



U.S. Department of Transportation

**Federal Highway Administration**

# Market Engagement and Partner Selection for Electric Vehicle Charging Infrastructure Public- Private Partnerships

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June 2024

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Market Engagement and Partner Selection for EV Charging Infrastructure P3s

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<b>16. Abstract</b> <p>This report focuses on the procurement process for Electric Vehicle Charging Infrastructure (EVCI) using Public-Private Partnerships (P3), from planning to project preparation to procurement and partner selection. The report progresses through the entire procurement process, identifying the unique aspects of an EVCI P3, highlighting the critical information required, the specific actions that need to be taken, and the steps to ensure the achievement of public value.</p> <p>Undertaking EVCI <b>Market Engagement</b> within the context of P3 procurements necessitates a rigorous and systematic approach. Market engagement includes a comprehensive and systematic assessment of the market's needs and interests in a project during all project stages. Through this process, public agencies gain insights into market trends, the capabilities of the private sector, and their potential level of interest in planned public-sector EVCI investments.</p> <p><b>Partner Selection</b> for a potential EVCI P3 involves multiple steps, recognizing that each procurement will be unique. Generally, partner selection uses a structured process in three phases: project preparation, procurement, and selection and finalization. The report details key components at each stage and offers numerous checklists to assist procurement staff. The process can lead to the selection of a private partner followed by the commercial and financial close.</p>			
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## Glossary

<b>AEA</b>	Alaska Energy Authority
<b>AFC</b>	Alternative Fuel Corridor
<b>AKEVWG</b>	Alaska Electric Vehicle Working Group
<b>DAC</b>	Disadvantaged Community
<b>DOT</b>	Department of Transportation
<b>EV</b>	Electric Vehicle
<b>EVCI</b>	Electric Vehicle Charging Infrastructure
<b>EVSE</b>	Electric Vehicle Supply Equipment
<b>FAQs</b>	Frequently Asked Questions
<b>FAR</b>	Federal Acquisition Regulation
<b>FHWA</b>	Federal Highway Administration
<b>GDOT</b>	Georgia Department of Transportation
<b>MPO</b>	Metropolitan Planning Organization
<b>NEPA</b>	National Environmental Policy Act
<b>NEVI</b>	National Electric Vehicle Infrastructure
<b>O&amp;M</b>	Operations & Maintenance
<b>ODOT</b>	Ohio Department of Transportation
<b>P3</b>	Public-Private Partnership
<b>POS</b>	Point of Sale
<b>RFA</b>	Request for Applications
<b>RFI</b>	Request for Information
<b>RFP</b>	Request for Proposal
<b>RFQ</b>	Request for Qualification
<b>RTPO</b>	Regional Transportation Planning Organizations
<b>SOQ</b>	Statement of Qualification
<b>TIP</b>	Transportation Improvement Program
<b>TOD</b>	Transit-Oriented Development
<b>WSDOT</b>	Washington State Department of Transportation

## Executive Summary

All 50 States, Washington D.C., and Puerto Rico have approved electric vehicle (EV) infrastructure deployment plans and are at various stages of implementing these plans. State Department of Transportation (DOT) as well as community planning and procurement offices may benefit from public private partnerships (P3s) to expand the EV charging infrastructure (EVCI) network. This report discusses how EVCI as an asset class differs from other types of transportation infrastructure that have benefitted from the P3 model, and how a new EVCI project might benefit from a P3 procurement.

The \$5 billion National Electric Vehicle Infrastructure (NEVI) Formula Program provides dedicated funding to States to strategically deploy EVCI and establish an interconnected network to facilitate data collection, access, and reliability. The initial funding under this program is directed to designated Alternative Fuel Corridors (AFC) to build out this national network, which includes the Interstate Highway System. When the national network is fully built out, funding may be used along other public roads or at other publicly accessible locations.

Decision makers will need to determine if a P3 is appropriate for a specific project. When a P3 is deemed suitable for an EVCI project, procurement officers will need to understand the differences between various P3 project structures and determine which structure would be the most advantageous to the public agency and offer the best value for the community.

This report focuses on the EVCI procurement process, from planning to project preparation, procurement and selection. The report progresses through the entire procurement process, identifying the unique aspects of an EVCI P3, highlighting the critical information required, specific actions that need to be taken, and the steps to ensure public value is achieved.

The report is organized into two sections: (1) Market Engagement, and (2) Procurement and Partner Selection.

Undertaking ***Market Engagement*** for EVCI within the context of P3 procurements requires a comprehensive and systematic assessment of the market's needs and interest in a project during all project stages. Through this process, public agencies gain insights into market trends, the capabilities of the private sector, and their potential level of interest in planned public-sector EVCI investments.

***Procurement and Partner Selection*** includes multiple steps for a potential EVCI P3 procurement, recognizing that each procurement will be unique. This section outlines a structured process during project preparation, procurement, and partner selection and finalization. The section details key components at each stage and offers checklists to assist procurement staff. The process can lead to selection of a private partner followed by commercial and financial close.

# 1. Market Engagement

## 1.1. Market Engagement Overview

Market engagement for Electric Vehicle Charging Infrastructure (EVCI) can begin following the completion of internal planning. Engaging the market for EVCI projects, especially when delivered via a Public-Private Partnership (P3), entails a detailed and structured evaluation of the market's demands and interest in such projects. Throughout this process, public agencies gain insights into market trends, the capabilities of the private sector, and their potential level of interest in planned public sector EVCI investments. Different from general stakeholder engagement, which is about effective communication with all affected parties and strengthening relationships, market engagement (also called market sounding) focuses on understanding the market and forming industry partnerships, with the goal of creating technically and financially viable projects. Using a P3 will involve developing long-term partnerships with private sector entities. The primary objectives of market engagement strategies are (1) informing the EVCI industry about the upcoming project, (2) identifying interest in the project, (3) gathering (general) industry insights, (4) soliciting feedback on the project structuring and (5) generating interest in the project. They assess:

- *Market Maturity and Competitiveness:* This involves assessing the level of competition and depth of experience within the market.
- *Market Interest and Information:* This involves gauging the level of interest from different perspectives within the market (e.g., technical and financial) as well as identifying the key issues.
- *Project Feasibility and Viability:* This includes evaluating the financial and technical viability of the proposed project development plan(s).
- *Private Sector Capability and Capacity:* This includes assessing the private sector's capacity to fulfill project requirements.

## 1.2. Participants and Key Stakeholders

### 1.2.1. Public Agencies

Public agencies, including State and local government entities such as transportation or energy departments, are typically responsible for assessing infrastructure needs within their respective jurisdictions. They often define the scope of the project and create a vision for EVCI that aligns with existing and future transport and energy systems. These agencies usually lead market engagement activities, facilitating regional and private sector involvement while ensuring that project specifications meet public service goals and regulatory requirements.

### 1.2.2. Private Sector Partners

*EVCI Vendors and Site Hosts* provide information in assessing local demographics for charger type and placement (Level 1, Level 2, or DC Fast Charging), vehicle use patterns, navigating regulatory compliance, and addressing unique infrastructure challenges of the potential sites (from electrical grid to physical space constraints). Within a P3 context, these parties often undertake substantial investments and bear financial risks associated with the installation and maintenance of charging infrastructure; their role also involves offering insights into economic factors.



*Construction and Operations & Maintenance (O&M) Contractors* offer feedback on potential plans, providing projected timelines, and imparting key engineering insights. Depending on the contract specifics within the P3 model, private sector partners may be actively engaged in the various O&M phases. In this capacity, they bring in-depth knowledge on post-construction considerations and contribute significantly to devising and implementing operational strategies.

### **1.2.3. Other Groups**

*Utilities* offer insights into grid capabilities and energy management and are important actors in connecting EVCI with the local grid. Their involvement in market engagement ensures that the planning for charging infrastructure placement and scaling is aligned with current and anticipated grid enhancements during the expected operational period.

*Labor organizations* help guarantee that labor practices are fair and safe, promoting equity and prevailing wage standards, and providing workforce development and training opportunities. This involves assessing the availability of certified electricians within the State for the installation of EVCI at the scale required by initiatives. They also engage in discussions about developing and enhancing workforce training programs to bolster the electrician pipeline.

*Equity-Based Groups*, including Underrepresented Communities, minority and women owned contractors and businesses, Disadvantaged Groups, and Environmental Justice Groups represent the interests and needs of marginalized and economically disadvantaged populations. Their advocacy ensures that the deployment of EVCI is inclusive, catering to diverse societal needs. These groups facilitate partnerships and community engagement, driving education and adoption of EVCI, and influencing policy decisions to foster equitable and effective infrastructure development. Their involvement is key to ensuring that EVCI benefits all sectors of society, particularly those traditionally overlooked in infrastructure advancements. This is exemplified in tribal engagements like those in Alaska, where unique geographical and social challenges are addressed.

*Industry Consultants* in technology, legal, and other sector-specific fields can be included in the market engagement process, especially in complicated P3 projects. Technology consultants provide valuable insights into the latest advancements and changes within the charging infrastructure market. Legal experts offer strategic guidance on the contracting and regulatory landscape, advising on compliance, land use, and contract issues to navigate the unique legal intricacies of P3 agreements and prevent legal impediments. Finance consultants contribute insights in assessing financial feasibility, developing funding strategies, and managing risks. Their expertise in financial structuring, cost-benefit analysis, and compliance ensures economic viability. Project and site-specific consultants evaluate and incorporate a comprehensive array of considerations into project development and planning, thereby enhancing its overall feasibility and appeal to potential stakeholders and investors.

*The General Public* offers insights into local needs and preferences and fosters community support and acceptance. Moreover, their feedback may influence local government policies and decisions, ensuring that EVCI development aligns with community values, economic objectives, and environmental goals.

### 1.3. Market Engagement Strategies

This section describes possible market engagement strategies. Public agencies can consider utilizing one or more of these strategies depending on project requirements, available resources, public perceptions, and related factors. At the early stage of project development, the public agency may have limited information on the desired scope and scale of the proposed project. Market engagement can stimulate market participation, increasing public agency access to information and encouraging the submission of innovative ideas.<sup>1</sup>

#### 1.3.1. Request for Information

A public agency may collect comprehensive market data through a Request for Information (RFI) to obtain market feedback on the proposed project. The publication of an RFI also provides a signal to the market that a procurement process may eventually follow. RFI is distinctively targeted, designed to gather in-depth, project-specific information. RFI is applied when a structured and focused approach is needed.

#### 1.3.2. One-On-One Meetings

One-on-one meetings are effective in soliciting detailed information from targeted participants, such as planning and technical partners. By engaging directly with individuals who have specific expertise or stakes in the project, one-on-one meetings can uncover nuanced insights and technical details that might not surface in larger group settings. Moreover, one-on-one meetings allow for a level of confidentiality that encourages open and honest communication. A link to the example for Washington State provided in the text box can be found in the footnote below.<sup>2</sup>

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#### **One-on-One Meetings Example: Washington Department of Transportation**

Twenty-seven (27) one-on-one interviews were conducted by Washington State Department of Transportation (WSDOT) in collaboration with Cascadia, Northwest Energy Coalition, and Front & Centered to keep stakeholders involved in the EVCI planning process and to provide opportunities for continuous input in 2022 and 2023.

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#### 1.3.3. Events

Events can provide a more in-depth, focused, and collaborative planning discussions necessary for the success of the EVCI P3 process. A few examples of events that a public agency can consider are presented below.

##### *Information Sessions*

These sessions provide a platform for educating and informing stakeholders and the public about the project. Additionally, information sessions create networking opportunities and foster potential

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<sup>1</sup> FHWA has also provided guidance for conducting meaningful public engagement in Question 9.4 of the FHWA's NEVI Formula Program Q&As at

[https://www.fhwa.dot.gov/environment/nevi/resources/nevi\\_program\\_faqs.cfm#pub](https://www.fhwa.dot.gov/environment/nevi/resources/nevi_program_faqs.cfm#pub).

<sup>2</sup> [Washington State Plan for Electric Vehicle Infrastructure Deployment July 2023 Update](#) Page 16

working relationships and collaboration among attendees. A link to the example provided below for Ohio can be found in the footnote below.<sup>3</sup>

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**Information Session Example: Ohio Department of Transportation**

The Ohio Department of Transportation (ODOT) partnered with several metropolitan planning organizations (MPOs) and regional transportation planning organizations to host in-person listening sessions across the State in the Summer of 2022. These sessions were complemented by virtual public meetings and information sessions in collaboration with DriveElectric Ohio chapters, aimed at informing stakeholders and offering opportunities for feedback and input.

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***Stakeholder Group Meetings***

Working stakeholder group meetings can be conducted to provide time for collaborative planning, bringing together various stakeholders to discuss and refine project specifics. These meetings are utilized in complex projects requiring cross-sector collaboration and diverse perspectives to shape project specifications. Effective implementation of these meetings involves setting clear objectives, ensuring inclusive participation, skilled facilitation, and focusing on actionable outcomes, with regular follow-ups to integrate feedback into the project planning.

***Webinars***

Webinars offer a platform for introducing project concepts and providing updates. They are accessible, can reach a broad audience, and have the added benefit of being recordable for future reference. This feature enables stakeholders who cannot attend live sessions to access the information at a later time, enhancing engagement and information dissemination.

***Workshops***

Workshops facilitate in-depth discussions, collaborative brainstorming, and problem-solving related to the technical, financial, and operational aspects of EVCI projects. Workshops often lead to tangible outcomes like draft plans, prototypes, or strategy outlines, and can be tailored to focus on specific areas of the project. This approach is effective in aligning stakeholder expectations and identifying potential challenges in the early stages of project development. A link to the example provided below for Alaska can be found in the footnote below.<sup>4</sup>

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**Workshop Example: Alaska Energy Authority**

Alaska hosted EV and EVCI workshops statewide supplemented by quarterly Alaska Electric Vehicle Working Group (AKEVWG) meetings in late 2022 and 2023. These hybrid meetings, accessible both in-person and online, facilitated statewide participation. They featured updates from the Alaska Energy Authority (AEA), member contributions, and recorded sessions with Q&A, all available on the AEA website.

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***Technical Assistance Sessions***

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<sup>3</sup> [Ohio Electric Vehicle Infrastructure Deployment Plan NEVI Formula Program August 1, 2023](#) Page 14.

<sup>44</sup> [Alaska Energy Authority Website](#)

Technical assistance sessions are designed to address specific technical challenges and enhance comprehensive understanding of EVCI's technical aspects. These sessions are particularly beneficial when complex technical issues arise, for bridging knowledge gaps, and during the pre-procurement stage to prepare potential partners. Technical assistance sessions focus on problem-solving, skill enhancement, and risk mitigation related to EVCI technology and compliance standards. Successful implementation requires expert facilitators, customized content tailored to the project's unique needs, an interactive format for effective learning, and follow-up resources to reinforce the knowledge gained. A link to the example provided below for Alaska can be found in the footnote below.<sup>5</sup>

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**Technical Assistance Session Example: Alaska Energy Authority**

The Alaska Energy Authority held specialized technical sessions in a hybrid format in April 2023. During these sessions, experts participated in panel discussions to address challenges and share best practices in EV deployment.

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### *Conferences*

Industry conferences act as larger platforms for informing potential investors regarding specific projects as well as exposure to new ideas and technologies. Conferences can also play a crucial role in fostering partnerships and keeping stakeholders abreast of industry trends and innovations.

#### **1.3.4. Surveys**

Surveys provide a structured method for collecting quantitative and qualitative data from a wide range of stakeholders. They are effectively used in initial project stages and post-implementation to gather feedback on various aspects of the EVCI project, such as charging preferences and site location opinions. Surveys ensure inclusivity and diversity in feedback due to their broad reach and ability to capture diverse perspectives. For successful implementation, they require clear and concise questions, targeted distribution to relevant stakeholders, proficient data analysis capabilities to interpret results, and follow-up strategies based on the insights gathered. A few examples of surveys utilized by States are shown below:

- *Ohio* - In Ohio, ODOT harnessed the experience of EV owners by organizing meetings to collect targeted survey responses in June 2023.<sup>6</sup> These surveys were designed to elicit information about charging preferences and challenges, while also seeking opinions on potential locations for EV infrastructure.
- *Georgia* - The Georgia Department of Transportation (GDOT) adopted a different approach by creating an educational webinar accompanied by a survey. Launched on July 24, 2023, and promoted through social media, this strategy significantly expanded stakeholder engagement.<sup>7</sup>
- *Washington* - The American Automobile Association (AAA) in the State of Washington gathered input from 12,000 of its members, half of them considering the purchase of an EV. This feedback provided valuable insights into the experiences and expectations of both

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<sup>5</sup> [State of Alaska FY 24 Electric Vehicle Infrastructure Implementation Plan](#) Page 3

<sup>6</sup> [Ohio Electric Vehicle Infrastructure Deployment Plan NEVI Formula Program August 1, 2023](#) Page 14

<sup>7</sup> [Georgia Electric Vehicle Infrastructure Deployment Plan August 2023](#) Page 12

current and prospective EV users. The survey questionnaire and answers can be accessed at Washington State Plan for Electric Vehicle Infrastructure Deployment.<sup>8</sup>

- *Alaska* - In Alaska, the State implemented community surveys in both paper and electronic formats at numerous events, ensuring broad participation in the National Electric Vehicle Infrastructure (NEVI) Plan and capturing a diverse range of community opinions. The focus was on including rural and disadvantaged communities.<sup>9</sup>

### 1.3.5. Newsletters

Newsletters are used for ongoing project updates, announcing key developments, and maintaining stakeholder engagement throughout the various stages of the EVCI project. Newsletters are effective in providing consistent, timely updates and in building continued interest in the project. Their successful implementation involves producing engaging content, maintaining a regular release schedule, ensuring broad distribution to all relevant stakeholders, and incorporating a feedback mechanism to enhance stakeholder interaction and involvement. An example from Alaska is discussed below:

- *Alaska* - The Alaska Energy Authority (AEA) distributes a monthly newsletter via a dedicated listserv which is accessible on their website.<sup>10</sup> These newsletters provide a range of content including educational segments explaining complex topics like EV tax credits, updates on current events such as EV road rallies both within and outside Alaska, and advertisements for upcoming technical sessions, working group meetings, or workshops.

### 1.3.6. State and Community Official Websites

Official agency and community websites can be used to provide detailed plans, progress reports, and timely updates on the latest developments. Furthermore, interactive tools can be helpful, including mapping tools, surveys, comment sections, and data visualization interfaces. These features offer in-depth insights into specific site details and infrastructure layouts. A few examples of State agency websites are provided below:

- *Ohio* - ODOT established a dedicated program-specific webpage accompanied by an online mapping tool for site-specific feedback.<sup>11</sup>
- Figure 1 below provides a screenshot of the Ohio EV Charger Planning Map. This webpage was designed not just to inform stakeholders and interested parties but also to actively solicit their feedback and input. ODOT continuously updates this page with various resources, such as reports, alternative fuel vehicle registration data, recorded presentations, and other informational materials. The draft 2023 NEVI Plan and its mapping tool were released on this website for public comment. ODOT received and analyzed over 400 comments on Round I and 11 comments on Round II locations as of June 2023.

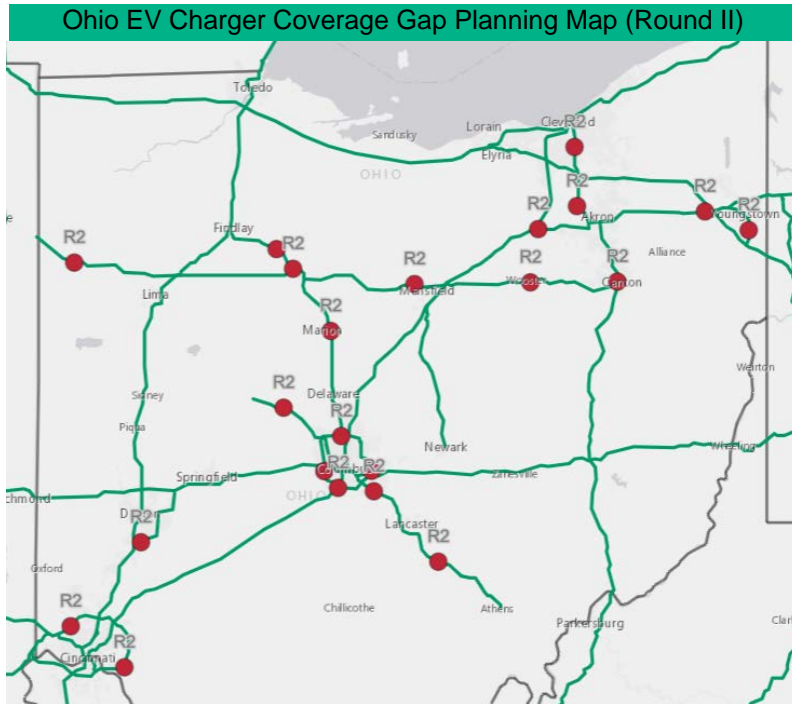
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<sup>8</sup> [Washington State Plan for Electric Vehicle Infrastructure Deployment July 2023 Update](#) Page 65

<sup>9</sup> [State of Alaska FY 24 Electric Vehicle Infrastructure Implementation Plan](#) Page 17

<sup>10</sup> [Alaska Newsletters](#)

<sup>11</sup> [Ohio EV Charger Coverage Gap Planning Map \(Round II\)](#)



Source: Ohio EV Charger Coverage Gap Planning Map (Round II)<sup>12</sup>

**Figure 1: Ohio EV Charger Planning Map**

- [Alaska](#) - The AEA website hosts a wealth of information including the NEVI Plan,<sup>13</sup> meeting details, information on the NEVI formula program, an Alternative Fuel Corridor (AFC) map gallery, and Frequently Asked Questions (FAQs) related to the Plan.

#### 1.4. Market Engagement Process

By facilitating interactions with stakeholders early in the project development process, both public and private sectors can more effectively align EVCI projects with current market capabilities and emerging industry trends. Market engagement activities as described above during the planning and feasibility analysis phase can provide a preliminary understanding of the private sector's interest and general market trends. The type and scope of activities can vary depending on the resources and time available.

If an agency or community chooses to move forward with procurement, market engagement activities can be utilized throughout the procurement process. This includes the potential use of RFIs, which are valuable tools for gathering industry insights and input before formal procurement begins. For instance, several States have successfully employed RFIs to understand market capabilities and gather technical or operational information pertinent to EVCI projects. This early engagement can inform subsequent stages of the procurement process.

In the lead-up to issuing a request for qualifications (RFQ) for EVCI projects, the public agency may choose to organize specialized meetings or issue RFIs to develop more clarity on the project's

<sup>12</sup>[Ohio EV Charger Coverage Gap Planning Map \(Round II\)](#)

<sup>13</sup>[Alaska Energy Authority: National Electric Vehicle Infrastructure Formula Program](#)

delivery approach, solicit feedback on draft RFQ documents, and gather preliminary market information. Options for the procurement process for EVCI P3s are discussed in Section 2.

Following the publication of the RFQ, but before the release of the request for proposals (RFP), public agencies and communities may conduct additional market engagement activities, including further RFIs if needed. These activities help to clarify any uncertainties, especially those related to evolving EV technologies, additional project details, and potential integration with broader transportation or energy networks. Such engagement ensures that the RFP stage is informed by comprehensive market intelligence and feedback, leading to more effective and efficient procurement outcomes for EVCI projects.

Market engagement conducted prior to procurement is an exploratory phase focused on gathering market intelligence and insights. This phase (also referred as market sounding) involves informal consultations with potential service providers, suppliers, and industry experts to understand the market's capabilities and readiness, thereby shaping the procurement strategy without any commitment. Market engagement during procurement, on the other hand, is a formal and transactional stage centered on establishing concrete partnerships and finalizing contracts. It includes engaging in detailed negotiations with the clear aim of securing agreements that best meet the project's specific requirements and objectives.

Figure 2 below provides an overview of the three key stages before and during the procurement process during which market engagement is conducted to help achieve the project objectives.

Planning and Feasibility Stage	Procurement Preparation Stage	Procurement Stage
<ul style="list-style-type: none"> <li>•Conduct informal consultations</li> <li>•Understand the market's capabilities and readiness</li> <li>•Develop size and scope of project</li> <li>•Shape the procurement strategy without any commitment</li> </ul>	<ul style="list-style-type: none"> <li>•Refine scope, size, and complexity</li> <li>•Establish project goals</li> <li>•Identify key private sector partners</li> </ul>	<ul style="list-style-type: none"> <li>•Directly engage with bidders during RFQ stage</li> <li>•Incorporate feedback into the RFP before official release.</li> <li>•Conduct negotiations on details with the clear aim of securing agreements</li> </ul>

*Source: JLL, adapted from Federal Highway Administration (FHWA) Early Involvement of Private Developers in the Consideration of Long-Term Public-Private Partnership Concessions Options: A Discussion Paper*

**Figure 2: Overview of Market Engagement by Stage**

### 1.4.1. Planning and Feasibility Stage

The following sub-sections outline market engagement activities during the early planning and feasibility analysis stage.

*Assemble public agency's internal team* and identify other critical internal resources and stakeholders to understand the internal staffing needs for deploying an EVCI project.

- Who are the key internal stakeholders and what are their roles and responsibilities for this project?

- Who are the key internal decision makers?
- What are the resource constraints and how can they be alleviated?
- Which outside consultants will be required for strategic planning, if applicable?

*Formulate the public agency's goals* for implementation of an EVCI project.

- Will EVCI be provided as an amenity to customers, or as a potential revenue generating source?
- Has an EV growth forecast for the agency's jurisdiction or project area been conducted?
- Has a pricing policy been examined or developed?
- Has a financial alternatives analysis been performed?

*Determine viability* of market engagement under the procurement rules and regulations, including confirming:

- Can market engagement be done under current procurement rules?
- If so, who must approve market engagement activities?

*Establish clear processes* for market engagement. When considering process, it can be helpful to consider the following questions:

- What guidelines and procedures must be followed in conducting market engagement activities?
- What is the process for responding to oral and written questions from different activities?
- Will there be follow-up discussions with the public agency, or a one-on-one session based on the responses to solicitations?

*Identify potential private sector entities that may be involved*, including site hosts, EVCI vendors, utilities, constructors, advisors, non-governmental and community organizations, educational institutions and other key stakeholders.

*Develop questions* to which the private sector entities, and other industry experts, can respond. To develop appropriate questions, the public agency could consider the following:

- Are there specific constraints for the private sector entities to address?
- Have potential project site locations or corridors been identified and/or taken into consideration?
- What specific responsibilities might be assigned or transferred to private sector entities?
- Are private sector entities interested in a potential project?
- Are there specific business models and partnerships that would offer the greatest probability of success?
- Which risks is the private sector willing to accept?

*Review responses from private sector entities* and determine if another round of questions is required. The public agency may use this time to gather all necessary information to make informed decisions. Key questions the public agency may want responses to include:

- Does the public agency require further clarification on any received responses?
- Do project goals need to be modified based on initial industry feedback?
- What studies are needed to inform project preparation?
- Are there common concerns or feedback among responses?



*Maintain records* of market engagement activities, cataloging feedback and subsequent alterations to ensure transparency. For example, Alaska displays its records on the AEA website.<sup>14</sup> Georgia also publishes records on its NEVI deployment program webpage.<sup>15</sup>

#### **1.4.2. Procurement Preparation Stage**

The Procurement Preparation Stage occurs in the lead-up to issuing an RFQ, after the public agency has refined its goals and objectives, and generally understands the scope, size, and complexity of the project. The Preparation Stage includes a second round of market engagement. The following provides some possible activities that may be conducted depending on the time and resources available:

*Share project facts, background, and objectives* with private sector entities. It is recommended that the public agency not conceal critical, non-proprietary information, as this may compromise the quality of responses. Examples of information that may be helpful to bidders include:

- What are the geographic boundaries, corridors and/or potential EVCI locations?
- What is the reason for developing the EVCI project and wanting to engage the private sector for this endeavor?
- What is the timeline for the EVCI project?
- What are some potential risks to consider?

*Prepare a questionnaire* addressing specific issues or needs for which assistance is sought.

*Adopt varied market engagement approaches to address specific project requirements* including one-on-one interviews, information sessions, technical assistance sessions, surveys, and others. Engagement in these varied approaches may include:

- Commercial Viability: What is the EV market's potential growth, opportunities, and challenges?
- Technical Aspects: What are the potential technical barriers and the innovative solutions the industry proposes?
- Financial Aspects: What is the anticipated return on investment (ROI), financing structure, and financial challenges?
- Contractual Provisions: What are draft contract provisions, such as schedules and performance measures, that the private sector is willing to accept?
- Risk Allocation: What is the private sector's appetite for risk transfer?

*Develop an official website* to regularly update the market on project advancements.

*Maintain records* of market engagement endeavors, cataloging feedback and subsequent alterations to ensure transparency.

#### **1.4.3. Market Engagement During the Procurement Stage**

If an agency or community chooses to issue an RFQ, additional market engagement activities may be conducted before a formal RFP is released, in accordance with the organization's procurement rules and regulations (including code of silence, communication protocols, etc.). Feedback from market engagement activities may be incorporated into the RFP before official release.

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<sup>14</sup>[Alaska Energy Authority: National Electric Vehicle Infrastructure Formula Program](#)

<sup>15</sup>[Georgia National Electric Vehicle Infrastructure Deployment Program](#)

### 1.5. Examples of Market Engagement Activities by States

This section provides examples of public engagement activities undertaken by two States, including the associated timelines. Table 1 highlights the specific activities undertaken by the Georgia DOT and their respective timelines. Tables 2 and 3 provide additional public engagement activities by Ohio DOT.

**Table 1: Selected Georgia DOT Market Engagement Activities**

<b>Outreach</b>	<b>Audience</b>	<b>Purpose</b>
April – August 2022	State Agencies and Technical Partners	Technical Coordination
June – September 2022	Stakeholder Organizations, Equity Communities	Organizational Feedback
October 2022 – Ongoing	General Public	Public Engagement on Plan
2023 - 2026	All Stakeholder Groups	Ongoing Annual Plan Updates

*Source: Georgia Electric Vehicle Infrastructure Deployment Plan August 2023, Page 7*

**Table 2: Ohio Public Information Sessions**

<b>Type</b>	<b>Location / Relevance</b>	<b>Interest and Impacts</b>	<b>Meetings/Dates</b>
<b>Urban Community Resident Listening Sessions</b>	1. Cleveland 2. Columbus 3. Cincinnati 4. Dayton	Ohio DOT, Metropolitan Planning Organizations, Drive Electric Ohio chapters invited local community-based organizations and local residents to a series of Transportation Electrification listening sessions, focusing on the yearly NEVI plan updates.	1. 7/22, 6/23 2. 7/22, 6/23 3. 7/22, 6/23 4. 7/22, 6/23
<b>Rural Community Resident Listening Sessions</b>	1. Rural Ohio 2. Appalachia	In addition to yearly NEVI updates, emphasis on needs of rural areas, such as ensuring locations, power availability, and quantity are designed to meet specific rural needs. How can sites be “right sized” for the amount of charging based on utility power availability? EV adoption? Electric Vehicle Supply Equipment (EVSE) Demand? Etc.?	1. 7/22, 6/23 2. 7/22, 6/23
<b>Drive Electric Ohio Regional EV Owner Chapters (6) Virtual Public Meetings</b>	1. Northeast Ohio 2. Northwest Ohio 3. Columbus 4. Southeast Ohio 5. Dayton 6. Cincinnati	EV Owners / Enthusiasts with personal interests and opinions on NEVI and EVSE locations. The meetings focused on and sought input to updates to Ohio’s NEVI plan. The meetings utilized EV owners’ insights to collect survey responses about charging preferences and challenges, while soliciting input on the proposed candidate site locations.	1. 6/22, 6/23 2. 6/22, 6/23 3. 6/22, 6/23 4. 6/22, 6/23 5. 6/22, 6/23 6. 6/22, 6/23
<b>Public Information Webinar</b>	Public information sessions to provide general information on NEVI Plan	To inform the public on NEVI Formula program, Ohio DOT NEVI Plan high level vision and goals, and record webinars for posting on State NEVI website.	5/23

Source: Ohio Electric Vehicle Infrastructure Deployment Plan NEVI Formula Program August 1, 2023, Page 14

**Table 3: Additional Ohio Public Engagement Activities**

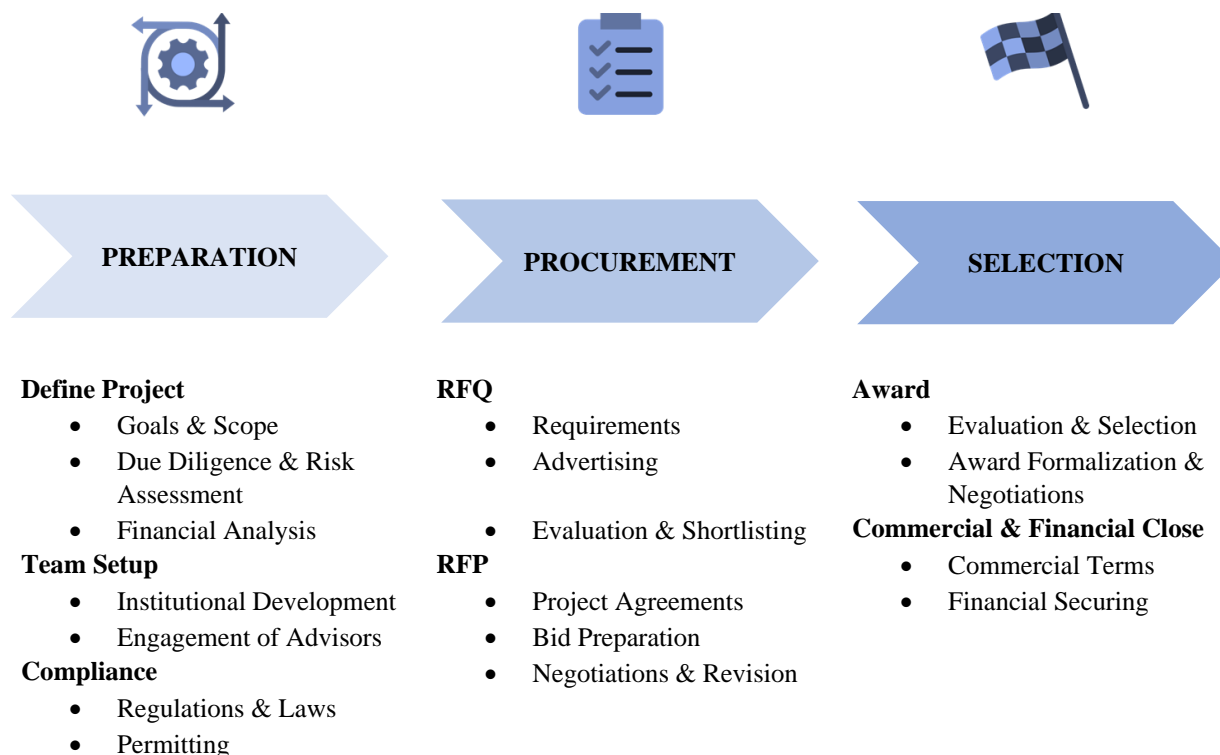
Engagement Type	Location / Relevance	Interests and Impacts	Meetings/Dates
<b>Conferences and Presentations</b>	Ohio NEVI Plan updates, EV charging infrastructure and workforce development, supply chain management, state of EV in Ohio, equity and diversity	Increasing awareness among industry professionals, fostering collaborations and partnerships.	<ul style="list-style-type: none"> <li>- Toledo Chamber of Commerce: 7/22</li> <li>- Northeast Ohio Public Energy Council: 8/22</li> <li>- ITS World Congress: 9/22</li> <li>- Ohio Transportation Engineering Conference: 10/22</li> <li>- I-70/I-75 Development Association: 10/22</li> <li>- Ohio Energy Conference: 10/22</li> <li>- Equity Now Coalition: 10/22</li> <li>- Columbus State Community College: 11/22</li> <li>- Leadership Ohio: 11/22</li> <li>- Conaway Conference: 3/23</li> <li>- ITS America Annual Conference: 4/23</li> <li>- 36th Electric Vehicle Symposium &amp; Exposition: 6/23</li> </ul>
<b>Media Interviews</b>	Ohio NEVI Plan updates	Informing a wide audience, reaching a diverse demographic, generating media coverage.	<ul style="list-style-type: none"> <li>- 6 media interviews regarding the 2023 public outreach meetings</li> <li>- 7 interviews to date following Ohio’s Round 1 procurement</li> </ul>
<b>Events</b>	The Ohio State University (OSU)	Engaging the local community, fostering dialogue, encouraging student and public participation.	OSU Rapid Innovation Competition: 12/2022
<b>Surveys</b>	<ol style="list-style-type: none"> <li>1. EV charging needs in rural communities</li> <li>2. Insights from minority communities on the future of mobility</li> </ol>	Obtaining valuable insights, ensuring inclusivity, involving disadvantaged communities.	<ol style="list-style-type: none"> <li>1. Rural Community Needs Survey: Spring 2022</li> <li>2. African American Male Wellness Walk: 8/22, 8/23</li> </ol>

Source: Ohio Electric Vehicle Infrastructure Deployment Plan NEVI Formula Program August 1, 2023, Page 15

## 2. Procurement and Partner Selection

### 2.1. Procurement and Partner Selection Overview

A P3 project generally is an alternative to conventional procurement practices that can be used to build, develop, and maintain public infrastructure, including EVCI. This section provides a guide to the multiple steps for a potential EVCI P3 procurement, while recognizing that each procurement will be unique. Some procurements, based on the size or scope of the project and other conditions, may not follow every step outlined below. Generally, the procurement process is conducted in three distinct phases: Project Preparation, Procurement, and Partner Selection and Finalization as shown in Figure 3.



**Figure 3: Prototypical EVCI P3 Procurement Process**

Source: JLL analysis, adapted from FHWA P3 Toolkit<sup>16</sup>

*Project Preparation* typically focuses on defining the project and setting clear goals. During this phase, the State or local government entity may hire consultants (to the extent necessary) to assist with defining the project, conducting feasibility analyses and carrying out due diligence activities.

<sup>16</sup> [Public-Private Partnership \(P3\) Procurement: A Guide for Public Owners](#) Page 7

*Procurement* often involves two steps: (1) the issuance of a RFQ to shortlist a group of qualified bidders, and (2) the release of a RFP to the shortlisted bidders, with the goal of selecting the optimal partner(s).

*Selection and Finalization* includes evaluation of the received responses to the RFP and selection of an awardee. Once the project is awarded, finalization of project contracts, commercial close, and financial close complete the process.

The goal of any procurement is to select the partner that best addresses the project needs, provides value, and reflects government priorities. The rest of this section discusses in more detail the three prototypical steps in an EVCI procurement, and strategic processes to navigate the EVCI P3 procurement transaction. It draws on case studies from the Georgia Department of Transportation (GDOT), Ohio Department of Transportation (ODOT), Alaska Department of Transportation (ADOT), Washington State Department of Transportation (WSDOT), and Maryland Department of Transportation (MDOT). Appendix A provides a list of currently available public resources.

## **2.2. Project Preparation Stage**

An EVCI P3 procurement begins with defining the P3 project, including project goals and scope; conducting technical analysis and due diligence (such as site selection, technologies, charging capacities, environmental issues, etc.) and performing an initial risk assessment. Potential funding sources are identified and financial analyses performed to determine the project's financial feasibility and procurement strategy. A procurement team is formed, which may include outside consultants such as technical, legal, and financial representatives.

### **2.2.1. Defining the Project**

*Goals and Scope:* The first step in defining a project involves outlining the expected outcomes, e.g., improving the efficiency of the existing EV charging services system and enhancing accessibility to EVCI in certain areas. Questions to consider when developing the project's goals and scope may include:

- What is the preferred P3 delivery model (availability payment, concession, hybrid, etc.) and potential duration of the long-term partnership?
- Have other project delivery methods been sufficiently explored prior to deciding to deliver EVCI through a public-private partnership?
- What are the locations of the EVCI?
- What is the real estate interest for the EVCI (license, lease, etc.), if applicable.
- What is the term of the operations phase?
- What are the required technical specifications for bidders to consider?
- Will a replacement of the EVCI equipment be required during the term of the P3 agreement?
- Are there integration considerations with existing systems?

- What is the vehicle charging level needed (e.g., Level 1, Level 2, or DC Fast Charging)?
- What is the target market for EVCI use (e.g., residents, visitors, employees, etc.)?
- What are the agency’s objectives for deploying EVCI? (e.g., promoting sustainable transportation, reducing greenhouse gas emissions, supporting EV adoption, etc.)
- What are the gaps or limitations in the availability of EVCI in the area?
- What is the expected demand and revenue potential for the EVCI project under consideration, considering factors such as population growth, EV adoption, and local charging patterns)?
- If a revenue risk concession is envisioned, will there be a cap on the price to be charged to users or a revenue sharing mechanism?
- What risks does the public agency desire to transfer?
- What are the hand back requirements at the end of the term?
- Is there a requirement for “carbon free” energy to power the EVCI project?

During the project definition phase, which focuses on goals and scope, it is important to ensure that benefits are distributed equitably and support the public agency's sustainability objectives, benefiting the entire public.

*Due Diligence and Risk Allocation:* The key distinction between a P3 procurement and conventional contracting is the allocation of different types of risk. P3 projects seek to allocate financial, technical, and operational risk optimally between the private and public sector.<sup>17</sup> Assessing which risks may be retained by the public agency, passed onto the private sector, and shared is an important activity during the due diligence phase. EVCI P3 projects may require a financial feasibility analysis that evaluates the optimal business case and the allocation of various design, installation, operating and financial risks. Table 4 shows examples of potential risks associated with EVCI projects.

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<sup>17</sup> [FHWA Risk Assessment for Public-Private Partnerships: A Primer](#) Page 2-2

**Table 4: EVCI Risks**

	<b>Design</b>	<b>Construction</b>	<b>Finance</b>	<b>Operations and Maintenance</b>
Risks	<ul style="list-style-type: none"> <li>• Site conditions</li> <li>• Number of EV only parking space requirements</li> <li>• Policy compliance</li> <li>• Interoperability</li> <li>• Scalability</li> <li>• Utility access</li> </ul>	<ul style="list-style-type: none"> <li>• Utility relocation</li> <li>• EVSE</li> <li>• Electrical contractor capacity</li> <li>• Permitting</li> <li>• Extreme weather</li> </ul>	<ul style="list-style-type: none"> <li>• Demand/ Usage</li> <li>• Charging revenue</li> <li>• Federal/State/ local funds</li> <li>• Liquidated damages</li> <li>• Interest rate</li> </ul>	<ul style="list-style-type: none"> <li>• Vandalism</li> <li>• Facility damage</li> <li>• Vehicle crash</li> <li>• Cybersecurity</li> <li>• KPIs</li> <li>• Payment software</li> <li>• Monitoring</li> <li>• Maintenance accessibility</li> <li>• Force Majeure</li> </ul>

Source: JLL Analysis

An activity that is often conducted includes identifying potential challenges with risk transfer and options to effectively allocate responsibilities among key stakeholders, such as EVCI developers, site owners, utilities, contractors, Electric Vehicle Supply Equipment (EVSE) vendors, and other key stakeholders. Such measures typically encompass obtaining comprehensive survey and topographical reports, EV market trend reports, geotechnical assessments, utility information, and right-of-way (ROW) information. A checklist of risks associated with the EVCI project is then developed based on this information. As example of selected risks that may be considered is included in APMG International

How to Conduct the Market Sounding

- The Procurement Strategy

**FHWA**

- [Public-Private Partnership \(P3\) Procurement: A Guide for Public Owners](#)
- [National Electric Vehicle Infrastructure Formula Program](#)
- [Special Experimental Project No. 14 - Electric Vehicle Charging Infrastructure Procurement](#)
- Bipartisan Infrastructure Law: Electric Vehicles
- Center for Innovative Finance Support, P3-Screen: Supporting Guide
- U.S. Department of Transportation, Federal Highway Administration, Evaluating P3 Options: An Overview

**Joint Office of Energy and Transportation**

- Main Website



- [Webinar: Contracting and Procurement Considerations for EV Station Deployment \(Text version\)](#)

### **Code of Federal Regulations**

- [Part 680-National Electric Vehicle Infrastructure Standards and Requirements](#)

### **National P3 Center**

- Framework for Planning, Implementing, and Evaluating P-3 Approaches

### **World Bank**

- Market Sounding
- [PPP Process](#)
- [EV Charging Systems Installation Model for ERP](#)

## **Strategies by States**

### **Alaska**

- [NEVI Plan](#)
- EV Informational Sessions
- [Alaska Energy Authority Electric Vehicle \(EV\) Partnership](#)
- [Alaska Energy Authority Request for Applications \(RFA 23091\): National Electric Vehicle Charging Infrastructure \(NEVI\) Program](#)
- [Request for Proposals Package](#)

### **Georgia**

- [NEVI Plan](#)
- [Georgia National Electric Vehicle Infrastructure Deployment Program](#)
- [Georgia NEVI Deployment Program Round 1 Procurement Status](#)
- [Final RFP Issued](#)
- [Procurement Schedule Updates](#)

### **Maryland**

- [NEVI plan](#)
- [Maryland Zero Emission Vehicle Infrastructure Plan](#)
- [NEVI Milestones](#)

### **Ohio**

- [NEVI Plan](#)
- [Drive Ohio: National Electric Vehicle Infrastructure Formula Program](#)
- [Ohio EV Charger Coverage Gap Planning Map](#)
- [Locations for Interstate Electric Vehicle Charging Stations](#)

**Washington**

- [NEVI Plan](#)
- [Washington State Plan for Electric Vehicle Infrastructure Deployment](#)

APPENDIX B: Risk Assessment Checklist – Selected Examples.<sup>18,19,20,21,22,23</sup>

As an example, Table 5 shows the risks and challenges identified by Ohio DOT in EVCI projects.

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<sup>18</sup> [FHWA Risk Assessment for Public-Private Partnerships: A primer Page 3-2](#)

<sup>19</sup> [PPIAF Toolkit for Public-private Partnership in Roads and Highways Page 73](#)

<sup>20</sup> [World Bank Government Risk Management](#)

<sup>21</sup> [Ohio Electric Vehicle Infrastructure Deployment Plan Page 44](#)

<sup>22</sup> [PPIAF Toolkit for Public-private Partnership in Roads and Highways Page](#)

<sup>23</sup> [Electric Vehicle Charging Station Risks and Control](#)

**Table 5: Selected Known EVCI Risks and Challenges Tracked by Ohio DOT**

Category	EVCI Risks/Challenges	Private Partner/Public Agencies Involved
Safety	<ul style="list-style-type: none"> <li>• Electrical</li> <li>• Fire Prevention / Response</li> <li>• Building / Site</li> </ul>	<ul style="list-style-type: none"> <li>• State and local emergency responders</li> <li>• State and local building code officials</li> <li>• Workforce programs</li> </ul>
Available Power	<ul style="list-style-type: none"> <li>• Transformers</li> <li>• Infrastructure capacity</li> <li>• Reliability metrics</li> <li>• Peak demand load management</li> </ul>	<ul style="list-style-type: none"> <li>• Utility Company</li> <li>• EVSE Vendors</li> <li>• Equipment Operator</li> </ul>
Policy	<ul style="list-style-type: none"> <li>• EV only space requirements</li> <li>• ADA EV space and access requirements</li> <li>• Code requirements</li> <li>• Federal and State requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Design Engineering</li> <li>• State and Local Agencies</li> <li>• Equipment Operator</li> <li>• Property Owner</li> </ul>
Location Viability, Permitting/Agreements	<ul style="list-style-type: none"> <li>• Lack of space for EVSE</li> <li>• Right of Way</li> <li>• Leased property</li> <li>• Private property</li> <li>• Tow vehicle access</li> </ul>	<ul style="list-style-type: none"> <li>• Design Engineering</li> <li>• State and Local Agencies</li> <li>• Equipment Operator</li> <li>• Property Owner</li> </ul>
Compatible Cable Plugs	<ul style="list-style-type: none"> <li>• Compatible Cable Plugs</li> </ul>	<ul style="list-style-type: none"> <li>• EVSE Vendors</li> <li>• OEMs</li> </ul>
Communication Link Reliability	<ul style="list-style-type: none"> <li>• Payment</li> <li>• Monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• EVSE Vendors</li> <li>• Communications Company</li> <li>• Equipment Operator</li> </ul>
Cybersecurity	<ul style="list-style-type: none"> <li>• Cybersecurity</li> </ul>	<ul style="list-style-type: none"> <li>• Operators</li> <li>• EVSE Vendors</li> <li>• Network Integrators</li> </ul>
Damage	<ul style="list-style-type: none"> <li>• Vandalism</li> <li>• Cords</li> <li>• Vehicle crash</li> </ul>	<ul style="list-style-type: none"> <li>• Design Engineering</li> <li>• EVSE Vendors</li> <li>• Equipment Operator</li> <li>• Property Owner</li> </ul>
Matching Funds	<ul style="list-style-type: none"> <li>• Matching Funds</li> </ul>	<ul style="list-style-type: none"> <li>• Joint Office of Energy and Transportation and local governments</li> </ul>
Business Model Viability	<ul style="list-style-type: none"> <li>• Loss of profitability</li> <li>• Demand charges</li> <li>• Lack of use</li> </ul>	<ul style="list-style-type: none"> <li>• Design Engineering</li> <li>• Utility Company</li> <li>• Public Utilities Commission of Ohio</li> <li>• EVSE Vendors</li> </ul>
Extreme Weather	<ul style="list-style-type: none"> <li>• Lightning</li> <li>• Water/Flooding</li> <li>• High Winds</li> </ul>	<ul style="list-style-type: none"> <li>• Design Engineering</li> <li>• EVSE Vendors</li> </ul>
Supply Chain	<ul style="list-style-type: none"> <li>• Utility equipment delays</li> <li>• EVSE equipment delays</li> <li>• Electrical contractor capacity</li> <li>• Permitting delays</li> </ul>	<ul style="list-style-type: none"> <li>• Utility Company</li> <li>• EVSE Vendor</li> <li>• Local Contractor</li> <li>• Local Jurisdiction</li> </ul>
Federal Rulemaking	<ul style="list-style-type: none"> <li>• Federal Rulemaking</li> </ul>	<ul style="list-style-type: none"> <li>• Joint Office of Energy and Transportation</li> <li>• EVSE Vendors</li> </ul>

Source: Modified based on Ohio Electric Vehicle Infrastructure Deployment Plan<sup>24</sup>

<sup>24</sup> [Ohio Electric Vehicle Infrastructure Deployment Plan](#) Page 44

*Financial Analysis* evaluates the EVCI project's financial viability including a comparison between traditional project delivery methods, such as Design-Bid-Build (DBB) or Design-Build (DB), and the P3 approach, along with funding or appropriation constraints from the public sector. The analysis often includes a comparison of the P3 model against an estimate of the cost of traditional delivery methods.

The financial analysis will also explore both the potential user revenue generated from the project and availability payments (if any). These compensation mechanisms can contribute to the commercial structure for the project and provide the public agency with estimates of the potential opportunities for revenue sharing or alternatively, the need for public subsidies.<sup>25</sup>

A financial analysis may take into account risk management, mitigation, and allocation, including how risks like construction delays or technological obsolescence are shared between the public agency and the private partner. Further, the analysis may delve into financing structures<sup>26</sup>, Federal subsidies, tax implications (tax credits), and long-term operational and maintenance expenses, considering performance incentives and penalties. Questions the financial analysis may address include:

- Would project delivery through a P3 close the financing gap?
- Is the project financially viable without public support?
- If not, how much of a subsidy would the public agency need to provide (either at the outset and/or during the life of the project) to ensure financial viability?
- If public subsidies needed to make the project financially viable are not available for the project as currently envisioned, can the project scope be modified to improve feasibility?

*Identification of Potential Funding and Financing Sources:* An analysis of funding and financing sources can be used to identify and quantify any financing gaps. This approach not only highlights current financial needs but can be part of a justification for the involvement of the private sector. Typically, the funding for an EVCI project will include a mix of public and private funds, such as the NEVI program, tax credits/incentives and grants under the Inflation Reduction Act (IRA), and potential eligibility for credit assistance in the form of loans and loan guarantees under the Transportation Infrastructure Finance and Innovation Act (TIFIA) program.<sup>27</sup> Additionally, specific grants like the Charging and Fueling Infrastructure (CFI) Discretionary Grant Program and the FTA's Grants for Buses and Bus Facilities Programs can be considered, alongside other Federal, State, or municipal programs.

For example, the Maryland Department of the Environment offers grants for the installation of EV charging stations at workplaces through the Charge Ahead Grant Program (CAGP). CAGP funding

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<sup>25</sup> Further details on payment mechanisms are provided in the FHWA report "State of the Practice and Emerging Practices on Public-Private Partnerships for Electric Vehicle Charging Infrastructure."

<sup>26</sup> Further detail on financing structures is provided in the FHWA report "Structuring Options for Performance-Based Contracts under the NEVI Program: A Discussion Paper."

<sup>27</sup> [USDOT FHWA Federal Funding is Available for Electric Vehicle Charging Infrastructure on the National Highway System](#) Page 13

is available for costs directly attributable to the design, installation, and operation of eligible workplace EV charging stations.

Questions for consideration in the analysis of funding and financing sources may include:

- What are the initial project capital, operating, and maintenance costs?
- Is project scope commensurate with available resources?
- What are the available funding sources (including grants), and available financing sources for the project?
- What is the timeline for receipt of each of the expected sources and does this align with the project schedule?
- How competitive are grants or loans from these funding and financing sources and should other funding tools be considered in case the application for funding or financing is not approved?
- Is the objective to develop the project in a single stage or in multiple stages?
- What is the potential financing gap, and could the gap be addressed through project delivery through a Public-Private Partnership?

### **2.2.2. Setting Up the Procurement Team**

*Institutional Development:* Setting up the public agency's internal team involves the coordination and agreement among various public entities, including senior managers of the lead agency, governing bodies, and legislative bodies<sup>28</sup>. Depending on capacity of the State or local government, a public agency may handle matters internally without seeking external assistance. Based on the specific legal authority of the public entity, the public entity also may need to provide notice or obtain approval from the State legislature or a city or county council or commission. The procurement team, comprising members from key leadership positions within the agency or a specialized P3 entity, manages the procurement process on a day-to-day basis. Questions to answer as the public agency structures the procurement team may include:

- Are there public agency employees that can dedicate their time to the project?
- Who has the ultimate decision-making authority and how should they be included throughout the procurement process?
- Who are the key stakeholders and what is the process for coordinating with these entities?

*Advisor Engagement:* P3 procurements also often include outside consultants to assist the public agency in areas such as technical, financial, legal, and others depending on the size of the procurement and availability of funds for external assistance. Examples of other areas where external resources can assist include planning and execution. Questions to answer include:

- Are there specific areas of expertise that are required and not available in-house?

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<sup>28</sup> See FHWA's [Public-Private Partnership \(P3\) Procurement: A Guide for Public Owners](#)

- Does the public agency have the funds and legal authority to hire outside consultants or advisors?

### 2.2.3. Meeting Compliance Requirements

*Regulations and Laws:* A P3 will ultimately be structured based on specific internal objectives as well as and local, State and Federal laws. Expertise regarding regulatory and legal compliance is typically included on the procurement team to assist in the development of the RFQ and RFP. Draft agreements may also be included in procurement documents at the RFP stage. Public agencies often develop the project agreement terms in the form of the draft agreement to allow bidders to understand the requirements of the project and to allow potential financiers to analyze the risks in the project. Questions to consider may include:

- Do State and/or local statutes permit a P3 procurement for EV charging infrastructure?
- What are the specific provisions of State/local P3 enabling laws that may impact the planning and execution of the project?
- Which Federal, State, or local agencies will oversee the environmental, financial, and contractual aspects of the project?
- How do the requirements of the National Environmental Policy Act (NEPA) or equivalent State laws apply and impact the project?

*Permitting:* Developing a comprehensive roadmap for complying with environmental and other necessary permitting processes is often a part of the procurement process. This step may include consultations with legal experts and environmental agencies to ensure compliance and address any potential environmental impacts effectively. Questions the public agency may consider are:

- What are the permits, approvals, and certifications needed from various authorities for the project to proceed?
- What is the estimated timeline for securing these permits, and what are the potential bottlenecks or challenges in the permitting process?
- Is the project eligible for a categorical exclusion or environmental assessment per United States Environmental Protection Agency guidance?<sup>29</sup>
- What are the requirements for public consultation and participation, and how will feedback be incorporated into the project planning and permitting process?

## 2.3. Procurement Stage

Within this stage, the public agency may develop both the RFQ and the RFP documents. For projects of a smaller scale or if procurement resources are limited, it may be feasible to bypass the RFQ stage and proceed to RFP. An RFI may be strategically issued to gather essential insights in lieu of an RFQ. RFI's are discussed under market engagement in Section 1.

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<sup>29</sup> [National Environmental Policy Act Review Process](#)

It is essential to distinguish between the selection criteria in a RFQ and the evaluation criteria in a RFP. The RFQ selection criteria focus primarily on the qualifications and capabilities of the bidders. This includes assessing their financial stability, technical expertise, experience in similar projects, and overall organizational capacity. The objective is to identify bidders who are capable of undertaking and successfully delivering the EVCI project. On the other hand, the RFP evaluation criteria delve deeper into the specific proposals submitted for the project. Here, the focus shifts to the proposed approach, innovation, cost-effectiveness, technical solutions, and compliance with the project's requirements. The RFP criteria evaluate how well each proposal meets the project's objectives, offering the best value and solution for the EVCI project.

### 2.3.1. Request for Qualifications (RFQ)

*Determination of RFQ Requirements:* Establishing clear and concise requirements for the RFQ involves detailing what is expected from bidders, focusing on aligning these requirements with the unique aspects of the EVCI project. Items to be included in responses to an RFQ may include: (i) past performance (construction and operation); (ii) experience financing similar projects; (iii) financial strength of the bidder, and (iv) technical capacity of the bidder.<sup>30</sup> In addition, the public agency may also decide whether it would like to limit the potential number of bidders and may create a short list of bidders to receive the eventual RFP.

When developing the requirements of the RFQ, the agency may need to consider the following questions that may need to be answered through the responses:

- How has the bidder demonstrated competence in similar construction projects, especially in the EVCI domain?
- Can the bidder provide case studies or references from past EVCI projects?
- What financial models or strategies will the bidder use to ensure project viability?
- Can they provide evidence of financial stability and funding sources for infrastructure projects of similar scale to the agency's EVCI project?
- What challenges have they faced in previous projects and how were they overcome?
- Does the bidder have a track record in integrating advanced EVCI technologies, and how do they stay abreast of the latest developments and innovations in EVCI?
- How does the bidder's approach align with the specific requirements and goals outlined in the RFQ?
- Does the bidder have expertise in interoperability of EVCI systems with existing infrastructure?
- What specialized operational expertise, such as smart grid integration or energy management, can they offer?

*Advertising:* For effective dissemination of the RFQ, the public agency can reach out to a broad spectrum of potential bidders, particularly focusing on experienced EVCI developers, engineering

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<sup>30</sup> [Georgia Electric Vehicle Infrastructure Deployment Plan August 2023](#) Page 16

firms, and technology providers in the EV sector. While this process began in the stakeholder engagement process, the advertising of the procurement documents may utilize a mix of digital platforms (e.g., procurement websites), industry publications (e.g., P3 Bulletin), and networking channels within the EV and renewable energy sectors.

*Evaluation and Shortlisting:* After responses to the RFQ are received, a comprehensive review process follows. This may involve evaluating the responses against established submission requirements and minimum qualifications. The aim is to shortlist candidates who not only fulfill the project's requirements but also exhibit a clear understanding of, and ability to cater to, the specific needs of the EVCI project.

### **2.3.2. Request for Proposal (RFP)**

*Preparation:* Bidders are provided with a comprehensive and detailed RFP document. Typically, an RFP includes instructions to bidders, a clear outline of the scope of work, technical specifications, performance standards, and a draft agreement. The RFP may also detail the financial aspects, such as funding arrangements, payment mechanisms, and cost-sharing mechanisms. As EVCI technology is rapidly advancing, the P3 term length may need to build in potential technology obsolescence prior to the end of the term. Furthermore, the RFP may stipulate requirements for sustainable practices, ensuring that the EVCI project aligns with environmental standards and contributes positively to the community. In addition to key terms and conditions to be included in the RFP, proposal evaluation criteria will typically be included as part of the RFP as information to guide bidders as they develop proposals.

A high-level checklist that a public agency may use while developing the RFP requirements is highlighted below:

- How are the deliverables and milestones of the EVCI project detailed in the scope?
- Are the key contract terms, including penalties, incentives, and performance metrics, explicitly defined and measurable?
- How does the project scope encourage and accommodate technological or operational innovations?
- What are the proposed sites for EVCI, and what is the quantity of EVCI ports at each site?
- Are there provisions for adapting to evolving EVCI technologies over the project's lifespan?
- Can detailed geographic and demographic data for each proposed EVCI site be provided?
- What are the projected usage rates and power demands for EVCI at each location?
- Are the key milestones in the procurement process, such as submission deadlines, site tours, and award dates, scheduled realistically?
- What specific technical, financial, and operational details must be included in the proposals?
- Are there requirements for sustainability practices or community impact assessments?
- What criteria will be used to evaluate the suitability and integration of innovative technologies in proposals?



- What specific types of insurance coverage are required, and what are the minimum coverage amounts?
- Are there any additional risk management strategies that proposers must demonstrate?
- How does the timeline account for potential delays or unforeseen challenges?
- What evidence must be provided to demonstrate the financial solvency and ability to reach financial close?
- What financial security requirements will be required to demonstrate the ability of the bidder to reach financial close?

*Project Agreements:* Including a draft project agreement in the RFP adds clarity for the bidders. The development of the project documents involves ensuring that all legal requirements are met and that the project agreement clearly specifies technical standards, deliverables, payment mechanisms, timelines, risk allocation, Key Performance Indicators (KPIs), penalties, and dispute resolution mechanisms. EVCI P3 projects demand additional scrutiny in this phase due to their complexity and term.

Questions to consider while developing the project agreement include:

- What are the terms and conditions that should be included in the agreement (e.g., technical requirements, financial requirements, termination provisions, etc.)?
- What are appropriate KPIs to ensure high-level performance from the private sector?
- What are the associated incentives for meeting, and penalties for not complying with, the contractual requirements?

## **2.4. Partner Selection and Finalization Stage**

### **2.4.1. Evaluation Overview**

Typically States and municipalities employ a competitive process to select a private sector partner. P3s are often procured by public owners using a “best value” selection approach, which considers multiple evaluation factors.<sup>31</sup>

A score-based framework is often designed to evaluate both the qualifications of potential partners and the substantive merits of their proposals.<sup>32,33</sup> The framework may be used to assess the qualifications of bidders based on their skills and experience, based on their responses to the RFQ. Beyond qualifications, the framework may examine proposals in the RFP process to ensure they align with project goals and address specific market failures that the project is designed to mitigate. The qualifications of potential partners and their proposals may be evaluated simultaneously or separately, depending on the requirements of the projects and the public agency.

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<sup>31</sup> [Federal Transit Administration, Best Practices Procurement & Lessons Learned Manual, FTA Report No. 0105 \(Washington, DC: 2016\).](#)

<sup>32</sup> [State of Alaska FY 24 Electric Vehicle Infrastructure Implementation Plan](#) Page 35

<sup>33</sup> [Ohio Electric Vehicle Infrastructure Deployment Plan Page 28 & 29](#)

The evaluation framework may be designed to be in alignment with the Federal Acquisition Regulation (FAR), which guides "best value" selection in federal procurement.<sup>34</sup> This selection method emphasizes selecting bids that offer the greatest overall benefit to the government, not just the lowest cost. The "best value" approach under FAR considers a variety of factors, including technical excellence, operational efficiency, risk management, and past performance, in addition to price.<sup>35</sup>

This section discusses the process for proposal evaluation and partner selection, provides examples of evaluation criteria that may be used in a score-based evaluation framework as well as a scoring scale, and concludes with a discussion of contract award and commercial and financial close.

#### **2.4.2. Selection Committee**

The evaluation of potential P3 partners for EVCI projects is typically conducted by a selection committee, often referred to as an evaluation committee or management committee.<sup>36,37</sup> This committee determines the suitability of project partners and proposals, focusing on both their technical and financial aspects. To facilitate a thorough analysis of qualifications and proposals, the selection committee may establish specialized evaluation teams or subcommittees. In some cases, an advisory committee is formed to provide input to the selection committee by gathering information and offering additional feedback.

The selection committee is often responsible for a dual evaluation process: assessing compliance with administrative requirements on a pass/fail basis and conducting a quantitative evaluation of the technical and financial elements of the proposals.

The composition of the selection committee can vary from a few to several members depending on whether the project sponsor is a local municipality or a State agency. While local municipalities may have a small selection committee of impacted stakeholders, advisors, and decision-makers, State agencies often require a larger selection committee. According to Washington State's National Electric Vehicle Infrastructure (NEVI) plan, the advisory committee includes 25 members.<sup>38</sup> For a State, because of potential cross-jurisdictional issues and large scale, the selection committee may include municipal officials, environmental compliance officers, State department of transportation (DOT) officials, and other advisors.

Employees from the procuring agency typically lead and staff the subcommittees. Due to the complexity and rapid evolution of the EVCI industry, specialized external advisors may also be consulted. For example, a proposal compliance team typically has legal experts knowledgeable in environmental regulations and energy law. A technical evaluation team may have members with expertise in electrical systems, EVSE, renewable energy, data analysis, charging networks, batteries, EVCI planning, smart grid technology, and payment systems. The composition and structure of the selection committee and any subcommittee will vary depending on the size and complexity of the project, as well as the available resources.

Maintaining integrity and impartiality is essential, particularly in the EVCI industry where emerging technologies significantly contribute to the bidder's market competitiveness. To ensure

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<sup>34</sup> [FAR Best value Continuum](#)

<sup>35</sup> [NEVI Formula Program Q&A 15.4](#)

<sup>36</sup> [State of Alaska FY 24 Electric Vehicle Infrastructure Implementation Plan](#) Page 33

<sup>37</sup> [P3-Screen: Supporting Guide](#)

<sup>38</sup> [Washington State Plan for Electric Vehicle Infrastructure Deployment](#) Page 9

fair play and transparency, individuals involved in the evaluation process are typically required to sign confidentiality agreements and disclose any conflicts of interest. For example, the RFP can include provisions that penalize firms that engage in anticompetitive practices. The evaluation criteria and weighting are additional factors that are typically clearly defined and communicated to further uphold integrity and fairness throughout the selection process.

**Example of Selection Committee Activities: State of Alaska**

- A committee comprised of officials from Alaska Department of Transportation & Public Facilities and Alaska Energy Authority reviews and ranks applications for certain projects.
- The committee evaluates the responsiveness of applications through established criteria, focusing on administrative, technical, and financial aspects.
- Committee members independently assess each application, providing written feedback and awarding points based on the criteria and weights.
- The committee then convenes to discuss these applications and selects the highest-scoring applicant for each priority site for the award.

**2.4.3. Evaluation Criteria and Ranking**

Evaluation criteria typically cover key areas including team qualifications, project understanding, technical approach for construction and operations & maintenance (O&M), and financing approach.<sup>39</sup> Each area can be assigned specific maximum point values or percentages. The allocation of points can be determined by the degree to which an applicant's proposal satisfies the requirements established by public agencies<sup>40</sup>. The scoring system is designed to quantitatively measure the proposal against predefined standards.<sup>41</sup>

For example, in Alaska’s scoring rubric, four primary elements (understanding of the program, management plan, experience, and site proposal) are assigned point values out of a total possible maximum score of 1,000 points.<sup>42</sup> Washington State also has used a similar scoring rubric.<sup>43</sup>

Table 6 illustrates a generic example of weights assigned to each criterion. The minimum passing score will be determined by the public agency.

**Table 6: Example of Weighting of Evaluation Criteria**

<b>Criterion</b>	<b>Weighting</b>
Team Qualifications	20%
Project Understanding	20%
Technical Approach	30%
Finance Approach	30%

<sup>39</sup> [Maryland State Plan for National Electric Vehicle Infrastructure \(NEVI\) Formula Funding Deployment](#) Page 7

<sup>40</sup> [Ohio Electric Vehicle Infrastructure Deployment Plan](#) Page 28

<sup>41</sup> [Ohio Electric Vehicle Infrastructure Deployment Plan](#) Page 28

<sup>42</sup> [State of Alaska FY 24 Electric Vehicle Infrastructure Implementation Plan](#) Page 33

<sup>43</sup> [Washington State Plan for Electric Vehicle Infrastructure Deployment](#) Page 28

#### **2.4.4. Example Evaluation Criteria**

Evaluating potential partners may focus on a range of critical aspects to determine the viability, experience, and capability of each bidder, including each bidder's strengths, weaknesses, understanding of risks, financial resources to fund the project, the proposed schedule, and how well the bidder's plans align with the overarching goals of the project. A series of example targeted criteria are provided below. Key areas covered include the bidding team's qualifications and experience, project understanding, and technical and financial capacity.

##### **Team Qualifications Criteria**

- Bidder's internal and external technical and financial resources in terms of their capability to successfully manage all phases of the P3 project delivery (on a scale of 1-10 or in percentage)
- Bidder's experience and capability in the successful deployment and operation of similar EVCI projects in terms of completing them on time and within budget (on a scale of 1-10 or in percentage)
- Bidder's experience with projects that require compliance with Davis-Bacon wages, Buy-American, Title 23, Federal acquisition requirements, NEPA and other Federal requirements (on a scale of 1-10 or in percentage)
- Project team members' experience with the design, build, finance, operate, and maintain aspects of project delivery, or the specific P3 model to be used, on other similar projects (on a scale of 1-10 or in percentage)
- Education and experience of the project team members and key partners relevant to EVCI projects, and are their functions are well-documented, complete, and appropriate for successful project implementation (on a scale of 1-10 or in percentage)
- Clarity of illustration of the bidder's lines of management, communication channels, and reporting requirements in their proposal (on a scale of 1-10 or in percentage)
- Comprehensiveness of the reporting relationships to the procuring agency (on a scale of 1-10 or in percentage)
- Skill level of the bidder in engaging with stakeholders, including local communities, government entities, and industry partners, to ensure alignment and support for the project (on a scale of 1-10 or in percentage)

##### **Project Understanding Criteria**

- Proposal integrates well the EV charging infrastructure with existing and future transportation and energy networks (on a scale of 1-10 or in percentage)
- Proposal addresses effectively the adaptability and scalability of EV charging technology to keep pace with technological advancements (on a scale of 1-10 or in percentage)
- Comprehensiveness of the plan for data collection, storage, and sharing in the proposal (on a scale of 1-10 or in percentage)

- Level of detail of the bidder’s plan for ensuring user-friendly and accessible EV charging stations, including considerations for various user groups and ease of use (on a scale of 1-10 or in percentage)?
- Proposal identifies potential risks and provides contingency plans for unforeseen events or challenges during the project lifecycle (on a scale of 1-10 or in percentage)
- Level of detail of the plan for future development, asset maintenance and replacement, and upgrades in the proposal (on a scale of 1-10 or in percentage)
- Thoroughness of the proposal in considering the environmental impact of the EVCI project, including measures to mitigate any negative effects (on a scale of 1-10 or in percentage)
- Effectiveness of the proposal in addressing regulatory compliance and alignment with local, State, and Federal guidelines relevant to EVCI projects (on a scale of 1-10 or in percentage)

**Technical Criteria**

- Reasonableness of the proposal’s plan for the continued operation, hand back, or disposal of the assets after the contract has ended? (on a scale of 1-10 or in percentage)
- Bidder’s experience in designing and constructing an EVCI project (on a scale of 1-10 or in percentage)
- Bidder’s experience in operating and managing an EVCI project (on a scale of 1-10 or in percentage)
- Rating of the accessibility, customer-friendliness, ease of use, and security? (on a scale of 1-10 or in percentage)
- Proposal demonstrates understanding of the infrastructure and utility needs for the site (on a scale of 1-10 or in percentage)
- Proposal demonstrates that site analysis was conducted, including considerations such as location in rural or disadvantaged communities, optimal site identification in previous surveys, EV ownership forecasts, current land use, proximity to Alternative Fuel Corridors, transit-oriented development sites, existing charging stations, and location within a priority funding area or sustainable community (on a scale of 1-10 or in percentage)
- Proposal demonstrates that it can accommodate expected growth at the proposed site during the term of the contract (on a scale of 1-10 or in percentage)
- Reasonableness, necessity, and appropriateness of the equipment and materials identified for the project (on a scale of 1-10 or in percentage)
- O&M plan demonstrates the ability to ensure consistent ongoing operations and minimize charger downtime, and has appropriate budget for this (on a scale of 1-10 or in percentage)

- Proposal demonstrates the capacity to effectively serve consumers, meet near-term vehicle deployment needs, and support increased EV adoption (on a scale of 1-10 or in percentage)
- The EVCI infrastructure be operated and maintained for at least five years and comply with State and Federal requirements as outlined in the solicitation materials (on a scale of 1-10 or in percentage)
- Realism of the proposed project schedule and the effectiveness of the proposed measures for adherence or recovery management in case of deviations (on a scale of 1-10 or in percentage)
- Adequacy of customer support and dispatch services for promptly addressing customer concerns and operational maintenance issues (on a scale of 1-10 or in percentage)
- Suitability of the proposed technology for the market or local weather conditions (on a scale of 1-10 or in percentage)
- Proposed technology's interoperability with the EVs currently used in the market or expected to enter the market upon the opening of the EVCI facilities (on a scale of 1-10 or in percentage)
- Reasonableness of the plan for the continued operation, hand back, or disposal of the assets after the contract has ended (on a scale of 1-10 or in percentage)

### **Financial Criteria**

- Rating of the bidder's near and long-term financial capacity and ability to commit the necessary financial resources to meet the project requirements (on a scale of 1-10 or in percentage)
- Reasonableness of the proposed project's budget relative to the scope of work and specific local cost considerations (on a scale of 1-10 or in percentage)
- If the proposal includes a revenue-sharing agreement with the public agency as contractually defined, the reasonableness and alignment of the percentage of revenue allocated for sharing and the formulas used for calculating this revenue share with the project's scope and objectives (on a scale of 1-10 or in percentage)
- Reasonableness of the amount of funding requested (if applicable) relative to the expected benefits at the local and State levels (on a scale of 1-10 or in percentage)
- Consistency of the proposal with the public agency's pricing policies (on a scale of 1-10 or in percentage)
- Total grant amount requested by the bidder for the project in comparison with the overall project budget and expected outcomes in terms of overall value for money and alignment with project goals (on a scale of 1-10 or in percentage).
- Robustness of the bidder's strategy to manage financial risks, especially those associated with revenue fluctuations, and its alignment with the project's long-term financial stability and the public agency's objectives (on a scale of 1-10 or in percentage)

- The proposed project's return on investment (ROI) and payback period against industry norms, with expectations set for minimum ROI percentages and maximum payback periods tailored to the project type and scale, such as a 15% ROI and a 5-year payback period (on a scale of 1-10 or in percentage).
- Competitiveness of the project payment cap, with the lowest project payment cap proposal receiving the maximum score (on a scale of 1-10 or in percentage).
- Reasonableness of the proposal in responding to the financial incentives or penalties set by the public agency, with clearly defined project completion milestones (on a scale of 1-10 or in percentage).
- Benefit-cost comparison considering capital expenditure and operational expenditure, balancing between upfront costs and long-term benefits (on a scale of 1-10 or in percentage).
- Project's adherence to key projected financial metrics, such as debt service coverage ratios, returns on equity, and debt/equity ratio, ensuring they meet or surpass industry best practices and the financial health standards set by the public agency (on a scale of 1-10 or in percentage).
- Bidder's commitment to financial transparency and accountability through regular, detailed financial reporting that adheres to standardized accounting practices, such as Generally Accepted Accounting Principles (GAAP), with expectations for frequency and depth of reporting, such as quarterly updates (on a scale of 1-10 or in percentage).

### **Example of Scoring Scale – Washington State DOT**

Scoring scales may differ among States and municipalities, depending on their needs and resources. In the Washington State Department of Transportation's (WSDOT) evaluation process, proposals are ranked on a scale where 'Not responsive' equates to 0 percent of the possible points, indicating the proposal fails to meet the basic requirements. Conversely, an 'Excellent' rating is awarded to a proposal that is allocated 90-100 percent of the total possible points, suggesting that the proposal not only meets but also surpasses the stipulated criteria, potentially adding value to the project. In this scoring rubric, a bidder with a technical score of 70 percent or above of the possible points available to the bidder might be considered adequately qualified. Table 7 provides the scoring scale developed by WSDOT in its NEVI plan.

**Table 7: WSDOT Scoring Scale**

<b>% of possible points</b>	<b>Interpretation</b>	<b>Explanation for percentage points</b>
0%	Not responsive	The response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
10-40%	Minimally responsive	Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
40-60%	Inadequate	Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution.
60-80%	Adequate	Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable.
80-90%	Good	Response fully addresses the requirements being scored with a good degree of confidence in the applicant's response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable.
90-100%	Excellent	Response fully addresses the requirements being scored with a high degree of confidence in the applicant's response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations.

Source: Modified based on Washington NEVI Plan<sup>44</sup>

#### **2.4.5. Award Formalization and Negotiations**

This stage begins with the selection of a winning bidder and involves several critical steps to transition smoothly to contract execution. This stage includes initial negotiations on contract terms, resolution of any outstanding issues, and drafting of the contract, followed by a rigorous legal and compliance review to ensure adherence to regulations and policy objectives. Once terms are finalized, the award documents are executed, legally binding both parties. The process often concludes with post-award briefings or workshops to align understanding and expectations, setting the stage for the successful implementation of the project.

#### **2.4.6. Commercial and Financial Close**

Commercial close marks the formalization of all critical agreements and establishing the roles and responsibilities of each stakeholder. This stage represents the official commitment to the project, encompassing a comprehensive understanding of its scope, timelines, and specific deliverables. It

<sup>44</sup> [Washington State Plan for Electric Vehicle Infrastructure Deployment](#) Page 29



involves finalizing detailed contracts that address every aspect of the project, from the design and specifications of charging stations to operational standards, technological requirements, and performance metrics. Essential for EVCI projects, these agreements ensure a clear, legally binding roadmap for execution, management, and maintenance of the charging infrastructure, setting the stage for the subsequent financial close and the actual commencement of the project.

The financial close, which can occur concurrently with or following the commercial close, is characterized by preparation, finalization, and examination of all relevant financial documents. It includes confirming and verifying funding pledges from all parties involved, such as lenders, investors, and public funds, and ensuring these commitments align with the project's requirements and timelines. Central to this phase are key activities like reviewing and negotiating terms of financial documents to ensure that the use of funds complies with authorized purposes, thereby safeguarding the agency's interests. This scrutiny often involves procuring legal opinions on matters such as the authorization, execution, and enforceability of documents signed by the agency. Finalizing financial agreements such as funding and loan agreements is essential in meeting the financing needs of EVCI P3 projects.

## APPENDIX A: Publicly Available Resources

### General Strategy Guidance

#### APMG International

- [How to Conduct the Market Sounding](#)
- [The Procurement Strategy](#)

#### FHWA

- [Public-Private Partnership \(P3\) Procurement: A Guide for Public Owners](#)
- [National Electric Vehicle Infrastructure Formula Program](#)
- [Special Experimental Project No. 14 - Electric Vehicle Charging Infrastructure Procurement](#)
- [Bipartisan Infrastructure Law: Electric Vehicles](#)
- [Center for Innovative Finance Support, P3-Screen: Supporting Guide](#)
- [U.S. Department of Transportation, Federal Highway Administration, Evaluating P3 Options: An Overview](#)

#### Joint Office of Energy and Transportation

- [Main Website](#)
- [Webinar: Contracting and Procurement Considerations for EV Station Deployment \(Text version\)](#)

#### Code of Federal Regulations

- [Part 680-National Electric Vehicle Infrastructure Standards and Requirements](#)

#### National P3 Center

- [Framework for Planning, Implementing, and Evaluating P-3 Approaches](#)

#### World Bank

- [Market Sounding](#)
- [PPP Process](#)
- [EV Charging Systems Installation Model for ERP](#)

### Strategies by States

#### Alaska

- [NEVI Plan](#)
- [EV Informational Sessions](#)
- [Alaska Energy Authority Electric Vehicle \(EV\) Partnership](#)
- [Alaska Energy Authority Request for Applications \(RFA 23091\): National Electric Vehicle Charging Infrastructure \(NEVI\) Program](#)
- [Request for Proposals Package](#)

**Georgia**

- [NEVI Plan](#)
- [Georgia National Electric Vehicle Infrastructure Deployment Program](#)
- [Georgia NEVI Deployment Program Round 1 Procurement Status](#)
- [Final RFP Issued](#)
- [Procurement Schedule Updates](#)

**Maryland**

- [NEVI plan](#)
- [Maryland Zero Emission Vehicle Infrastructure Plan](#)
- [NEVI Milestones](#)

**Ohio**

- [NEVI Plan](#)
- [Drive Ohio: National Electric Vehicle Infrastructure Formula Program](#)
- [Ohio EV Charger Coverage Gap Planning Map](#)
- [Locations for Interstate Electric Vehicle Charging Stations](#)

**Washington**

- [NEVI Plan](#)
- [Washington State Plan for Electric Vehicle Infrastructure Deployment](#)

## **APPENDIX B: Risk Assessment Checklist – Selected Examples**

The following checklist provides a suggested approach for defining key risks. This list provides selected examples and is not intended to be comprehensive. Each project will have unique characteristics that should be considered when developing a risk assessment checklist:

### **Strategic Risks**

- Policy and Compliance
  - Changes in policies or regulations affecting EVCI
  - Delays in obtaining necessary permits and approvals
  - Potential legal liabilities from accidents or equipment failures
- Market Risks
  - Viability of business models under changing market conditions
  - Loss of profitability due to underutilization
  - Pricing

### **Technical Risks**

- Safety
  - Electrical hazards
  - Fire hazards due to EV supply equipment
- Supply Chain
  - Delays in utility equipment
  - Delays in EV supply equipment
  - Availability of qualified electrical contractors
  - Risks associated with payment and monitoring systems
- Compatibility
  - Standardization and interoperability of cable plugs and connectors

### **Operational Risks**

- Cybersecurity
  - Potential cyberattacks on EVCI systems
- Damage
  - Risks of vandalism, cord damage, and vehicle crashes
- Weather
  - Impact of extreme weather conditions on infrastructure

### **External Risks**

- Public Support and Acceptance
  - The risk that public opposition or lack of interest could impact the success of EVCI projects
- Environmental
  - Risks related to environmental regulations and sustainability goals

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