Kansas Department of Transportation

Request for Proposals

NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE

Location: Pittsburg/Cherokee/Baxter Springs

Kansas Department of Transportation

August 16, 2023

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1.0 INTRODUCTION AND GENERAL INFORMATION

Introduction

The Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58 (Nov. 15, 2021), includes the National Electric Vehicle Infrastructure (NEVI) Formula Program. The NEVI Formula Program allocates funding to state Departments of Transportation (DOTs) for the development of electric vehicle charging stations along designated corridors to provide a connected system across states and the nation.

As part of this program, each state was obligated to submit an EV Infrastructure Deployment Plan (Plan) to the U.S. Department of Transportation (DOT) and U.S. Department of Energy (DOE) Joint Office (Joint Office) outlining their proposed utilization of the allocated NEVI Formula Program funds in alignment with the program guidelines. Once plans were received, reviewed, and approved, the Federal Highway Administration (FHWA) allocated funding to the state.

The Kansas Department of Transportation (KDOT) collaborated with multiple state agencies and other stakeholders to develop and submit the Charge Up Kansas NEVI Plan. It has been approved by FHWA. As a result, KDOT is set to receive $39.5 million total in funding over the next five years under the National Electric Vehicle Infrastructure (NEVI) Formula Program to assist in building a high-powered EV charging network across the state. At this time, KDOT has access to approximately $14 million that it expects to award as part of the 2023 Request for Proposals. Funds will be available until expended.

KDOT is requesting proposals from Eligible Proposers for the installation of EV Charging Stations according to this RFP. **Eligible Proposers must have submitted a Project Concept Form in response to KDOT's Call for Projects for EV Infrastructure, dated April 5th, 2023, to be eligible for Award.**

1.2 KDOT NEVI Plan Vision & Goals

The KDOT Charge Up NEVI Plan defines the vision and goals for developing a successful, reliable infrastructure for electric vehicle charging stations across the state. The following points outline and describe goals that evolved from the funding availability from IIJA:

1.2.1 Vision

Establish Kansas as a leader in the development of a convenient, affordable, reliable and equitable EV charging network that supports:

- the sustainable movement of goods and people throughout the state and nation,
- the modernization of transportation infrastructure, and
- the promotion of investments in Kansas communities and places.

1.2.2 Goals

Sustainable movement of goods and people throughout the state and nation

- Collaborate with partner states to provide a seamless charging experience for EV drivers
- Facilitate the adoption of EVs
- Support improved air quality and reduction of greenhouse gas emissions

Modernization of transportation infrastructure

- Build out electric Alternative Fuel Corridors (AFCs)
- Integrate EV infrastructure planning into other modal planning efforts
- Leverage other electrification funding opportunities such as fleet modernization and EV workforce development

Promote investments in Kansas communities and places

- Provide equitable access/investments in Disadvantaged Communities (as defined by the joint interim guidance from the US Department of Energy and Department of Transportation for Disadvantaged Communities)
- Modernize the electrical grid (where required to support equitable access)
- Facilitate data sharing on EV charging

2.0 DEFINITIONS

Capitalized terms and acronyms used but not defined in the RFP have the meanings given in this Section 2. Definitions, and if not within this Section 2. Definitions then within the form of Contract.

Alternative Fuel Corridor (AFC): National EV (and other alternative fuels) corridors designated by FHWA pursuant to 23 U.S.C. 151.

Award: The project has been selected for funding by KDOT

Awardee: Eligible Proposer awarded the KDOT Contract described in this RFP.

Bipartisan Infrastructure Law (BIL): enacted as the Infrastructure Investment and Jobs Act (IIJA)

Call for Projects for EV Infrastructure: Announcement by KDOT for Electric Vehicle (EV) charging infrastructure projects in advance of applications being accepted for these projects.

CHAdeMO: a type of protocol for a charging connector interface between an EV and a charger (see www.chademo.com). It specifies the physical, electrical, and communication requirements of the connector and mating vehicle inlet for direct-current (DC) fast charging. It is an abbreviation of “charge de move”, equivalent to “charge for moving.”

Charger: Device with one or more Charging Ports and connectors for charging Electrical Vehicles (EV).

Charging Network: Collection of chargers located on one or more property(ies) that are connected via digital communications to manage the facilitation of payment, the facilitation of electrical charging, and any related data requests.

Charging Port: The system within a charger that charges one EV. A Charging Port may have multiple connectors, but it can provide power to charge only one EV through one connector at a time.

Charging Station: The area in the immediate vicinity of a group of chargers and includes the chargers, supporting equipment, parking areas adjacent to the chargers, and lanes for vehicle ingress and egress. A charging station could comprise only part of the property on which it is located.

Conditional Award: Preceding award selection and notice by KDOT. Final award conditioned on conditional awardee completing all federal and state award requirements, including but not limited to receiving environmental clearances, finalizing contract with KDOT, and receiving final FHWA authorization.

Contract: The entire and executed agreement between the parties, binding between KDOT and the Contractor, incorporating obligated and detailed responsibilities.

Contactless Payment Methods: A secure method for consumers to purchase services using a debit card, credit card, smartcard, mobile application, or another payment device by using radio frequency identification (RFID) technology and near-field communication (NFC).

Disadvantaged Communities (DACs): Census tracts or communities with common conditions identified by the U.S. Department of Transportation and the U.S. Department of Energy that consider appropriate data, indices, and screening tools to determine whether a specific community is disadvantaged based on a combination of variables that may include, but are not limited to, the following: low income, high and/or persistent poverty; high unemployment and underemployment; racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities; linguistic isolation; high housing cost burden and substandard housing; distressed neighborhoods; high transportation cost burden and/or low transportation access; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; disproportionate impacts from climate change; high energy cost burden and low energy access; jobs lost through the energy transition; and limited access to healthcare.

Deliverable(s): Any single item required by the terms of the Contract such as submittals, samples, and materials, to be delivered to KDOT by the Awardee for review, approval, and acceptance by KDOT.

Direct Current Fast Charger (DCFC): A charger that enables rapid charging by delivering direct-current (DC) electricity directly to an EV's battery.

Electric Vehicle (EV): A motor vehicle that is either partially or fully powered on electric power received from an external power source. For the purposes of this regulation, this definition excludes golf carts, electric bicycles, or other micromobility devices.

Electric Vehicle Supply Equipment (EVSE): See definition of a charger.

Eligible Proposer: Entity that completed and returned KDOT Electric Vehicle Infrastructure Project Concept Form.

Federal Highway Administration (FHWA): An agency within the U.S. Department of Transportation that supports State and local governments in the design, construction, and maintenance of the Nation's highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway).

Investment Infrastructure and Jobs Act (IIJA): Commonly known as the Bipartisan Infrastructure Bill, is a United States federal statute enacted by the 117th United States Congress and signed into law by President Joe Biden on November 15, 2021.

Justice40: On January 27, 2021, President Biden issued Executive Order (E.O.) 14008, which created the "Justice40" initiative. This initiative establishes a goal that 40 percent of the overall benefits of certain Federal investments ("covered investments") flow to disadvantaged communities (DACs).

KDOT: Kanas Department of Transportation

Location: Determined areas for charging stations along an AFC and within one (1) mile of an exit of an AFC.

National Electrical Vehicle Infrastructure (NEVI): Program funded under 23, United States Code (U.S.C.). for construction of projects of publicly accessible EV charging stations

National Environmental Protection Act (NEPA): The requirement that federal agencies assess the environmental effects of their proposed actions prior to making decisions, as defined by the National Environmental Policy Act of 1969

Project Concept Form (Concept Form): Form issued by KDOT for eligibility to bid each Kansas Electric Vehicle Infrastructure project.

Secure Payment Method: A type of payment processing that ensures a user's financial and personal information is protected from fraud and unauthorized access.

Site Host: Owner of the property on which the EVSE operates.

State EV Infrastructure Deployment Plan: the plan submitted to the FHWA by the State describing how it intends to use its apportioned NEVI Formula Program funds.

Submittal: Witten and/or physical information provided by a responsible Contractor/bidder/Awardee for approval of plan/material/equipment as specified for the Project.

Uptime: The amount of time a charging station is operational. Further information about the calculation of Uptime is available at https://www.ecfr.gov/current/title-23/chapter-I/subchapter-G/part-680#p-680.116(b).

3.0 PROJECT DESCRIPTION

As noted in the introduction of this RFP, KDOT developed the Charge Up Kansas NEVI Plan (Plan) to align with the NEVI Formula Program Guidance.

With this Plan, Kansas has identified and designated AFCs for EV charger infrastructure to be "fully built-out" around the state. The AFC build out will include new charging stations as well as upgrades to existing charging infrastructure as needed.

3.1 Project Location

EV Infrastructure shall be located generally along the Alternate Fuel Corridors (AFCs). Each Corridor Station Location shall meet FHWA NEVI Formula Program Guidance. These guidelines require that Station Locations be located every 50 miles along the AFCs and within 1 travel mile away from the AFC. Deviation from these guidelines is strictly prohibited and will serve as justification for classifying a proposal as non-responsive.

As stated in the Charge Up Kansas Nevi Plan, the designated EV corridors throughout Kansas include I-70; I-35; US-400 and US-81 from I-70 north to the Nebraska border (see Exhibit A for more details).

The initial priority Locations for Kansas Fiscal Year 2022 of NEVI funding for Kansas EV Infrastructure are as specified below. KDOT intends to make an award for development of one charging station at each of the following locations:

- Emporia (I-35 between MM126-133 or I-335 at the Emporia Service Area)
- Garden City (US 400 between MM65-72)
- Pittsburg/Cherokee/Baxter Springs (US 400 from MM425 to Kansas/Missouri border)
- Fredonia/Parsons/Neodesha/Severy (US 400 between MM335-402)
- Concordia/Belleville (US 81 between MM201-223)
- Pratt (US 400 between MM136-140)

This RFP applies to Pittsburg/Cherokee/Baxter Springs. See Exhibit A for a map of the eligible area.

3.2 Program Funding

As stated in paragraph (2) under the Highway Infrastructure Program heading in Title VIII of division J of the BIL, funding is available to ‘‘provide funding to States to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability."

Over the five years of the National Electric Vehicle Infrastructure (NEVI) Formula Program, Kansas is expected to receive approximately $39.5 million in funding. Currently KDOT is awarding FY 22 and FY 23 funds which total $14,261,043.

The state of Kansas is currently allocating Program funding for Fiscal Year 2022-2023 to eligible and successful proposers, offering reimbursement for up to 80% of the eligible costs per awarded

electric vehicle supply equipment (EVSE) charging station project. It is mandatory for the awarded proposer to provide a minimum non-federal project match of 20%. Maximum award for a single location is $1,000,000. Eligible Proposers must have submitted a Project Concept Form in response to KDOT's Call for Projects for EV Infrastructure released on April 5th, 2023, to be eligible for Award.

4.0 REQUEST FOR PROPOSAL REQUIREMENTS

The following subsections outline the requirements for RFP consideration.

4.1 RFP Objectives

The Kansas Department of Transportation (KDOT) has created this Request for Proposal to distribute FY2022 and FY2023 funding from the National Electric Vehicle Infrastructure (NEVI) Formula Program. The purpose of this funding is to support the installation of Electric Vehicle charging stations that comply with the Program's requirements along designated Alternative Fuel Corridors (AFCs) within the state of Kansas. This competitive procurement process aims to select proposals from EVSE charging site developers who will be eligible for partial reimbursement of eligible costs outlined in this Request for Proposals. The distribution of program funds will be based on lowest responsive bid process. To be considered responsive, proposers must meet the minimum requirements outlined below.

If there is a conflict between this RFP and federal requirements, federal requirements will govern in all cases.

This Request for Proposal (RFP) will encompass and reference the FHWA Federal Register Final Rule 88 FR 12724, incorporating its information. The minimum statutory requirements outlined by the federal government can be found in the Final NEVI Standards and Requirements specified in 23 CFR Part 680, titled "National Electric Vehicle Infrastructure Standards and Requirements."

4.2 NEVI Program Standards & Requirements

The BIL explicitly necessitates the development of minimum standards and requirements pertaining to a minimum of the following six areas. Details of each requirement can be found in the Final NEVI Standards and Requirements[1] and 23 CFR Part 680 National Electric Vehicle Infrastructure Standards and Requirements. These standards must be met and detailed in the proposal for final proposal review.

1) Installation, operation, and maintenance by qualified technicians of electric vehicle charging infrastructure.

2) Interoperability of electric vehicle charging infrastructure.

3) Traffic control devices and on-premise signs acquired, installed, or operated.

[1] FHWA Federal Register Final Rule 88 FR 12724 (02/28/2023)

4) Data requested related to EV charging projects.

5) Charging network connectivity of electric vehicle charging infrastructure.

6) Information on publicly available electric vehicle charging infrastructure locations, pricing, real-time availability, and accessibility through mapping.

4.2.1 KDOT Minimum Requirements

In addition to NEVI Program and Standards, the Kansas Department of Transportation extends requirements for each successful proposal Location. Any of the requirements below that are ineligible costs under the NEVI Formula Program must be provided in full by the successful Proposer. Failure to meet these minimum requirements will serve as justification for classifying a proposal as non-responsive.

1) **Charging Location –** The following minimum requirements must be met for a site to be considered eligible for an application to develop a NEVI-funded charging station:
    a. Illuminated, ADA accessible on-site restrooms supplied with potable water, available 24 hours a day, 7 days a week
    b. Hot prepared and/or packaged food available for sale on-site, available a minimum of 16 hours per day
    c. Access to free Wi-Fi and/or cellular service for charging station customers
    d. Access to shelter during inclement weather
2) **Site Improvements** – The following minimum requirements must be included in the development of the charging station if not already in place for an application to be considered responsive:
    a. Each Charging Port must have at least one permanently attached CCS Type 1 connector and either include or have the ability to add NACS connectors at a future date. Charging Stations must provide at least one CHAdeMO connector per location. NACS connectors are allowed and eligible for reimbursement only if they are fully integrated into the Charging Port; NACS connectors included as an attachment are not eligible for reimbursement.
    b. Dusk-to-dawn area lighting at Charging Ports and along a path to the associated building providing restrooms, hot packaged/prepared foods or emergency shelter.
    c. Charging Ports must have an ADA accessible route to the associated building
    d. Charging Station must be visible from a street or visible from the associated building interior
    e. On-site signage directing customers to the Charging Ports
    f. Proposer must provide a site layout (conceptual sketch) identifying locations of Charging Ports, associated building, ADA accessible route, access from public street, at a minimum scale of 1” to 20’
3) **Future Proofing**
    a. Provide manufacturer warranty for EVSE (copy of invoice is acceptable if warranty was purchased)
    b. Provide copy of maintenance service contract (if applicable)
4) **Partnerships**
    a. Signed agreement with site host or network provider (whoever is not the Awardee)

b. Provide utility service form indicating level of service/ability to provide power at needed level within certain period of time

5) Project Readiness

a. Able to start construction within 9 months of Notice to Proceed (NTP) – pull required permits and break ground
b. Able to complete construction within 18 months of NTP

4.2.2 Other Compliance Requirements

All applicable Federal statutory and regulatory requirements apply to the EV charger projects. These requirements include, but are not limited to:

The following items are listed as applicable and regulatory requirements in 23 CFR part 680.118:

(a) All statutory and regulatory requirements that are applicable to funds apportioned under chapter 1 of Title 23, United States Code, and the requirements of 2 CFR part 200 apply. This includes the applicable requirements of 23, United States Code, and Title 23, Code of Federal Regulations, such as the applicable Buy America requirements at 23 U.S.C. 313 and Build America, Buy America Act (Pub. L. No 117–58, div. G sections 70901–70927).

(b) As provided at 23 U.S.C. 109(s)(2), projects to install EV chargers are treated as if the project is located on a Federal-aid highway. As a project located on a Federal-aid highway, 23 U.S.C. 113 applies and Davis Bacon Federal wage rate requirements included at subchapter IV of chapter 31 of Title 40, U.S.C., must be paid for any project funded with NEVI Formula Program funds.

(c) The American with Disabilities Act of 1990 (ADA), and implementing regulations, apply to EV charging stations by prohibiting discrimination on the basis of disability by public and private entities. EV charging stations must comply with applicable accessibility standards adopted by the Department of Transportation into its ADA regulations (49 CFR part 37) in 2006 and adopted by the Department of Justice into its ADA regulations (28 CFR parts 35 and 36) in 2010. Access Board Design Recommendations for Accessible EV Charging Stations are available at https://www.access-board.gov/ta/tad/ev/.

(d) Title VI of the Civil Rights Act of 1964, and implementing regulations, apply to this program to ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(e) All applicable requirements of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), and implementing regulations, apply to this program.

(f) The Disadvantaged Business Enterprise (DBE) program does not apply to the NEVI Formula Funds; however, the DBE program may apply to other programs apportioned under chapter 1 of Title 23, United States Code.

(g) The Uniform Relocation Assistance and Real Property Acquisition Act, and implementing regulations, apply to this program by establishing minimum standards for federally funded programs and projects that involve the acquisition of real property (real estate) or the displacement or relocation of persons from their homes, businesses, or farms.

(h) The National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality's NEPA implementing regulations, and applicable agency NEPA procedures apply to this program by establishing procedural requirements to ensure that Federal agencies consider the consequences of their proposed actions on the human environment and inform the public about their decision making for major Federal actions significantly affecting the quality of the human environment.

4.2.2 Cybersecurity requirements

NEVI policy adheres to the most recent Payment Card Industry Data Security Standard (PCI-DSS), prioritizing information security standards. All security measures implemented must meet or surpass the published standards, and timely software updates are required to prevent any breach of cardholder data. Should a data security breach occur, the Awardee is obligated to promptly notify KDOT and the Kansas Information Security Office (KISO) within 24 hours and provide details of the measures being taken to mitigate the situation.

4.2.3 Justice40

The state of Kansas acknowledges the importance of achieving the objectives outlined by the Justice40 Initiative in the context of the NEVI Formula Program Guidance. To assist in the annual reporting of Charger Station Location in Disadvantaged Communities and tribal lands, the Proposer shall specify if the proposed project location is located in a federally recognized DAC or tribal land.

4.3 Permitting

In consideration of eligible project costs, “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”.[2]

Charger installation projects must comply with National Environmental Protection Act (NEPA) standards. To determine the level of environmental permitting and clearance required, each Proposal must include responses to the following:

1. Does the installation require grading outside of an existing paved area?

[2] National Electric Vehicle Infrastructure Formula Program Guidance (Update) June 2, 2023.

1a. If yes, does the grading require cutting down trees or grading an existing drainage channel?
2. Is the proposed installation on publicly owned property?

If each question is answered “No”, the Proposer shall provide documentation stating “An environmental screening was not completed, as the potential improvements and scope of work would have minimal environmental impacts.” These projects will meet an Environmental Classification IIA and may not require NEPA associated permitting.

If any of the above questions is answered “Yes”, the Project Location will require additional review that may result with an Environmental Exemption or an Environmental Review that meets the Categorial Exclusion that may be given by a Final Status Memo from the Environmental Services Section of KDOT. If any of the three questions is answered yes and the Awardee is selected to advance, a Conditional Award will be extended while KDOT assists with environmental clearance.

The Awardee shall be liable for all local permitting responsibilities with the exception of initial Environmental Clearance Requirements as required by the National Environmental Protection Act (NEPA). If the Awardee provides variance from the proposed and approved proposed plan resulting in additional Environmental permitting and additional NEPA clearance, the Awardee will be obligated for any and all supplemental costs associated with NEPA clearance and permitting.

5.0 PROPOSAL PROCESS

5.1 Organizational Conflicts of Interest

The Proposer is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement of the Contract with any Person with an organizational conflict of interest. The Proposer must include a full disclosure of all potential organizational conflicts of interest in their Proposal, including all relevant facts concerning any past, present, or currently planned interests which may present an organizational conflict of interest.

All Proposers affected by the conflict of interest will be disqualified, even if a Proposer is unaware of the conflict of interest, or if the Person or Affiliate causing the conflict is intended to have a different or lesser role than that described above.

If public entities support multiple proposers in one Location, KDOT will assume that no conflict of interest exists. If a utility provides support to multiple proposers it will not be considered a conflict of interest, providing proposers are responsible for outlining the need for confidentiality with utilities.

It should be noted for clarity that a Proposer may propose on multiple Locations as long as an individual response bid is provided for each Location. Each Location will be managed by a separate contract.

By submitting a Proposal, the Proposer represents and warrants that their proposal disclosed all conflicts of interest that were then-present and have disclosed any additional potential conflicts.

By submitting its Proposal, the Proposer agrees that if an organizational conflict of interest is discovered, the Proposer must make an immediate and full written disclosure to KDOT that includes a description of the action that the Proposer has taken or proposes to take to avoid or

mitigate such conflicts. If an organizational conflict of interest is determined to exist, KDOT may, at its sole discretion, disqualify the Proposer from the selection.

Members of KDOT's program management team that have assisted with this selection Award may not participate on any Proposer team. The Proposer shall disclose all present or planned contractual arrangements with Garver or Burns & McDonnell.

5.2 Request for Proposal Clarification

The Proposer shall be responsible for requesting written clarification or interpretation of:

1. any term, condition, or provision of the RFP that the Proposer seeks to change or omit, with reasons stated therefore;
2. any actual or perceived mistake, discrepancy, deficiency, ambiguity, inconsistency, inaccuracy, inadequacy, defect, error, or omission contained in the RFP; and
3. any term, condition, or provision of the RFP that the Proposer fails to understand.

KDOT will only consider Proposer Requests for Clarification (RFCs) if submitted prior to twenty-one (21) days prior to close of this Request for Proposal. KDOT will consider Proposer RFCs in drafting Addenda, if any, to the RFP. KDOT may elect to respond to Proposer RFCs through written responses. KDOT intends to respond to all RFCs at one time but reserves the right to respond to Proposer RFCs at its discretion. Any written responses will be for the information of the Proposer(s) only and will not become part of the Contract.

KDOT intends to respond individually to Proposer RFCs identified by the Proposer or deemed by KDOT as "confidential" or "proprietary". KDOT reserves the right to disagree with the Proposer's assessment regarding confidentiality or the proprietary nature of information in the interest of maintaining a fair process or complying with applicable Law. Under such circumstances, KDOT will inform the Proposer and may provide the Proposer the opportunity to revise the RFC in order to remove any confidential or proprietary information.

KDOT may also determine that it is appropriate to provide a general response to all Proposers and modify the question to remove information that KDOT determines is confidential or proprietary.

5.3 Proposal Development Costs

This RFP does not commit KDOT to enter into a Contract, nor does it obligate KDOT to pay for any costs incurred by the Proposer in preparation and submission of the Proposal or in anticipation of an award of the Contract. By submitting a Proposal, the Proposer disclaims any right to be paid for such costs.

Unless otherwise required by Law, all information provided by the Proposer to the Department during the procurement shall become the property of KDOT and shall not be returned to the Proposer.

6.0 PROCUREMENT PROCESS

As part of the KDOT NEVI Competitive Bid process, the parties that are awarded will be responsible for carrying out all aspects of procurement, delivery, installation, operations, and ownership of EV Charging infrastructure in compliance with the requirements. It should be noted that KDOT will not receive any material deliveries as a part of this procurement process.

6.1 Proposal Evaluation Process

Proposals will be evaluated in a two-step process. Initially, each proposal will be examined to ensure requirements are met as set forth in 23 CFR Part 680 National Electric Vehicle Infrastructure Standards and Requirements as well as section 4.2.1 KDOT Minimum Requirements of this RFP. The second piece of the evaluation will include review of costs associated to each eligible cost items as noted in section 6.2 Price Match Costs of this RFP. The firm, low-bid Proposal meeting all requirements and compliance items shall be selected for award.

6.2 Project Cash Match

In the context of the NEVI Formula Program Guidance, funding is available for up to 80% of eligible project costs from KDOT with 20% coming from local sources. For Kansas EV Infrastructure Locations, no single project shall receive more than $1,000,000 from Federal share of the NEVI Program Formula in this first round of Program funding.

For KDOT's 2023 NEVI Competitive Bid process, eligible project costs are as defined below and outlined in the NEVI Formula Program Guidance[3]. Details

1. Acquisition and Installation The acquisition and installation of EV charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability including:

- Costs for installation of new chargers, to upgrade existing chargers, or to add additional charging infrastructure along designated AFCs.
- Installation of EV charging equipment shall be considered a construction improvement, not an operational improvement.
- Eligible acquisition and installation costs include costs directly related to light-duty, medium-duty, and heavy-duty EV charging infrastructure such as:
    - New charging stations
    - Upgrades to existing charging stations
    - On-site distributed energy resources (DERs). (Renewable energy generation and storage, such as on-site solar panels, would be considered directly related, and therefore would be eligible.). These costs should 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 project.
    - On-site electric service equipment
    - Permanently attached connectors and/or connector adapters

[3] Memorandum for NEVI Formula Program Guidance (June 2, 2023)

- Traffic control devices and signage

2. Operating Assistance Operating assistance for costs allocable to operating and maintaining EV charging infrastructure acquired or installed under this program, for a period not to exceed five years.

- Operating assistance under the NEVI Formula Program is available only for those charging stations for which NEVI Formula Program funds have first been used for acquisition or installation, including upgrades.
- It is anticipated that such operating assistance may be needed at some locations with lower utilization but that are key to having a contiguous, national network and to address equity issues in both rural and urban areas where current levels of EV ownership make such lower utilization more likely and potentially increases operating cost burden on EV charging infrastructure owners and network operators. Other locations will not need this assistance for a commercial entity to run and operate. States should focus NEVI Formula Program funding for operating assistance to only those locations that most require operating assistance that will ensure a contiguous, national network or to address equity issues in rural and urban areas where current levels of EV ownership make lower utilization more likely. Funding decisions should be reviewed as the network matures.
- Where NEVI Formula Program funds are used for operating assistance, this operating assistance shall not exceed five years.

3. Development Phase Activities Development phase activities relating to the acquisition of stations and equipment as well as installation of EV charging infrastructure.

- Development phase activities include planning (including the development of the Plan), feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.
- As with other activities funded under title 23, U.S.C., funds can be used for drafting environmental documents and studies, preliminary engineering, and related work. NEVI funds cannot be used for final design and construction for site installations until the NEPA review is completed.

4. Traffic Control Devices and On-Premise Signage The acquisition or installation of traffic control devices located in the right-of-way to provide directional information to EV charging infrastructure acquired, installed, or operated under the NEVI Formula Program. Off-premise signs to provide information about EV charging infrastructure acquired, installed, or operated under the NEVI Formula Program.

- Traffic control devices shall be consistent with the Manual on Uniform Traffic Control Devices (MUTCD) under 23 CFR 655 and on-site signage shall be consistent with the Outdoor Advertising Control regulations under 23 CFR 750.
- This includes accessible signage that directs drivers to an EV charging station location and signage that provides information at the EV charging station location.

5. Data Sharing Data sharing about EV charging infrastructure to ensure the long-term success of investments.

- This includes, to the extent practicable, costs related to the specific data sharing requirements of this program as well as costs of data sharing on all chargers and charging activities on the EV network.

- NEVI Formula Program funds can be used for data sharing activities including those activities required under 23 CFR Part 680 to ensure the long-term success of program investments.

Ineligible Cost Match:

Any expenses that are not considered by KDOT to be directly associated with the acquisition and installation of electric vehicle charging infrastructure will be considered ineligible costs under this program. It is not feasible to provide an exhaustive list of all ineligible costs; however, for reference, below are a few examples of such costs:

- All costs associated to real estate purchase or rental;
- Construction or maintenance of building and parking facilities not directly related to chargers;
- Major grid updates; costs reimbursed by other grant / funding programs; studies or research

The proposer is committed to build at the price proposed. Reimbursement will be made at substantial completion of construction (see section 8.0 Project Payment and Reimbursement Structure).

6.3 Conditional Award

Once KDOT selects a proposal for a conditional award, a formal notice will be issued to the proposers. However, it's important to note that this conditional award does not guarantee the issuance of a final award. To ensure the successful finalization of the award, it is crucial for the selected awardee to be responsive and comply with all the necessary steps and deadlines outlined in the conditional award process. Failure to meet these requirements may lead to the cancellation of the conditional award and the revocation of the selection. The conditional award is contingent upon the completion of specific required processes, which must be fulfilled by the awardee. The following actions are required:

As a condition precedent to execution of the Contract, the lowest firm-bid Proposer shall deliver the following to KDOT prior to Final Contract Award:

1. Evidence of authority to transact business in the State of Kansas (must be current)
2. Five (5) year Performance Bond (see Exhibit B Terms & Conditions)
3. Certificate of Insurance (see Exhibit B Terms & Conditions for Insurance Coverage and Limits)

6.4 Notice to Proceed

For each Project location, KDOT will issue to the Awardee a Notice to Proceed, a written notice to the Awardee to begin the contract work including, when applicable, the date from which KDOT will start charging Contract Time. The Notice to Proceed will be issued and the Contract Time will begin within the earliest and latest starting dates established for the Project.

7. Post Award Selection

KDOT will award the Contract to the Proposer offering a Proposal that meets the standards set by KDOT as well as the NEVI Program Formula Guidance requirements. The Proposal will be determined by KDOT based on the selection criteria outlined in section 6.1 Proposal Evaluation Process to provide the lowest, firm-bid to KDOT.

The Proposer will be deemed to have failed to engage in good faith negotiations with KDOT if the Proposer:

1. Fails to attend and actively participate in reasonably scheduled meetings with KDOT; or insists upon terms or conditions for any documents required from the proposer hereunder that are inconsistent with the form of Contract.
2. Under no circumstances shall the recipient assign, transfer, or encumber the Award Agreement without obtaining the prior written consent of KDOT.
3. Upon the completion of construction and installation, as well as acceptance by the Kansas Department of Transportation (KDOT), the recipient of the electric vehicle supply equipment (EVSE) funding is recognized as the official owner. Subsequently, it becomes the recipient's responsibility to uphold the adequate maintenance of the EVSE, as the recipient receives all-inclusive management of power and data services.

7.1 Post Award Requirements

Throughout the contract term with KDOT, the Awardee will retain ownership of all electric vehicle system equipment. Beyond the contract term, the Awardee is obligated to uphold the maintenance of the electric vehicle supply equipment (EVSE) at the designated site for a minimum period of five (5) years starting from the date of KDOT's acceptance of the construction and installation.

Under no circumstances shall the recipient assign, transfer, or encumber the Award Agreement without obtaining prior consent of KDOT. Any transfer or assignment of the Awardee's equipment or obligations associated with the Award will necessitate a written request and will be subject to approval by KDOT.

In the event of failure to comply or perform as required, penalties may be imposed. Throughout the project performance period, the project equipment must maintain an annual uptime of at least 97%. If non-compliance or non-performance occurs, the Awardee must promptly notify KDOT, and both parties will collaborate to establish a plan for rectification. If a satisfactory resolution is not achieved within a reasonable timeframe, KDOT reserves the right to withhold reimbursement payments, terminate the Awardee contract, or initiate the execution of bond payments, at its discretion.

To meet up-time requirements, Awardees must commit to operating and maintaining (O&M) the EVSE sites for a minimum of five (5) years, ensuring a 97% uptime. This commitment includes submitting quarterly and annual data as outlined in 23 CFR 680.116(b).

7.2 Reporting Requirements

KDOT is required to report data to FHWA in association with its use of NEVI funds. Accordingly, Awardees will be required to provide data to KDOT on both a quarterly and annual basis. Any data reported to KDOT that is subsequently made public will be aggregated and anonymized to protect confidential business information.

7.2.1 Quarterly Data Submittal

Awardees shall report the following information quarterly in a manner prescribed by KDOT:

1. Charging station identifier that the following data can be associated with, which must be the same charging station name or identifier used to identify the charging station in data made available to third-parties;
2. Charging port identifier, which must be the same Charging Port identifier used to identify the Charging Port in data made available to third parties;
3. Charging session start time, end time, and any error codes associated with an unsuccessful charging session by port;
4. Energy (kWh) dispensed to EVs per charging session by port;
5. Peak session power (kW) by port;
6. Payment method associated with each charging session;
7. Charging station port uptime, T_outage, and T_excluded calculated in accordance with the equation $\mu = ((525{,}600-(T_outage-T_excluded))/525{,}600) \times 100$ for each of the previous 3 months;
8. Duration (minutes) of each outage.

7.2.2 Annual Data Submittal

Awardees shall report the following information annually, on or before January 1, in a manner prescribed by KDOT:

1. Maintenance and repair cost per charging station for the previous year;
2. Identification of and participation in any state or local business opportunity certification programs including but not limited to minority-owned businesses, veteran-owned businesses, woman-owned businesses, and businesses owned by economically disadvantaged individuals.
3. Reporting to KDOT of labor data from construction crews.

7.2.3 One-time Data Submittal

Awardees shall report the following information one time per charging station, on or before January 1 of the year following the contract award, in a manner prescribed by KDOT:

1. The name and address of the private entity(ies) involved in the operation and maintenance of chargers.
2. Distributed energy resource installed capacity, in kW or kWh as appropriate, of asset by type (e.g., stationary battery, solar, etc.) per charging station; and
3. Charging station real property acquisition cost, charging equipment acquisition and installation cost, and distributed energy resource acquisition and installation cost; and
4. Aggregate grid connection and upgrade costs paid to the electric utility as part of the project, separated into:
    a. Total distribution and system costs, such as extensions to overhead/underground lines, and upgrades from single-phase to three-phase lines; and

b. Total service costs, such as the cost of including poles, transformers, meters, and on-service connection equipment.

7.3 Scope of Work Deliverables

Upon final contract award, the following contract documents shall encompass explicit details regarding the activities, submittals, deliverables, and performance required for the execution of the work by the Awardee. These documents shall be reviewed and approved by KDOT:

a) Site layout drawings
   i) Civil
   ii) Traffic control (includes signage and pavement markings)
b) Availability plan (24/7)
c) On-site security plan, including any of the following items that are planned to be installed:
   i) Lighting plan
   ii) Charger lock plan and product data
   iii) Anti-tampering of payment devices plan
d) Customer privacy plan (cyber security plan determined by Kansas/KDOT
e) Equipment product data submittal
   i) Charger port equipment
f) Payment method plan
g) Cyber security product data
h) Charging port & site maintenance plan (long-term stewardship)
i) Qualified Tech certification(s)
   i) proof of apprenticeship / apprenticeship program (if applicable)

8.0 Project Payment and Reimbursement Structure

Project payments will be issued for 80% of eligible costs at time of substantial completion of construction schedule. This shall include completion of procurement, installation, and operation of charging station.

Form A – Proposer Request for Clarification

INSTRUCTIONS:

1. Submit one copy of this Form A for each set of RFCs being submitted by the Proposer. RFCs should be sent via email to ChargeUpKS@ks.gov; in the subject line, write “NEVI Program RFC”.
2. Submit this form in English (United States) and in Microsoft® Word file format.
3. Specify the relevant document (e.g., the ITP Exhibit, form of Contract, etc.), including the relevant section/subsection/clause number.

   Indicate whether the question is a Category 1, 2 or 3 question:

   “Category 1” means a potential “go/no-go” issue that, if not resolved in an acceptable fashion, may preclude the Proposer from submitting Proposal;

   “Category 2” means an issue that, if not resolved in an acceptable fashion, will significantly affect value for money, or taken together with the entirety of other issues, may preclude the Proposer from submitting a Proposal; and

   “Category 3” means an issue that is minor in nature, a clarification, a comment concerning a conflict between documents or within a document, etc. Category 3 questions may include corrections of typographical errors, incorrect cross references, and inconsistencies within the RFP.

Form A

NAME OF PROPOSER:	
Address:	
Telephone Number:	
E-mail Address:	
Date:	

No.	*Document*	*Section*	*Category*	*Issue Topic*	*RFP Question*

Form B – Proposer and Major Contractor Information

[To be completed by Proposer and each Major Contractor and signed by authorized signatory or signatories of the respective entity.]

Proposer Name:	
Company Name:	

Under penalty of perjury, I certify that:

1. I am an authorized representative for the company;

   The company is pre-qualified to perform work as a consultant or contractor for the Department;

   To the best of my knowledge and belief, following reasonable inquiry, the information submitted in this Proposal as it respects my company is true and correct.

By: _____

Signature

_____

Typed or Printed Name

_____

Title

_____

Date

Form C – Proposal Form

NEVI Formula Program

NEVI Request for Proposals - Proposal Application Form

Submit completed applications by the **5 p.m. deadline on September 29, 2023** via email to: ChargeUpKS@ks.gov

A. APPLICANT INFORMATION

1. TYPE OF APPLICANT (CHECK ONE); SEE RFP FOR ELIGIBLE APPLICANTS ☐ BUSINESS/VENDORS ☐ UTILITY ☐ OTHER (DESCRIBE)			
2. ORGANIZATION LEGAL NAME	ORGANIZATION TELEPHONE NUMBER WITH AREA CODE		
3. ORGANIZATION MAILING ADDRESS	CITY	STATE	ZIP CODE
4. COMPANY OR ENTITY APPLYING FOR FUNDING (IF DIFFERENT FROM ABOVE)			
5. NAME OF ORGANIZATIONAL REPRESENTATIVE AUTHORIZED FOR AGREEMENT	TITLE		
TELEPHONE NUMBER WITH AREA CODE	EMAIL ADDRESS		
6. PRIMARY/PREFERRED POINT OF CONTACT NAME	TITLE		
TELEPHONE NUMBER WITH AREA CODE	EMAIL ADDRESS		
7. SECONDARY POINT OF CONTACT NAME	TITLE		
TELEPHONE NUMBER WITH AREA CODE	EMAIL ADDRESS		

B. APPLICATION SUMMARY

8. GENERAL DESCRIPTION OF APPLICANT'S PROPOSED SITES & FUNDING REQUESTS

C. APPLICANT AGREEMENT

I hereby certify that:

- The information included in this application is true and correct to the best of my knowledge.
- The organization I represent has sufficient resources to conduct this project while awaiting eligible reimbursements from KDOT.
- I understand that KDOT may request records to verify the accuracy of the application.
- I agree to the Equipment & Installation Requirements outlined in the RFP.
- I understand KDOT reserves the right not to award some proposed locations or eligible items therefore reducing the requested amount.

9. TYPE AUTHORIZED REPRESENTATIVE'S FULL NAME BELOW TO CERTIFY AGREEMENT TERMS OUTLINED ABOVE	DATE

SITE LOCATION & AMENITIES

SITE LOCATION NAME / HOST SITE NAME

HOST SITE STREET ADDRESS AND/OR GPS COORDINATES (IN DECIMAL DEGREES)

HOST SITE DRIVEWAY/ENTRANCE DISTANCE TO CENTER OF NEAREST ALT FUEL CORRIDOR INTERCHANGE (TO NEAREST HUNDREDTHS OF MILES)

DOES THE CHARGING STATION PROVIDE FOR SECURE PAYMENT METHODS WITHOUT REQUIRING A MEMBERSHIP FOR USE?

☐ YES ☐ NO EXPLANATION:

HOST SITE PROVIDES ON-SITE, 24/7 ACCESS TO ILLUMINATED RESTROOMS W/ POTABLE WATER? (CHECK ONE; IF YES, BRIEFLY DESCRIBE)

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROVIDES FREE ACCESS TO WI-FI AND/OR HAS ADEQUATE CELLULAR SERVICE(S)? (CHECK ONE; IF YES, BRIEFLY DESCRIBE WI-FI AND/OR CELL SERVICES)

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROVIDES DUSK-TO-DAWN LIGHTING? (CHECK ONE; IF YES, BRIEFLY DESCRIBE LIGHTING PROVISIONS)

☐ YES ☐ NO DESCRIPTION:

ACCESS TO BASIC AMENITIES: (CHECK ONE OR MORE; IF YES, BRIEFLY DESCRIBE)

HOST SITE PROVIDES ON-SITE SALE OF PACKAGED OR PREPARED FOODS? -AND/OR-

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROVIDES ON-SITE ACCESS TO RESTAURANT? -AND/OR-

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROVIDES CONVENIENT PEDESTRIAN ACCESS TO RESTAURANTS, RETAIL SHOPPING, OTHER AMENITIES WITHIN 1/8 MILE?

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROVIDES ON-SITE SHELTER? (CHECK ONE; BRIEFLY DESCRIBE THE ON-SITE SHELTER)

☐ FULL ☐ PARTIAL DESCRIPTION:

SITE LAYOUT - ATTACH A CONCEPTUAL LAYOUT OF THE PROPOSED SITE LAYOUT

HOST SITE & PROPOSED CHARGING STATION COMPLIES WITH ADA ACCESSIBILITY STANDARDS? (CHECK ONE; IF YES, BRIEFLY DESCRIBE HOW ADA IS MET)

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROVIDES FOR PULL-THROUGH CHARGING PORT ACCESS? (CHECK ONE; BRIEFLY DESCRIBE OR INDICATE ON SITE LAYOUT)

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROVIDES CHARGING PORTS IN EXCESS OF MINIMUM REQUIREMENTS? (IF YES, BRIEFLY DESCRIBE)

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROPOSED LAYOUT USES CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN PRINCIPLES (IF YES, BRIEFLY DESCRIBE)

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROVIDES A MIN. OF ONE PARKING STALL PER PROPOSED CHARGING PORT (MIN. 4 STALLS)? (CHECK ONE; BRIEFLY DESCRIBE # OF PROPOSED PARKING STALLS)

☐ YES ☐ NO DESCRIPTION:

HOST SITE PROVIDES 24/7 OPERATION AND CUSTOMER ASSISTANCE? (CHECK ONE; BRIEFLY DESCRIBE HOURS OF OPERATION & CUSTOMER ASSISTANCE)

☐ YES ☐ NO DESCRIPTION:

DESCRIBE SAFETY PROCEDURES AND/OR SAFETY PRECAUTIONS CONSTRUCTED AT THIS LOCATION FOR CUSTOMERS. ATTACH FULL SAFETY PLAN.

E. SITE EQUIPMENT & INNOVATION

DCFC CHARGING EQUIPMENT CONFIGURATION (SELECT AS APPLICABLE FOR THE SITE. POWER SHARING B/W PORTS IS ACCEPTABLE @ MIN./PORT BELOW)

☐ 4 PORTS @ MIN. 150kW/PORT OUTPUT (MINIMUM)

☐ UPGRADING EXISTING STATION TO MEET NEVI REQUIREMENTS

☐ CCS TYPE 1 CONNECTORS ON ALL PORTS (REQUIRED)

☐ CHAdeMO CONNECTOR (AT LEAST 1 PER SITE)

☐ NACS CONNECTOR (OPTIONAL)

ENTER DCFC MANUFACTURER: 1ODEL #:

E. SITE EQUIPMENT & INNOVATION (CONTINUED)

DESCRIBE HOW THE EQUIPMENT PAYMENT OPTIONS ARE IN COMPLIANCE WITH THE RFP REQUIREMENTS.

DESCRIBE HOW THE CHARGING EQUIPMENT NETWORK CAPABILITIES ARE IN COMPLIANCE WITH THE RFP REQUIREMENTS.

DESCRIBE HOW THE DCFC CHARGERS AND SUPPORTING EQUIPMENT WILL BE "FUTURE PROOFED" AND HAS CAPACITY FOR UPGRADES. PROVIDE INFORMATION ON ACCOMMODATIONS FOR MEDIUM AND HEAVY DUTY VEHICLES, INCLUDING PLANS FOR PULL-THROUGH SPACES, IF ANY.

DESCRIBE THE DEGREE TO WHICH INNOVATIVE SOLUTIONS, IF ANY, WILL BE IMPLEMENTED AT THE SITE. (BATTERY STORAGE, RENEWABLE ENERGY SOURCES, ETC)

F. BUSINESS MODEL, FUNDING, & EXPERIENCE

HAS THE STATION SITE HOST COMMITTED TO YOUR 5 YEAR BUSINESS PROPOSITION? (CHECK ONE; IF NO, BRIEFLY DESCRIBE. ATTACH SIGNED LETTER.)

☐ YES ☐ NO DESCRIBE:

HAS THE HOST SITE UTILITY COMMITTED TO THE REQUIRED SERVICE? (CHECK ONE; IF NO, BRIEFLY DESCRIBE. ATTACH UTILITY SERVICE FORM.)

☐ YES ☐ NO DESCRIBE:

DESCRIBE HOW THE SITE CONTRIBUTES TO ACHIEVING JUSTICE40 GOALS OR INCORPORATES EQUITY CONSIDERATIONS.

DESCRIBE HOW YOU HAVE GARNERED SUPPORT FROM LOCAL AND REGIONAL STAKEHOLDERS, PARTICULARLY STAKEHOLDERS IN DISADVANTAGED COMMUNITIES. (ATTACH SIGNED SUPPORT LETTERS, IF AVAILABLE)

DESCRIBE YOUR SUSTAINABLE BUSINESS MODEL WITH DETAILS ON THE PRICING STRUCTURE FOR USERS. INCLUDE UTILITY RATES, OPERATIONAL COSTS, ANTICIPATED REVENUE, ETC.

F. BUSINESS MODEL, FUNDING, & EXPERIENCE (CONTINUED)

DESCRIBE YOUR COMMITMENT TO CONTINUE OPERATION OF THE CHARGING EQUIPMENT FOR THE 5 YEAR TERM OF THE AWARD AND ABILITY TO OPERATE BEYOND THAT PERIOD. DISCUSS HOW THE WARRANTY AND OPERATION, MAINTENANCE AND FUTURE PROOFING COMMITMENTS ALIGN WITH THE OPERATIONAL GOALS.

ENTER THE LINE ITEM AMOUNTS BELOW FOR ELIGIBLE PROJECT COSTS FROM SELECTED VENDORS AND CONTRACTORS AT THE SITE.

#	ELIGIBLE BUDGETARY LINE ITEM	TOTAL COST
1	DC FAST CHARGING EQUIPMENT COSTS	$
2	CHARGER INSTALLATION COSTS	$
3	EQUIPMENT SHIPPING COSTS	$
4	NECESSARY ELEC. SERVICE UPGRADES & CONNECTIONS TO EV CHARGERS (LINES, TRANSFORMERS, ETC)	$
5	OTHER HARD COSTS OF SITE PREPARATION (CONCRETE, CONDUIT, CABLE/WIRING)	$
6	SIGNAGE & LIGHTING (DIRECTLY ASSOCIATED WITH EV CHARGING INFRASTRUCTURE)	$
7	NETWORKING COSTS (UP TO 5 YEARS)	$
8	CHARGING EQUIPMENT EXTENDED WARRANTIES AND/OR SERVICE CONTRACTS (UP TO 5 YEARS)	$
9	OTHER EQUIPMENT AND NON-LABOR PROJECT COSTS (DESIGN & ENGINEERING, PROJ. MGMT, ETC)	$
10	PERMIT COSTS/FEES	$
	GRAND TOTAL OF ELIGIBLE ITEMS	$
	VW FUND MATCH REQUEST (UP TO 80% OF GRAND TOTAL ELIGIBLE ITEMS)	$
	REMAINING APPLICANT COSTS	$

ILLUSTRATE YOUR PROPOSED SCHEDULE FOR THE EV STATION SITE CONSTRUCTION, INCLUDE SIGNIFICANT INTERIM MILESTONES AND DATES. NOTE THAT BIDDERS WILL BE EVALUATED MORE FAVORABLY FOR COMPLETING CHARGING STATION INSTALLATION WITHIN 18 MONTHS OF NOTICE TO PROCEED.

#	MILESTONE DESCRIPTION	MONTH/YEAR TO MONTH/YEAR
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

F. BUSINESS MODEL, FUNDING, & EXPERIENCE (CONTINUED)

DESCRIBE YOUR EXPERIENCE WITH DCFC INSTALLATION AND OPERATION. DETAIL INNOVATIVE PLANS, EQUIPMENT, OR PROCEDURES YOU HAVE IMPLEMENTED IN THE EV CHARGING INDUSTRY.

G. OPERATIONS & MAINTENANCE

ATTACH REQUIRED DOCUMENTS RELATED TO OPERATIONS & MAINTENANCE

☐ SERVICE LEVEL AGREEMENT

☐ OPERATIONS & MAINTENANCE PLAN

H. SUPPORTING DOCUMENTS & COMMENTS

ATTACH ALL SUPPORTING DOCUMENTS, INCLUDING COMMITMENT LETTERS FROM HOST SITE, BUSINESS PARTNERS, UTILITY AGENCY, STAKEHOLDERS, EDUCATIONAL INSTITUTIONS, ETC. IF DESCRIPTION SPACE WAS NOT AMPLE IN PREVIOUS SECTIONS OF THIS APPLICATION, INCLUDE ANY ADDITIONAL PERTINENT INFO/COMMENTS BELOW.

H. LOCATION MAP

UTILITY SERVICE CONFIRMATION - This section to be completed by applicant

1. UTILITY	UTILITY CONTACT PERSON, TELEPHONE NUMBER OR EMAIL ADDRESS		
3. UTILITY MAILING ADDRESS	CITY	STATE	ZIP CODE

SITE HOST - COMPANY NAME & ADDRESS

SITE ADDRESS / LOCATION

Will the EVSE load be added to an existing meter/account or will a new account be requested?

☐ EXISTING METER/ACCOUNT ☐ NEW METER/ACCOUNT ☐ OTHER (DESCRIBE)

REQUESTED SERVICE VOLTAGE - 480 V / 3 PH typical for NEVI Program-compliant station

CONNECTED LOAD (kW) - 600 kW minimum for NEVI Program-compliant station. If requesting additional capacity for future development, provide details.

REQUESTED PANEL SIZE (amps) - 800 A typical for NEVI Program-compliant station	POWER FACTOR (%) - 90-100% typical

EXPECTED LOAD PROFILE At what hour of the day will peak load occur?	How is load expected to vary across the day?

PROJECTED MONTHLY ENERGY USE (kWh)

ANY ADDITIONAL FEATURES TO MANAGE PEAK ELECTRICAL DEMAND: (Solar, net metering, battery installation, etc.)

This section to be completed by utility provider

UTILITY REPRESENTATIVE COMPLETING THIS FORM	UTILITY
EMAIL ADDRESS	TELEPHONE NUMBER

IS THE UTILITY ABLE TO PROVIDE ELECTRICAL SERVICE AS DESCRIBED ABOVE? (CHECK ONE; IF NO, BRIEFLY DESCRIBE OR ATTACH LETTER)

☐ YES ☐ NO DESCRIBE:

ARE ANY SERVICE EXTENSIONS OR UPGRADES REQUIRED TO SERVE SITE AS DESCRIBED? (CHECK ONE; IF YES, BRIEFLY DESCRIBE OR ATTACH LETTER)

☐ YES ☐ NO DESCRIBE:

DOES THE UTILITY HAVE ANY CONCERNS ABOUT PROVIDING ELECTRICAL SERVICE? (CHECK ONE; IF YES, BRIEFLY DESCRIBE OR ATTACH LETTER.)

☐ YES ☐ NO DESCRIBE:

ARE THERE ANY UTILITY REBATE PROGRAMS THAT MAY APPLY TO THIS PROJECT?

SIGNATURE OF UTILITY REPRESENTATIVE COMPLETING THIS FORM:

Form D – Non-Collusion Affidavit

Proposer:

2. Each of the undersigned, being first duly sworn, deposes and says that:(He/she) is the **[Title]** of **[Company Name]**, which entity is a **[shareholder, partner, joint venture member or other]** of **[Proposer's Name]**, a **[corporation, partnership, limited liability company, joint venture, or other]**, the entity making the foregoing Proposal, and that the answers to the foregoing questions and all other statements therein are true and correct.

   The proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, joint venture, limited liability company or corporation; the proposal is genuine and not collusive or sham; the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived or agreed with any Proposer or anyone else to put in a sham proposal or that anyone shall refrain from proposing; the Proposer has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the prices of the Proposer or any other proposer, or to fix any overhead, profit, or cost element included in the Proposal, or of that of any other proposer, or to secure any advantage against the Kansas Department of Transportation of anyone interested in the proposed Contract; all statements contained in the Proposal are true; and, further, the Proposer has not, directly or indirectly, submitted its prices, any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, joint venture, limited liability company, organization, proposal depository or any member, partner, joint venture, or agent thereof to effectuate a collusive or sham proposal.

   The Proposer will not, directly or indirectly, divulge information or data regarding the price or other terms of its proposal to any other Proposer, or seek to obtain information or data regarding the price or other terms of any other proposal, until after award of the Contract or rejection of all proposals and cancellation of the RFP.

[To be completed by the Proposer - Duplicate or modify this form as necessary to accurately describe the entity making the Proposal and so it is signed on behalf of all Proposer partners, members, or joint venturers.]

[*Proposer Name*]

By: _____

Signature

_____

Typed or Printed Name

_____

Title

_____

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 2022.

_____

Signature

_____

Printed Name of Notary Public
in and for said County and State

_____

My commission expires

Form E – Organizational Conflict of Interest Disclosure Certification

INSTRUCTIONS:

Submit one copy of this Form E completed by the Proposer;

NAME OF PROPOSER: _____ (the "Proposer")

1. Required Disclosure of Conflicts

In the space provided below, and on supplemental sheets as necessary, identify all relevant facts relating to past, present, or planned interests of [Entity Name], its proposed consultants, and its respective chief executives, directors, and other Key Personnel for the Project) which may result, or could be viewed as, an organizational conflict of interest in connection with the RFQ or the procurement.

Disclosure of the following is required:

1. any current contractual relationships with KDOT;
2. any past, present, or planned contractual or employment relationships with any officer or employee of KDOT;
3. any other circumstances that might be considered to create a financial interest in the contract by any KDOT member, officer, or employee;
4. ownership of 25% or more of the stock of, or having directors in common with, any of the individuals or entities involved in preparing the RFQ (including KDOT's project management team set forth in Section 4.2 (Organizational Conflicts of Interest) of the RFQ);
5. contractual relationships (i.e., joint ventures) with any of the individuals or entities involved in preparing the RFQ; and
6. relationships wherein any of the individuals or entities involved in preparing the RFQ is a contractor or consultant (or subcontractor or subconsultant) to the Respondent or a member of the Respondent's team.

The foregoing is provided by way of example and shall not constitute a limitation on the disclosure obligations. Any organizational conflicts of interest that have already been submitted to KDOT in connection with the Respondent's SOQ and previously approved or cleared by KDOT do not have to be included on this form so long as the facts as presented previously remain true.

_____
_____
_____
_____
_____
_____
_____

Check this box if no organizational conflicts of interest to disclose: ☐

2. Explanation

In the space provided below, and on supplemental sheets as necessary, identify steps the entity has taken or will take to avoid, neutralize, or mitigate any organizational conflicts of interest described herein.

Check this box if no organizational conflicts of interest to disclose: ☐

3. Certification

The undersigned hereby certifies that, to the best of his or her knowledge and belief, no interest exists that is required to be disclosed in this Conflict of Interest Disclosure Statement, other than as disclosed above.

By: _____

Signature

_____

Typed or Printed Name

_____

Title

_____

Company Name

_____

Date

Form F – Debarment, Suspension, Ineligibility, and Voluntary Exclusion Certificate

Proposer:

The undersigned, under penalty of perjury, certifies that, except as noted below, they or any other person associated therewith in the capacity of owner, partner, director, officer, or financial controller:

- Is not currently suspended, debarred, voluntarily excluded, or disqualified from bidding by any federal or state agency.
- Has not been suspended, debarred, voluntarily excluded, or disqualified from bidding by any federal or state agency within the past three years.
- Does not have a proposed debarment pending.
- Has not been convicted or had a civil judgment rendered against them by a court of competent jurisdiction in any matter involving fraud, anti-trust violations, theft, official misconduct, or other offenses indicating a lack of business integrity or business honesty within the past three years.
- Is not currently indicted or otherwise criminally or civilly charged by a federal, state, or local government with fraud, anti-trust violations, theft, official misconduct, or other offenses indicating a lack of business integrity or business honesty.
- Has not had one or more federal, state, or local government contracts terminated for cause or default within the past three years.
- It is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- It is not a corporation that was convicted of a felony criminal violation under a federal law within the preceding 24 months.

If there are any exceptions to this certification, insert the exceptions in the following space.

[Insert exceptions, if any]

Exceptions will not necessarily result in denial of award but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Note: Providing false information may result in criminal prosecution or administrative sanctions.

[To be completed by Proposer and each Major Contractor and signed by authorized signatory or signatories of the respective entities.]

By: _____

Signature

_____

Typed or Printed Name

_____

Title

_____

Date

Form G – Equal Employment Opportunity

Proposer:

The undersigned certifies that:

1. (It/He/She) [has/has not] _____ developed affirmative action programs on file at each establishment pursuant to 41 CFR § 60-4 and

   (It/He/She) [has/has not]_____ participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, where required, (it/he/she) has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

[To be completed by Proposer and each Major Contractor and signed by authorized signatory or signatories of the respective entity, except as excluded below.]

[Insert Proposer or Major Contractor's Name.]

By: _____

Signature

_____

Typed or Printed Name

_____

Title

_____

Date

NOTE: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b)(1)) and must be submitted by the Proposers and proposed subcontractors only in connection with contracts and subcontracts, which are subject to the equal opportunity clause. Contracts and subcontracts that are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally, only contracts or subcontracts of $10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the executive orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the executive orders and have not filed the required reports should note that 41 CFR 60-1.7(b)(1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

Form H – Use of Contract Funds for Lobbying

Proposer:

The undersigned certifies, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

   If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The undersigned shall require that the language of this certification be included in all lower tier subcontracts which exceed $100,000 and that all such recipients shall certify and disclose accordingly.

[To be completed by the Proposer].

By: _____

Signature

_____

Typed or Printed Name

_____

Title

_____

Date

Form I – Israel Boycott Restriction Certification

Proposer:

Pursuant to K.S.A. 2021 Supp. 75-3740e-g, the Progressive Design-Builder (if not the Lead Contractor), Lead Contractor, Lead Designer, and each Key Personnel Firm shall provide a written certification that the person or company is not currently engaged in a boycott of Israel.

By signing below, the applicable entity agrees and certifies that they are not currently engaged in a boycott of goods or services from Israel that constitutes an integral part of business conducted or sought to be conducted with the State of Kansas. If at any time after signing this certification the entity decides to engage in a boycott of Israel, the entity must notify the Department in writing.

[To be completed by Proposer and each Major Contractor and signed by authorized signatory or signatories of the respective entity.]

By: _____

Signature

_____

Typed or Printed Name

_____

Title

_____

Date

Form J – Sexual Harassment Acknowledgement Form

WHEREAS, sexual harassment and retaliation for sexual harassment claims are unacceptable forms of discrimination that must not be tolerated in the workplace; and

WHEREAS, state and federal employment discrimination laws prohibit sexual harassment and retaliation in the workplace; and

WHEREAS, officers and employees of the State of Kansas are entitled to working conditions that are free from sexual harassment, discrimination, and retaliation; and

WHEREAS, the Governor and all officers and employees of the State of Kansas should seek to foster a culture that does not tolerate sexual harassment, retaliation, and unlawful discrimination.

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order as follows:

All Executive Branch department and agency heads shall have available and shall regularly review and update at least every three years or more frequently as necessary, their sexual harassment, discrimination, and retaliation policies. Such policies shall include components for confidentiality and anonymous reporting, applicability to intern positions, and training policies.

All Executive Branch department and agency heads shall ensure that their employees, interns, and contractors have been notified of the state's policy against sexual harassment, discrimination, or retaliation, and shall further ensure that such persons are aware of the procedures for submitting a complaint of sexual harassment, discrimination, or retaliation, including an anonymous complaint.

Executive Branch departments and agencies shall annually require training seminars regarding the policy against sexual harassment, discrimination, or retaliation. All employees shall complete their initial training session pursuant to this order by the end of the current fiscal year.

Within 90 days of this order, all Executive Branch employees, interns, and contractors under the jurisdiction of the Office of the Governor shall be provided a written copy of the policy against sexual harassment, discrimination, and retaliation, and they shall execute a document agreeing and acknowledging that they are aware of and will comply with the policy against sexual harassment, discrimination, and retaliation.

Matters involving any elected official, department or agency head, or any appointee of the Governor may be investigated by independent legal counsel.

The Office of the Governor will require annual mandatory training seminars for all staff, employees, and interns in the office regarding the policy against sexual harassment, discrimination, and retaliation, and shall maintain a record of attendance.

Allegations of sexual harassment, discrimination, or retaliation within the Office of the Governor will be investigated promptly, and violations of law or policy shall constitute grounds for disciplinary action, including dismissal.

This Order is intended to supplement existing laws and regulations concerning sexual harassment and discrimination and shall not be interpreted to in any way diminish such

laws and regulations. The Order provides conduct requirements for covered persons and is not intended to create any new right or benefit enforceable against the State of Kansas.

Persons seeking to report violations of this Order, or guidance regarding the application or interpretation of this Order, may contact the Office of the Governor regarding such matters.

Agreement to Comply with the Policy Against Sexual Harassment, Discrimination, and Retaliation:

I hereby acknowledge that I have received a copy of the State of Kansas Policy Against Sexual Harassment, Discrimination, and Retaliation established by Executive Order 18-04 and agree to comply with the provisions of this policy.

[To be completed by Proposer and each Major Contractor and signed by authorized signatory or signatories of the respective entity.]

[Insert company name]

By: _____

Signature

_____

Typed or Printed Name

_____

Title

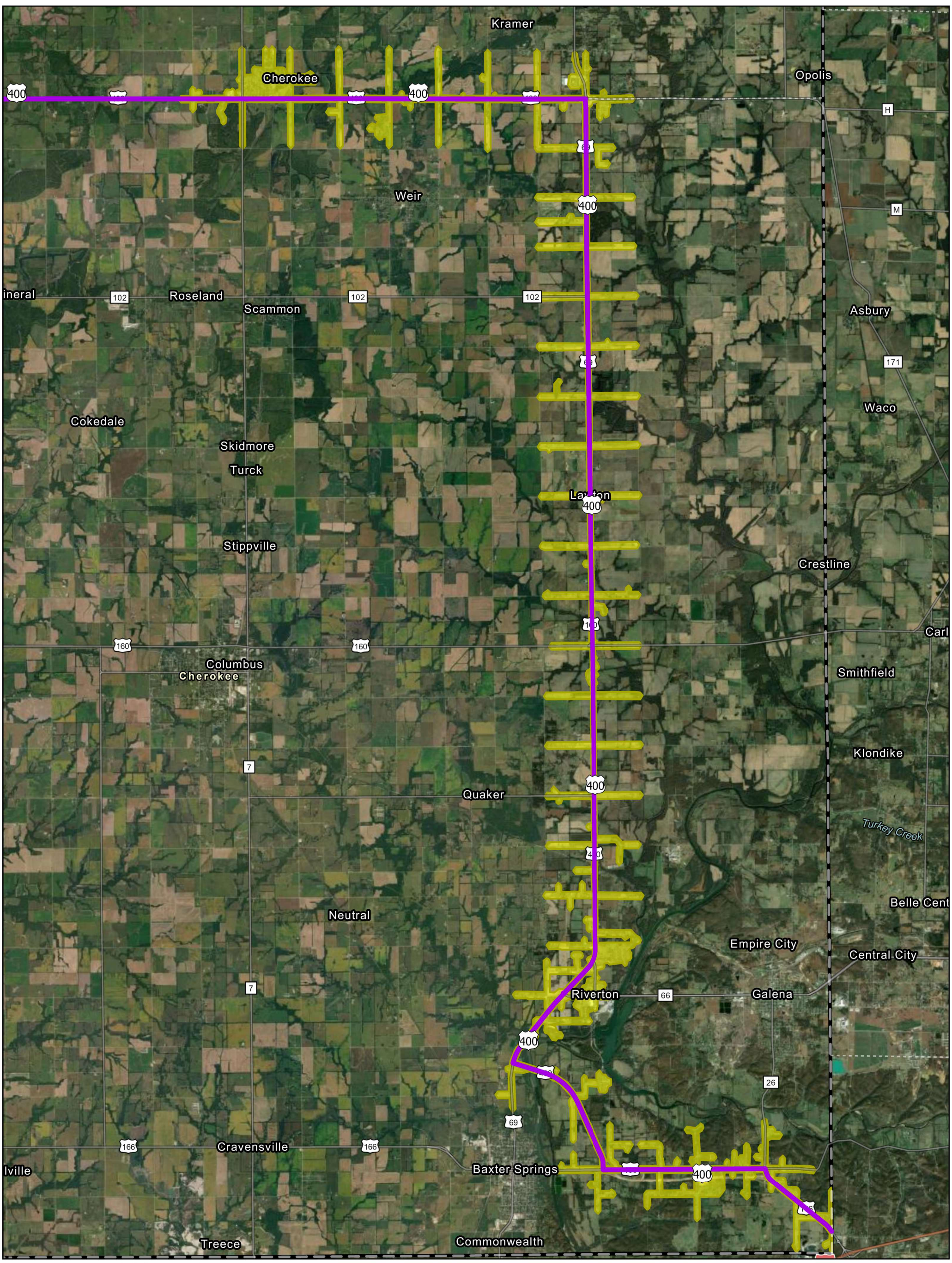
_____

Date

Form K – Labor Utilization Form

(pending)

Exhibit A - Eligible Area Maps



Pittsburg/Cherokee/ Baxter Springs Exhibit A:Eligible Area

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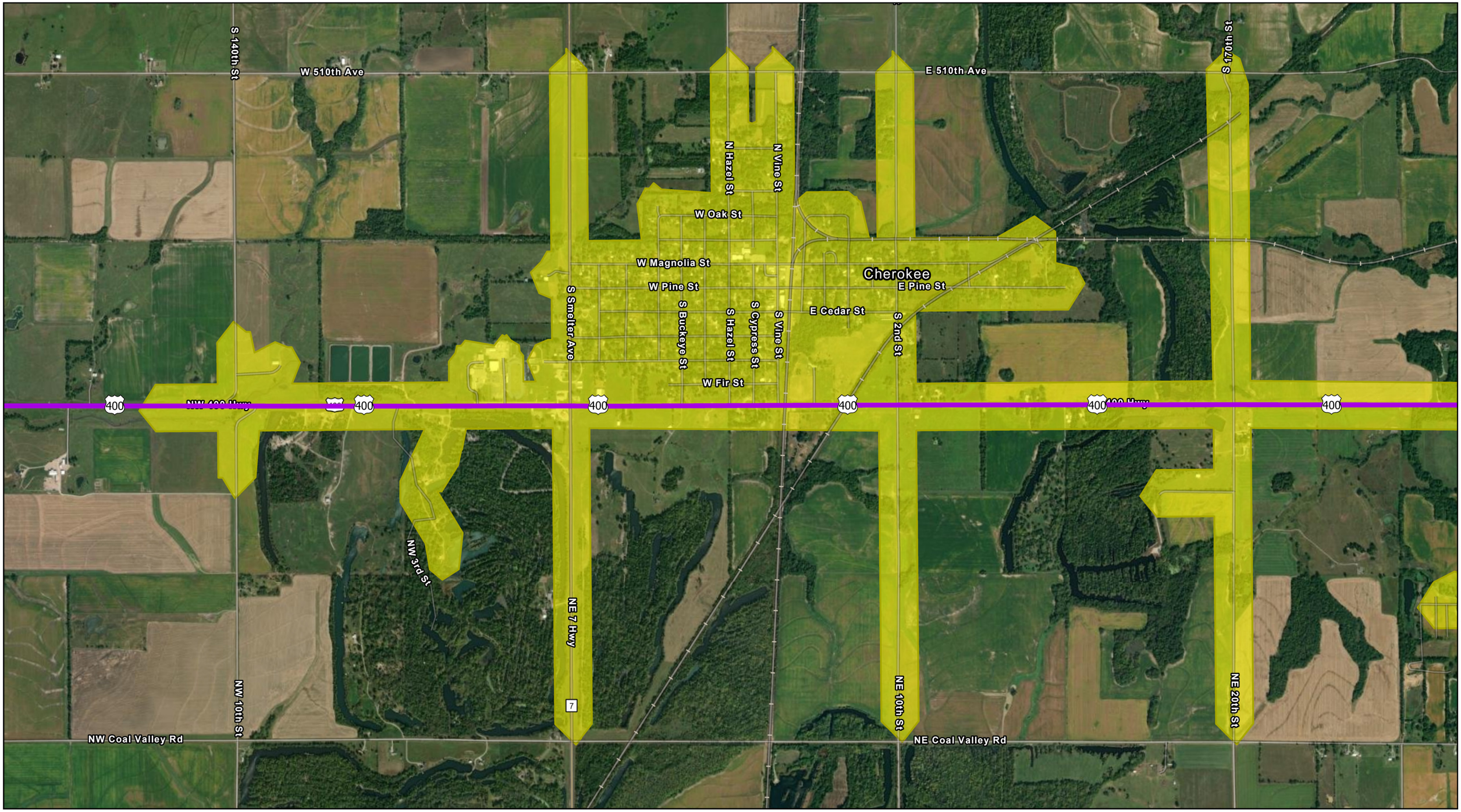
0 1 2 4 Miles

N

Pittsburg/ Cherokee/Baxter Springs

Alternative fuel corridor

Eligible area 1 mile buffer



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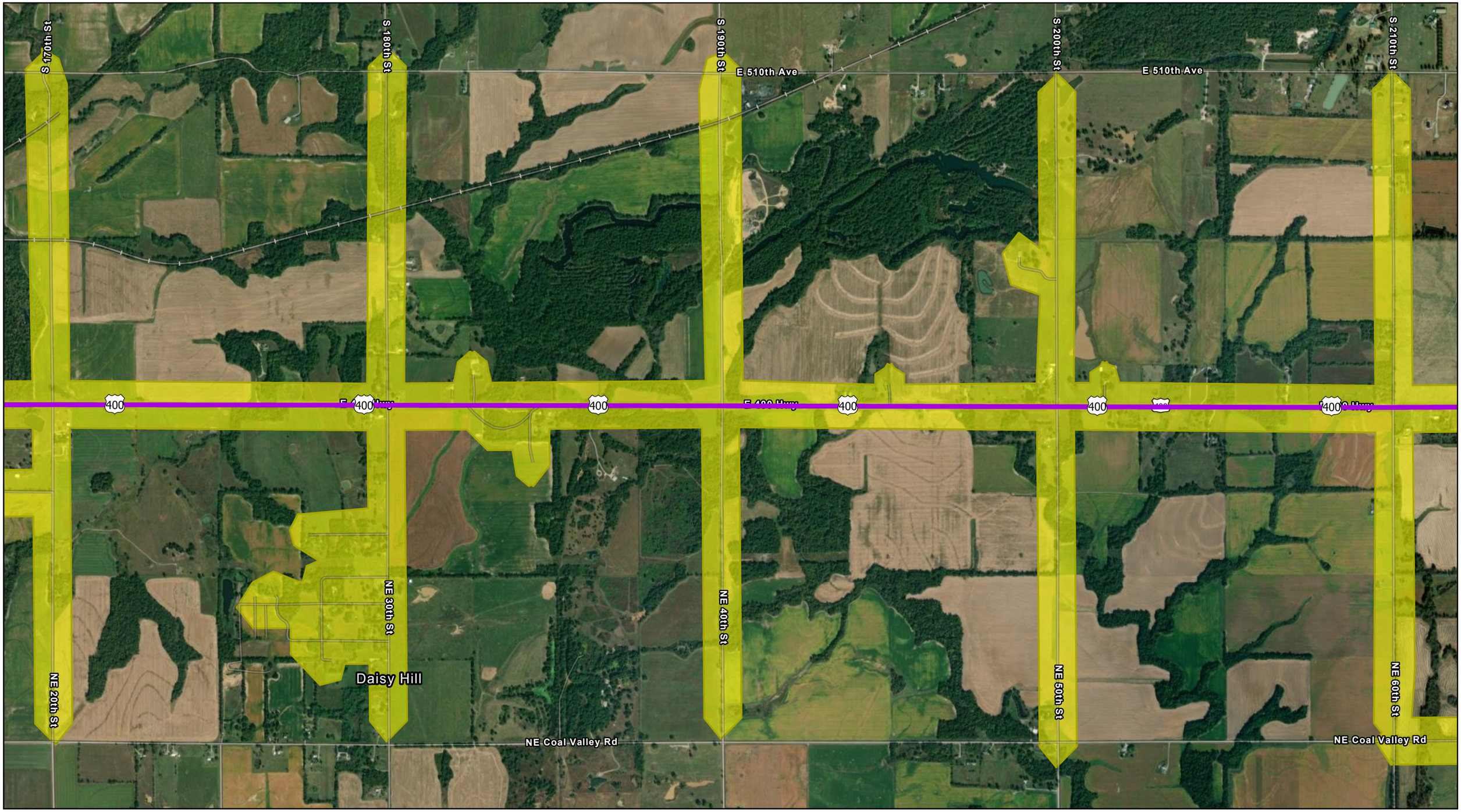
0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 1 of 10

Alternative fuel corridor

Eligible area 1 mile buffer



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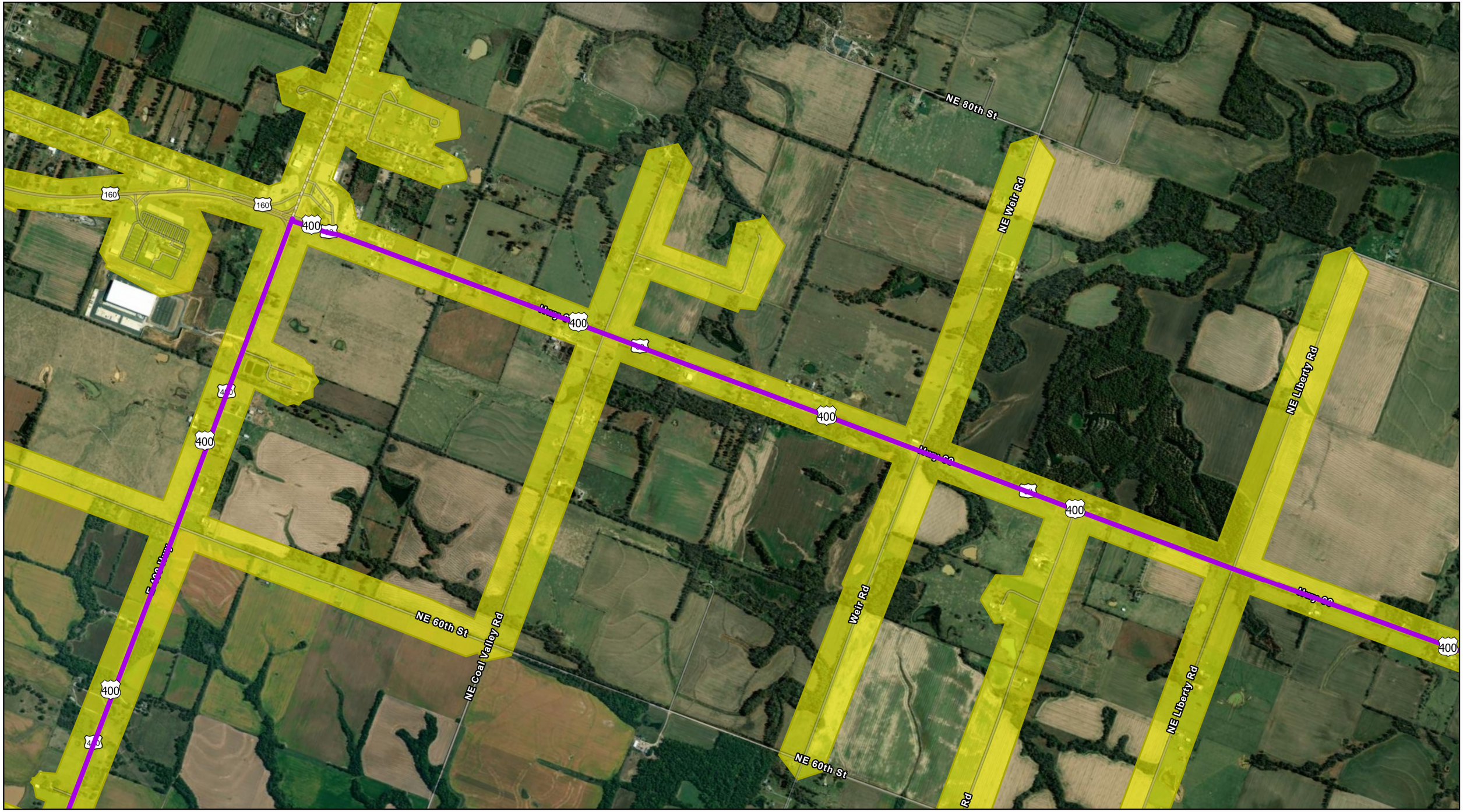
0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 2 of 10

Alternative fuel corridor

Eligible area 1 mile buffer



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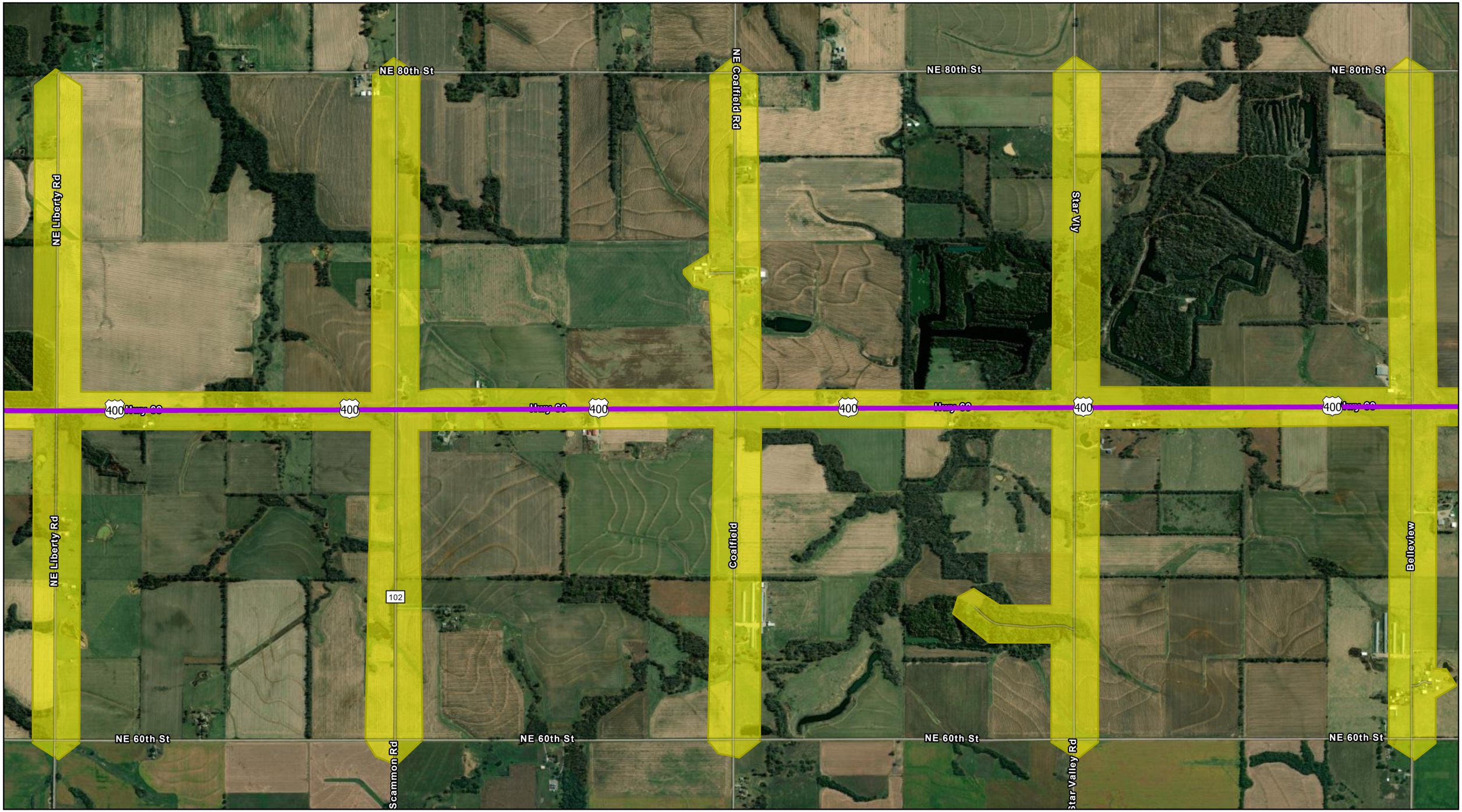
0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 3 of 10

Alternative fuel corridor

Eligible area 1 mile buffer



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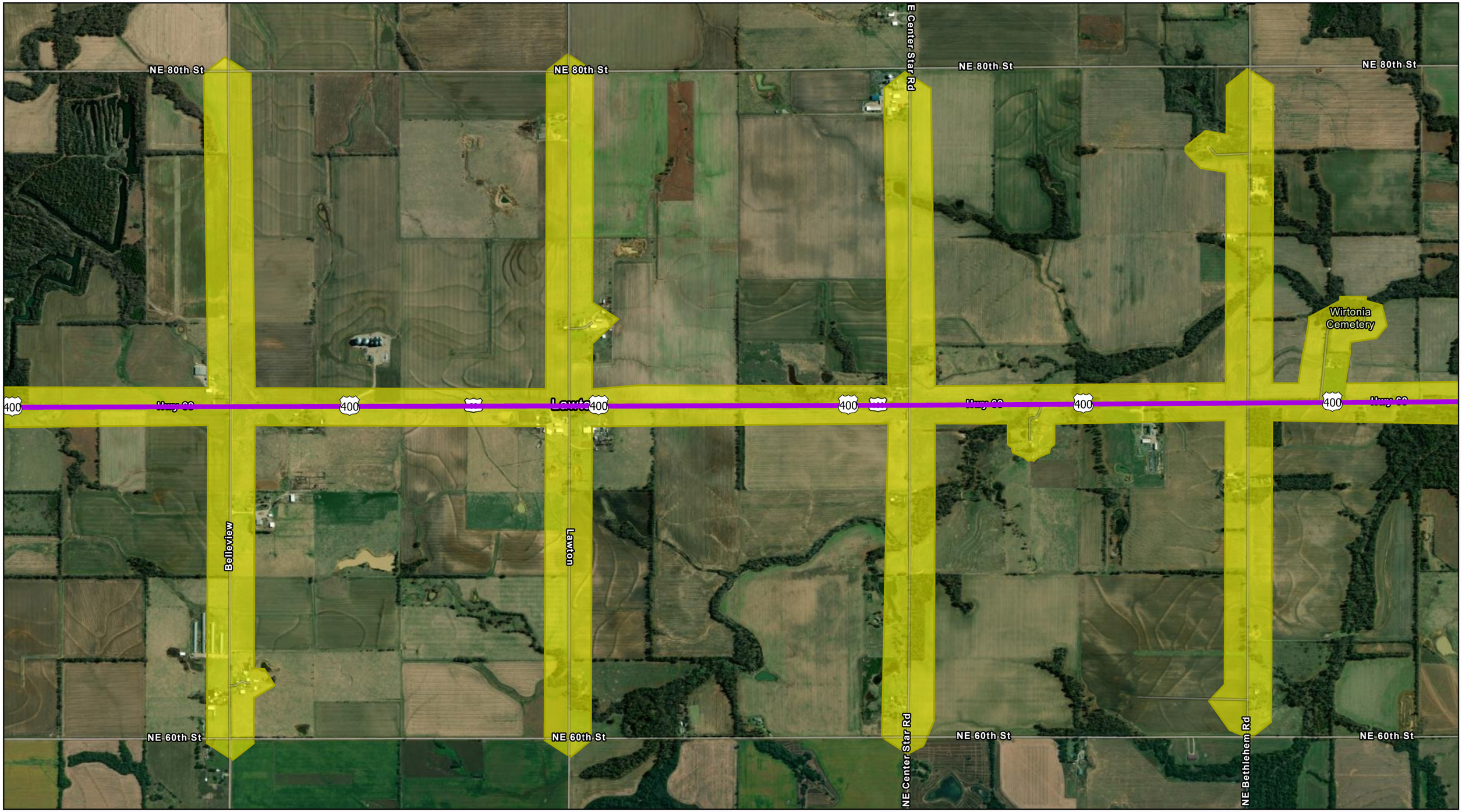
0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 4 of 10

Alternative fuel corridor

Eligible area 1 mile buffer



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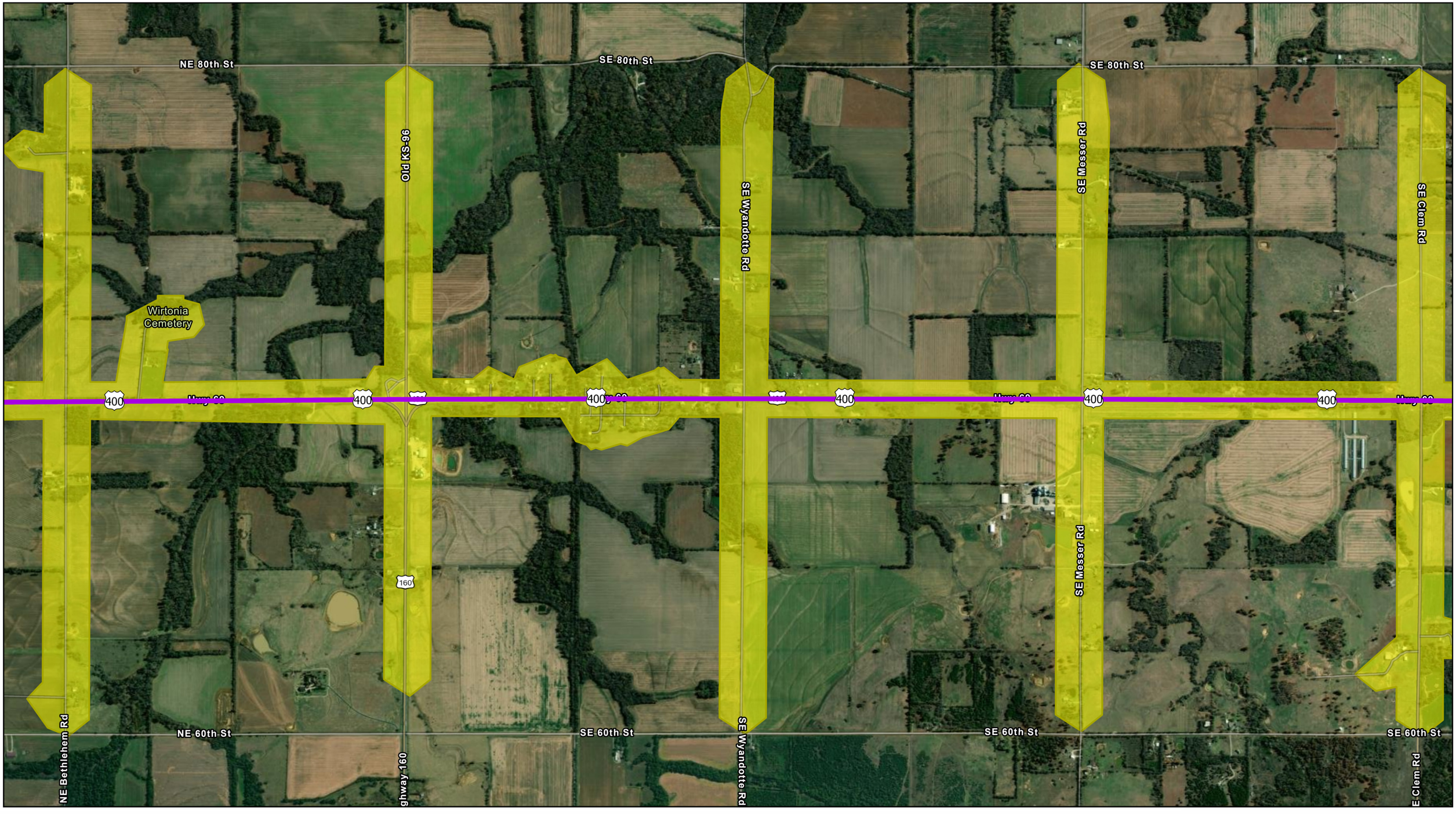
0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 5 of 10

Alternative fuel corridor

Eligible area 1 mile buffer



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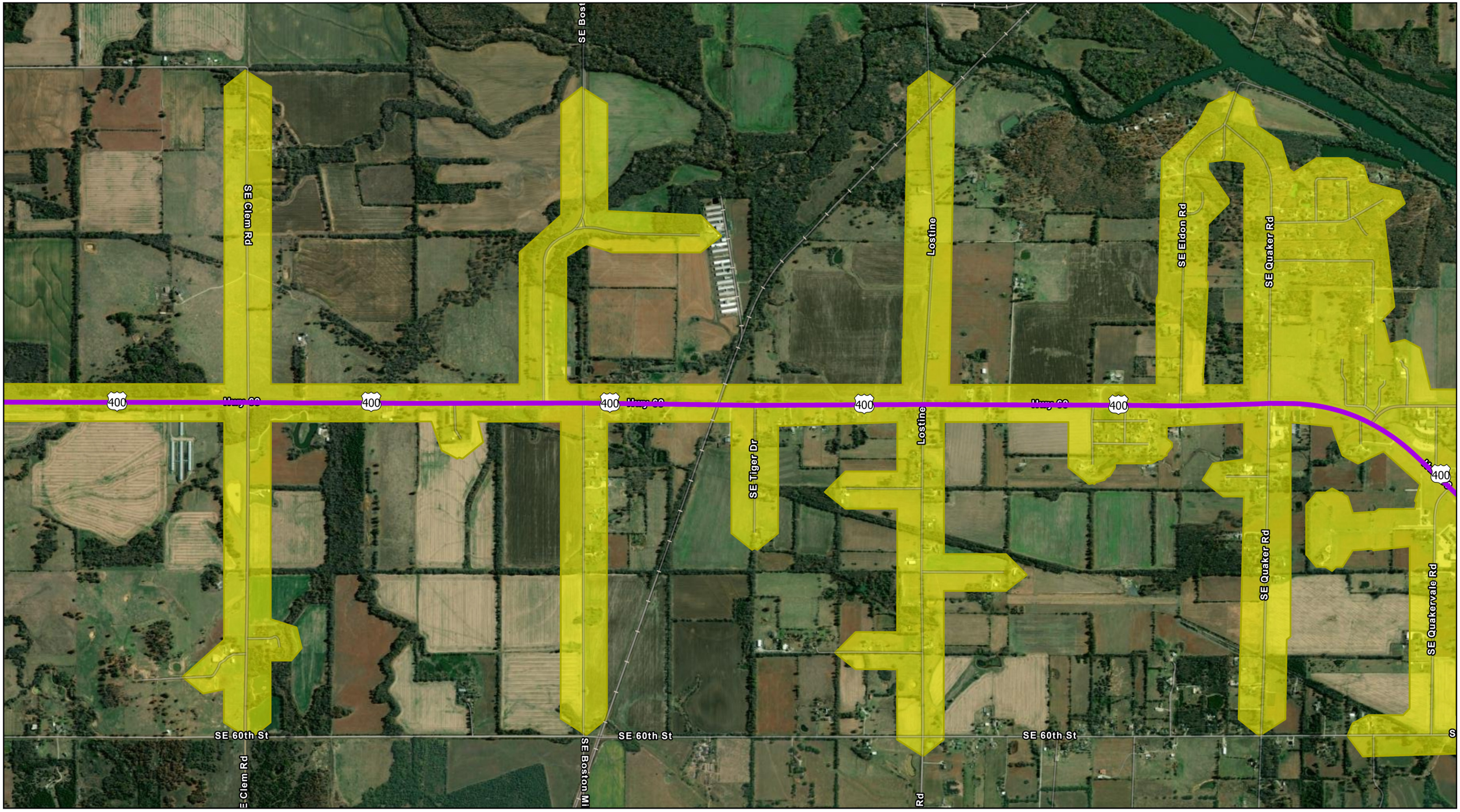
0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 6 of 10

Alternative fuel corridor

Eligible area 1 mile buffer



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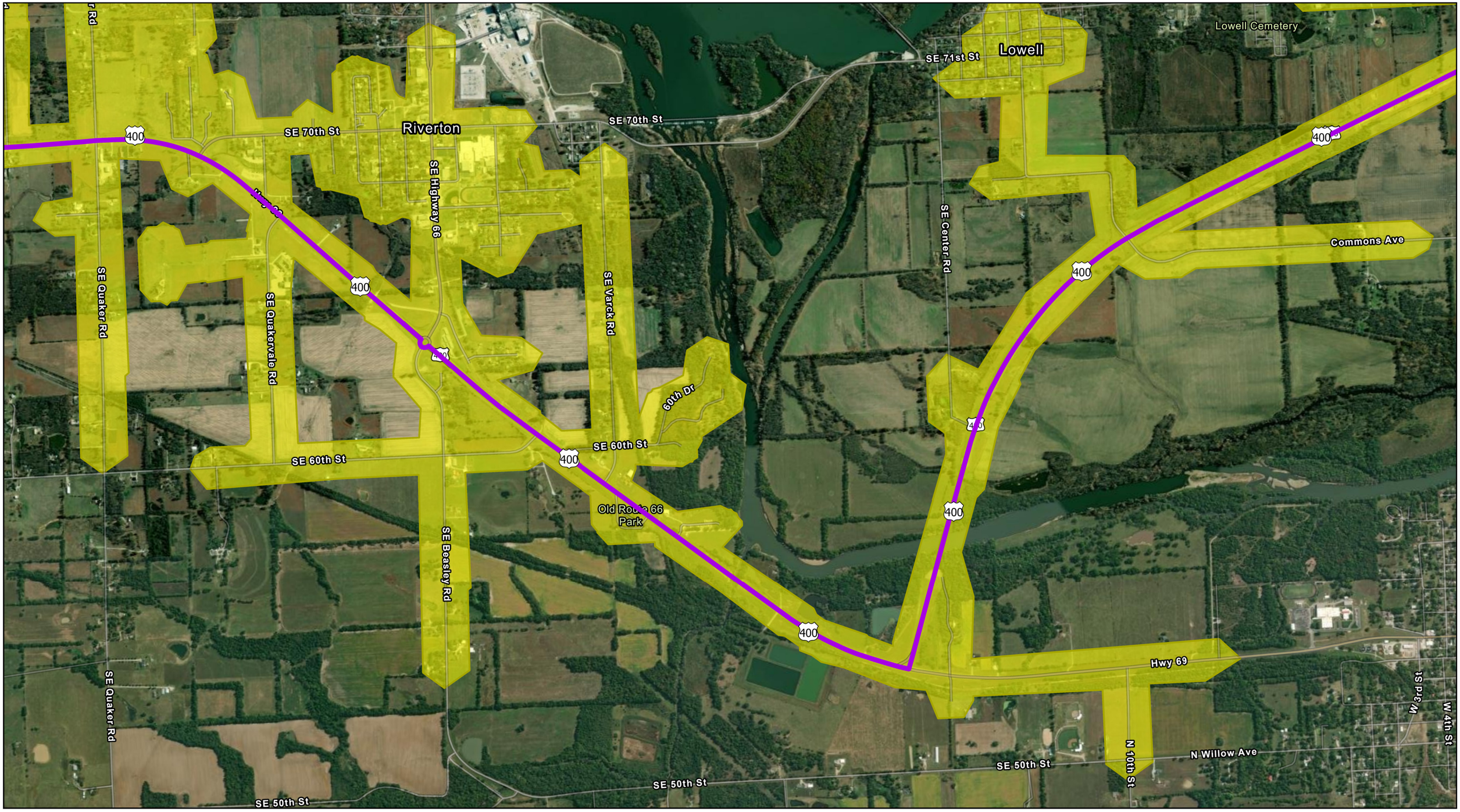
0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 7 of 10

Alternative fuel corridor

Eligible area 1 mile buffer



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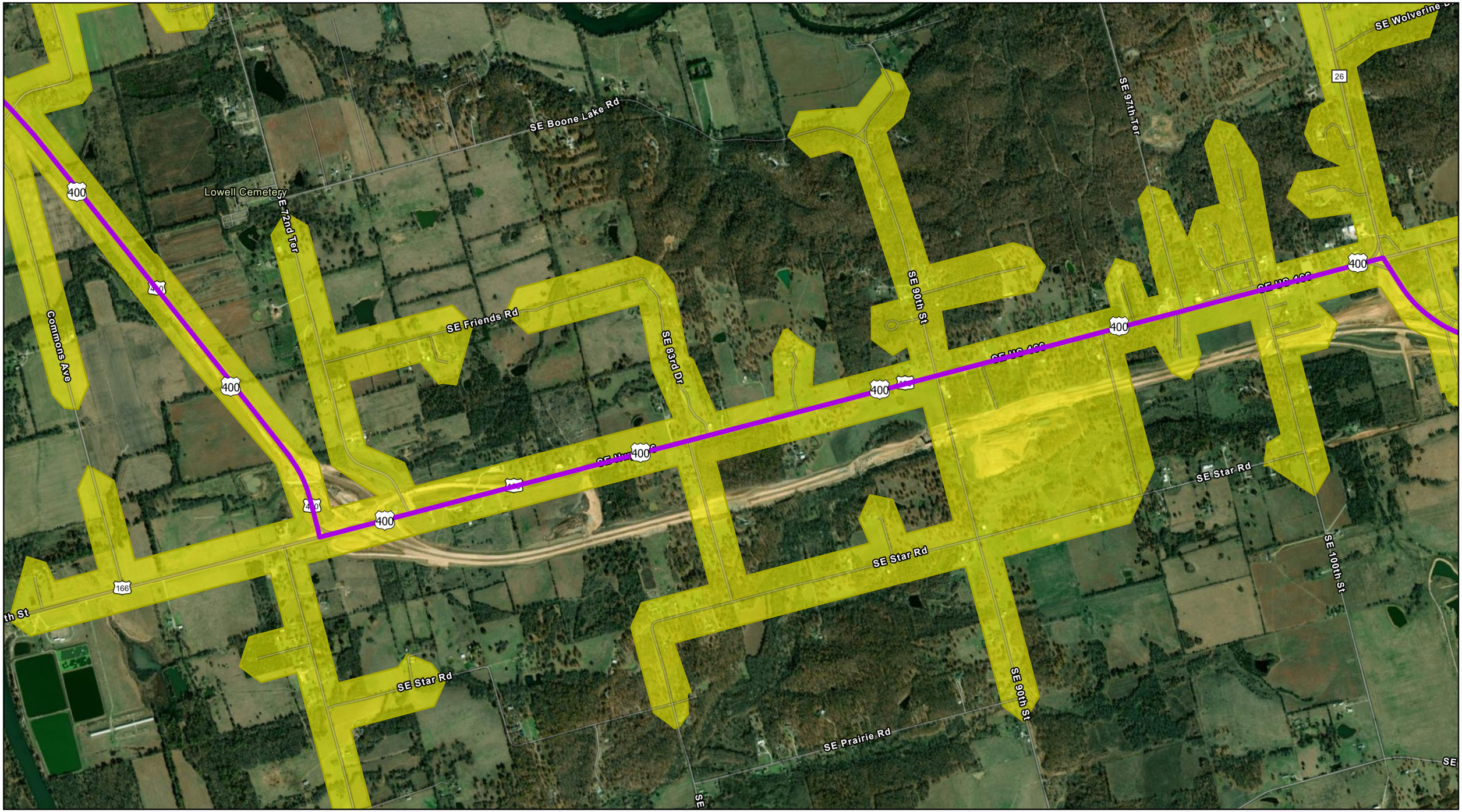
0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 8 of 10

Alternative fuel corridor

Eligible area 1 mile buffer



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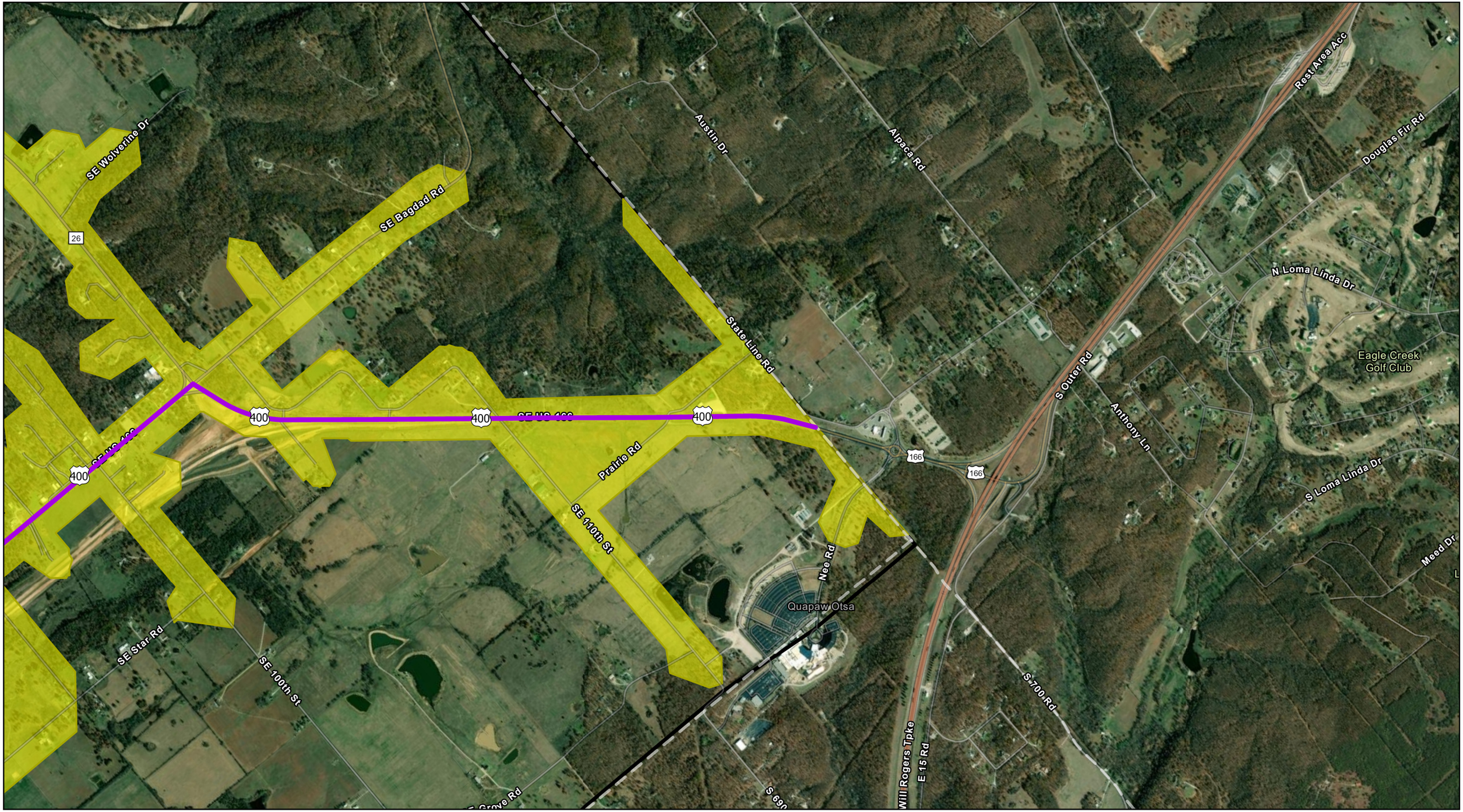
0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 9 of 10

Alternative fuel corridor

Eligible area 1 mile buffer



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0 0.23 0.45 0.9 Miles

N

Pittsburg/Cherokee/Baxter Springs map 10 of 10

Alternative fuel corridor

Eligible area 1 mile buffer

Exhibit B - Terms & Conditions

1. Prequalification requirements. Before submitting a Proposal, the Proposer must be eligible to bid in the state of Kansas for Electrical Vehicle Infrastructure work. Eligible Proposers must have submitted a Project Concept Form in response to KDOT's Call for Projects for EV Infrastructure, dated April 5th, 2023.

2. Proposal form must be completed and returned…… Bids must meet all NEVI Formula Program Standard & Requirements as detailed in 23 CFR 680 as well as KDOT Minimum Requirements.

3. Signature section

A. Electrical Internet Proposal The person submitting the electronic internet Proposal, on the Proposer's behalf, shall be the person whose digital identification is used to submit this Proposal. That person shall certify and execute the Signature Section of the Proposal Form.

B. In electronically signing this Proposal, the Proposer waives the right to claim that the Proposer misunderstood the contents of the Proposal, the procurement process or other proposal documents.

C. KDOT, the state of Kansas, or both assumes no responsibility to a Proposer for any representation made outside of the Proposal form by employees or agents of KDOT, state of Kanas or both unless that representation is put in writing and added to the Proposal Form before the Award. Oral representations concerning the site conditions do not bind the Secretary, KDOT, or both.

D. KDOT, the state of Kansas, or both assume no responsibility to a Proposer for the conclusions or interpretations the Proposer form based upon information KDOT, the state of Kansas, or both make available to the Proposer.

4. Bid Acceptance The Kansas Department of Transportation will only accept proposals…..

5. Kansas Department of Transportation shall issue a Conditional Award after **November 30, 2023** after selection has been finalized.

5. The Awardee shall execute the contract within ten (10) business days after notice of the Final Award of the contract.

6. The Awardee shall complete the work within 18 calendar months from date of Notice to Proceed as set by KDOT.

7. Proposers shall Examine Federal, State, County, and Municipal laws, regulations, rules, and ordinances that apply to the Project before submitting a bid. Include in the bid, costs to comply with such laws.

8. The Proposal Application Form becomes the Contractor's Proposal after the Proposer completes the form, electronically signs the Proposal where required, and submits the completed documents to KDOT via email to ChargeUpKS@ks.gov. These documents are part of the Contractor's Proposal.

9. The Proposer has inspected the actual location of the work. The Proposer has determined the availability of materials. The Proposer has evaluated all quantities and conditions. In electronically signing this Proposal, the Proposer waives the right to claim that the Proposer misunderstood the scope of the work.

10. Before the time for receiving proposals expires, a Proposer may withdraw a Proposal in writing or by email directed to the **KDOT Electrification Manager (ChargeUpKS@ks.gov)** without prejudice.

11. . Before the time for receiving proposals expires, a Proposer may revise its Proposal by making changes to the proposal application form and resubmitting the Proposal to KDOT via email.

12. The Secretary's representatives will not revise Bidders' proposals and have no access to proposals before the Selection.

13. A Proposer shall not revise its Proposal after the Conditional Award selection and the Secretary's representatives have no authority to revise proposals after the Conditional Award selection.

14. Before the award of contract and without liability, the Secretary has full authority to reject all proposals and either re-let or cancel the Project.

15. Before the award of contract and without liability, the Secretary has full authority to waive technicalities and irregularities (non-conformities) in individual proposals

16. Before the award of contract and without liability, the Secretary may reject an individual proposal as non-responsive for failing to comply with a contract requirement or for changing a contract requirement. The Secretary's authority to reject a Proposal as non-responsive under this subsection 102.17c. is not limited to the non-conformities identified in the following paragraphs A, B, C, and D.

A. The Secretary may reject a proposal as non-responsive if the Bidder submitted an(a):
(1) Altered form.
(2) Unapproved form.
(3) Unauthorized conditional bid.
(4) Unacceptable combination.
(5) Unauthorized alternate bid.
(6) Mathematically unbalanced unit price(s). A Proposal is mathematically unbalanced when the Proposal contains lump sum or unit prices that do not reflect the reasonable actual costs (plus reasonable profit, overhead costs, and other indirect costs) to construct the item.
(7) Materially unbalanced bid. A materially unbalanced bid is a bid that generates reasonable doubt that award to that bidder would result in the lowest ultimate cost to KDOT, state of Kansas, or both.
8) A bid amount in the Proposal which, when added to the unearned amounts of the Bidder's other outstanding contract obligations, exceeds the total dollar amount of the Bidder's qualification. The outstanding contract amount includes all contract and subcontract work that the Bidder performs with its own forces.

B. The Secretary may reject a Proposal as non-responsive if the Bidder failed to:
(1) Identify itself as prequalified and obtain KDOT's approval to bid (see item (1) of this Terms & Conditions) even though the Bidder is prequalified.

C. The Secretary will reject a Proposal as non-responsive if the Bidder added language, giving the Proposer a right to reject or accept an award of contract

D. The Secretary will reject a Proposal as non-responsive if the Bidder failed to:
(1) Include a unit price in the Unit Bid column for each line item of work listed in the Unit Prices List.
(2) Insert a principal's electronic signature on an electronic internet Proposal.

17. Before the award of contract and without liability, the Secretary may reject an individual proposal as non-responsible Proposer even though a Proposer is prequalified under item (1) of this Terms & Conditions document, the Prequalification Committee may:

A. determine a Proposer is otherwise non-responsible as lacking the skills, abilities, or integrity to perform the work.

B. before the award of contract and without liability, the Prequalification Committee has full authority to determine a Bidder is non-responsible. The Prequalification Committee may determine a Bidder is non-responsible for reasons other than those identified in this Terms & Conditions.

18. The Secretary may determine a Bidder is non-responsible and reject the Proposal if the Proposer:

1) Made false, deceptive or fraudulent statements in the "Concept Form" or in any other potential qualification hearing.

(2) Owes outstanding labor and materials bills on a current KDOT or state of Kansas contract without a good cause exception for non-payment
(3) Owes the Secretary monies on a current contract and has no good cause for failing to reimburse the Secretary for the monies owed.
(4) Performed unacceptable work on a current or recent project(s), calling into question the Bidder's ability to perform future, quality work.
(5) Performed work unsatisfactorily on a current contract regarding the timeliness of work and the award of additional work could affect timely completion of the current contract work.
(6) Lacks financial resources, equipment, experience, or supervision to perform classifications of work.
(7) Has been suspended or debarred from bidding or been given a notice of suspension or proposed debarment from bidding by KDOT, another Kansas state agency, other state government agency, FHWA, or other federal government agency.

19. Before an award of contract occurs, the Secretary will provide the Proposer an initial written notice of non-responsibility, specifying the reasons the Committee has determined the Proposer is non-responsible. The Proposer may object to the Secretary's determination in writing or by requesting an informal hearing. The Proposer shall identify the reasons for the Proposer's disagreement with the Secretary's initial determination of non-responsibility. After receiving the Proposer's written arguments or holding an informal hearing, the Secretary will issue either a final notice of responsibility or a final notice of non-responsibility. If issuing a final notice of non-responsibility, the Secretary will specify the reasons the Secretary has determined the Proposer is non-responsible.

20. Suspension or Debarment

a. Definitions.

(1) Debarment. An exclusion or bar from contracting with or bidding on contracts let by the Secretary for a specified period.

(2) Suspension. An exclusion or bar from contracting with or bidding on contracts let by the Secretary for a temporary period of time, pending the completion of legal or debarment proceedings

b. The Secretary may impose debarment on a Proposer if the Proposer:

(1) Makes false, deceptive, or fraudulent statements in the "Contractor's Qualification Statement and Experience Questionnaire" or in a qualification hearing.

(2) Lacks financial resources, equipment, experience, or supervision to perform classifications of work.

(3) Fails to pay the Secretary monies owed on previous contracts.

(4) Is suspended or debarred in Kansas or in a different state by a Kansas state agency, another state government agency, the FHWA, or another federal government agency.

(5) Submits more than one Proposal for the same Project under the same or different names.

(6) Commits fraud, anti-trust violations, theft, labor violations, wage law violations, illegal discrimination, or other actions indicating a lack of business integrity or business honesty. The Secretary may rely upon a criminal conviction, an adverse civil judgment, the Contractor's admission, or other evidence as proof of the offense.

(7) Violates a contract the Secretary let or violates an associated subcontract by:

(a) Willfully failing to comply with the Contract Documents.

(b) Failing to perform one or more contracts within a reasonable time preceding the decision to suspend or debar and the Contractor's actions or actions within the Contractor's control substantially caused this failure to perform.

(c) Unsatisfactorily performing work (quality or timeliness) on one or more contracts within a reasonable time preceding the decision to suspend or debar and the Proposer's actions or actions within the Proposer's control substantially caused this unsatisfactory performance.

(d) Failing to pay labor or material bills on one or more contracts.

(e) Performing any other act or omission that affects the Proposer's responsibility as a Proposer or Contractor.

c. The Secretary may suspend a Contractor from bidding if the Secretary has evidence that raises a reasonable suspicion that the Contractor has committed any of the acts set forth in item 20.b of this Terms & Conditions and if the Secretary determines that the suspension is in the best interests of the state of Kansas. The Secretary may impose suspension instead of or prior to debarment.

d. Before suspending or debarring a Contractor, the Secretary will give the Contractor notice of suspension or debarment and hold hearings as K.A.R. 36-31-2 and K.A.R. 36-31-3 require.

e. The Secretary will reject a Proposal from a Proposer suspended or debarred at the time of Selection even though a KDOT representative may have allowed the suspended or debarred Proposer to obtain a Bidding Proposal Form and submit a Proposal.

21. Do not sublet, sell, transfer, assign, or dispose of any part of the contract work without KDOT's written consent. Submit to KDOT subcontractor approval forms to obtain approval for subletting part of the contract including lower-tier subletting. Assume responsibility for sublet work, at any tier, as if the Contractor were performing that work. The Secretary's approval of subcontractors is for KDOT's benefit and KDOT's need to be aware of the persons and entities operating within the Project limits. This approval is not a guaranty of the subcontractors' capabilities or a representation concerning the subcontractors' skills, abilities, and integrity to perform the work.

Exhibit C – Administrative Information Instructions

1 Transmittal Package

1.1 Proposal Form

The proposal shall include the Proposal Form substantially in the form of Form C (Proposal Form). The Proposer shall attach to the Proposal Form the documents and information described in the Form C section entitled “Site Layout,” “Supporting Documents,” and “Utility Service Form.”

1.2 Legal Information

The proposal shall include a completed Form B (Proposer and Major Contractor Information) providing proof of prequalification as determined by the Concept Form and other information about the Proposer and each Major Contractor (identified in the Proposal and regardless of whether identified in Concept Form).

1.3 Reserved

1.4 Non-Collusion Affidavit (Form D)

The Administrative Information shall include Form D (Non-Collusion Affidavit), certifying that the Proposal is not the result of and has not been influenced by collusion.

1.5 Organizational Conflict of Interest Disclosure (Form E)

The Administrative Information shall include a certification on Form E (Organizational Conflict of Interest Disclosure Certification).

1.6 Debarment and Suspension Certificate (Form F)

The Administrative Information shall include a certification on Form F (Debarment, Suspension, Ineligibility, and Voluntary Exclusion Certificate) with respect to the Proposer certifying to KDOT that each are not declared by the United States federal government, or any United States state/commonwealth government, or have not voluntarily declared themselves debarred, suspended, or ineligible from doing transactions with the United States federal government, state/commonwealth government, or any of their respective agencies and making other certifications as described in Form F.

1.7 Certification Regarding Equal Employment Opportunity (Form G)

The Administrative Information shall include Form G (Equal Employment Opportunity), regarding participation in contracts or subcontracts subject to the equal opportunity clause and the filing of required reports, from the Proposer.

1.8 Certification re Use of Contract Funds For Lobbying (Form H)

The Administrative Information shall include Form H (Use of Contract Funds for Lobbying), executed by the Proposer certifying that no federal appropriated funds have been or will be paid for lobbying activities, and no other funds have been paid or will be paid to influence governmental decisions regarding the Project.

1.9 Israel Boycott Restriction Certification (Form I)

The Administrative Information shall include Form I (Israel Boycott Restriction Certification) (or several forms) certifying compliance with the State's restriction on boycott of Israel. The Proposer may duplicate the form as necessary for execution by the Proposer and each Major Awardee.

1.10 Sexual Harassment Acknowledgement Form (Form J)

The Administrative Information shall include Form J (Sexual Harassment Acknowledgement Form) (or several forms) concerning acknowledgement of the Department's sexual harassment policy.

Exhibit D – 23 CFR 680 National Electric Vehicle Infrastructure Standards and Requirements

Exhibit E – Protest Procedures

This Exhibit E sets forth the exclusive protest remedies available with respect to this RFP. The Proposer, by submitting its Proposal, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies other than review by a Kansas court under the Kansas Judicial Review Act, K.S.A. 77-601, et seq., and agrees that the decision on any protest, as provided herein, shall be final agency action and conclusive unless wholly arbitrary as determined by a Kansas court. These provisions are included in this RFP expressly in consideration for such waiver and agreement by the Proposer. If the Proposer disregards, disputes, or does not follow the exclusive protest remedies set forth in this RFP, it shall indemnify, defend, and hold KDOT, its directors, officers, officials, employees, agents, representatives, and consultants harmless from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees, and damages incurred or suffered as a result of the Proposer's actions. The submission of a Proposal by the Proposer shall be deemed the Proposer's irrevocable and unconditional agreement with such indemnification obligation.

1 KDOT Written Protests Only

All protests must be in writing, whether related to pre-proposal, pre-award, or post-award phases of the procurement. Protests shall be submitted to the Protest Official at the following address:

Kansas Department of Transportation
Attn: Tony Menke
Director of Project Delivery
Dwight D. Eisenhower State Office Building
700 SW Harrison Street
Topeka, KS 66603-3745

Any protest not set forth in writing within the time limits specified in these procedures is null and void and shall not be considered. In addition, protests regarding this RFP made prior to the award of contract shall be filed only after the Proposer has informally discussed the nature and basis of the protest with the Project Director in an effort to remove the grounds for protest. Protests regarding this RFP made after the award of contract shall be filed only after the Proposer has been debriefed by the Project Director and received from the Project Director its proposal evaluation documentation.

The Protest Official may, in his/her discretion, discuss the written protest with the protestor prior to issuance of the Protest Official's written decision. The protestor shall have the burden of proving its protest by clear and convincing evidence. The Protest Official or his/her designee may hold a hearing on the protest or the Protest Official may seek to consider the protest on the basis of written submissions. The Protest Official or his/her designee shall issue a written decision regarding any protest to each Proposer and the written decision shall be deemed to be final the agency action pursuant to the Kansas Judicial Review Act, K.S.A. 77-601, et seq.

The Proposer agrees that any appeal of the Protest Official's decision to the State Transportation Engineer shall be filed within seven Days after the Proposer receives the Protest Official's decision in accordance with Section 6 (Right of Appeal) and any appeal of the Protest Official's decision to the Shawnee County Kansas District Court shall be filed within 30 Days after the Proposer receives the Protest Official's decision. Because of the public interest in expedited procurement and unless the Protest Official's decision provides otherwise, the appeal

of the Protest Official's decision to the State Transportation Engineer does not suspend the 30 Day appeal time for Court review required by the Kansas Judicial Review Act, K.S.A. 77-601, et seq. KDOT may, in its sole discretion, proceed with the procurement during appeal unless prohibited by the Shawnee County Kansas District Court.

2 Protest Contents

All Protests must include the following:

1. The name and address of the Proposer.

   The Project name and Contract number.

   A detailed statement of the nature of the protest and the grounds on which the protest is made.

   All factual and legal documentation in sufficient detail to establish the merits of the protest. Protests must be provided under penalty of perjury.

The protestor must demonstrate or establish a clear violation of a specific law or regulation, or alleged improprieties in the RFP process.

The Protest Official will not be obligated to postpone the Proposal Due Date or Contract award announcement in order to allow a protestor an opportunity to correct a deficient protest or appeal, unless otherwise required by law or regulation or this Exhibit E.

If the protest is denied, the protestor shall be liable for KDOT's costs reasonably incurred in any action to defend against or resolve the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by KDOT as a consequence of the protest. If the protest is granted, KDOT shall not be liable for payment of the protestor's costs.

3 Protest Prior to Proposal Due Date

Protests prior to the Proposal Due Date shall be filed with the Protest Official within seven Days after the protester knew, or should have known, of the actions that it alleges constitute the grounds for the protest.

The Protest Official will promptly make a determination in writing regarding the validity of a protest filed prior to the Proposal Due Date and whether or not the RFP or procurement should be delayed beyond the scheduled Proposal Due Date.

If the Protest Official determines that the scheduled Proposal Due Date should be delayed, all Proposers will be notified by written addendum of the delay and the reason thereof.

If the protest is determined to be valid, the Protest Official will respond in writing to each material issue raised in the protest in a timely manner prior to KDOT proceeding with the procurement.

The failure of the Proposer to file a basis for a protest regarding this RFP shall preclude consideration of that ground in any protest of a selection unless such ground was not, and could not, have been known to the Proposer in time to protest prior to the Proposal Due Date.

4 Protest Prior to Award

When a protest or appeal has been filed in a timely manner with the Protest Official prior to award, KDOT, in its sole discretion, may award the Contract before or after resolution of the protest or appeal unless otherwise provided for by law.

5 Protest Regarding Award

If the award decision is being protested, a protestor shall protest in writing to the Protest Official as soon as practical, but not later than seven Days after the Project Director or his/her designee has debriefed the Proposer. At each debrief, the Project Director will furnish the Proposers a copy of the evaluation documentation that substantiates the award to the Apparent Best Value Proposer. If the protest has been filed in a timely manner, the Protest Official will promptly make a determination in writing regarding the validity of the protest and whether or not the procurement should be delayed or the award considered for revision.

The Protest Official will respond in writing to each material issue raised in the protest in a timely manner prior to proceeding further with the procurement. If the procurement is delayed, all Proposers will be notified of the delay. The Protest Official or his/her designee shall issue a written decision regarding any protest to each Proposer and the written decision shall be deemed to be final agency action pursuant to the Kansas Judicial Review Act, K.S.A. 77-601, et seq.

Should a protestor wish to appeal the decision of the Protest Official concerning any award decision, a protestor shall follow the procedures as outlined in Section 6 (Right of Appeal).

6 Right of Appeal

In the event that a protestor receives an unfavorable decision from the Protest Official to its protest, the protestor shall have the right to a review of the decision of the Protest Official by: submitting a written request for review to the State Transportation Engineer within seven Days after receipt of the decision of the Protest Official and/or filing a petition for judicial review in Shawnee County Kansas District Court within 30 Days after receipt of the decision of the Protest Official, regardless of whether the protestor requests review by the State Transportation Engineer.

If the protestor requests review by the State Transportation Engineer, the State Transportation Engineer will appoint a Protest Committee of at least three members to review the protest and the decision of the Protest Official. The Protest Committee may hold a hearing on the protest or the Protest Committee may seek to consider the protest on the basis of written submissions. The Protest Committee shall issue a written decision regarding any protest to each Proposer and this written decision shall be part of the agency record for judicial review pursuant to the Kansas Judicial Review Act, K.S.A. 77-601, et seq.

If the Protest Committee affirms the decision of the Protest Official, the protestor may initiate or continue with court review of the Protest Official’s decision under the Kansas Judicial Review Act, K.S.A. 77-601, et seq. As the review by the Protest Committee and/or State Transportation Engineer is discretionary with the Protestor, this review is not considered an attempt to exhaust administrative remedies, this review is not a prerequisite to seeking judicial review, and this review does not stay the 30Day time period for judicial review of the Protest Official’s decision.

If the Protest Committee disagrees with the Protest Official's decision, all documentation on the matter will be submitted to the State Transportation Engineer who will determine whether the decision of the Protest Official will be affirmed or reversed as well as how the agency will proceed with the procurement. Any decision by the State Transportation Engineer shall be deemed new final agency action under the Kansas Judicial Review Act, K.S.A. 77-601, et seq. for which a Protestor may seek review within 30 Days after receipt of the State Transportation Engineer's decision.

Exhibit F – Davis Bacon Wage Order

General Decision Number: KS20230131 04/14/2023
Counties: Finney and Kearny Counties in Kansas.

https://sam.gov/wage-determination/KS20230131/1