



REQUEST FOR PROPOSALS

NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE ELECTRIC VEHICLE CHARGING STATIONS PHASE TWO

PROPOSAL DUE DATE:

September 18, 2024, at 5:00 p.m. Mountain Daylight Time (MDT)

ESTIMATED TIME PERIOD FOR CONTRACT:

November 1, 2024 – December 31, 2025

Note to Applicants: This Request for Proposals (RFP) and amendment will be available on the New Mexico Department of Transportation (NMDOT) website <https://www.dot.nm.gov/electrifying-new-mexico/?ev=nevi>. All RFP amendments, Applicant questions and NMDOT's answers will be posted on the NMDOT website <https://www.dot.nm.gov/electrifying-new-mexico/?ev=nevi>.

TABLE OF CONTENTS

1.	INTRODUCTION AND BACKGROUD	4
2.	PURPOSE	5
3.	OVERVIEW AND SCHEDULE	7
3.1	METHODOLOGY	7
3.2	SECTION PROCESS SCEDULE	8
3.3	QUESTIONS AND ANSWERS/COMMENTS	8
3.4	BINDING OFFER	8
3.5	AWARD BASIS	8
3.5.1	INCURRED COST	9
3.5.2	MATCH FUNDING	9
3.6	FINAL PROPOSAL DEADLINE	9
4.	GENERAL TERMS, CONDITIONS, REQUIREMENTS AND EVSE SPECIFICATIONS	9
4.1	CONDITIONS PRECESENT TO PROTECT CONTRACT EXECUTION	9
4.2	LIABILITY AND INDEMNITY	10
4.3	INSURANCE	10
4.3.1	WORKER'S COMPENSATION INSURANCE	11
4.3.2	COMMERCIAL GENERAL LIABILITY INSURANCE	11
4.3.3	AUTOMOBILE LIABILITY INSURANCE	11
4.3.4	NEW MEXICO RIGHTS	11
4.3.5	PRIMACY OF COVERAGE	11
4.3.6	IDENTIFICATION OF INSURANCE CARRIER	11
4.3.7	EXCESS COVERAGE	12
4.3.8	SUBROGATION WAIVER	12
4.4	EVSE SPECIFICATIONS	12
4.4.1	NEVI FORMULA REQUIREMENTS	12
4.4.2	PROJECT SPECIFICATIONS	12
4.4.3	UTILITY COMPANY INFORMATION AND COORDINATION	15
4.4.3.1	UTILITIES OF NEW MEXICO	15
4.4.3.2	REQUIRED INTERACTIONS	15
4.4.4	SUPPLEMENT TO NEVI FORM	16
4.4.5	TRAFFIC CONTROL DEVICES/ON-PREMISE SIGN REQUIREMENTS	17
4.4.6	DATA SUBMITTAL	17
4.4.7	CUSTOMER SERVICE	19
4.4.8	ULA REQUIREMENTS	19
4.5	OTHER STATE REQUIREMENTS	20
5.	FEDERAL REQUIREMENTS	21
5.1	LONG TERM STEWARDSHIP	21
5.2	INVOICING	21
5.3	OPERATIONAL PERIOD INVOICE	21
5.3.1	OPERATION AND MAINTENANCE	21
5.4	PROJECT REIMBURSEMENT/COST ELIGIBILITY	22
5.4.1	ELIGIBLE COSTS	22
5.4.2	INELIGIBLE COSTS	24
5.5	OTHER FEDERAL REQUIREMENTS	24
6.	PROPOSAL CONTENTS AND REQUIREMENTS	27
6.1	PROPOSAL CONTENT AND DELIVERY/SUBMISSSION	27
6.2	ADMINISTRATION PROPOSAL	28
6.2.1	LETTER OF SUMITTAL	28
6.2.2	APPLICANT CERTIFICATION AND ASSURANCES FORM	29
6.3	MANAGEMENT PROPOSAL	29
6.4	TECHNICAL PROPOSAL	30
6.4.1	WORKFORCE AND TRAINING STRATEGIES	32

6.5	FINANCIAL PROPOSAL	32
6.5.1	FINANCIAL NARRATIVE	33
7.	EVALUATION AND AWARD SELECTION PROCESS	33
7.1	EVALUATION PROCESS AND PROCEDURE OVERVIEW	33
7.2	RESPONSIVENESS PASS/FAIL EVALUATION	34
7.2.1	ADMINISTRATIVE/MANAGEMENT PROPOSAL PASS/FAIL CRITERIA	34
7.2.2	EVALUATION AND SCORING	34
7.2.3	VOLUME OF WORK CURRENTLY BEING PERFORMED	34
7.2.4	FINAL DETERMINATION OF SUCCESSFUL APPLICATNS	35
7.2.5	NOTIFICATION TO APPLICANTS	35
7.3	FINAL DETERMINATION OF SUCCESSFUL APPLICANTS	35
8.	CYBERSECURITY	36
8.1	PAYMENT METHODS	37
9.	BROADBAND CONNECTIVITY	37
10.	GENERAL INFORMATION	38
10.1	RFP COORDINATOR	38
10.2	QUESTIONS AND ANSWERS	38
10.3	SUBMISSION OF PROPOSALS	38
10.4	REVISIONS TO THE RFP	38
10.5	PROPRIETARY INFORMATION/PUBLIC DISCLOSURE	38
10.6	ACCEPTANCE OF RFP TERMS	39
10.7	RESPONSIVENESS	39
10.8	CONTRACT AND GENERAL TERMS AND CONDITIONS	39
10.9	COSTS TO PREPARE PROPOSAL	39
10.10	NO OBLIGATION TO CONTRACT	39
10.11	REJECTION OF PROPOSALS	39
10.12	COMMITMENT OF FUNDS	40
11.	ACRONYMS AND DEFINITIONS OF KEY TERMS	40
	ATTACHMENT 1: UTILITIES COMPANY INFORMATION AND CONTACT TABLE	43
	ATTACHMENT 2: APPLICANT CERTIFICATIONS AND ASSURANCES	47
	ATTACHMENT 3: PROPOSAL SUBMITTAL FORM	49
	ATTACHMENT 4: PROPOSAL FORM – SITE AND PROJECT INFORMATION	50
	ATTACHMENT 5: EVSE VENDOR INFORMATION AND SPECIFICATIONS COMPLIANCE	54
	ATTACHMENT 6: NEW MEXICO DEPARTMENT OF FINANCE & ADMINISTRATIVE FINANCIAL CONTROL DIVISION – FORM W -9	56
	ATTACHMENT 7: PROJECT/CONTRACT LISTING FORM	58
	ATTACHMENT 8: CAMPAIGN CONTRIBUTION DISCLOSURE FORM	59
	ATTACHMENT 9: NEW MEXICO EMPLOYEES HEALTH COVERAGE FORM	61

1. INTRODUCTION AND BACKGROUND

The Infrastructure Investment and Jobs Act (IIJA) enacted November 15, 2021, established the National Electric Vehicle Infrastructure Formula Program ([NEVI Formula](#)). The NEVI Formula provides \$5 billion to states to strategically deploy 500,000 electric vehicle (EV) chargers by 2030, through an interconnected network to facilitate data collection, access, and reliability. The Federal Highway Administration (FHWA) Fact Sheet for the NEVI Formula can be found here: [NEVI Formula Fact Sheet](#).

The Joint Office of Energy and Transportation ([Joint Office](#)) was created through the IIJA to provide expertise and support on programs that seek to deploy a network of EV charging infrastructure. The Joint Office main website is <https://driveelectric.gov/>.

The New Mexico Department of Transportation (NMDOT) received \$38 million in NEVI Formula funding for the years 2022 through 2026. These funds will be used for the expansion of a national EV charging infrastructure network on the State of New Mexico's primary interstates and highways, or alternative fuel corridors (AFCs) as described in the State of New Mexico's EV Infrastructure Deployment Plan ([The NEVI Plan](#)). NEVI RFP Phase Two AFCs provide for travel within, to and throughout the State of New Mexico, including US Route 285, which runs north-south through the State of New Mexico; and US Route 60, US Route 70 and US Route 380, which run east-west through the State of New Mexico. The highways cover other essential areas of the State of New Mexico, providing enhanced connectivity to rural areas. Some of the amount awarded may be used for the labor and workforce training, planning, outreach and administration as allowed by NEVI guidelines.

[The NEVI Plan](#), which was approved by the Joint Office on September 14, 2022, envisions a phased approach to create a reliable, accessible, convenient and affordable EV charging network that supports transportation choices, energy diversification, economic development and environmental sustainability for all New Mexicans. This Request for Proposals (RFP) is for Phase Two of [The NEVI Plan](#), which aims at achieving build-out of US Route 285, US Route 60, US Route 70 and US Route 380. Once EV Charging Stations have been installed, as per NEVI Formula Requirements, along the AFC's and approved as "built out" by the FHWA, the State of New Mexico can expand the network further to other high priority EV corridors as part of the remaining plan.

NM's EV program and the terms of this document and all others provided along with it, are in conformance with Federal law and FHWA regulations. On February 15, 2023, FHWA issued a Final Rule which "establishes regulations setting minimum standards and requirements for projects funded under the NEVI Formula and projects for the construction of publicly accessible EV chargers under certain statutory authorities, including any EV charging infrastructure project funded with Federal funds that is treated as a project of a Federal-aid highway." The final Federal Rule, along with previous work towards the final Federal Rule, may be viewed online through the Federal Rulemaking portal at www.regulations.gov under the docket number FHWA-2022-0008. All Applicants must adhere to all provisions in the Federal Rule, as well as any additional provisions in this RFP.

The State of New Mexico and NMDOT have a demonstrated willingness to work with the Awarded Applicant(s) to deliver the proposed Project and thus further access to public, high-speed charging infrastructure needed to increase market penetration of zero-emission vehicles. With the support of USDOT, the elements in this proposal will constitute a leap forward in achieving that low-carbon future.

Building a comprehensive charging infrastructure network will open New Mexico to additional tourism and bring more money into local economies. According to New Mexico Tourism Department's [2021 Annual Report](#), driving trips in New Mexico accounted for over 75 percent of all visits, with a significant share of visits from domestic travelers and visitors driving from surrounding states. In 2021, the tourism sector [contributed \\$10 billion](#) to the New Mexico economy. Through the [Rural Economic Opportunities Task Force](#) (REOTF), established in 2022, New Mexico continues to identify new opportunities for rural development and economic growth.

2. PURPOSE

The NMDOT has issued this RFP to solicit sealed proposals from Applicants, who intend to respond to this RFP for the EV Charging Station Program. This RFP will solicit proposals from Applicants who will plan, deploy, own, operate, maintain and manage, for a five (5) year period, direct current fast charging (DCFC) electric vehicle supply equipment (EVSE) stations in alignment with all applicable [Federal NEVI Formula Standards and Regulations](#) and the [FHWA Buy America Plan](#). Phase Two will include the following AFCs; US Route 285, US Route 60, US Route 70 and US Route 380, for a total of 1365 miles. Please be advised that a separate RFP will be publicized in the future for upcoming EVSE station implementation on other highways and roadways throughout New Mexico. To support the continued growth of EVs and the crucial need for expanded public fast charging stations, this RFP will focus only on Phase Two highways; US Route 285, US Route 60, US Route 70 and US Route 380.

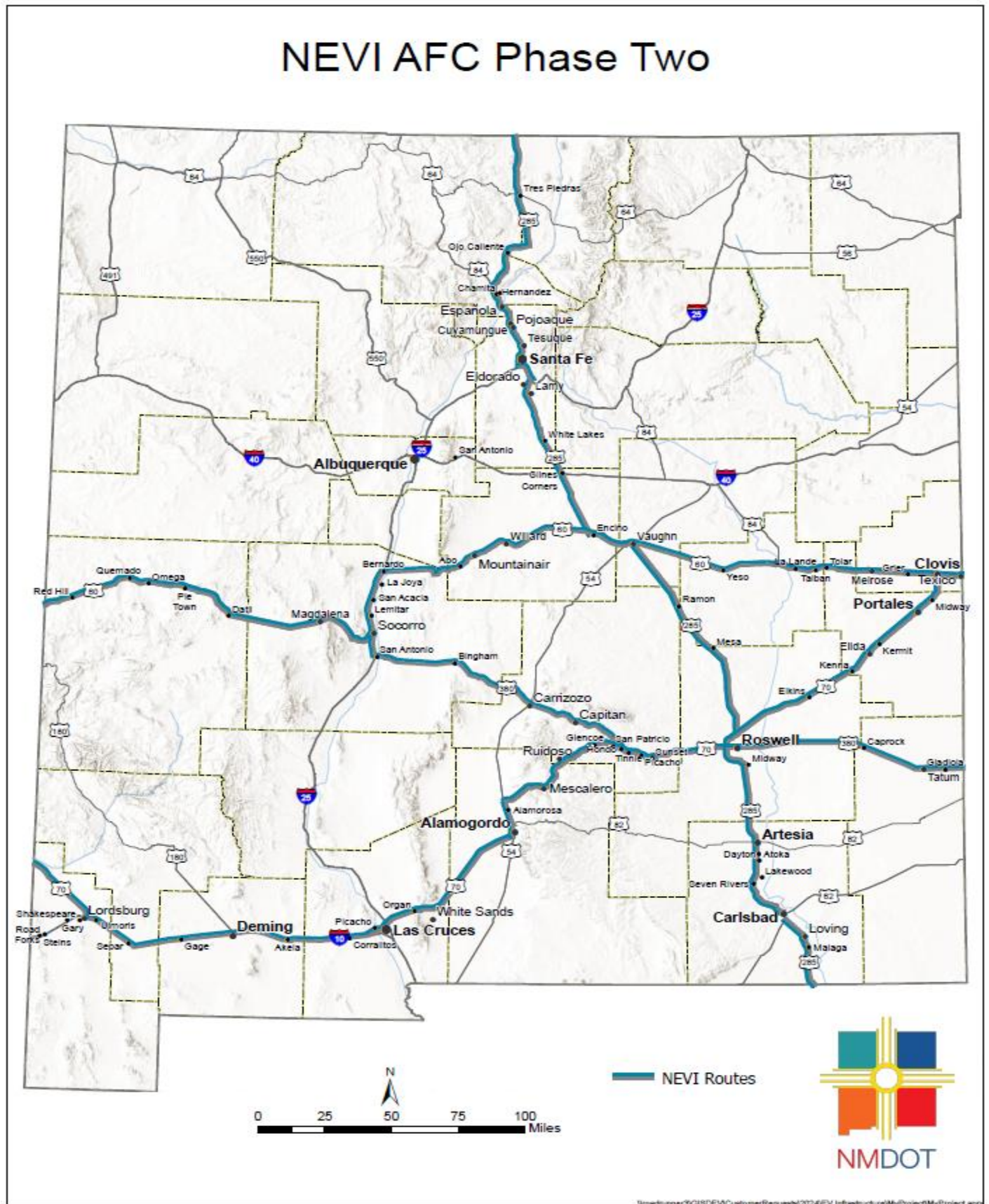
The Awarded Applicant(s) for this RFP will be required to implement a reliable program which will enable the public to utilize charging stations on a 24-hour/365 days per year (24/365) basis, with sufficient resources and personnel to successfully support, maintain and sustain the [NEVI Formula for a five \(5\) year period](#). This RFP, and its contents, are subject to change prior to the issuance of the final award.

For the purposes of this RFP, NMDOT has identified the following AFCs; US Route 285, US Route 60, US Route 70 and US Route 380, for a total of 1365 interstate miles where EV charging stations must be located. Please be advised that a separate RFP will be publicized in the future for upcoming EV charging station implementation on other highways and roadways throughout New Mexico. Applicants can submit one (1) proposal for multiple locations within the respective AFCs.

NMDOT aims to provide the traveling public a positive experience and reliable and safe access to EVSE stations throughout New Mexico. NMDOT prioritizes appropriate spacing from existing and potential site locations, as well as the amenities available near the interchange. The proposed location(s), every 50 miles along the four (4) respective corridors (1365 total miles) will help to fill the considerable gaps in the existing charging network.

The remainder of this page is intentionally left blank.

Figure 1: Four (4) Alternative Fuel Corridors related to this RFP



Above, please find a map that identifies 50-mile markers along the AFCs for Phase Two build out of US Route 285, US Route 60, US Route 70 and US Route 380.

NMDOT desires to build out the AFC network (US Route 285, US Route 60, US Route 70 and US Route 380) in the most efficient manner possible. To accomplish this objective, Applicants are encouraged to propose sites that take into consideration the following principles and determine the appropriate exits at the terminus points of each corridor-group:

1. Sites that serve multiple AFCs are beneficial for achieving build-out on more than one (1) AFC. This includes sites in areas where AFCs are concurrent. It also includes sites located near the intersection of two (2) AFC's. Sites must always be within one (1) mile of both such AFCs for it to be considered as serving both AFCs.
2. Sites are needed on each AFC within approximately fifty (50) miles of existing NEVI Formula compliant charging stations (NEVI Formula stations) on the same AFC. This includes NEVI Formula stations within NM, as well as those in adjacent states but near the NM border and on the same AFC.
3. Sites should not be too close to existing NEVI Formula stations to extend the range between stations.
4. Sites are needed within 25 miles of state borders where there is not a NEVI Formula station already located within 25 miles on the other side of the NM state line.
5. Sites near an AFC terminus should be no more than approximately fifty (50) miles from the AFC terminus. This applies to AFCs that end when they intersect another AFC or AFC endpoints that do not connect to another currently designated AFC. If the entire AFC length is less than one hundred (100) miles, then it is possible to build-out the entire AFC with one (1) EVSE station located near the middle of the corridor.
6. Site selection should take into consideration the entire network of AFCs and NM's objective of efficiently building out the EV network. Applicants may submit multiple sites that would work together to contribute to the efficient build-out of NM's AFC network.

7. Any proposal(s) that identify areas outside of the Phase Two AFCs (US Route 285, US Route 60, US Route 70 and US Route 380) will not be accepted.

3. OVERVIEW AND SCHEDULE

3.1 METHODOLOGY

Each section of this RFP contains information and instructions relevant to the proposal process for NM NEVI grants/funds. All Applicants shall read this notice in its entirety along with the referenced documents, the questions and answers on NMDOT's NEVI FAQ webpage, and any addenda published later to have the information needed to submit eligible and competitive Proposals.

As described in **Section 2.1**, NMDOT has identified four (4) AFCs throughout NM where EVSE stations may be installed to achieve build-out in accordance with NEVI Formula requirements.

To be considered, Applicants shall propose at least one (1) location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380. Applicants may propose more than one (1) location for each corridor-group or multiple locations in multiple corridor-groups. However, NMDOT may award more than one (1) location and/or corridor-group to the same Applicant if NMDOT determines that the resultant award provides the best value and alignment of the vision and goals of the NEVI Plan. The NMDOT may also award a subset of the locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 considered by an Applicant.

The NMDOT intends to award proposals that demonstrate an Applicant's intent to design, install, operate and maintain EVSE stations at a location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 pursuant to the requirements of this RFP, the NEVI Plan, and existing and future NEVI Formula requirements. See **Section 4** for more details

as to these requirements. NMDOT will evaluate and award Applicant's projects located at specific location(s) in accordance with the process described in **Section 7**. Applicants shall prepare proposals in accordance with **Section 7**.

3.2 SELECTION PROCESS SCHEDULE

The Selection Process Schedule is provided in the Table below. Note that these dates are subject to change.

Activity	Date
RFP Release	07/18/2024
Deadline to submit additional written questions	09/04/2024
Deadline for responses to written questions	09/11/2024
Proposals Due	09/18/2024
Notice of Intent to Award	10/11/2024
Project Contract Execution	11/01/2024

3.3 QUESTIONS AND ANSWERS / COMMENTS EVENT

Applicants and other EV stakeholders will be offered the opportunity to formally submit questions and/or comments before September 4, 2024. Please submit questions to <https://www.dot.nm.gov/electrifying-new-mexico/?ev=nevi>.

The purpose of this RFP is to; (1) allow Applicants to begin the process of coordinating with relevant stakeholders such as utility companies, location hosts, EVSE suppliers, local contractors, etc. and (2) solicit sealed proposals per the specifications of this RFP, in accordance with the selection method and process of this RFP.

Applicants who wish to submit proposals should provide only one (1) complete response per entity. Applicants should not provide marketing materials as part of their responses. Applicants should focus on a thorough review of the RFP, to comprehensively understand this RFP and provide detailed responses to specific sections.

Proposals are due on or before 5:00 pm MDT, September 18, 2024.

3.4 BINDING OFFER

A proposal submitted in response to this RFP shall constitute a binding offer for 90 days. Acknowledgment of this condition shall be indicated by the signature of the Applicant or an officer of the Applicant's entity, legally authorized to execute contractual obligations and bind the Applicant to the proposal on the Proposal Submittal Form (**Attachment 4**). By submitting a proposal, the Applicant affirms its acceptance of the terms and requirements of this RFP, including its attachments and appendices, without exception, deletion, or qualification and without making its offer contingent. The Applicant further agrees to cooperate with the NMDOT and expedite the contracting process upon Notice of Award (NOA). Revisions to the contract need to be resolved within 60 days of NOA to expedite the contracting process. Projects that have not executed a contract prior to the end of the 90 days constituting a binding offer will be withdrawn and encouraged to reapply.

3.5 AWARD BASIS

Proposals will be evaluated and awarded according to a two-part evaluation process: (1) Pass/fail, relative to meeting all required criteria in this RFP, and (2) score based on various specific criteria. More details about evaluation criteria and scoring can be found in **Section 7**. As stated above, proposals will be evaluated against others in the same AFC. Applicants may

submit multiple locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 that would work together to contribute to the effective and efficient build-out of NM's AFC network.

The applicant is expected to review this RFP, all terms and conditions, as well as all supplemental provisions. Exceptions will not be granted. Applicants agree to abide by the requirements of this RFP.

3.5.1 INCURRED COSTS

The NMDOT is not liable for any cost incurred by the Applicant prior to issuance of a legally executed contract, purchase order or other authorized acquisition document. No property interest, of any nature, shall occur until a contract is finalized and signed by all concerned parties.

3.5.2 MATCH FUNDING

The NMDOT NEVI grant program is a reimbursement grant program. Awardees are required to provide a minimum 20 percent (20%) match of the eligible costs from non-federal sources. Applicants may apply for up to 80 percent (80%) federal cost share of the eligible costs, with a minimum required match of 20 percent (20%) from non-federal sources. When costs are submitted for reimbursement, they will be reviewed for eligibility by NMDOT to ensure conformance with FHWA guidance per 2 CFR 200 and NEVI Program guidance.

Match share expenditures must adhere to and be in alignment with all applicable requirements in the following sections: [23 CFR part 200](#) and [23 CFR part 680](#)

3.6 FINAL PROPOSAL DEADLINE

Proposals must be submitted on or before the RFP proposal due date of September 18, 2024, by 5:00 P.M. MDT, as detailed in the Schedule Table above in **Section 3.3**. Applicants must submit revisions and updates to their proposal before and up to the proposal due date in the form of a complete proposal package. Proposals and revisions must be submitted in accordance with the submission guidelines in **Section 6.1**. Any proposal(s) and/or modifications received after the time and due date of the opening of proposals, at the place designated for opening, will not be considered.

Correction or withdrawal of an Applicant's proposal to this RFP because of an inadvertent, nonjudgmental mistake in the proposal requires careful consideration to protect the integrity and fairness of competition. If the mistake is attributable to an error in judgment, the proposal may not be corrected. Correction or withdrawal by reason of a nonjudgmental mistake may be permissible but only to the extent authorized in [Procurement Code Regulations 1.4.1.14 through 1.4.1.28 NMAC](#) of these rules and regulations.

Proposals shall be valid for a period of six (6) months after the proposal's due date. No Applicant may withdraw its proposal within the six (6) month period, unless notified by NMDOT that a contract for the relevant AFC will not be executed by NMDOT pursuant to the RFP; or NMDOT does not intend to enter a contract with the Applicant. Any Applicant may elect, in its sole discretion, to extend the validity of its proposal beyond the time periods set forth above. If the Awarded Applicant withdraws a proposal, or if the Awarded Applicant is not able to meet all conditions and requirements in this RFP, the NMDOT will select the next highest ranked Applicant for the location(s) within the AFC.

Any significant changes to the RFP or the selection process schedule will be posted as an addendum on the NMDOT NEVI website <https://www.dot.nm.gov/electrifying-new-mexico/?ev=nevi> and an email announcement will be sent out. Applicants must acknowledge they have reviewed all issued changes as part of the certifications in **Attachment 3**.

4. GENERAL TERMS, CONDITIONS, REQUIREMENTS AND EVSE SPECIFICATIONS

4.1 CONDITIONS PRECEDENT TO PROJECT AGREEMENT EXECUTION

Prior to execution of a contract between NMDOT and the Awarded Applicant, the following conditions precedent shall be met by the Applicant, within 60 days of award. If these conditions are not met, NMDOT reserves the right to reject the

Awarded Applicant and select the next highest ranked Applicant for locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380:

- 1) Location Control: Agreement in place between Awarded Applicant and Location Host which shall allow broad and unfettered access to Applicant to develop, construct, operate, and maintain the project, and also provide for Awarded Applicant's access to the locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 prior to NMDOT environmental review such that NMDOT and its agents have the right to enter the property and visually examine the property and grounds, to complete environmental reviews (see below) necessary to comply with the National Environmental Policy Act (NEPA);
- 2) Project Confirmation: Project definition and location design parameters and/or proposed optional features are agreed between NMDOT and Awarded Applicant;
- 3) Utility Company Agreement: Agreement in place with the Awarded Applicant and the appropriate utility company to provide adequate power service to the location within the timelines put forth in the installation plan as part of the technical proposal (See **Section 6.4**). If the timeline outlined in the Utility Company Agreement indicates a completion date more than 60 days beyond the completion date provided in the implementation schedule, NMDOT reserves the right to reject the Awarded Applicant's proposal and select the next highest ranked Applicant for that location(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380;
- 4) Environmental Review: Environmental review conducted by NMDOT at NMDOT's expense, in compliance with the NEPA. The anticipated duration for the NEPA review is 60 days. If NMDOT determines NEPA review will take longer than 60 days and would result in an undue cost to the State of New Mexico or an impact to the environment, NMDOT reserves the right to reject the Awarded Applicant's location and select the next best Applicant for the location(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380;
- 5) NEVI Formula Requirement Compliance: Final project designs/plans submitted by the Awarded Applicant comply with NEVI Formula Requirements;
- 6) Demonstration of Awarded Applicant's capability to comply with Buy America requirements as set forth by the U.S. Federal government; and
- 7) Certificate of compliance with insurance requirements (details on insurance requirements are provided below).

4.2 LIABILITY AND INDEMNITY

Upon execution of a contract, the intent is for the benefit of the State of New Mexico and the Awarded Applicant and does not confer any rights upon any other third parties. All rights by and between the State of New Mexico and the Awarded Applicant are limited to the actions outlined in the applicable local, state and federal laws, regulations and policies. The Awarded Applicant will indemnify, defend, and hold harmless the State of New Mexico, including the State of New Mexico's employees and agents, from and against all claims or liabilities arising from the fault of the Awarded Applicant, its employees or agents in carrying out the Awarded Applicant's duties and obligations under the terms of this agreement. The State of New Mexico will indemnify, defend, and hold harmless the Awarded Applicant, including the Awarded Applicant's employees and agents, from and against all claims or liabilities arising from the fault of the State, its employees or agents in carrying out the State of New Mexico's duties and obligations under the terms of this agreement. This section will survive the termination of this agreement. If either party takes any action to enforce this mutual indemnity provision, the prevailing party shall be entitled to recover reasonable attorney's fees and costs arising as a result thereof.

4.3 INSURANCE

On or before the date on which a contract is executed, the Applicant shall procure insurance at the required levels referenced in the contract and furnish NMDOT with certificate(s) of insurance executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth in this RFP.

The applicant shall obtain, at its own expense, and maintain in full force and effect insurance coverage by a reputable insurance provider during the entire term of the contract. It is the responsibility of the Applicant to provide evidence in the form of a Certificate of Insurance of its insurance policies and defined limits to NMDOT within fifteen (15) days of the effective date of the contract. At a minimum, workers' compensation, commercial general liability, and umbrella liability insurance certificates indicating compliance with the requirements set forth below shall be provided to NMDOT before a contract can be executed.

Awarded Applicant shall obtain and maintain, and ensure that each Subcontractor shall obtain and maintain, insurance as specified in this section at all times during the term of this Agreement. All insurance policies required by this Agreement that are not provided through self-insurance shall be issued by insurance companies as approved by the State.

4.3.1 WORKER'S COMPENSATIONS INSURANCE

The Applicant shall provide and maintain workers' compensation insurance in compliance with the workers' compensation laws of the State of New Mexico and any other applicable workers' compensation or disability laws. Workers' compensation insurance as required by state statute, and employers' liability insurance covering all Awarded Applicant or Subcontractor employees acting within the course and scope of their employment.

4.3.2 COMMERCIAL GENERAL LIABILITY INSURANCE

Commercial general liability insurance covering premises operations, fire damage, independent contractors, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows:

- \$1,000,000 each occurrence;
- \$1,000,000 general aggregate;
- \$1,000,000 products and completed operations aggregate; and
- \$50,000 any one fire.

4.3.3 AUTOMOBILE LIABILITY INSURANCE

Automobile liability insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit. Business auto coverage shall be written on ISO form CA 00 01, 1990 or later edition, or substitute liability form providing equivalent coverage.

4.3.4 NEW MEXICO RIGHTS

The State shall be named as an additional insured on all commercial general liability policies (leases and construction Agreements require additional insured coverage for completed operations) required of Awarded Applicant and Subcontractors. Should any of the above-described insurance policies be canceled, non-renewed, or be reduced in coverage or limits before the expiration date, the Applicant shall provide NMDOT 45 days advance notice of a policy cancellation or non-renewal. Prior to contract execution, the Applicant shall request that all policies include a provision that NMDOT be notified of any policy cancellation. If cancellation is due to non-payment of premium, the NMDOT shall be given 10 days advance notice of cancellation. Insurers subject to Surplus Lines Insurance, Article 14, Section 59A-14-1 through Section 59A-14-5, of the laws of the State of New Mexico shall notify NMDOT twenty (20) day advance notice of cancellation. The Applicant shall notify NMDOT, in advance, of any insurance policy cancellation prior to contract execution.

4.3.5 PRIMACY OF COVERAGE

Coverage required of Awarded Applicant and each Subcontractor shall be primary and noncontributory over any insurance or self-insurance program carried by Awarded Applicant or the State. All commercial insurance policies shall include provisions preventing cancellation or non-renewal, except for cancellation based on non-payment of premiums, without at least 30 days prior notice to Awarded Applicant.

4.3.6 IDENTIFICATION OF INSURANCE CARRIER

Insurance Carrier Rating: All insurance and bonds shall be issued by insurance companies admitted to do business within the State of New Mexico and have a rating of A-, Class VII or better in the most recently published edition of Best's Reports. Any exception shall be reviewed and approved by the Office of Financial Management Risk Manager or the Risk Manager for the State of New Mexico before the contract is accepted or work may begin. If an insurer is not admitted, all insurance policies and procedures for issuing the insurance policies must comply with the laws of the State of New Mexico for this RFP.

4.3.7 EXCESS COVERAGE

By requiring insurance herein, the State of New Mexico does not represent that coverage and limits will be adequate to protect the Awarded Applicant, and such coverage and limits shall not limit Awarded Applicant's liability under the indemnities and reimbursements granted to the State of New Mexico in this RFP.

4.3.8 SUBROGATION WAIVER

All commercial insurance policies secured or maintained by Awarded Applicant or its Subcontractors in relation to this Agreement shall include clauses stating that each carrier shall waive all rights of recovery under subrogation or otherwise against Awarded Applicant or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

4.4 EVSE SPECIFICATIONS

4.4.1 NEVI FORMULA REQUIREMENTS

Projects implemented by an Applicant are subject to minimum standards and requirements as required by the NEVI Formula Program and included in the contract. Such minimum standards and requirements are contained in the [NEVI Formula Program Guidance](#) issued on February 10, 2022, the [NEVI Formula Program Notice of Proposed Rulemaking](#) (NPRM) issued on June 22, 2022, and the [NEVI Formula Program Questions and Answers](#) as updated on September 14, 2022 (collectively, NEVI Requirements). Applicants are required to stay abreast of updates to NPRM, or any supplement rules that apply to the NEVI Formula Program, as projects must comply with current NEVI Requirements at any given time during the development and operations phases.

General Requirements: The Applicant is to provide a description of the project being applied for, which is consistent with the Standards, Requirements and EVSE Specifications set forth in this Section. The Applicant must demonstrate an understanding of the skills and resources required to successfully accomplish the objectives of the project and to assure timely completion of deliverables.

The NEVI Formula requirements, included in the NEVI Formula Program Guidance and NPRM, address the topics set forth below. However; this list is not exhaustive of all NEVI Formula requirements, including the applicability of federal statutes and regulations, such as title 23, U.S. Code.

- Installation, operation, and maintenance by qualified technicians of EV infrastructure.
 - Include at least four (4) DCFC ports for each location capable of providing at least 150 kW of power per port simultaneously.
 - Maintain continuous operations and perform preventative maintenance by qualified technicians.
- Interoperability of EV charging infrastructure.
- Traffic control devices and on-premises signs acquired, installed or operated.
- Data requested related to a project funded under the NEVI Formula Program, including the format and schedule for the submission of such data.
 - Report quarterly and annually on EVSE operations.
 - Network connectivity of EV charging infrastructure.
- Information on publicly available EV charging infrastructure locations, pricing, real-time availability, and accessibility through mapping proposals.
 - Provide customer service support (24/365).
 - Manage the collection of payments for each EVSE.
- These and all other Federal requirements.

4.4.2 PROJECT SPECIFICATIONS

Designs for EV charging stations shall consider ingress and egress to establish traffic flow and minimize opportunities for collision, accommodate the turning radius of vehicles, and provide adequate access to EV charging stations. To address concerns on the lack of safety, especially among more vulnerable road users, charging stations will provide good visibility and be sited near building entrances to the greatest extent practicable. EV stations shall establish circulation patterns that promote safety.

If awarded, each project partner will have a slightly different timeline for construction and installation based on the location context, accessibility of the power source, local labor supply, and parts availability. However, NMDOT has a target to deliver this proposed project within 24 months of the agreement execution. Given this timeline, NMDOT is confident that NEVI funds will be obligated within the statutory deadline, and the Project will begin construction within months of funding obligation.

EV chargers installed using the NEVI Formula funding related to this RFP, must meet or exceed the NEVI Formula Program's and NMDOT's minimum specifications:

- EV charging station(s) must be located every 50 miles along the four (4) identified AFC and must be located within one (1) travel mile of a highway interchange or exit with access to drinking fountains, bathrooms and food or vending.
- Public accessibility must be available 24 hours a day / 365 days per year for respective EV charging stations.
- NMDOT requires each EV charging station(s), service provider, and future station owners to have a minimum of:
 - four (4) 150 kilowatts (kW) direct charge (DC) fast chargers at each respective location;
 - must be dual protocol - at least one (1) CHAdeMO fast charger and one (1) SAE Combined Charging System (CCS) fast charger; and
 - must be capable of simultaneously charging up to four (4) electric vehicles at once.
- EV charging station must be capable of supplying electrical charge through prescribed standard charging ports and shall provide high-speed charging, durability, and reliability.
- EV Charging Station shall be connected to a network. Network protocols should be open and non-proprietary and capable of collecting and reporting data related to station usage.
- EV charging station should have cell service or free Wi-Fi available to customers.
- EV charging station platform must be fully accessible, designed to minimize barriers for people with disabilities and must be compliant with Americans with Disabilities Act ([ADA](#)), with wheelchair accessibility and [Section 504](#) requirements, specifically ensuring minimal cross-slope, appropriate height of the charger's user interface screen, and adequate space for exiting and entering the vehicle, unobstructed access to the EV charging stations, free movement around the EV charging station and connection point to the vehicle and wheelchair load/unload zone, clear paths and close proximity to building entrances. The station must be usable by individuals of all abilities and ages.
- EV Chargers shall support multiple payment options, including but not limited to, ability to pay with a credit card, app based mobile payments, subscription services, chip or pin, or vehicle-based payments. As electric vehicles are becoming more popular, cybersecurity risks are also increasing. To protect users from these threats, NMDOT requires charging station operators to safeguard consumer data. Chargers and charging networks will only process information that is necessary to complete the charging transaction and will comply with Payment Card Industry Data Security Standards (PCI DSS) for handling cardholder data. Station operators rely on contactless payment methods, primarily through smart phones. This reduces maintenance needs and vulnerability to fraudulent transactions. Payment interoperability is another element of payment architecture, which ensures users are not forced into a proprietary mobile proposal to access the charger.
- **EV charging station(s), service provider, and future station owners must list charging locations on multiple proposals commonly used by EV drivers, such as the PlugShare app.**
- Highway signs indicating EV charging location must be present along the respective AFC. The signage must be consistent with the Manual on Uniform Traffic Control Devices for Streets and (MUTCD) [Interim Approval for Optional Use of an Alternative Electric Vehicle Charging General Service Symbol Sign \(IA-13\) - Interim Approvals Issued by FHWA - FHWA MUTCD \(dot.gov\)](#) and [MUTCD - Regulatory Signs for Electric Vehicle Charging and Parking Facilities Memorandum - FHWA MUTCD \(dot.gov\)](#). When signage is ready to install, NMDOT will assist in the installation of directional signs along roads/highways.
- Regarding On- Site signage, "Electric Vehicle Charging Only" signs are required on each side of each charging station along with "Electric Vehicle Charging only" stenciled graphics on each striped parking pad.
- EV Charging Stations uptime requirement for station owners/hosts of at least 97%
- Customer support service accessible 24/7 with either an onsite station operator or a toll-free telephone number clearly posted near the charging station/equipment that is available to EV drivers accessing the charging equipment.
- Customer support service capable of providing or dispatching service to address customer concerns at the charging station including rebooting the system if necessary.
- Proactive EV charging station health monitoring which enables charging stations service providers to repair faulty equipment prior to a customer submitting a complaint.

- EV charging Station locations that are AFC-adjacent will accommodate large vehicles (e.g., box trucks) to the greatest extent possible. While there are few heavy duty electric vehicles today, that is likely to change in the future.

In addition, whenever possible, NMDOT will follow additional [Regional Electric Vehicle \(REV\) West Minimum Voluntary Station Standards](#) to make driving across the western states a seamless experience. These standards represent minimum best practices, and their use will help ensure a consistent and consumer-friendly experience:

Station Siting Standards

- Security cameras, adequate lighting, and an emergency shelter.
- Within walking distance of full-service amenities such as local restaurants, retail shopping, or tourist attractions.

Location Standards

- Within ½ mile from a highway interchange or exit to maximize driver convenience.
- In areas that provide dedicated parking for the maximum number of vehicles that can be charged simultaneously.

Technical Standards

- Dual protocol – at least one CHAdeMO fast charger and one SAE CCS fast charger.
- Designed for safety, durability, and all anticipated operating conditions. Third-party certified by Underwriters Laboratories, National Electrical Manufacturers Association, etc.

Station Operations

- Uptime requirement of at least 97 percent (97%) of the time.
- Customer support services available 24 hours a day and 365 days per year (24/365) reachable onsite or by toll-free telephone number with the capability of dispatching repair service.

Future Proofing

- Include larger or additional concrete pads, transformers and other utility-related equipment, and larger and/or additional conduit to avoid having additional construction and conduit costs in the future.
- Sufficient real estate for the addition of future DC fast-charging stations, ideally enough space to double the initial installed capacity.
- Placed in locations where they can be expanded to accommodate increasing demand in the future.

As EV technology continues to advance, project partners are aware of the need to future-proof deployment and require station operators to adhere to standards that will ensure that their systems are flexible over time. NMDOT will continue to monitor standards that are necessary for the growing adoption of electric vehicles. This the [Open Charge Point Protocol \(OCPP\)](#), a standard that ensures both hardware and software compatibility and interoperability, and [ISO 15118](#), which specifies the protocols for vehicle-to-grid communication.

In general, it is anticipated that the proposed project sites can be delivered within 24 months of executing the agreement with NMDOT. Below is an illustrative schedule of the typical timeline for the installation of the remaining charging station sites:

Project Timeline

Project Phase	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Month 13	Month 14	Month 15	Month 16	Month 17	Month 18	Month 19	Month 20	Month 21	Month 22	Month 23	Month 24
Execute Agreement	■																							
Procurement		■	■	■	■	■	■	■																
Utility, Permitting, and Design									■	■	■	■	■											
Environmental Documentation if applicable														■	■	■	■							
Utility-Side Make Ready														■	■	■	■							
Site Work																		■	■	■				
Installation																				■	■	■		
Close Out																						■	■	■

4.4.3 UTILITY COMPANY INFORMATION AND COORDINATION

The State of New Mexico, in regard to this RFP, is served by different electric utility companies which operate in different parts of the state. These include investor-owned utility companies (IOUs), rural electric cooperatives and municipal utility companies. Each location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 that could potentially host EVSE stations, is served by one (1) type of utility company in the Utility Company Information and Contact Table (**Attachment 1**).

4.4.3.1 UTILITIES IN NEW MEXICO

To comply with NEVI Formula requirements, ESVE stations are expected to have a new connected electrical load of at least 600 kilowatts (kW), which will require a new utility interconnection in most, if not all cases. The State of New Mexico has met with many of these utility companies from across the State of New Mexico to discuss the NEVI Formula. These Utility Companies have indicated strong support for the State of New Mexico's implementation of the NEVI Plan and have expressed that they would generally be willing to provide the necessary interconnections in most locations, given sufficient lead time. Some interchanges along NM's AFCs may already have three-phase power available. However, existing transformers may not have sufficient capacity to serve the EVSE load. It is expected that some locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 will require upgrades to the utility's distribution system to be able to deliver the necessary power. Location hosts across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 or EVSE owners may be required to pay the cost of these upgrades, if necessary, which could vary significantly by location, even within the same AFC. In addition, current lead times for new transformers can approach up to 12 months, potentially putting the utility interconnection on a critical path for station completion at many locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380.

As noted below, all Applicants are required to coordinate with the local utility company to determine all costs and schedule for utility interconnection at their considered locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380, prior to applying in response to this RFP. Proposals with insufficient information about expected utility interconnection costs and schedule for the considered EVSE station may be rejected as "non-responsive".

4.4.3.2 REQUIRED INTERACTIONS

All Applicants are encouraged to identify and contact the electric utility company which serves their contemplated locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 as soon as possible, to ensure that the required cost information can be included in their proposal(s) and that accurate estimates can be included in the financial proposal section.

See **Attachment 1** for:

- Utility Company Information and Contact Table
- NEVI Formula/EVSE Interconnection Utility Company Request Form

The Utility Company Information and Contact Table in **Attachment 1** provides information that can be used to determine which utility company serves a specific locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 and lists the name and email address of a representative from each electric utility company that has been designated by the utility company to receive utility interconnection requests from the locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380. After identifying the utility company that serves a specific location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380, Applicants should use this list to identify the correct contact for coordination and submitting an interconnection request.

The NEVI Formula/EVSE Interconnection Utility Company Request Form in **Attachment 1** includes fields for the minimum information that utility companies will require for each location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 to assess interconnection requirements and schedule. Applicants should complete this form in its entirety and submit it to the listed contact at the electric utility company which serves the location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380. A separate form is required for each location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380. Requests for multiple locations across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 cannot be combined in a single form.

Some utility companies may require Applicants to submit additional information, or to fill out additional forms. Use of the Utility Interconnection Utility Request Form, with all requested data elements completed, will allow the utility company to initially start the process, once approved.

Some utility companies may request to meet with the representative of the Applicant and/or their electrical contractor at the location along the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 to confirm project details. All utility companies will need to conduct engineering reviews and preliminary design activities. The expected time frame for utility companies to complete these activities and to provide information to the requester on utility company interconnection cost and schedule can vary from one (1) to four (4) weeks but can take longer. All Applicants are encouraged to submit complete interconnection requests to the utility company(s) as soon as possible.

4.4.4 SUPPLEMENT TO NEVI FORM

Interoperability of electric vehicle charging infrastructure:

- *Charger-to-EV communication.* Chargers must conform to ISO 15118-3 and must have hardware capable of implementing both ISO 15118-2 and ISO 15118-20. Charger software must conform to ISO 15118-2 and be capable of Plug and Charge. Conformance testing for charger software and hardware should follow ISO 15118-4 and ISO 15118-5, respectively. *Charger-to-Charger-Network Communication.* Chargers must conform to Open Charge Point Protocol (OCPP) 2.0.1 or higher.
- *Charging-Network-to-Charging-Network Communication.* Charging networks must be capable of communicating with other charging networks in accordance with Open Charge Point Interface (OCPI) 2.2.1.
- *Network switching capability.* Chargers must be designed to securely switch charging network providers without any changes to hardware.

Income from revenue:

- Any net income from revenue from the sale, use, lease, or lease renewal of real property acquired shall be used for Title 23, United States Code, eligible projects.
- For purposes of program income or revenue earned from the operation of an EV charging station, Awardees should ensure that all revenues received from operation of the EV charging facility are used only for:
 - Debt service with respect to the EV charging station project, including funding of reasonable reserves and debt service on refinancing;
 - A reasonable return on investment of any private person financing the EV charging station project, as determined by NMDOT;
 - Any costs necessary for the improvement and proper operation and maintenance of the EV charging station, including reconstruction, resurfacing, restoration, and rehabilitation;

- If the EV charging station is subject to long-term stewardship agreement, payments that the party holding the right to the revenues owes to the other party under the long-term stewardship agreement; and
- Any other purpose for which Federal funds may be obligated under Title 23, United States Code.

4.4.5 TRAFFIC CONTROL DEVICES/ON-PREMISE SIGNS REQUIREMENTS

- [Manual on Uniform Traffic Control Devices for Streets and Highways](#). All traffic control devices must comply with part §655.603 of this subchapter.
- *On-premises signs*. On-property or on-premise advertising signs must comply with part §750.101 and [23 Code of Federal Regulations \(CFR\) Chapter I subchapter H Part 750 subpart G §750.709](#), of this chapter.
- All traffic control devices must comply with [23 Code of Federal Regulations \(CFR\) Part 655 subpart F](#).

4.4.6 DATA SUBMITTAL

Consumer Data Privacy

Charging station operators must collect, process, and retain only that personal information strictly necessary to provide the charging service to a consumer, including information to complete the charging transaction and to provide the location of charging stations to the consumer. Chargers and charging networks should be compliant with appropriate Payment Card Industry Data Security Standards (PCI DSS) for the processing, transmission and storage of cardholder data. Charging Station Operators must also take reasonable measures to safeguard consumer data.

Data submittal

- *Quarterly data submittal*. Direct recipients must ensure the following data are submitted on a quarterly basis as per 23 CFR §680.112 and in a manner prescribed by the FHWA. Any quarterly data made public will be aggregated and anonymized to protect confidential business information.
 - Charging station identifier that the following data can be associated with. This must be the same charging station name or identifier used to identify the charging station in data made available to third parties in §680.116(c)(1);
 - Charging port identifier. This must be the same charging port identifier used to identify the charging port in data made available to third parties in §680.116(c)(8)(ii);
 - Charging session start time, end time, and any error codes associated with an unsuccessful charging session by port;
 - Energy (kWh) dispensed to EVs per charging session by port;
 - Peak session power (kW) by port;
 - Payment method associated with each charging session;
 - Charging station port uptime must be calculated in accordance with the equation in §680.116(b) for each of the previous three (3) months; and
 - Duration (minutes) of each outage.
- *Annual data submittal*. Beginning in 2025, Direct recipients must ensure the following data are submitted on an annual basis, on or before March 1, in a manner prescribed by FHWA. Any annual data made public will be aggregated and anonymized to protect confidential business information. Submitted data will be maintained in a secure manner and will not be used for any purposes other than those required to fulfill the requirements of this PA. Awardee must also disclose, via the Cybersecurity Plan, the location of the data and security processes and systems governing it while under the Awardee's control.
 - Maintenance and repair cost per charging station for the previous year.
 - For private entities identified in paragraph (c)(1) of this section, identification of and participation in any State or local business opportunity certification programs, including but not limited to, minority-owned businesses, Veteran-owned businesses, and woman-owned businesses.
- *One-time data submittal*. This paragraph (c) applies only to both the NEVI Formula Program projects and grants awarded under 23 U.S.C. 151(f) for projects that are for EV charging stations located along and designed to serve the users of designated AFCs. Beginning in 2025, States and other direct recipients must ensure the following data are collected and submitted once for each charging station, on or before March 1 of each year, in a manner prescribed

by the FHWA. Any one-time data made public will be aggregated and anonymized to protect confidential business information. Please see (<https://www.govinfo.gov/link/uscode/23/151>)

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

Charging network connectivity of electric vehicle charging infrastructure

- *Charger-to-charger-network communication.*
 - Chargers must communicate with a charging network via a secure communication method. See § 680.108 for more information about OCPP requirements.
 - Chargers must have the ability to receive and implement secure, remote software updates and conduct real-time protocol translation, encryption and decryption, authentication, and authorization in their communication with charging networks.
 - Charging networks must perform and chargers must support remote charger monitoring, diagnostics, control, and smart charge management.
 - Chargers and charging networks must securely measure, communicate, store, and report energy and power dispensed, real-time charging-port status, real-time price to the customer, and historical charging-port uptime.

Interoperability. See § 680.108 and § 680.112 for interoperability requirements.

- *Charging-network-to-charging-network communication.* A charging network must be capable of communicating with other charging networks to enable an EV driver to use a single method of identification to charge at Charging Stations that are a part of multiple charging networks. See § 680.108 for more information about OCPI requirements.
- *Charging-network-to-grid communication.* Charging networks must be capable of secure communication with electric utilities, Start Printed Page 12756 other energy providers, or local energy management systems.
- *Disrupted network connectivity.* Chargers must remain functional if communication with the charging network is temporarily disrupted, such that they initiate and complete charging sessions, providing the minimum required power level defined in § 680.106(d).
- *Communication of price.*
 - The price for charging must be displayed prior to initiating a charging transaction and be based on the price for electricity to charge in \$/kWh.
 - The price for charging displayed and communicated via the charging network must be the real-time price (i.e., price at that moment in time). The price at the start of the session cannot change during the session.
 - Price structure including any other fees in addition to the price for electricity to charge must be clearly displayed and explained.
- *Minimum uptime.* States or other direct recipients must ensure that each charging port has an average annual uptime of greater than 97% annually, as per Federal Rule § 680.116 (b). Scheduled maintenance, vandalism, and natural disasters are considered allowable downtime. Uptime shall be self-monitored by the Awarded Applicant and reported to NMDOT as part of the quarterly report. NMDOT may notify the Awarded Applicant if it has reason to believe the Uptime requirement is not being met and require the Awarded Applicant to develop an action plan to bring the equipment back to working condition and improve system Uptime to the required level. Material or repeated non-compliance with the Uptime requirements may be considered an event of default. Notwithstanding, anything to the contrary contained in this RFP (including its terms and conditions and applicable attachments) or the contract, if the Applicant is in default of Uptime requirement, NMDOT may terminate the contract and require the

Awarded Applicant to repay to NMDOT, the amount of funding provided, prorated for the portion of the remaining Period of Performance.

- A charging port is considered “up” when its hardware and software are both online and available for use, or in use, and the charging port successfully dispenses electricity in accordance with requirements for minimum power level (see § 680.106(d)).
- Charging port uptime must be calculated monthly for the previous twelve months.
- Charging port uptime percentage must be calculated using the following equation:
$$\mu = ((525,600 - (T_{\text{outage}} - T_{\text{excluded}})) / 525,600) \times 100$$

where:
 μ = port uptime percentage,
 T_{outage} = total minutes of outage in previous year, and
 T_{excluded} = total minutes of outage in previous year caused by the following reasons outside the charging station operator's control, provided that the charging station operator can demonstrate that the charging port would otherwise be operational: electric utility service interruptions, failure to charge or meet the EV charging customer's expectation for power delivery due to the fault of the vehicle, scheduled maintenance, vandalism, or natural disasters. Also excluded are hours outside of the identified hours of operation of the charging station.
- Charging port information:
 - Number of charging ports;
 - Unique port identifier;
 - Connector types available by port;
 - Charging level by port (DCFC, AC Level 2, etc.);
 - Power delivery rating in kilowatts by port;
 - Accessibility by vehicle with trailer (pull-through stall) by port (yes/no); and
 - Real-time status by port in terms defined by Open Charge Point Interface 2.2.1;
- Pricing and payment information:
 - Pricing structure;
 - Real-time price to charge at each charging port, in terms defined by Open Charge Point Interface 2.2.1; and
 - Payment methods accepted at charging stations.

4.4.7. CUSTOMER SERVICE

Awardees must ensure that EV charging customers have mechanisms to report outages, malfunctions and other issues with charging infrastructure. Charging station operators must enable access to accessible platforms that provide multilingual services. Awardees must comply with the American with Disabilities Act of 1990 requirements and multilingual access when creating reporting mechanisms.

4.4.8 ULA REQUIREMENTS

In addition to NEVI Formula Requirements, Projects are subject to the following technical requirements as set forth by NMDOT:

- Output Voltage Range - All charging ports shall be capable of output voltages over at least the entire range of 300-900 volts direct current (VDC).
- Output Current Range - All charging ports shall be capable of output currents up to at least 350 alternating direct current (ADC).
- Output Current Limit - The output current may be limited below 350 ADC based on the output voltage as long as the output power can reach the 150-kW minimum required level.
- Operating Temperature Range - EVSE shall be capable of operating at full power over an ambient temperature range of -10° to 120° Fahrenheit.
- Emergency Stop - All charging ports must be equipped with an emergency stop (E-Stop) button that will disconnect power from the charging port when operated.

4.5 OTHER STATE REQUIREMENTS

Proprietary/Confidential Information

NMDOT requests that no confidential business information be included with a proposal and reserves the right to return proposals that have included such information.

Conflict of Interest - Requirements of this Proposal and Subsequent Contract

A contract is prohibited if the Applicant has a Conflict of Interest regarding this RFP. Applicants shall provide a brief written statement noting any conflict of interest within their proposal and title it "Conflict of Interest". The federal procurement code shall prevent financial interest or other benefits earned for any of these persons or entities due to a CDBG-related procurement action. These persons and/or entities also cannot solicit or accept gratuities, favors or other items of monetary value from contractors. Grantees are allowed to establish minimum thresholds below which the financial interest is not substantial or is of nominal value. For example, many grantees have rules that nominal items worth less than \$10 or \$25 are not considered to be a conflict.

No Applicant who was engaged by the NMDOT to prepare the original RFP proposal or has access prior to the solicitation, to sensitive information related to this procurement process, including, but not limited to requirements, statements of work, or evaluation criteria, will be eligible to directly or indirectly submit or participate in the submission of a proposal for this RFP solicitation. The NMDOT considers such engagement or access to be a Conflict of Interest, which would cause such a business entity or person to have an unfair competitive advantage.

If the NMDOT determines that a Conflict of Interest exists, the NMDOT, at its discretion, may cancel the contract award. In the event the awarded applicant was aware of a Conflict of Interest prior to the award of the contract and did not disclose the conflict to the procuring agency, the NMDOT may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed by subcontractors in connection with the performance of the contract, with the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the NMDOT's rights.

RFP Response Material Ownership

The NMDOT has the right to retain Applicant's original submissions and any other RFP response materials for its files. As such, NMDOT may retain or dispose of all copies as is lawfully deemed appropriate. RFP materials may be reviewed by any person after the Notice of Intent of Award letter(s) has/have been issued, subject to the terms of the NM IPRA Sections 14-2-1 through 14-2-12 NMSA 1978. [Inspection of Public Records Act - New Mexico Attorney General \(nmag.gov\)](http://nmag.gov).

The NMDOT has the right to use any or all information/material presented in reply to this RFP. Applicant expressly agrees that the NMDOT may use the materials for all lawful State purposes, including the right to reproduce copies of the material submitted for purposes of evaluation, and to make the information available to the public in accordance with the provisions of the Inspection of Public Records Act.

Doing Business in New Mexico

An Applicant wanting to do business in New Mexico must register and follow the procedure in the following link: [Business in New Mexico - Welcome to NewMexico.gov \(nm.gov\)](http://nm.gov). A copy of your business entity's Articles of Incorporation and/or Bylaws may be requested by NMDOT.

Applicant must also follow the Human Rights Act and must file a request with the NM DWS for a prevailing wage determination as soon as practically possible:

[New Mexico Department of Workforce Solutions
Required Wages \(state.nm.us\)](http://state.nm.us)

5. FEDERAL REQUIREMENTS

5.1 LONG TERM STEWARDSHIP

The Applicant, if awarded a contract, must agree to a minimum of a five (5) year uninterrupted (barring unavoidable circumstances) EV Charging Station operation commitment, beginning at the location's initial public opening. Awarded contract terms will start with the contract execution date and include the period through completion of all awarded location(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 for five (5) years of operation for each location. After the completion of the five (5) year commitment, the site will be turned over to the Applicant and will no longer be a State project.

5.2 INVOICING

All eligible costs, as detailed in **Section 6.4.1**, to procure equipment, construct the facility, provide utility company connectivity to a at location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380, product warranties, etc. are reimbursable using federal funds for up to 80% of the eligible costs.

5.3 OPERATIONAL PERIOD INVOICING

Payments must be made in accordance with the provisions set forth in this RFP. The NMDOT will reimburse Applicant for the reasonable, allocable and allowable costs, based on the satisfactory submission of quarterly progress reports and required documentation of the work defined in this RFP, as determined by the NMDOT. The Awardee will be compensated only for work defined in this RFP and accepted by the NMDOT, pursuant to the terms of this RFP. Payment(s) will also be contingent upon the NMDOT's timely receipt and acceptance of the required reports described in this RFP. The Awardee shall provide a detailed account of the costs, including receipts and invoices incurred and related to the line items per the project budget and upon successful opening(s) of the EV charging station location. The NMDOT shall pay the Awardee upon receipt of valid monthly invoices and Final Completion of the Project, subject to the following: Applicant shall provide valid actual, detailed costs for all work related to EVSE Operation and Maintenance (O&M)

To be considered a valid invoice, invoices must include the following information, without error:

- a. Applicant name and address;
- b. Remittance address;
- c. SAM.gov Unique Entity Identifier (UEI) number or Social Security Number (SSN), as appropriate;
- d. Invoice period (i.e., time period during which services covered by invoice were performed);
- e. Invoice date;
- f. Invoice number;
- g. NMDOT assigned project number;
- h. Goods or services provided;
- i. Amount due; and
- j. Any additional documentation required by State and/or Federal regulation or the contract.

5.3.1 OPERATION & MAINTENANCE

Equipment Ownership

Upon completion of construction and installation and Notice of Acceptance by NMDOT of fully operational EVSE (including power and data service) the Awarded Applicant shall own or lease the EVSE equipment.

Awardees shall ensure there is a separate and distinct utility-grade meter for the EVSE system.

Five-Year Operations and Maintenance Obligation

The Awardee shall be required to ensure the operations and maintenance of the EVSE at the location(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 for a period of at least five (5) years from the date

identified on the Notice of Acceptance letter. Compliance with the 97 percent (97%) uptime requirement throughout the Period of Performance is essential, and Awarded Applicants may satisfy this requirement one of two ways:

- **Option 1—Full-Coverage Service Contract:** The Awardee shall comply with a five-year maintenance and operation plan and a five-year networking plan. The Awardee shall have a five-year service contract providing 100 percent (100%) coverage of labor, parts, and materials as well as emergency maintenance service. This contract shall include comprehensive preventive maintenance for the covered equipment and systems and repair and replacement coverage (sometimes called a “breakdown” insurance policy) for the covered equipment.
- **Option 2—In-House Operations and Maintenance:** NMDOT will not fund in-house operation and maintenance programs with NEVI program grant funds and thus Awardees will have to use other funding sources. In-house operation and maintenance programs will comply with the Awardee’s Operations and Maintenance Plan. If the Awardee is not providing comprehensive preventive maintenance or system repair or replacement, NMDOT will have the right to enter the property to inspect. See the Uptime Requirement subsection below for more information.

Performance Period

If the Awardee decides to retain and operate the equipment following the Period of Performance, the Awardee will be responsible for management, receipt, and disbursement of fees charged. If the Awardee is unable to fulfill the five-year obligation, the Awardee must work with NMDOT to assign a new operator at the at Site(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 for the portion of the remaining five (5) years.

Emergency Incident Reporting Requirement

During the Period of Performance, NMDOT must be notified within 24 hours after the Awardee becomes aware of any of the following critical events by emailing Special.Projects@dot.nm.gov:

- One or more charging plugs are inoperable for more than 24 hours.
- All publicly available DC fast charging plugs at the location(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 are inoperable for more than 15 minutes.
- One or more pieces of equipment essential to the operation of the charging units/station experience a system failure.
- Other incidents related to charging electric vehicles such as:
 - Damage to an electric vehicle as a result of connecting to or receiving electricity from the station,
 - Any other safety related incident, such as an accident or fire, at or near the charging station, or
 - Any time emergency responder personnel are dispatched to or near the charging station.

Proposed Modifications to System Specifications

This RFP includes EVSE Specifications that are compliant with the NEVI Formula program. Should the Applicant seek to use EVSE that deviates from the RFP minimum requirements, the Applicant shall fully explain the deviation from the requirements as part of the Proposal for NMDOT review. NMDOT will review the request, evaluate compliance with program requirements, and approve or reject the proposed modifications.

5.4 PROJECT REIMBURSEMENT/COST ELIGIBILITY

Applicants may apply for up to 80 percent (80%) federal reimbursement of the eligible costs. Eligible costs to be included in the cost share and match are defined in this section. When costs are submitted for reimbursement, they will be reviewed for eligibility by NMDOT to ensure conformance with FHWA guidance per 2 CFR 200 and NEVI Program guidance. The lists of eligible and ineligible costs are based on NMDOT’s current understanding of Federal guidance.

5.4.1 ELIGIBLE COSTS

Applicants should refer to the [NEVI Formula Program](#) Questions and Answers (Q&A) (pages 5 through 8) regarding eligible expenses. As stated in this document:

All construction costs for NEVI Formula Program projects, as defined under 23 U.S.C. 101(a)(4), are eligible, so long as they are directly related to the charging of an electric vehicle (EV). These costs must be allowable, allocable, and reasonable in accordance with 2 CFR part 200.404 and 2 CFR part 200.405. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

To be considered a reasonable cost, the cost must be “directly related” to the charging of vehicles and the item must be a necessary component in the EV charging station, be a necessary component to connect the EV charging station to the electricity source (or to supply power from the electricity source), provide eligible signage to direct EVs to the charging station, or provide information to EV users about use of the charging stations. This includes the costs of new public EV charging stations, as well as upgrades to existing EV charging stations.

The following costs are eligible once the charging station is commissioned and for up to five (5) years after:

- Costs for pre-construction work like environmental studies and documents, preliminary engineering, and related work.
- Construction costs (as defined under 23 U.S.C. 101(a)(4)), including location restoration after installation, directly related to the EV charging station.
- Costs for planning, permitting, acquisition, and installation of on-site distributed energy resource (DER) equipment (e.g., solar arrays, stationary batteries).
- Costs to acquire and install on-site electric service equipment (e.g., power meter, transformer, switchgear), including shipping fees and applicable taxes.
- Costs of minor grid updates (work necessary to connect a charging station to the electric grid distribution network like extending power lines or upgrading existing power lines).
- Costs to install signage at location(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 that is compliant with the MUTCD and 23 CFR part 750.
- Costs for workforce development activities.
- Costs to procure and install, repair, upgrade, and/or replace existing EV charging equipment to meet NEVI minimum standards and requirements.
- Costs to procure and set up EVSE related hardware and software.
- Costs to upgrade existing EV charging stations to meet Americans with Disabilities Act (ADA) requirements.
- Fixed operating and maintenance costs (up to five (5) years after the charging station is commissioned) including:
 - Charging equipment lease fees (if Applicant chooses lease option for charging equipment rather than purchase option). The lease costs are only eligible if paid in advance through a contract.
 - Cellular network fees, internet service fees, or similar fees.
 - Hardware and software maintenance and repair costs, including service agreements with third-party contractors and charging equipment manufacturers or warrantors are acceptable to NMDOT. Service agreements shall be fixed prices and paid up-front in advance of the Period of Performance. NMDOT will not consider annual renewals to be eligible.
- Costs to install, operate, and maintain light-, medium-, and heavy-duty electric vehicle charging infrastructure. Light-duty electric vehicle charging infrastructure may be given priority in the initial funding rounds.
- Costs for EV charging infrastructure data sharing. This includes, to the extent practicable, costs related to the specific data sharing requirements of this program as well as costs of data sharing on all chargers and charging activities on the EV network.
- Costs for construction project management directly related to the EV charging station.
- Charging equipment lease fees, in the case that an EV charging station operator opts to lease rather than purchase charging equipment.
- Cellular network fees, internet service fees, or other similar fees necessary to provide communications between EV charging stations and charging network providers.

- Hardware and software maintenance and repair costs, including service agreements with third party contractors and charging equipment manufacturers or warrantors.

After five (5) years, operating costs are no longer eligible for reimbursements under the NEVI Formula Program.

5.4.2 INELIGIBLE COSTS

- Costs incurred prior to a fully executed Grant Agreement.
- Costs not directly related to charging vehicles.
- Costs for purchase or rental of real estate.
- Costs for construction or general maintenance of building and parking facilities (if not directly related to charging of vehicles).
- Project equipment costs associated solely with installing DC fast charging plugs beyond the four (4) required CCS plugs.
 - Ineligible costs could include power cabinets and charging units that do not also support one or more of the four (4) required plugs. For example, a power cabinet that solely supports charging unit numbers 5 and 6 would not be an eligible cost.
 - Site-level costs and equipment that support the entire Project may be eligible costs, so long as they are otherwise considered eligible costs. For example, a transformer that supports more than four (4) charging units at the Candidate location would be an eligible cost, without any need for proration.
 - Additionally, costs such as trenching, asphalt work, etc., for the entire Project would be eligible as they are not equipment costs.
- Costs of major grid upgrades (longer line extension or upgrades, improvements to offsite power generation, bulk power transmission, or substations).
- Fixed operations or maintenance costs incurred outside of an up-front contract at or near the time of station commissioning. Operation and maintenance costs for equipment beyond the four (4) required CCS plugs are not eligible costs.
- Any Project costs covered by the utility, including utility service upgrade costs.
- Costs for any connectors or adapters other than CCS.
- Costs for non-environmental studies or research projects.

5.5 Other Federal Requirements

Federal Highway Administration: National Electric Vehicle Infrastructure Program

The Bipartisan Infrastructure Law (BIL) establishes a National Electric Vehicle Infrastructure Formula Program to provide funding to States to strategically deploy electric vehicle (EV) charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability.

Federal Highway Administration (FHWA) Requirements

Any published material shall acknowledge the financial participation of the NMDOT. Published materials include any non-internal documents, reports, maps, photographs, computer software, or like materials that are intended to be viewed by those outside of NMDOT.

Buy America

All statutory and regulatory requirements that are applicable to funds apportioned under Chapter 1 of Title 23, United States Code, and the requirements of 2 CFR part 200 apply (<https://www.govinfo.gov/link/uscode/23/101>). This includes the applicable requirements of 23, United States Code, and Title 23, Code of Federal Regulations, such as the applicable Buy America requirements at 23 USC 313 (<https://www.govinfo.gov/link/uscode/23/313>) and Build America, Buy America Act (Pub. L. No 117-58, div. G sections 70901-70927).

Award recipients of NEVI funds must also be able to certify compliance with the Buy America Act, based on a process to be defined by Federal and State authorities, from all relevant vendors and equipment suppliers for equipment made from iron or steel.

Please review the references links below for more detail(s):

[U.S.C. Title 23 - HIGHWAYS \(govinfo.gov\)](#)

Davis-Bacon Act

Projects to install EV chargers are treated as if the project is located on a Federal-aid highway. As a project located on a Federal-aid highway, Section 113 of title 23, United States Code, applies and Davis Bacon Federal wage rate requirements included at subchapter IV of chapter 31 of title 40, U.S.C., must be paid for any project funded with NEVI Formula Program funds.

The Davis-Bacon and Related Acts (40 USC §276a; 29 CFR Parts 1, 3, 5, 6 and 7) (DBRA) apply to the Contractors and Subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. The Contractor shall ensure that the requirements of the DBRA, to the extent applicable to the Work being performed, are implemented on all Subcontracts throughout the Project.

The Contractor shall ensure that all employees performing work subject to DBRA classifications and rates working during the Project shall receive the minimum compensation required in accordance with DBRA and other Laws. For all activities subject to DBRA, the Contractor shall submit weekly certified payrolls. Davis-Bacon wage rate requirements and the associated reporting will not apply to projects receiving funding from the Community Access Enterprise.

Except as modified, the State of New Mexico RFP and the Supplemental Federal Provisions ([Required Contract Provisions - Federal-Aid Construction Contracts \(dot.gov\)](#)) for federally funded contracts, grants, RFPs and purchase orders, subject to the Federal Funding Accounting and Transparency Act of 2006, included in this RFP, shall govern this procurement and are hereby incorporated by reference.. Please note this RFP lists the State's required legal provisions but does not include the specific Scope of Work and requirements for this RFP. Scope of Services will be developed based on awarded proposals. Likewise, the State of New Mexico Supplemental Federal Provisions requires that Awardees possess an active Unique Entity ID (UEI) number before receiving any grant awarded funds. The UEI number must also be registered within the System for Award Management (SAM) database at [SAM.gov | Home](#). Applicants should include this information within the Proposal Submittal Form.

Sam.gov Unique Entity Identifier (UEI)

A W-9, Taxpayer Identification form provided by the State is required to be completed and submitted by the Applicant, shown in **Attachment 6**, Request for Taxpayer Identification Number and Certification (W-9).

Additional Federal requirements:

- All applicable Federal statutory and regulatory requirements apply to the EV charger projects. These requirements include, but are not limited to the following:
Must be registered with [SAM.gov](#) Debarment and Suspension (Executive Orders 12549 and 12689 and 2 CFR Part 180) which prohibit the contracting with any party listed on the "System for Award Management" (SAM), formerly identified as the "Excluded Parties List System" (EPLS.gov), which identifies all parties that have active exclusions (i.e., suspensions, debarments) imposed by a federal agency.
- The American with Disabilities Act of 1990 (ADA), and implementing regulations, apply to EV charging stations by prohibiting discrimination on the basis of disability by public and private entities. EV charging stations must comply with applicable accessibility standards adopted by the US Department of Transportation (USDOT) into its ADA regulations (49 CFR part 37) (<https://www.ecfr.gov/current/title-49/part-37>) in 2006, and adopted by the US Department of Justice into its ADA regulations (28 CFR parts 35 and 36) in 2010. (<https://www.ecfr.gov/current/title-28/part-35>); and(<https://www.ecfr.gov/current/title-28/part-36>).
- Title VI of the Civil Rights Act of 1964, and implementing regulations, apply to this program to ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- All applicable requirements of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), and implementing regulations, apply to this program.
- The Uniform Relocation Assistance and Real Property Acquisition Act, and implementing regulations, apply to this program by establishing minimum standards for federally funded programs and projects that involve the acquisition of real property (real estate) or the displacement or relocation of persons from their homes, businesses, or farms.

- The National Environmental Policy Act of 1969 (NEPA <https://www.energy.gov/nepa/articles/national-environmental-policy-act-1969>), the Council on Environmental Quality's NEPA implementing regulations, and applicable agency NEPA procedures apply to this program by establishing procedural requirements to ensure that Federal agencies consider the consequences of their proposed actions on the human environment and inform the public about their decision making for major Federal actions significantly affecting the quality of the human environment
- **Equal Employment Opportunity**, including Executive Order 11246 which was further amended by Executive Order 11375, which requires equal opportunity for all persons, without regard to race, color, religion, sex or national origin, employed or seeking employment with government contractors or with contractors performing under federally assisted construction contracts.
- **Contract Work hours and Safety Standards Act** which prohibits certain unsanitary, hazardous or dangerous working conditions and requires that wages of every mechanic or laborer to be on the basis of a standard work week of forty hours with any work in excess of forty hours per week to be compensated at a rate of not less than one and one-half times the basic rate of pay.
- All contracts, subcontracts and sub-grants in excess of \$150,000 must contain provisions which require compliance with all applicable standards, orders or regulations issued pursuant to the **Clean Air Act** and the **Federal Water Pollution Control Act**.
- **Byrd Anti-Lobbying Prohibition (31 U.S.C. 1352)** prohibits the use of federal funds to pay any person or organization for influencing or attempting to influence anyone with any federal contract, grant or other award covered by 31 U.S.C. 1352 and also requires that contractors that apply or bid for an award exceeding \$100,000 where federal funds are used must file the required certification stating that the parties will not and have not used federal funds to pay any person or organization for influencing or attempting to influence anyone with any federal contract, grant, or other award covered by 31 U.S.C. 1352.
- **Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment** wherein 2 CFR Part 200.216 prohibits use of federal grant or loan funds to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system. As described in Public Law 115-232, section 880=9, covered telecommunications equipment is telecommunications equipment produced by Huawei Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
- Domestic Preferences for Procurements for when federal funds are utilized, and where appropriate and to the extent consistent with other laws and regulations, 2 CFR Part 200.322 allows a federal award to provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).
- **Procurement of Recovered Materials** as required by 2 CFR Part 200.323 which requires procurements in excess of \$10,000 to contain the highest percentage of recovered materials practicable while consistent with maintaining a satisfactory level of competition.
- **Age Discrimination Act of 1975** which prohibits discrimination based on age in programs or activities receiving federal financial assistance.
- **Section 504 of the Rehabilitation Act of 1973**, if specifically required by the federal agency, which prohibits the exclusion of an otherwise qualified individual because of a disability in programs receiving federal financial assistance including program accessibility, accessible new construction and alterations, reasonable accommodations and effective communication with hearing and visually disabled (this requirement may vary with each federal agency). For all construction or repair contracts, **Copeland "Anti-Kickback" Act** which requires all contracts and sub-grants for construction or repair to contain a provision that prohibits a contractor or sub-contractor from inducing, by any means, any person employed in the construction, completion or repairs of public work to give up any part of the compensation to which he is otherwise entitled.
- **National Environmental Policy Act and National Historic Preservation Act** which prohibit any activities that will have an adverse impact on the environment and regulate activity on property or structures that are deemed historic.
- **Energy Policy and Conservation Act** which requires the contractors to comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan.
- **Reporting Provision** requires that all contracts should include a requirement that the Subrecipient (Awarded Applicant) assist the State, when applicable, with any awarding agency requirements and regulations pertaining to reporting.
- **Record Retention Provision** requires that any contract executed must include a provision that all required records will be maintained by the contractor/firm for a minimum period of three (3) years after the State formally closes out

each federal program (State and Subrecipient (Awarded Applicant) grant managers should verify the three (3) year record retention period with each respective grant agency to ensure that a longer period is not required).

- **2013 National Defense Authorization Act (41 United States Code (U.S.C.) 4712, Pilot Program for Enhancement of Recipient and Subrecipient Employee Whistleblower Protection)** subjects any subawards and contracts over the federal simplified acquisition threshold to the provisions of the above act regarding rights and remedies for employee whistleblower protections.
- **National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973** which require recipients of federal grants that are acquiring, constructing or repairing property in a special flood hazard area, and with an estimated cost in excess of \$10,000, to purchase flood insurance.
- **Wild and Scenic Rivers Act of 1968** protects components or potential components of the national wild and scenic rivers system.
- **Resource Conservation and Recovery Act** which requires proper handling and disposal of solid waste.
- **Toxic Substance Control Act** which places restrictions on chemicals that pose unreasonable risks, such as surfaces that could be covered with lead-based paint.
- **Federal Agency Seal(s), Logos, Crests, or Reproductions of Flags or Likeness of Federal Agency Officials** are prohibited from being utilized without specific federal agency pre-approval.
- **False Claims Act and 32 U.S.C. Chapter 38 (Administrative Remedies)** which prohibits the submission of false or fraudulent claims for payment to the federal government identifying administrative remedies for false claims and statements made which the contractor herein acknowledges.
- **Section 603 Title VI of the Social Security Act** which establishes the Coronavirus State and Local Fiscal Recovery Fund and identifies eligible and ineligible uses for the Fund monies.

6. PROPOSAL CONTENTS & REQUIREMENTS

6.1 PROPOSAL CONTENT AND DELIVERY/SUBMISSION

Proposals must be received by NMDOT, RFP Coordinator, by close of business (COB) at 5:00 P.M. MDT on September 18, 2024. NMDOT is not responsible for delivery issues when submitting the RFP Proposal and strongly encourages Applicants to submit Proposals and all appropriate documentation on or before the stated due date. Please note that Applicants and other EV Stakeholders can formally submit questions/comments before the release of a Final RFP Award. Please visit the following website for frequently asked questions and answers: [National Electric Vehicle Infrastructure | NMDOT](#).

Proposal Content:

Applicants will be required to upload, at a minimum, the following documents:

- Letter for Submittal
- Proposal and Assurance Form
- Aerial photos of each location(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380
- Documented proof of access to property
- Project plan and schedule in a Gantt chart or similar format
- Project approach (See section 7.4 Technical Proposal for more detail) to include sustainability and equity
- Itemized spreadsheet of all project costs including a detailed budget for the RFP
- A labeled Site plan that identifies the location of charging equipment, dedicated parking spaces, required accessible design features, Site lighting, nearby amenities, and areas for future expansion
- Warranty specifications including what is covered and what is not covered and the term of each
- Specification sheets for related equipment considered for each location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 to include:
 - a. Manufacturer
 - b. Model
 - c. Charging capacity in kW

- d. Warranty period
- Utility Company confirmation indicating adequate power supply may be obtained for each location. If the project Proposal includes a technology that is not grid-ties, demonstration of the technology's ability to meet the requirements of the program
- Details of lease terms, expirations, and renewal (provide corresponding documents)
- Maintenance plan including any service level agreement(s) for each location
- Staff credentials supporting documentation
- Any and all other pertinent information

Please see the information below in subsequent sections, for more detail regarding each section of the proposal. Proposals must be written in English and delivered to the RFP Coordinator in the order noted below and per the specifications of this RFP. All proposal materials are to be organized and submitted as one (1) complete proposal file.

Applicants should focus on thoroughly reviewing the RFP, to comprehensively understand this RFP and provide detailed responses to the specific questions. Applicants should not provide marketing materials as part of their response.

Proposals must provide information in the same order as presented in this document with the same headings. Following these instructions will be conducive to the evaluator of the proposal and can benefit the Applicants in preparing a thorough response.

If an Applicant is applying for more than one (1) location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380, Applicants should submit an additional Technical Proposal and Financial Proposal for each location being applied for. For example, if an Applicant desires to submit proposals for three (3) locations, the Applicant should submit three (3) separate Technical Proposals and three (3) separate Financial Proposals, corresponding to each location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380. Only one (1) Administrative /Management Proposal is required per Applicant, regardless of the number of locations. If applying for more than one (1) location in the same corridor-group, please identify the location(s) being applied for clearly.

NMDOT will not consider any proposals submitted after the proposal Due Date. Proposals may not be revised or amended after the proposal Due Date, unless permitted in writing to do so by NMDOT.

The RFP coordinator is the sole point of contact in the Special Project Division for this RFP. All communication between the Applicant and the Special Projects Division shall be with the RFP coordinator as follows below.

- NMDOT - Special Projects
Special.Projects@dot.nm.gov

6.2 ADMINISTRATIVE PROPOSAL

6.2.1 LETTER OF SUBMITTAL

Applicant must include a signed Letter of Submittal (**Attachment 3**) on Applicant's official business letterhead as the first page. Signing the Letter of Submittal indicates that the Applicant accepts the terms and conditions of the RFP.

- 1) Name, address, principal place of business, telephone number, and fax number/e-mail address of legal entity or individual and their title with whom the contract would be written.
- 2) The name of the contact person for this RFP.
- 3) Name, address, and telephone number of each principal officer (President, Vice President, Treasurer, Chairperson of the Board of Directors, etc.).
- 4) Legal Status of the Applicant (sole proprietorship, partnership, corporation, etc.) and the year the entity was organized to do business as the entity now substantially exists.
- 5) Federal Employer Tax Identification.

- 6) Identify any state employees or former state employees employed or on the agency's governing board, as of the date of the Proposal. Include their position and responsibilities within the Applicant's organization. If, following a review of this information, it is determined by NMDOT that a conflict of interest exists, the Applicant may be disqualified from further consideration for the award of a contract.
- 7) A statement substantiating that the owner/president or other executive(s) is authorized to contractually bind the Applicant's firm.
- 8) A statement substantiating that the Applicant meets all the minimum qualifications listed.
- 9) If the Applicant's staff or subcontractor's staff was an employee of the State of New Mexico during the past 24 months, or is currently a NM State employee, Applicant must identify the individual by name, the agency previously or currently employed by, the job title or position held and separation date.
- 10) If the Applicant has had a contract terminated for default in the last five (5) years, describe such an incident. Termination for default can be due to the Applicant's non-performance or poor performance and the issue of performance was either: (a) not litigated due to inaction on the part of the Applicant, or (b) litigated and such litigation determined that the Applicant was in default. Submit full details on the termination for default, including all other party's names, addresses, and phone numbers. Present the Applicant's position on the matter. The NMDOT will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of past experience.
- 11) Subsection C of Section 13-1-29 NMSA 1978 states that, the purposes of the Procurement Code are to provide for the fair and equal treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity. The objective of this rule is to have the force and effect of the law to implement, interpret or make statute specific as it applies to the Procurement Code, Sections 1-3-28 through 1-3-199 NMSA 1978 and the purposes stated therein. [1.4.1.6 NMAC - Rp, 1.4.1.6 NMAC, 6/21/2022]

6.2.2 APPLICANT CERTIFICATION AND ASSURANCES FORM

Applicants must submit a completed Applicant Certification and Assurance Form. See **Attachment 2**.

Please sign and include any necessary attachments. Failure to submit a signed Applicant Certification and Assurances Form may result in disqualification.

6.3 MANAGEMENT PROPOSAL

General Requirements: In this section of the proposal, the Applicant shall discuss its project organizational structure and the knowledge, skills, abilities and experience of the Applicant's team members and organization(s) who will conduct work on this RFP. Include an organizational chart identifying the key staff's placement and responsibilities within the organization. The contract resulting from this RFP will require that any change in key staff (as identified in Applicant's response to this RFP) be subject to prior acceptance by the NMDOT. The contract will also provide that the NMDOT may request that the Applicant remove selected staff on one (1) days' notice and provide replacement staff without impingement to the schedule.

Identification of Sections: Applicant shall identify each section of the management proposal so that it corresponds to the three (3) requirements defined below in bold. *The section must be labeled as indicated in bold and must begin with a restatement of the requirement, followed by the Applicant's response.* Reference to another section will not suffice, as each section must stand solitarily.

Attachments: Attachments must be labeled and clearly indicated to which requirement it is referring to.

- **Project Management**

- **Project Team Structure/Internal Controls:**

- Provide a description of the Applicant team's capacity to perform work, the project team structure and the availability of its staff to meet required schedules, as well as internal controls for employees and/or staff. Describe the methods utilized to track work progress, budgets and deadlines. Describe any support personnel or subcontractor the Applicant plans to use. Include how the Applicant plans to coordinate with

various state agencies and/or departments and offices to include coordinating and obtaining required regulatory permits from various local, state and/or federal government entities. Include this information for any/all subcontractors, keeping in mind schedule deadlines and budget constraints.

- **Staff Qualifications/Experience:**

Identify staff and/or subcontractors who will be assigned to the project, indicating the responsibilities and qualifications of each staff member/subcontractor. Provide resumes for the named staff/subcontractors.

- **Experience** Indicate the experience the Applicant and any subcontractors have in the following areas:

- Establishing strong connection(s) to the community or communities that will be mobilized
- Encouraging civic action and participation
- Managing previous projects with a similar level of complexity

As part of this process, Applicant shall describe a successful project conducted in the last five (5) years that demonstrates the experience in the above noted Experience section and explains how success was measured.

- **For Joint Proposals Only:**

Describe the overall structure of the coalition. Include the role of the primary Applicant and the contributions of the coalition of partners/subcontractors to the overall strategy.

Indicate other relevant experience that demonstrates the qualifications the Applicant and any of its subcontractors possess, to carry out the work being applied for. This list shall provide details about the source of funding, the amount of funding, the contract period of performance and key deliverables. Reference letters can be included.

6.4 TECHNICAL PROPOSAL

The Applicant shall provide, in the technical proposal, an explanation and description of the information described in this section and complete all the appropriate forms provided in the RFP Exhibits: **Attachments:** Attachments must be labeled and indicate clearly, to which requirement it is referring to.

- **Project Approach:** Include a complete description of the strategy to be used to achieve the Scope of Services objectives listed in **Section 2**. The description should demonstrate a clear understanding of the Applicant's presented project objectives, as well as, a clear understanding of the populations and locations being targeted, the special challenges these groups face and the general plan to overcome these obstacles.
- **Work Plan and Schedule:** Include all tasks, services, activities, etc., necessary to fulfill the strategy. The Applicant must provide sufficient detail to convey to members of the evaluation team, the Applicant's knowledge of the subjects and skills necessary to successfully complete the project. The Applicant may also present any creative approaches that might be appropriate and may provide any pertinent supporting documentation. This section should include a project schedule clearly indicating the estimated dates on which each individual activity will be conducted and completed. The Applicant can also submit a matrix to describe the project schedule. The section should also:
 - Describe how the Applicant plans to build on existing work already completed or near to completion.
 - Indicate any plans the Applicant must coordinate and cooperate with federal, state, local or tribal governments and other nonprofits and entities, in order to maximize outcomes in the most efficient way, while respecting the state's diverse populations.
 - Identify specific activities or strategies that will be undertaken in response to real-time information about response rates.
 - NMDOT is in support of the federal government's Justice 40 Program and embraces the initiative to enhance the benefits for disadvantaged communities. Priority for communities within the Justice 40 Program will be granted when evaluating proposals. Justice 40 mapping of marginalized, underserved, and overburdened communities can be found here: Mapping Tool Include a site plan that considers local and regional communities, adhering to [FHWA Order 1321.1C FHWA Directives Management](#), with preference given to proposals that include stations/sites located within [Justice 40](#) identified disadvantaged communities and

how the Applicant would accommodate disadvantaged communities in its Site Plan, if applicable, about a low or no cost rate structure for consumers.

- An installation plan and timeline, including coordination with the electric utility company, permitting, infrastructure upgrades, equipment placement, equipment activation and utilization of local and regional workforce development programs for public EV charging station services.
- Technical Specifications, including equipment details, required electrical infrastructure, power/load management strategies and signage information.
- Detailed Operational and Maintenance (O&M) Plan and template(s), along with customer service support offered, (24/365), clearly indicated on equipment.
- System networking and monitoring, including data usage and security details provided to NMDOT.
- **Outcomes and Deliverables:** Describe the impacts/outcomes the Applicant proposes to achieve as a result of providing these services, including how the impacts would be monitored, measured and reported to the NMDOT. Describe deliverables to be submitted under the contract. Deliverables must support the parameters set forth in **Section 2**.
- **Identification of Sections:** Applicant shall identify each section of the Technical Proposal so that it corresponds to the four (4), requirements defined below in **bold**. *The section must be labeled as indicated in bold and must begin with a restatement of the requirement, followed by the Applicant's response.* Reference to another section will not suffice, as each section must stand solitarily.

1) General Work Plan

- Approach to Performing Services: The Applicant is to thoroughly describe their desired at location, project, EVSE solution, any third-party hardware and software, overall service approach, network connectivity, data flows, storage and security, as well as reporting capacity to meet the project requirements.
- Procurement, Design, and Construction: Provide a narrative description, flowcharts, and exhibits to demonstrate how the Applicant will meet the EVSE specifications set forth in the applicable sections of this RFP. Provide a narrative that describes how the Applicant plans to coordinate with the local utility companies to implement necessary utility upgrades and achieve grid interconnection. Provide anticipated lead times for EVSE and approaches to mitigate potential supply chain issues. If available, provide evidence of the Applicant's ability to secure EVSE, according to the lead times provided.
- Approach to O & M: Provide a narrative description of Applicant's approach to O & M to meet the relevant requirements provided in **Section 5.3.1**. Provide a narrative description of how the project will ensure a quality experience for the customer/end-user, including ongoing customer service (24-hour/365), affordable rates, high-speed charging, site safety and security, and site amenities.
- Approach to Pricing: Describe rate structure and methodology (e.g., additional cost at peak times, discounts, etc.) that the Applicant will employ to charge customers for use of EVSE at the site being applied for, as well as, the methods of accepted customer payment, billing practices, and service fees.
- Approach to Data Interface: Describe proposal software, operating systems, database/file management programs, database schema, report generators and utilities (for achieving, backup, restore, etc.) that will be used to meet contract requirements.
- Implementation Schedule: Provide an Implementation Schedule. This schedule should include:
 - A summary level Project schedule
 - The Project's critical path and detailed key milestones
 - Include elements related to necessary utility company service upgrades
 - Activities and interdependencies that enable the achievement of key milestones
 - Anticipated durations for the detailed activities and phases.

2) Site/Project Information (complete the form provided in (Attachment 4))

- Site information
- Site Host information
- Site commercial structure
- Permit status
- Utility upgrade information

- Site amenities
- Site access
- Site details
- Site schematic
- Site Host signature (indicating willingness to work with Applicant on the Project)

3) EVSE Information (see Attachment 5)

- EVSE Vendor Information
- EVSE Specifications Compliance

4) Future-proofing Design Information

Provide details on any elements included in the Project design specifically to “future-proof” the location(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 for expansion or increased charging rates to accommodate demand growth and/or future technology developments. Note that such elements are considered optional and not required. If provided, such elements must be cost separately, as discussed in this Section.

Example:

- Describe how the Site might allow for additional charging ports, stalls, and/or power to be provided in the future.
- Describe how the Site might allow for parking and charging of medium- and/or heavy-duty vehicles now and in the future, if expected.

6.4.1 WORKFORCE AND TRAINING STRATEGIES

Pursuant to 23 CFR 680, NEVI Standards and Requirements, the NMDOT will require that all Awardees ensure that the workforce installing, maintaining and the operating chargers has the appropriate licenses, certifications and training to ensure that the installation and maintenance of chargers is performed safely by a qualified and increasingly diverse workforce of licensed technicians and other laborers. These standards will be set forth in the contract between NMDOT and the Awarded Applicant(s). Additionally, please review the following requirements:

Qualified Technician:

- NMDOT will require that all electricians installing, operating, or maintaining EVSE must meet one (1) of the following requirements:
 - Certification from the Electrical Vehicle Infrastructure Training Program [EVITP](#); or
 - Graduation or a continuing education certification from a registered apprenticeship program for electricians that includes charger-specific training and is developed as a part of the national guideline standard approved by the US Department of Labor (USDOL) in consultation with the US Department of Transportation (USDOT).
- For projects requiring more than one (1) electrician, at least one (1) electrician must meet the requirements above, and at least one (1) electrician must be enrolled in an electrical registered apprenticeship program.
- All other onsite, non-electrical workers directly involved in the installation, operation and maintenance of Chargers must have graduated from a registered apprenticeship program or have appropriate licenses, certifications, and training as required by the State of New Mexico.

6.5 FINANCIAL PROPOSAL

The Applicant shall create their own Financial Proposal Form, in accordance with this section, for each location across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380. The Applicant shall use a separate form for each location and provide the information designated to each location. Applicant shall submit pricing for each location, as well as all related components relating to that location. All costs must be the actual price the NMDOT will pay for the specific item or service identified in this RFP and may not be contingent on any other factor or condition in any manner. All financial proposal costs entered are to be fully loaded costs that include all costs/expenses associated with the provision of services and the build out, as required by this RFP. The financial proposal costs shall include, but is not limited to, all labor, overhead,

general contractor and subcontractor's markups, general operating and administrative expenses and other costs/expenses necessary to perform the work set forth in this RFP. No other amounts will be paid to the Applicant.

6.5.1 FINANCIAL NARRATIVE

1. Financial Proposal Narrative

The financial proposal shall also include a one-page narrative. The financial proposal narrative should describe the major cost drivers and components for construction, operations, and maintenance. The Applicant should note and explain any possible major expectations that may affect the basis and narrative of the anticipated cost.

2. Cost Information

- Utility Costs
 - Interconnection
 - O & M (Annual, years 1-5)
 - Other operating costs that are necessary and directly related to the charging of vehicles

- Total Project Cost
 - Pre-construction and construction
 - O & M (Annual, years 1-5)

The Applicant must provide funding for at least 20% of the total project costs related to an individual project. Applicant's costs shall reflect five (5) years of EVSE O&M after NMDOT accepts the construction and installation of the Project.

- Cost for Future-Proofing Optional Design

If the Applicant opts to provide future-proofing design information as described in **Section 6.4** above, the Applicant shall specify the cost of this optional design layout. It shall be at the discretion of the NMDOT to accept or reject the optional costs if Applicant chooses to apply for. In addition, the Applicant may supplement its response to this section by including one (1) or more of the following with its response:

- Dun & Bradstreet Rating
- Standard and Poor's Rating
- Lines of credit
- Evidence of a successful financial track record
- Evidence of adequate working capital
- Sam.gov

7. EVALUATION AND AWARD SELECTION PROCESS

7.1 EVALUATION PROCESS AND PROCEDURE OVERVIEW

Responsive proposals will be evaluated strictly in accordance with the requirements stated in this RFP and any addenda issued. The Evaluation Committee, designated by the NMDOT, shall consensus score each proposal. The RFP coordinator may contact the Applicant for clarification of any portion of the Applicant's proposal. The Evaluation Committee will conduct an evaluation as described in **Section 7.2**. The Evaluation Committee will rank the proposals and make award recommendations to NMDOT.

Upon receipt, the administrative proposal(s), management proposal(s), technical proposal(s) and the financial proposals will first be reviewed for responsiveness on a pass/fail basis. To be considered "responsive", proposals must:

- (a) comply with the RFP instructions regarding organization, content, and format; and
- (b) satisfy certain minimum acceptance criteria (i.e., pass/fail criteria) as described in **Section 7.2**.

NMDOT reserves the right to disregard or waive irregularities, omissions, non-conformities, and discrepancies.

NMDOT may allow an Applicant to cure missing documentation and/or incomplete information. Otherwise, proposals with missing documentation will be considered "Non-Responsive." Proposals determined to be non-responsive may be excluded from further consideration, and the Applicant will be advised. NMDOT may also exclude from consideration, any Applicant

whose proposal contains a material misrepresentation of facts presented, such as Applicant experience, qualifications, certifications, financial information, and/or any other misrepresentation of facts.

Each administrative proposal, management proposal, technical proposal, and financial proposal will be reviewed, evaluated, and scored according to the criteria provided, as described in **Sections 6.2 - 6.5**.

Upon review of all proposals, evaluations and scoring, the total proposal score for each proposal in each AFC will be calculated as described in **Section 7.3**.

The proposal with the highest score in each AFC will be considered the Approved Applicant and will be subject to NMDOT's discretion to make final awards as described in **Section 7.3**. The process will be repeated for all AFCs.

7.2 RESPONSIVENESS PASS/FAIL EVALUATION

7.2.1 ADMINISTRATIVE/MANAGEMENT PROPOSAL PASS/FAIL CRITERIA

The administrative/management proposal **MUST** pass the following criteria:

- Include completed forms and provide all information required by **Section 6.2**;
- Include all certifications required to be compliant with **Attachment 2**;
- The responses to **Attachment 2** that do not indicate an affirmative response must offer a suitable explanation. The acceptance of which, will be at the sole discretion of NMDOT;
- The Applicant is not debarred or suspended from submitting bids nor appears on the Federal List of Excluded Parties Listing System;
- The Applicant has not defaulted, has not had a contract terminated for cause by NMDOT or the State of New Mexico, has either agreed not to bid nor has had debarment proceedings initiated against the Applicant's company;
- NMDOT has not identified evidence of collusion; and
- No other omission, error, or act, that, in the judgment of NMDOT, renders the Proposal "non-responsive".

7.2.2 EVALUATION AND SCORING

The evaluation shall be based on the evaluation factors and the relative weights set forth in this RFP. The rating system shall be as follows: Proposals must score at least 125 points to be considered for an award to be funded. The NMDOT reserves the right to award the contracts to the Applicant whose proposals are deemed to be in the best interest of the NMDOT and the State of New Mexico.

As part of the final funding decisions, the NMDOT will also consider other factors such as: geography, cultural and linguistic diversity of communities, and types of activities contemplated to ensure a diversity of approaches are funded through the multiple grants available under this program.

7.2.3 VOLUME OF WORK CURRENTLY BEING PERFORMED

Applicants shall be scored on any project that has been previously awarded and is, on the date of submission, less than 75% complete. Information on the status of past project awards shall be included in the "Project Listing Form" (**see Attachment 7**) as a requirement of this RFP. The following formula on fees for projects awarded that are less than 75% complete shall be utilized in assessing scores:

*Contract Balance Amount

\$ Less than - \$800,000	minus 0 point
\$ \$800,001 - \$1,334,000	minus 1 point
\$1,334,001 - \$2,668,000	minus 2 points
\$2,668,001- \$4,000,000	minus 3 points
\$4,000,001- over	minus 4 points maximum**

*Contract Balance Amount is defined as:

1. Single Phase Contracts: Amount of contract including supplemental agreements that have been negotiated and that are covered under a signed contract, minus all paid invoices, if any (per project).
2. Multi-Phase Contracts: Amount of contract including all subsequent phases and supplemental agreements that have been negotiated and that are covered under a signed contract, minus all paid invoices, if any (per project). On multi-phase contracts over \$1,334,000.00, a minimum one (1) point deduction will be carried on initial and subsequent phases (except final phase) regardless of percent complete.

** The maximum total point deduction by Phase (sum of all ongoing contracts) will be four (4) points. Deduction points will be calculated on the date the Proposals are due. The Applicant must invoice against ongoing contracts not less than five (5) business days prior to Proposal due date to allow sufficient time for posting to Deduction Point listing.

7.2.4 FINAL DETERMINATION OF SUCCESSFUL APPLICANTS

The NMDOT staff and/or management may conduct a final review of the evaluation and scoring of finalist(s). In this final review, the NMDOT may consider past or current performance of any NMDOT and/or any State of New Mexico contracts by a finalist(s), and any experience of the NMDOT and/or the State of New Mexico in working with the finalist(s) under any past or current contract with the NMDOT and/or the State of New Mexico. The NMDOT shall determine which proposal(s) best meet the needs and terms for the State of New Mexico and specifically, the needs of the NMDOT.

7.2.5 NOTIFICATION TO APPLICANTS

The NMDOT will notify the Awarded Applicant of their selection in writing upon completion of the evaluation process. Individuals or firms whose proposals were not selected for further negotiations nor awarded, will be notified separately.

7.3 FINAL DETERMINATION OF AWARDED APPLICANT

The NMDOT Special Projects staff and/or management may conduct a final review of the evaluation and scoring of finalist(s). In this final review, NMDOT Special Projects may consider past or current performance of any of the NMDOT's contracting by a finalist(s), and any experience of the NMDOT in working with a finalist(s) under any past or current project contact with the NMDOT Special Projects.

Including so, the NMDOT Special Projects management shall be guided, but not bound by the scores assigned by the evaluators. The NMDOT Special Projects management and/or staff shall determine which proposals reviewed during this final selection process best meet the needs of the State of New Mexico and specifically, the needs of the NMDOT Special Projects.

The NMDOT Special Projects management staff will notify the Awarded Applicant of their location(s) selection in writing upon completion of the evaluation process. Individuals or firms' whole proposals were not selected for further negotiation or award will be notified separately.

The determination of the Awarded Applicant shall be determined for each responsible Applicant whose proposal is most advantageous to the State of New Mexico and the NMDOT, taking into consideration the evaluations of each AFC. All proposals considered "responsive" from responsible Applicants that submit a contemplated location(s) across the 1365 miles of US Route 285, US Route 60, US Route 70 and US Route 380 will be considered. The Applicants with the highest scores within the Phase Two AFCs will be selected as the Awarded Applicant(s).

For each proposal, the Applicant's score will be calculated as follows:

Total Proposal Score = Administrative Proposal Score + Management Proposal Score + Technical Proposal Score + Financial Proposal Score **Table 7: Total Available Points**

Scoring Category	Available Points
Administrative Proposal	50
Management Proposal	50
Technical Proposal	50
Financial Proposal	50
TOTAL	200

Responses to this RFP will not be opened publicly.

Subsequent to identification of an Awarded Applicant for a AFCs, the NMDOT will notify the applicable Awarded Applicant of the selection and proceed to negotiate a contract for the applicable project location, subject to the condition's precedent outlined in **Section 4.2**.

If a particular entity is identified as an Awarded Applicant for more than one (1) AFC, the NMDOT may elect to enter into a single contract with such entity covering multiple projects/locations. **The NMDOT does not intend to negotiate material terms set forth in the RFP.** Instead, the negotiation should be largely administrative in nature to include information specific to the Applicant and project(s)/location(s) involved.

The foregoing is subject to the NMDOT's discretion to make final decisions on awarded proposals after considering all of the proposals received and the NMDOT's objective to achieve EV network build-out in compliance with NEVI Formula Requirements. These considerations may result in the NMDOT awarding proposals that did not receive the highest score within an AFC in favor of a proposal for a location that better optimizes the EV network build-out, as per NEVI Formula Requirements. Note that the NMDOT has organized the AFC to reduce the likelihood of this scenario to the extent possible.

8. CYBERSECURITY

NMDOT is committed to ensuring that critical infrastructure transportation technologies of the future, including the EV charging networks, do not pose a cybersecurity or personal property risk to State of New Mexico or the United States. Third parties will own, operate, protect and maintain the EV charging stations as well as the data produced. They will be required to provide NMDOT anonymized data on a recurring basis. Third parties will also be required to publish station location, power ratings, and cost(s) to the various tracking sites for the EV charging stations location(s), including the US Department of Energy Alternative Fuel Data Center.

As part of the contract, prior to issuance of the award or other funding, the third party will be required to provide a cybersecurity plan that demonstrates the cybersecurity maturity of the recipient and its compliance with applicable Federal and NM regulatory cybersecurity requirements. The plan must also demonstrate how the recipient will maintain and improve cybersecurity throughout the life of the solution. This will include requirements to maintain compliance with current and future cybersecurity requirements as well as alerting NMDOT and the Cybersecurity and Infrastructure Security Agency (CISA) of any known or suspected network or system compromises. At the end of the project, the third party must provide evidence that the cybersecurity plan was properly implemented.

The Final Rule requires states to implement appropriate physical strategies for the location of the Charging Station and cybersecurity strategies to protect consumer data and protect against the risk of harm to, or disruption of, charging infrastructure and the grid. FHWA considered public comments on specific cybersecurity standards and decided to leave cybersecurity provisions in this Final Rule as areas of consideration by states to allow for evolution of state NEVI cybersecurity plans outside the regulatory process.

The industry standards listed below are referenced in the FHWA Final Rules, state NEVI plans or other guidance as best practices for addressing privacy and cybersecurity concerns when considering EV Charging Stations.

Open Charge Point Protocol

Open Charge Point Protocol (OCPP) is a proposal protocol that allows for communication between an EV Charging Station and the charging station management system. This protocol enables the charging unit and the central management system to communicate across different EV chargers (referred to as Electric Vehicle Supply Equipment or EVSE). The OCPP's [security framework](#) addresses three (3) common security issues: communications, authentication of the server and authentication of the client.

ISO 15118

[ISO 15118](#) is an international standard for the communications protocol between an EV and the Charging Station. Through this protocol's plug and charge feature, EV drivers can obtain instant authorization at linked charging stations by plugging the vehicle into the charging point. Charging Stations must ensure encryption of messages with the EV and authentication processes to maintain compliance with ISO 15118. These standards have been endorsed by FHWA's Final Rules.

ISO 27001

The [ISO/IEC 27001](#) is a comprehensive set of guidelines created by the International Standard Organization (ISO). These standards provide guidance for global businesses to maintain and regulate their information security systems and properly store business data. Specifically, these standards seek to achieve information security through confidentiality, integrity and availability. Although these ISO standards were not specifically developed for electric vehicles or their charging infrastructure, they have been widely adopted in various industries. As a result, Charging Station operators may consider using it as a guide when building and configuring the hardware and software of their Charging Stations.

National Institute of Standard Technology Standards

The National Institute of Standard and Technology (NIST) provides non-binding guidelines for technologies and processes. NIST is currently developing a guidance document to provide networks for evaluating EVSEs with commercially available test instrumentation. NIST has previously released a [tentative code](#) regarding the operating requirements and transaction capabilities of EVSEs. This tentative code included the recommendation to administer repeated tests for accuracy and consistency. A published guidance document from NIST will have clearer standards for EVSEs and a safe, reliable and interconnected national network.

<https://www.federalregister.gov/documents/2023/05/03/2023-08929/incentives-for-advanced-cybersecurity-investment>

8.1 PAYMENT METHODS

- **Payment Processing:** Charging Stations must offer secure payment methods that are accessible to people with disabilities and do not require a membership to use. Chargers and charging networks must comply with Payment Card Industry Data Security Standards (PCI DSS).
- **Customer Privacy:** Charging station operators should collect, process and retain only personal information to provide charging services to consumers. They must also take reasonable measures to safeguard consumer data.
- **Technical Requirements:** Chargers, hardware and software must conform to ISO 15118 standards for charger to electric vehicle communication. Chargers must communicate with a charging network via a secured method and be able to receive and implement secure remote software updates.

9. BROADBAND CONNECTIVITY

U.S. regulatory agencies are engaged in efforts to expand access to broadband technology in homes, schools, businesses and rural areas. Under the American Recovery and Reinvestment Act of 2009, the Federal Communications Commission (FCC) drafted a National Broadband Plan, which includes a detailed strategy to advance consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, and job creation and economic growth. In addition to the FCC, agencies such as the Department of Energy, National Telecommunications and Information Agency, Rural Utility Service, Department of Education and Economic Development Administration have a role in expanding access to broadband services and are included in this Proposal.

FHWA amends its regulations governing the accommodation of utilities on the right-of way (ROW) of Federal-aid or direct Federal highway projects to implement requirements of the Consolidated Appropriations Act of 2018 for broadband infrastructure deployment. The requirements, which will apply to each State that receives Federal funds under [Chapter 1 of title 23, United States Code](#) (U.S.C.), aim to facilitate the installation of broadband infrastructure.

10. GENERAL INFORMATION

10.1 RFP COORDINATOR

The RFP Coordinator is the sole point of contact in the Special Project Division for this RFP. All communication between the Applicant and the Special Projects Division shall be with the RFP Coordinator, as follows:

Email Address	Special.Projects@dot.nm.gov
---------------	--

10.2 QUESTIONS AND ANSWERS

Applicants may email written questions to the RFP Coordinator @ Special.Projects@dot.nm.gov. Questions will be accepted until September 1, 2024. Early submission of questions is encouraged. Questions and answers will be posted on [NMDOT NEVI Website](#). Applicants may only rely on written statements issued by the RFP Coordinator. Any oral communications are unofficial and are not binding on the Special Projects Division.

10.3 SUBMISSION OF PROPOSALS

Proposal(s) must be received by the RFP Coordinator no later than 5:00 p.m. MDT on September 18, 2024.

Applicants are required to submit proposals electronically in PDF format, on or before the proposal due date and time stated above. Please state NEVI Proposal in the subject field of the email. **RFPs submitted by hard copy or facsimile will not be accepted.** NMDOT reserves the right to reject any or all RFPs in part or in whole. This is a competitive proposal process. To be considered for funding completed proposal proposals must be submitted. Digital attachments to the proposal shall be in Microsoft Word format or PDF. Zipped files cannot be received by the Special Projects Division and cannot be used for submission of proposal(s). Please review the criteria below when submitting Proposal(s).

- Each Applicant shall submit one electronic proposal packet in PDF format.
- The responsibility for submitting or delivering this proposal on or before the stated due date and time is solely and strictly the responsibility of the Applicant. NMDOT shall not be responsible for delays caused by any delivery system. In terms of electronic submission, the entire required information and accompanying documents for the RFP must be submitted via the electronic system being used by the NMDOT and by the deadline specified in this RFP. Proposal(s) received after the date and cutoff time stipulated above shall be considered "non-responsive".
- Late proposal(s) will not be accepted and will be automatically disqualified from further consideration. All proposal(s) and any accompanying documentation become the property of the NMDOT and will not be returned.

10.4 REVISIONS TO THE RFP

In the event it becomes necessary to revise any part of this RFP, addenda will be published on [NMDOT NEVI](#) and on the [NMDOT](#). The Special Projects Division reserves the right to cancel or reissue the RFP in whole or in part, prior to execution of a contract.

10.5 PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

Proposals submitted in response to this competitive SFA shall become the property of the NMDOT. All proposals received shall remain confidential until the NMDOT announces the Awarded Applicant(s), at which time the proposals shall be deemed public records.

10.6 ACCEPTANCE OF RFP TERMS

The Applicant acknowledges that the submission of a proposal(s) which includes a signed Applicant Certification and Assurances Form, **Attachment 2**, constitutes a binding offer that is valid for 90 days from the due date for receipt of proposals.

10.7 RESPONSIVENESS

All proposals will be reviewed by the RFP Coordinator to determine compliance with administrative requirements and instructions specified in this RFP. The Applicant is specifically notified that the NMDOT may reject or withdraw a proposal at any time as non-responsive for any of the following reasons:

- a. Incomplete proposal
- b. Submission of a proposal that proposes services that deviate from the technical requirements set forth in this document
- c. Failure to comply with any part of this RFP or any exhibit to this RFP
- d. Submission of incorrect, misleading, or false information

The NMDOT also reserves the right at its sole discretion to waive minor administrative irregularities.

10.8 CONTRACT AND GENERAL TERMS & CONDITIONS

The Awarded Applicant will be expected to enter into a contract that will include General Terms and Conditions. In no event is an Applicant to submit its own standard contract terms and conditions in response to this solicitation. The Applicant may submit exceptions as allowed in the Certifications and Assurances form, **Attachment 2**, to this solicitation. Once the Awarded Applicant receives a contract, all exceptions to the contract terms and conditions must be submitted as track changes. Applicants must explain the reason for each requested exception, identifying the language in the contract found problematic, the reason Awarded Applicant finds the language to be problematic, and any recommended methods/alternate language of mitigating or limiting the perceived negative consequences. All Awarded Applicants must also explain why each item considered as a change to a term is in NMDOT's best interest as a customer and how it will support NMDOT's business objectives. Where terms and conditions cannot be changed and may result in negative consequences on the quality of services or their supply, Awarded Applicants are required to recommend methods of mitigating or limiting these negative consequences on the quality of services or their supply. The NMDOT will review requested exceptions and accept or reject the same at its sole discretion. Requested exceptions may be grounds for disqualification from further consideration in the award of a contract, at the NMDOT's discretion.

10.9 COSTS TO PREPARE PROPOSAL

The NMDOT will not be liable for any costs incurred by the Applicant in preparation of a proposal submitted in response to this RFP, in conduct of a presentation, or any other activities related to responding to this RFP.

10.10 NO OBLIGATION TO CONTRACT

This RFP does not obligate the State of New Mexico or the NMDOT to contract for services specified herein.

10.11 REJECTION OF PROPOSALS

The NMDOT reserves the right at its sole discretion to reject any or all proposals received without penalty and not to issue a contract as a result of this RFP.

10.12 COMMITMENT OF FUNDS

The Cabinet Secretary or Designee are the only individual(s) who may legally commit the NMDOT to the expenditures of funds for a contract resulting from this RFP. No cost chargeable to the contract being applied for may be incurred before receipt of a fully executed contract.

11. ACRONYMS AND DEFINITIONS OF KEY TERMS

ACRONYMS	MEANING
ADA	American Disability Act
ADC	Alternating Direct Current
AFC	Alternative Fuel Corridor
BIL	Bipartisan Infrastructure Law
CCS	Combined Charging Systems
CDBG	Community Development Block Grant
CISA	Cybersecurity and Infrastructure Security Agency
CMAQ	The Congestion Mitigation and Air Quality Improvement
CPO	Chief Procurement Officer
DAC	Disadvantaged Communities
DBRA	Davis-Bacon and Related Acts
DC	Direct Current
DCFC	Direct Current Fast Chargers
DOE	U.S. Department of Energy
DWS	Department of Workforce Solutions
EV	Electric Vehicle
EVSE	Electric Vehicle Supply Equipment
FCC	Federal Communications Commission
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
IIJA	Infrastructure Investment and Jobs Act
IPRA	Inspection of Public Records Act

IOU	Investor-Owned Utilities
ISO	International Standard Organization
kW	Kilowatt
MDT	Mountain Daylight Time
NEVI	National Electric Vehicle Infrastructure
NEVI Formula	National Electric Vehicle Infrastructure Formula Program
NIST	National Institute of Standard and Technology
NOA	Notice of Award
NMDOT	New Mexico Department of Transportation
OCPP	Open Charge Point Protocol
O & M	Operations and Maintenance
PCI DSS	Payment Card Industry Data Security Standards
PA	Project Agreement
Q & A	Questions and Answers
ROW	Right-of-Way
RFP	Request for Proposals
UEI	Unique Entity Identifier
USDOL	U.S. Department of Labor
USDOT	U.S. Department of Transportation
VDC	Volts Direct Current
VMT	Vehicles-Miles Traveled

DEFINITIONS OF KEY TERMS

AFC: The combination of a specified AFC route number and group number that represents an area along the AFC where a location is necessary to comply with NEVI Formula Requirements. Phase Two has identified four (4) AFCs: US Route 285, US Route 60, US Route 70 and US Route 380 for a total of 1365 interstate miles where EV charging stations must be located.

Applicant: The entity that has signed and submitted the Proposal to this RFP; and who will be responsible, if identified as an Applicant, to ensure the execution of the contract. Note that Applicants can represent Joint Ventures (JVs) between two or more entities.

Proposal: The Applicant's response to this RFP that contains the completed Administrative / Management Proposal, Technical Proposal(s), and Financial Proposal(s).

Awarded Applicant: The Applicant(s) who is awarded a contract and becomes the Applicant responsible for providing the goods and services specified in the contract; and to whom payment will be made upon delivery of the terms of the contract.

Design and Construction Period: The contract period that begins on the date of execution and ends at Final Completion.

Electric Vehicle Supply Equipment (EVSE): Please refer to the [NEVI Formula NPRM](#).

Evaluation Committee: The NMDOT Cabinet Secretary will designate NMDOT employees who will evaluate proposals.

EVSE Utilization: EVSE Utilization, denoted as a percentage (%), is the amount of time over a given period that an EVSE charging port is actively delivering power to a vehicle, divided by the total time in the period.

Final Completion: Milestone when EVSE is installed, is operational, and all construction, utility service, and ancillary construction activities are complete, including but not limited to site cleanup, landscaping, paving and patching, pavement marking, sign installation, etc., all in accordance with the Project Agreement.

Key Staff: All Applicant personnel identified in a Proposal that are essential to the work being performed under the contract.

Location Hosts: The geographic location defined as eligible host locations within this RFP.

NEVI Formula Requirements: Those requirements of the NEVI Formula Program described in **Section 5.5.1** of this RFP and those that may become effective prior to or during the term of a contract.

Operational Period: The contract period that starts when Final Completion has been achieved by the Applicant.

Qualified Technician. States or other direct recipients shall ensure that the workforce installing, maintaining, and operating chargers has the appropriate licenses, certifications, and training to ensure that the installation and maintenance of chargers is performed safely by a qualified and increasingly diverse workforce of licensed technicians and other laborers.

Unique Entity Identifier: The Unique Entity ID (UEI) is the official identifier for doing business with the U.S. Government. It replaces the SAM registration number previously required for recipients of federal funding.

Site(s): A property identified by an Applicant within a Corridor-Group for the purpose of installing and maintaining EVSE, in compliance with NEVI Formula Requirements. A Site must be located within a one-mile travel distance from an interstate highway interchange ramp terminal at the exit numbers.

Attachment 1. Utility Company Information and Contact Table

This table lists contact information for individual(s) designated by each NM electric utility company to receive interconnection requests for EVSE Stations at locations to be considered in response to this RFP.

Table 2-1: Utility Company Information Contact Table

Utility Company Provider	Coverage Area(s)	Contact Name	Email
Central New Mexico Electric Cooperative	Bernalillo, Chaves, DeBaca, Guadalupe, Lincoln, San Miguel, Sandoval, Santa Fe, Socorro, Torrance, Valencia Counties	Alena Brandenberger	alena.brandenberger@cnmec.org
Central Valley Electric Cooperative, Inc.	Chaves, Eddy, Lea, Otero Counties	Charles T. Pinson Jr.	cpinson@cvecoop.org
Columbus Electric Cooperative, Inc.	Grant, Hidalgo, Luna, NM; Cochise, AZ	Chris Martinez	chrism@col-coop.com
Continental Divide Electric Cooperative	Bernalillo, Cibola, McKinley, Sandoval, Valencia Counties	Robert Castillo	rcastillo@cdec.coop
Farmers' Electric Cooperative, Inc. of New Mexico	Curry, DeBaca, Guadalupe, Harding, Quay, Roosevelt, San Miguel Counties	Antonio Sanchez	antonio@fecnm.org
El Paso Electric Company	Las Cruces, Hatch	Angie Rodriguez	Angie.rodriguez@epelectric.com
Jemez Mountain Electric Cooperative	McKinley, Río Arriba, San Juan, Sandoval, Santa Fe Counties	Joseph Sanchez	jsanchez@jemezcoop.org
Kit Carson Cooperative	Taos, Colfax, Rio Arriba Counties	Luis Reyes	lreyes@kitcarson.com
Lea County Electric Cooperative, Inc.	Chaves, Eddy, Lea, NM; Cochran, Gaines, Yoakum, TX	Bobbly Ferris	bferris@lcecnec.com
Mora-San Miguel Electric Cooperative	Guadalupe, Mora, San Miguel, Santa Fe Counties	Les Montoya	lmontoya@morasanmiguel.coop
Northern Rio Arriba NORA Electric Cooperative, Inc	Northern Rio Arriba Counties	Anthony Mercure	amercure@noraelectric.org
Otero County Electric Cooperative, Inc.	Chaves, Lincoln, Otero, Socorro Counties	Mario Romero	marior@ote-coop.com
PNM Resources, Inc.	Alamogordo, Albuquerque, Bayard, Belen, Clayton, Deming, Las Vegas, Los Lunas, Lordsburg, Rio Rancho, Ruidoso, and Silver City.	John Williamson	john.williamson@pnm.com
Roosevelt County Electric Co-Op	Chaves, Curry, DeBaca, Roosevelt Counties	Eric Segovia	segoviae@rcec.org
Sierra Electric Cooperative, Inc.	Catron, Luna, Sierra, Socorro Counties	Denise Barrera	deniseb@secpower.com
Socorro Electric Cooperative, Inc.	Catron, Cibola, Lincoln, Sierra, Socorro, Torrance, Valencia Counties	Joseph Herrera	jherrera@socorroelectric.com
Springer Electric Cooperative	Colfax, Harding, Mora, San Miguel, Union Counties	David Spradlin	spradlin@springercoop.com
Southwestern Electric Cooperative	Harding, Quay, Union, NM. Las Animas, CO; Cimarron, OK. Dallam and Hartley, TX	Travis Sullivan	tsullivan@swec-coop.org
Xcel Energy	Artesia, Arthur, Carlsbad, Clovis Dexter, Eunice, Hagerman, Hobbs, Jal, Lovington, Portales, Roswell, Texico and Tucumcari.	David Essex Bernard Treat	d.essex@xcelenergy.com b.treat@xcelenergy.com

NEVI FORMULA/EVSE UTILITY COMPANY INTERCONNECTION REQUEST FORM

Use this form to request a utility company interconnection for a considered EVSE location. Complete one (1) form for each separate location. Submit to the electric utility company that serves the location, using contact information from the Utility Company Contact Table on the previous page.

Table 2-2: Utility Company Interconnection Request Form

Request Date			Notes
Submitted to	Utility Co. Name		
	Contact Name		
	Phone		
	Email		
Requested Energize Date			<i>Earliest realistic date that you will require power</i>
Applicant	Company Name		
	Address		
	Email		
	Phone		

Site Host <i>(if different than applicant)</i>	Company Name		
Electrical Contractor <i>(if known)</i>	Company Name		
	Contact Name		
	Phone		
	Email		
	Available to meet on site?		YES / NO
Site Address	Address		At minimum, provide address and latitude & longitude of considered EVSE location on Site. If possible, provide a scaled Site drawing with nearest street(s), location of existing transformer and meter and considered location(s) of EVSE clearly marked.
	City, State, ZIP		
	EVSE Site Plan		
Requested Service Voltage			480 V /3PH typical for NEVI Formula Program-compliant station
Connected Load (kW)			600 kW minimum for NEVI Formula Program-compliant station. If requesting additional capacity for future load growth, provide clear details

Requested panel size (amps)			800 A typical for minimum NEVI Formula Program- Compliant station
Power factor (%)			90% – 100% (typical)
Expected load profile	What hour of the day will peak load occur?		
	How is the load expected to vary across the day?		
Projected Monthly Energy use (kWh)			
Will the EVSE load be added to an existing meter/account, or will a new meter/account be requested?			If existing account, provide account number
Potential for solar/net metering at this location?			YES / NO. If yes, provide details.
Will batteries be installed at the Site to reduce or manage peak demand?			YES / NO. If yes, provide details.

Attachment 2. Applicant Certifications and Assurances

I/We make the following certifications and assurances as a required element of the Proposal to which it is attached and understanding that the truthfulness of the facts affirmed here and the continuing compliance with these requirements conditions precedent to the award or certification of the related contract.

Applicant name: _____

The Applicant certifies that:

1. I/We declare that all answers and statements made in this Proposal are true and correct.
2. I/We have carefully examined and are fully familiar with all the provisions of this RFP, have reviewed all materials provided, any Addenda and are satisfied that the RFP provides sufficient detail regarding the obligations to be performed by the Applicant and does not contain internal inconsistencies.
3. I/We are familiar with and understands the NEVI Formula Requirements, NPRM, and acknowledges that compliance with NEVI Formula Requirements in effect at any given time during the Project will be the responsibility of the Applicant, should it be chosen as the Awarded Applicant, for one (1) or more Projects/Sites.
4. The information and supporting data provided by the Applicant are true and correct.
5. The prices and/or cost data have been determined independently, without consultation, communication or agreement with others for the purpose of restricting competition. However, I/we may freely join with other persons or organizations for the purpose of presenting a single Proposal.
6. I/We have notified the NMDOT of any deficiencies or omissions in the RFP or other documents provided by the NMDOT.
7. Neither the Applicant nor its employees, members, agents, consultants or advisors have entered either directly or indirectly into any agreement, nor participated in any collusion, nor participated in ex parte communications, nor otherwise taken any action in restraint of free competitive selection in connection with its Proposal. If there are exceptions to these assurances, I/We have described them in full detail on a separate page attached to this document.
8. No person, broker or selling agency has been employed, retained, or given anything of monetary value to solicit or secure this contract, except bona fide employees of the NMDOT.
9. The attached Proposal is a firm offer for a period of 90 days following receipt, and it may be accepted by the NMDOT without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the 90-day period.
10. In preparing this Proposal, I/we have not been assisted by any current or former employee of the State of New Mexico whose duties relate (or did relate) to this Proposal or prospective contract, and who was assisting in other than his or her official, public capacity. If there are exceptions to these assurances, I/we have described them in full detail on a separate page attached to this document. The NMDOT may reject a Proposal in which an actual or apparent conflict is disclosed.
11. I/We understand that the NMDOT will not reimburse me/us for any cost incurred in the preparation of this Proposal. All Proposals become the property of the NMDOT, and I / we claim no proprietary right to the ideas, writings, items, or samples, unless those stated in this Proposal.
12. Unless otherwise required by the law, the prices and/or cost data that have been submitted have not been knowingly disclosed by the Applicant and will not knowingly be disclosed by him/her prior to opening, directly or indirectly, to another Applicant or to any competitor.

13. I/We agreed that submission of the attached Proposal constitutes acceptance of the solicitation contents and the attached sample contract and general terms and conditions. If there are any exceptions to these terms, I/ We have described those exceptions in detail in the page attached to this document.
14. No attempt has been made or will be made by the Applicant to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.
15. I/We grant the NMDOT the right to contact references and others who may have pertinent information regarding the ability of the Applicant and the lead staff person to perform the services contemplated by this RFP.
16. If any staff member(s) who will perform work on this contract has retired from State of New Mexico his or her name(s) is noted on a separately attached page.
17. The Applicant acknowledges that the NMDOT may cancel or terminate the Project Agreement (PA) for cause if it discovers any actual or apparent conflict of interest that the Applicant did not disclose in its Proposal.
18. All of its personnel and its sub-Applicants' personnel provided for the Project will have a valid I-9 form on file with the Applicant, as appropriate, and will have presented valid employment authorization documents, if they are not United States citizens.
19. It has not provided material assistance to any organization on the United States Department of State's terrorist exclusion list.
20. I/We declare that all electricians installing, operating, or maintaining EVSE meet one (1) of the following requirements:
 1. Certification from the Electrical Vehicle Infrastructure Training Program [EVITP](#); or
 2. Graduation or a continuing education certification from a registered apprenticeship program for electricians that includes charger-specific training and is developed as a part of the national guideline standard approved by the Department of Labor (DOL) in consultation with the Department of Transportation (DOT). For projects requiring more than one (1) electrician, at least one (1) electrician meets all applicable Federal and State requirements, and at least one (1) electrician is enrolled in an electrical registered apprenticeship program. All other onsite, non-electrical workers directly involved in the installation, operation and maintenance of chargers have graduated from a registered apprenticeship program or have the appropriate licenses, certifications, and training as required by the State of New Mexico.

While an affirmative answer to any of these items will not automatically disqualify an Applicant from consideration, at the sole discretion of NMDOT, such an answer and a review of the background details may result in a rejection of the Proposal. NMDOT will make this decision based on its determination of the seriousness of the matter, the matter's possible impact on the Applicant's performance under the Contract, and in the best interest of the State of New Mexico.

We (circle one) are / are not submitting contract exceptions. If contract exceptions are being submitted, I/We have attached them to this form.

On behalf of the Applicant submitting this Proposal, my name below a test to the accuracy of the statement above we are submitting a scan signature of this form with our Proposal.

Signature of Applicant

Title

Date

Attachment 3. Proposal Submittal Form

Must be on Official Business Letterhead

Applicant/Entity Name/Joint Venture/Partnership Name

Unique Entity Identifier (UEI) #

Address

Principal Place of Business

Telephone

Email address of legal entity with individual whom contract would be written

Contact Person for the RFP

Title for Contact Person

Attachment 4. Proposal Form – Site and Project Information

Applicant to confirm the Site and Project information as follows:

Site Information	
Site Name:	
Corridor-Group: Reference RFP, Table 1	
Exit No.:	
Physical Address:	
City:	
County:	
Zip:	
Charger Coordinates (approximate):	
Site Host Information	
Site Host Name:	
Site Ownership Status (check one):	<ul style="list-style-type: none">• Owner• Lessee
If Lessee, please provide details of lease terms, expirations, and renewal or attach a copy to this Form.	
Contact Name:	
Contact Telephone Number:	
Contact Email Address:	
Site Commercial Structure	
Describe the commercial structure for the site. Include a general description of Project ownership, financial flows between main stakeholders, and relevant funding/financing structure.	

Permit Status

Identify the status of all necessary permits or other approvals required for the site

Permit / Agreement Description	Not applicable	Required – Proposal not submitted	Proposal submitted	Permit received / approved	Unsure if required
Air /Land Use					
Electrical					
Structural					
Zoning					
Environmental – Water					
Environmental – Other					
Local Agency					
Other (fill in as needed)					

Utility Upgrade Information

Describe what utility upgrades are required for the site, including cost estimates, interconnection requirements, and service requirements.

Site Amenities

Describe all amenities at the site, such as restroom access, grocery store, dine-in restaurant, Wi-Fi accessibility, trailer parking area, etc.:

Site Access
Describe the site access features (e.g., easement, lease, permit, license, etc.) for the construction and operation of EVSE.
Site Details
Describe major characteristics of the site (e.g., specific street, building, or parking lot); explain why the site is applicable for the Project; describe significant details of the site, including vehicular access, surrounding roads and traffic patterns; and confirm the site is compliant with all applicable requirements of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 et seq. and 49 U.S.C. 322 or describe modifications contemplated to make it compliant.
Site Schematic
Provide a site schematic for the site using a diagram or schematic showing the parking space(s) (final engineering plans are not required). Show locations of existing and considered designated EV charging parking space(s), EVSE, point of sale equipment, and electric service to the site. Also indicate any space available for future proofing design layout, if available.

Signature of Site Host Representative (indicating a willingness to work with Applicant on the Project):

Company Name

Contact Name

Name (printed or typed)

Phone Number

Email

Title

Date


Attachment 5. EVSE Vendor Information and Specifications Compliance

Applicant to confirm EVSE specifications as follows:

EVSE Vendor Information and Specifications		
EVSE Vendor (Entity) Name:		
EVSE Make and Model:		
Contact Name:		
Email address:		
Confirm that the Applicant will supply the minimum on-site chargers and ports that comply with the NEVI Plan including, but not limited to four (4) ports at the Site and the minimum charger specifications as follows:		
Charging station power capacity at or above 600 kilowatts (kW) with minimum power per DCFC port at or above 150-kW.	<input type="radio"/> Yes	<input type="radio"/> No
	Explain if "No":	
DCFC port at or above 300-kW.	<input type="radio"/> Yes	<input type="radio"/> No
	Explain if "No":	
Each charger must be capable of simultaneously DC charging four (4) EVs and providing at least 150- kW per SAE Combined Charging System (CCS) standard port.	<input type="radio"/> Yes	<input type="radio"/> No
	Explain if "No":	
CHAdeMO standard ports are not required, however Applicants may include them, as well as private plugs, at their discretion in addition to the four (4) CCS ports required at the site. Please note if either of these are included.	<input type="radio"/> Yes	<input type="radio"/> No
	Explain if "No":	
Buy America	<input type="radio"/> Yes	<input type="radio"/> No
Provide list of main EVSE components to be deployed:		

Links to additional specifications:	
Links to product literature:	

Attachment 6. New Mexico Department Of Finance & Administration Financial Control Division Substitute Form W-9

DO NOT SEND TO IRS - SUBMIT FORM TO REQUESTING AGENCY FCD 04/2021	NEW MEXICO DEPARTMENT OF FINANCE & ADMINISTRATION FINANCIAL CONTROL DIVISION SUBSTITUTE FORM W-9 REQUEST FOR TAXPAYER IDENTIFICATION NUMBER, CERTIFICATION <i>TYPE OR PRINT NEATLY, PLEASE REFER TO INSTRUCTIONS FOR MORE INFORMATION</i>	
PART I: SUPPLIER INFORMATION		
1. Name: (as shown on your income tax return). Name is required; do not leave blank.		2. Business name/disregarded entity name, if different from #1:
3. Entity Type (Check only one, unless you are or have been a State of New Mexico Employee, then also check State of New Mexico Employee box):		
<input type="checkbox"/> Individual / Sole Proprietorship / Single Member LLC <input type="checkbox"/> Partnership <input type="checkbox"/> C Corporation / S Corporation <input type="checkbox"/> Trust / Estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership > _____)		<input type="checkbox"/> Government (Local, State, Federal, Tribe) <input type="checkbox"/> Tax-Exempt organization under IRC Section 501 C <input type="checkbox"/> State of New Mexico Employee (Agency No.)
4. 1099 Reporting: Services provided to the State by vendor:		
<input type="checkbox"/> Health care or medical service <input type="checkbox"/> Attorney services <input type="checkbox"/> Rental of Real Property		<input type="checkbox"/> Royalties <input type="checkbox"/> State of NM Appointed Board member / commissioner / committee member <input type="checkbox"/> Agency Volunteer (Agency No.) <input type="checkbox"/> DUAL Supplier & Active NM Employee <input type="checkbox"/> Other
PART II: TAXPAYER IDENTIFICATION NUMBER (TIN) & TAXPAYER IDENTIFICATION TYPE		
1. Enter your TIN here (DO NOT USE DASHES)		
 		
2. Taxpayer Identification Type (check appropriate box):		
<input type="checkbox"/> Employer ID No. (EIN) <input type="checkbox"/> Social Security No. (SSN) <input type="checkbox"/> Employee ID <input type="checkbox"/> N/A (Non-United States Business Entity)		
PART III: ADDRESS		
1. Address: (Location where payments and correspondences can be sent)(if a NM state employee, enter Agency name and Field Office Address) Address Line #1		2. REMITTANCE, IF DIFFERENT: (location specifically used for payment that is different than address 1, if applicable) Address Line #1
Address Line #2		Address Line #2
Address Line #3		Address Line #3
City	State	Zip - 9 Digit
PART IV: CERTIFICATION		
Under penalties of perjury, I certify that:		
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), AND 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have <u>not</u> been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, AND 3. I am a U.S. Citizen or other U.S. person.		
The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding		
Printed Name	Occupation	Telephone Number
Signature	Email for receiving ACH advices	Date (mm/dd/yyyy)
PART V: OPTIONAL DIRECT DEPOSIT (ACH)		
Warning: The State of New Mexico will not process International ACH Transactions (IAT). If any payment to you from the State will ever result in an IAT under National Automated Clearing House Association (NACHA) operating rules or if you are not sure if the rules apply to you DO NOT FILL OUT THIS SECTION OF THE FORM. Please provide a copy of a voided check or letter from bank confirming information indicated above.		
Include a voided check or letter from financial institution if requesting ACH payments		
Type of Account		<input type="radio"/> Checking <input type="radio"/> Savings
I acknowledge the IAT warning and authorize the State of New Mexico to initiate direct deposit of funds to the account and financial institution indicated, and to recover funds deposited in error if necessary in compliance with NACHA regulations.		
Signature	Printed Name	

Instructions for Completing this Form

This form substitutes for the IRS W-9 form. Complete this form if you will receive payment from the State of New Mexico and/or you are a vendor who provides goods and services to the State of New Mexico. To comply with the Internal Revenue Service (IRS) regulations regarding 1099 reporting, the State of New Mexico is required to collect the following information to be completed on the Substitute W-9 form. The information collected on this form will allow the State to confirm that our records contain the official name of your business, the Tax Identification Number (TIN) that the IRS has on file for your business and business type.

Check the appropriate box(s) that this form is to be utilized and fill in the corresponding section(s) indicated next to the box(s) checked.

PART I: VENDOR INFORMATION

1. **Legal Business Name** Enter the legal name as registered with the IRS or Social Security Administration.
2. **DBA/Trade Name** Individuals leave blank. Sole Proprietorships: Enter DBA (doing business as) name. All Others: Complete only if business name is different than Legal Name.
3. **Entity Type** Check ONE box which describes business entity. If a current, past, or becoming a state employee, please also mark the State of New Mexico Employee box and enter the Business Unit number for the agency. Also, provide the 6 digit employee ID as assigned in SHARE HCM in the Part II Taxpayer Identification Number (TIN) & Taxpayer Identification Type section and mark the Employee ID box.
4. **1099 Reporting** Check the appropriate box that applies to the type of services being provided to the State. If the type of service is not specifically stated, enter the type of service in the Other box.

PART II: TAXPAYER IDENTIFICATION NUMBER (TIN) & TAXPAYER IDENTIFICATION TYPE

1. **Taxpayer Identification Number** Enter TIN with no dashes in the boxes provided
 - a. **TIN** is always a 9-digit number. Provide the Social Security Number (SSN) assigned by the Social Security Administration (SSA) or the Federal Employer Identification Number (FEIN) assigned to the business or other entity by the Internal Revenue Service (IRS).
 - b. **Employee ID** is always a 6-digit number. Provide the employee ID assigned by the State of New Mexico for payroll processing in SHARE HCM.
2. **TIN Identification Type** Mark the appropriate box for the TIN provided above.

PART III: ADDRESS

1. **Address** Where correspondence, payment(s), purchase order(s) or 1099s should be sent.
 - a. **Employees** If a current employee, please provide this following:
 - i. **Address Line #1:** State Agency Name
 - ii. **Address Line #2:** Field Office Mailing Address
 - iii. **Address Line #3:** N/A
 - b. **CDBG** When providing a Community Development Block Grant (CDBG) remittance address, enter CDBG on line #1 and entities remittance address in address line #2
2. **Remittance Address** If different than Address
3. **Zip Code and Phone Number** The 5 + 4 code will be required to be entered for all zip codes. If the last 4 digits are unknown, then 4 zeros (0) can be entered. Do not enter the "-" as part of the zip code. When entering the phone number, only enter the 10 digit number. Do not enter the "(" or "-" as part of the phone number.

PART IV: CERTIFICATION

By signing this document you are certifying that all information provided is accurate and complete. The person signing this document should be the partner in the partnership, an officer of the corporation, the individual or sole proprietor noted under legal name above, or the New Mexico State Employee for which the vendor account is established.

Identifying information is required of the person signing the form.

PART V: OPTIONAL DIRECT DEPOSIT (ACH) You may elect to receive payments from the State of New Mexico through Automated Clearing House (ACH) direct deposit. Please provide a copy of a voided check or letter from financial institution with the banking information. Without one of the two items, ACH information WILL NOT be entered and payments will be made by warrant. Select the type of account being provided.

I Acknowledge Print name and sign to acknowledge the IAT warning and to authorize the State of New Mexico to initiate direct deposit of funds to your financial institution provided.

Privacy Act Notice Section 6109 requires you to furnish your correct TIN to persons who must file information

Attachment 7. Project/Contract Listing Form

Applicants shall list all current contracts with NMDOT

Business Name: _____ DATE: _____

Table A - Project Specific Contracts

PROJECT DIRECTLY AWARDED TO FIRM	CONTRACT DATE	CONTRACT AMOUNT (in dollars \$)	% COMPLETE TO DATE	CONTRACT AMOUNT EXPENDED TO DATE (in dollars \$)	CONTRACT REMAINING BALANCE (in dollars \$)
1.					
2.					
3.					
4.					
5.					
			TOTALS		

Table B - On-Call Contracts

PROJECT DIRECTLY AWARDED TO FIRM	CONTRACT DATE	CONTRACT AMOUNT (\$)	TOTAL AMOUNT TASKED OUT TO DATE (\$)	% OF TASKED OUT WORK COMPLETE TO DATE	TOTAL TASKED OUT WORK EXPENDED TO DATE (\$)	TOTAL REMAINING BALANCE OF TASKED OUT WORK (\$)
1.						
2.						
3.						
4.						
5.						
		TOTALS				

Notes:

1. If any award is not proceeding in contract negotiation, please indicate the status in the "Remarks" below.
2. Fees do not include reimbursable expenses, which include travel, per diem, printing, telephone, or reproduction cost.
3. Federal funds shall be included in project calculations pursuant to NMSA 1978, Section 13-1-120B (6).
4. Any Award of Contract that has not resulted in a written contract offer to the Applicant, within 6 months of written notice, shall not be considered an award for the purposes of the Project Listing Form.
5. Contract the person designated in **Section 6.1** if there are ANY questions regarding the correct completion of the form.

REMARKS: _____

Attachment 8. Campaign Contribution Disclosure Form

Pursuant to the Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199, and NMSA 1978, Section 13-1-191.1, any prospective contractor (also identified as engineer or consultant) seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two (2) years prior to the date on which the contractor submits a Proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two (2) year period.

Furthermore, the state agency or local public body may cancel a solicitation or Proposal award for an applied contract pursuant to NMSA 1978, Section 13-1-181 or a contract that is executed may be ratified or terminated pursuant to NMSA 1978, Section 13-1-182 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law. The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

To be read consistent with NMSA 1978, Section 13-1-191.1, the following definitions apply:

1. "Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed Proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive Proposal.
2. "Campaign contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official, or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to statewide or local office. Campaign contribution includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.
3. "Family member" means a spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.
4. "Pendency of the procurement process" means the time period commencing with the public notice of the request for Proposals and ending with the award of the contract or the cancellation of the request for Proposals.
5. "Prospective contractor" means a person or business that is subject to the competitive sealed Proposal process set forth in the Procurement Code or is not required to submit a competitive sealed Proposal because that person or business qualifies for a sole source or a small purchase contract.
6. "Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

Attachment 8 page 2

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: _____

Relation to Applicant: _____

Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s): _____

Nature of Contribution(s)

Purpose of Contribution(s)

(Attach extra pages if necessary)

Signature Date

Title

– OR –

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Signature Date

Title

Attachment 9. New Mexico Employees Health Coverage Form

1. For all contracts solicited and awarded on or after January 1, 2008: If the Applicant has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of the contract, Applicant must agree to:
 - (a) have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2008, if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed one million dollars; or
 - (b) have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2009, if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed \$500,000 dollars; or
 - (c) have in place and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2010, if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed \$250,000 dollars.
2. Applicant must agree to maintain a record of the number of employees who have
 - (a) accepted health insurance;
 - (b) decline health insurance due to other health insurance coverage already in place; or
 - (c) decline health insurance for other reasons.

These records are subject to review and audit by a representative of the state.

3. Applicant must agree to advise all employees of the availability of State publicly financed health care coverage programs.
4. For Indefinite Quantity, Indefinite Delivery contracts (price agreements without specific limitations on quantity and providing for an indeterminate number of orders to be placed against it); these requirements shall apply the first day of the second month after the applicant reports combined sales (from state and, if applicable, from local public bodies if from a state price agreement) of \$250,000, \$500,000 or \$1,000,000.

Signature of Applicant

Date