team

⁹ <https://www.in.gov/indot/engineering/files/Categorical-Exclusion-Manual-February-2021.pdf>

¹⁰ <https://www.fhwa.dot.gov/construction/cqit/sep14EVcharging.cfm>

members so long as those applicants establish a protocol to ensure that the subcontractor will not act as a conduit of information between the teams, and (ii) this prohibition does not apply to public discussions regarding the NOFO at any IFA sponsored informational meetings.

- Each applicant shall designate one (1) representative responsible for contacts with INDOT and shall correspond with INDOT regarding the NOFO only through INDOT's Authorized Representative and the Applicant Authorized Representative.
- No applicant or representative thereof, nor any of its team members or representatives thereof, through either of their respective employees, agents, or representatives shall have any *ex parte* communications regarding the NOFO or the procurement described herein with any member of INDOT and their advisors, contractors, counsel, or consultants involved with the procurement, except for communications expressly permitted by the NOFO or except as approved in advance by the Authorized Representative, in his or her sole discretion. The foregoing restriction shall not, however, preclude or restrict communications regarding matters unrelated to the NOFO or participation in public meetings related to the NOFO. Any applicant engaging in such prohibited communications may be disqualified at the sole discretion of INDOT.
- Applicants and their team members shall not directly contact the following identified stakeholders (the "Stakeholders") regarding the Project, including employees, representatives and members of the entities listed below, it being the intent that INDOT provide any necessary coordination during the NOFO stage with such entities in order that, among other things, the procurement be implemented in a fair, competitive, and transparent manner and with uniform information:
 - HNTB Corporation and any of their subcontracts, in its capacity as program management consultant (PMC). This includes:
 - Greater Indiana Clean Cities, Inc;
 - Herd Strategies;
 - EVNoire
 - Ice Miller LLP;
 - KBHR;
 - ETCH;
 - Tesco;
 - JQOL;
 - SJCA;
 - Etica

Information requests concerning these entities shall be sent to INDOT, who, may arrange for a general meeting between one or more of these entities and the applicants. Such meetings will be open to all Applicants and will not include discussion of any confidential matters. Following any such general meeting, INDOT may allow individual meetings between an applicant and such entity(ies); provided; however, that such applicant notifies INDOT in writing of any planned meeting in advance and sends INDOT an agenda for such meeting. In such event, INDOT

reserves the right, in their sole discretion, but without obligation, to send a representative to such meeting.

- Any communications determined by INDOT, in its sole discretion, to be improper may result in disqualification. “Improper” as used herein means detrimental or prejudicial to the integrity of the procurement.
- Any official information regarding the project will be in writing, on INDOT letterhead, and signed by an INDOT Authorized Representative or designee.
- INDOT will not be responsible for any oral exchange or any other information or exchange that occurs outside the official process specified in this section.

The Applicant shall note that no correspondence or information from INDOT or anyone representing INDOT, regarding the NOFO, or the procurement process in general shall have any effect unless it is in compliance with this section.

4.3.3 Conflicts of Interest

Any person under contract with INDOT or any other States’ party to prepare INDOT procurement documents for the project will not be allowed to participate in any capacity on an applicant team. State officers, state employees, and special state employees, involved with the contracting process for NEVI, are also prohibited from having a financial interest in awards.

In addition to state law ethical requirements of §§ 4-2-6 and 4-2-7, the organizational conflict of interest rules found in 23 CFR § 636, Subpart A, including 23 CFR § 636.116, also apply to this procurement. 23 CFR § 636.103 defines an “organizational conflict of interest” as follows:

“Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person’s objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.”

(“Owner” thereunder means INDOT)

The applicant, on behalf of itself and its team, and each of Applicant’s Equity Members, Major Subcontractors and other Subcontractors identified as of the Application due date shall provide information concerning organizational conflicts of interest and disclose all relevant facts concerning any past, present, or currently planned interests which may present an organizational conflict of interest. The applicant, on behalf of itself and its team, and each of applicant’s equity members, major subcontractors, and other identified Subcontractors, shall state how its interests or those of any of its team members, consultants, contractors or subcontractors, including the interests of any chief executives, directors or key personnel thereof, may result in, or could be viewed as, an organizational conflict of interest.

The applicant is prohibited from teaming with, receiving any advice or discussing any aspect relating to the Project or the procurement of the Project with any Person with an organizational conflict of interest, including, but not limited to:

- HNTB Corporation;
- Greater Indiana Clean Cities, Inc;
- Herd Strategies;
- EVNoire
- Ice Miller LLP;
- KBHR;
- ETCH;
- Tesco;
- JQOL;
- SJCA;
- Etica

Such persons are also prohibited from participating on an applicant team as an equity member, major subcontractor, subcontractor, consultant or subconsultant.

By submitting its response to this NOFO, each applicant, on behalf of itself and its team, and each of the applicant's equity members, major subcontractors and other identified Subcontractors agree that, if an organizational conflict of interest is thereafter discovered, the applicable entity must make an immediate and full written disclosure to INDOT that includes a description of the action that such entity has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest about which such entity knew, or shall have known, but failed to disclose is determined to exist during the procurement process, INDOT may, in its sole discretion, disqualify the Applicant or any such entity. If an organizational conflict of interest about which such entity knew, or shall have known, but failed to disclose exists and the Applicant has entered the contract, INDOT may, at its sole discretion, terminate the Contract. In either case, INDOT reserve all rights and remedies.

In addition to federal conflict of interest requirements, under Indiana state law, state officers, state employees, and special state appointees who are not prohibited from having a financial interest in a Project must comply with certain disclosure requirements and other state legal requirements. Applicants should ensure that all state disclosure requirements and other state ethics requirements are also complied with during the application and contracting process.

Information about these state ethics requirements can be found at:

<https://www.in.gov/ig/ethics-code/conflicts-of-interests-contracts/>.

Applicants and such other entities are also advised that the guidelines in this NOFO are intended to augment applicable federal and state Law, including federal organizational conflict of interest laws. Such applicable Law will also apply to Applicant and such other entities and teaming and may preclude certain Persons from participating on an applicant team.

4.3.4 Debriefings

At the request of an applicant, INDOT may conduct a debriefing with an applicant whose application has been denied. The applicant may request a debriefing by emailing nevi@indot.in.gov. The debriefing request shall include the name of the applicant and a copy of

the application (Parts A, B, and C), and any initial questions regarding the application. The debriefing will evaluate the requestor's application based on the scoring rubric and will not be compared against other application submissions.

List of Appendices

- A. Site List and Map
- B. Discretionary Exceptions Request Template
- C. NEVI Requirements and EVSE Specifications
- D. Application Template
 - a) Part A - Administrative
 - b) Part B – Experience, Qualifications, Approach and Cost Information
 - c) Part C – Site Application
- E. Application Checklist
- F. Scoring Rubric Detail
- G. Utility Contact Information and Questionnaire
- H. Draft Contract Terms and Conditions