



**CALIFORNIA  
ENERGY COMMISSION**



**California Energy Commission  
July 26, 2023 Business Meeting  
Backup Materials for Agenda Item No 06:  
California Department of Transportation (Caltrans)**

The following backup materials for the above-referenced agenda item are available in this PDF packet as listed below:

1. Proposed Resolution
2. Grant Request Form
3. Scope of Work

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION: California Department of Transportation (Caltrans)**

**RESOLVED**, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

**RESOLVED**, that the CEC approves interagency agreement RMB600-23-001 for Caltrans to provide up to \$383,673,792 to the CEC to administer California's National Electric Vehicle Infrastructure (NEVI) Formula Program, and for CEC to provide \$2,004,358 in match funds for the NEVI Formula Program. The CEC will work with Caltrans to update California's NEVI Deployment Plan, nominate Alternative Fuel Corridors, release competitive solicitations, and manage project agreements to build out electric vehicle charging stations; and

**FURTHER BE IT RESOLVED**, that the Executive Director or their designee shall execute the same on behalf of the CEC.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on July 26, 2023.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

---

Liza Lopez  
Secretariat



## CONTRACT REQUEST FORM (CRF)

### A. New Agreement Number

**IMPORTANT:** New Agreement # to be completed by Contracts, Grants, and Loans Office.

New Agreement Number: RMB600-23-001

### B. Division Information

1. Division Name: Fuels and Transportation
2. Agreement Manager: Ben De Alba
3. MS-6
4. Phone Number: (916) 539-6828

### C. Contractor's Information

1. Contractor's Legal Name: California Department of Transportation
2. Federal ID Number: 68-027494

### D. Title of Project

Title of project: National Electric Vehicle Infrastructure (NEVI) Formula Program Interagency Agreement

### E. Term and Amount

1. Start Date: July 12, 2023
2. End Date: June 30, 2033
3. Amount: \$383,673,792

### F. Business Meeting Information

1. Operational agreement to be approved by Executive Director? No
2. Are the ARFVTP agreements \$75K and under delegated to Executive Director? No
3. The Proposed Business Meeting Date: 07-26-2023
4. Consent or Discussion? Discussion
5. Business Meeting Presenter Name: Ben De Alba
6. Time Needed for Business Meeting: 5 minutes.
7. The email subscription topic is: Clean Transportation Program; National Electric Vehicle Infrastructure Formula Program

### Agenda Item Subject and Description:

**California Department of Transportation (Caltrans).** Proposed resolution approving Interagency Agreement RMB600-23-001 for Caltrans to provide up to \$383,673,792 to the CEC to administer California's National Electric Vehicle Infrastructure (NEVI) Formula Program, and for CEC to provide \$2,004,358 in match funds for the NEVI Formula Program; and adopting staff's determination that this action is exempt from CEQA. The CEC will work with Caltrans to update California's NEVI Deployment Plan, nominate Alternative Fuel Corridors, release competitive solicitations, and manage project agreements to build out electric vehicle charging stations. (NEVI Funding, CTP Match Funding) Contact: Ben De Alba (Staff Presentation: 5 minutes)

### G. California Environmental Quality Act (CEQA) Compliance

1. Is Agreement considered a "Project" under CEQA?  
Yes



If yes, skip to question 2.

If no, complete the following (PRC 21065 and 14 CCR 15378) and explain why Agreement is not considered a "Project":

Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because: N/A

**2. If Agreement is considered a "Project" under CEQA answer the following questions.**

a) Agreement **IS** exempt?

Yes

Statutory Exemption?

No

If yes, list PRC and/or CCR section number(s) and separate each with a comma. If no, enter "None" and go to the next question.

PRC section number: None

CCR section number: None

Categorical Exemption?

Yes

If yes, list CCR section number(s) and separate each with a comma. If no, enter "None" and go to the next question.

CCR section number:

Common Sense Exemption? 14 CCR 15061 (b) (3)

Yes

If yes, explain reason why Agreement is exempt under the above section. If no, enter "Not applicable" and go to the next section.

Under this proposed interagency contract, CEC will work with Caltrans to update the NEVI Deployment Plan, identify alternative fuel corridors, release competitive grant solicitations, and manage resultant agreements. CEC staff intend to provide environmental review and recommend CEQA findings for resultant agreements, when they are developed. The scope of work of this contract is administrative in nature and there is no possibility that the activity in question will have a significant effect on the environment.

b) Agreement **IS NOT** exempt.

**IMPORTANT:** consult with the legal office to determine next steps.

No

If yes, answer yes or no to all that applies. If no, list all as "no" and "None" as "yes".

| <b>Additional Documents</b>            | <b>Applies</b> |
|--|----------------|
| Initial Study                          | No             |
| Negative Declaration                   | No             |
| Mitigated Negative Declaration         | No             |
| Environmental Impact Report            | No             |
| Statement of Overriding Considerations | No             |



|      |     |
|------|-----|
| None | Yes |
|------|-----|

**H. Subcontractors**

List all Subcontractors listed in the Budget (s). Insert additional rows if needed. If no subcontractors to report, enter “No subcontractors to report” and “0” to funds. **Delete** any unused rows from the table

| Subcontractor Legal Company Name | Budget |
|----------------------------------|--------|
| No subcontractors to report      | \$ 0   |

**I. Key Partners**

List all key partner(s). Insert additional rows if needed. If no key partners to report, enter “No key partners to report.” **Delete** any unused rows from the table.

| Key Partner Legal Company Name |
|--------------------------------|
| No key partners to report      |

**J. Budget Information**

Include all budget information. Insert additional rows if needed. If no budget information to report, enter “N/A” for “Not Applicable” and “0” to Amount. **Delete** any unused rows from the table.

| Funding Source          | Funding Year of Appropriation | Budget List Number | Amount        |
|-------------------------|-------------------------------|--------------------|---------------|
| Other - Caltrans (NEVI) | FY 23/24                      | TBD                | \$383,673,792 |
| ARFVTF                  | Multiple                      | N/A                | \$2,004,358   |

**TOTAL Amount:** \$385,678,150

R&D Program Area: Not applicable.

Explanation for “Other” selection: Caltrans will reimburse the CEC’s ARFVTF (fund 3117) with federal NEVI funds for CEC administrative costs of \$8,017,114 and program costs of \$375,656,678. The CEC will provide a sum of \$2,004,358, in match funds from the ARFVTF fund, which accounts for 20 percent of the CEC’s administrative costs. The match funding contribution is in addition to the \$383,673,792 in federal NEVI funds. This contribution fulfills the 20 percent non-federal match requirement set by the Federal Highway Administration (FHWA).

Reimbursement Contract #: Not applicable.

Federal Agreement #: Not applicable.

**K. Contractor’s Contact Information**

**1. Contractor’s Administrator/Officer**

Name: Jimmy O’Dea

Address: 1120 N Street, MS-49



City, State, Zip: Sacramento, CA 95814

Phone: (916) 708-3002

E-Mail: Jimmy.ODea@dot.ca.gov

**2. Contractor’s Project Manager**

Name: Jimmy O’Dea

Address: 1120 N Street, MS-49

City, State, Zip: Sacramento, CA 95814

Phone: (916) 708-3002

E-Mail: Jimmy.ODea@dot.ca.gov

**L. Selection Process Used**

There are three types of selection process. List the one used for this CRF.

| Selection Process  | Additional Information |
|--|------------------------|
| Competitive Solicitation #   | Not Applicable         |
| Non Competitive Bid ( <i>Attach DGS-GSPD-09-007</i><br><a href="https://www.dgs.ca.gov/PD/Forms">https://www.dgs.ca.gov/PD/Forms</a> ) | Not Applicable         |
| Exempt   | Interagency Exemption  |

**M. Contractor Entity Type**

| Contractor Entity Type  | Yes or No? |
|---|------------|
| Private Company ( <i>including non-profits</i> )  | No         |
| CA State Agency ( <i>including UC and CSU</i> )   | Yes        |
| Government Entity ( <i>i.e. city, county, federal government, air/water/school district, joint power authorities, university from another state</i> ) | No         |

**N. Is Contractor a certified Small Business (SB), Micro Business (MB) or Disabled Veterans Business Enterprise (DVBE)?**

The contractor is a certified: Not applicable.

**O. Civil Service Considerations**

- a. Not Applicable (Agreement is with a CA State Entity or a membership/co-sponsorship)?  
Yes.
- b. Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER) No.
- c. The Services Contracted: No.



If no, go to the next question. If yes, which of the following applies to the contract? More than one can apply, list each answer choice, and separate them with a comma:

- are not available within civil service.
- cannot be performed satisfactorily by civil service employee.
- are of such a highly specialized or technical nature that the expert knowledge, expertise, and ability are not available through the civil service system.

The following applies to the contract: Not applicable.

- d. The Services are of such an urgent, temporary, or occasional nature that the delay to implement under civil service would frustrate their very purpose?

Not applicable.

**Justification:**

The \$5 billion National Electric Vehicle Infrastructure (NEVI) Formula Program is part of the \$1.2 trillion Infrastructure Investment and Jobs Act (IIJA) signed into law by President Biden in November 2021. The NEVI Formula Program provides dedicated funding to states to strategically deploy electric vehicle charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability. Caltrans is the designated lead agency for the NEVI Formula Program and the CEC is their designated state energy partner and program implementer.

**P. Payment Method**

1. Is the payment method Reimbursement, Advanced Payment, or Other? Reimbursement.
2. If Reimbursement, is it in arrears based on Itemized Monthly, Itemized Quarterly, Flat Rate, or One-time? Arrears based on Itemized Semi-Annually.

**Q. Retention**

Is Agreement subject to retention? No.

If Yes, Will retention be released prior to Agreement termination? Not applicable.

**R. Justification of Rates**

Costs for this Agreement shall be computed in accordance with State Administrative Manual (SAM) Sections 9210 and 9211.

**S. Disabled Veteran Business Enterprise Program (DVBE)**

Provide requested additional information.

1. Exempt (Interagency/Other Government Entity) Yes.
2. Meets DVBE Requirements DVBE: No.  
Amount: \$0 DVBE %:0
3. Is the Contractor Certified DVBE or Subcontracting with a DVBE? If subcontracting with a DVBE, provide the name of the DVBE company.  
Not Applicable.
4. Contractor selected through CMAS or MSA with no DVBE participation: No.
5. Requesting DVBE Exemption (attach CEC 95): No.



**T. Miscellaneous Agreement Information**

1. Will there be Work Authorizations? No.
2. Is the contractor providing confidential information? No.
3. Is the contractor going to purchase equipment? No.
4. What is the check frequency of the progress reports? Monthly, Quarterly, or Other? Quarterly.
5. Will a final report be required? No.
6. Is the Agreement, with amendments, longer than three years? If yes, why?

Yes. The IIJA appropriates a total of \$5.0 billion for the NEVI Formula Program over a period of fiscal years 2022 through 2026. States must also ensure that the chargers installed as part of the NEVI Formula Program be maintained in compliance with NEVI standards for a period of at least five years from the date of installation.

**U. The following items should be attached to this CRF (as applicable)**

List all items that should be attached to this CRF by entering “Yes” or “No”.

| Item Number | Item Name  | Attached |
|-------------|--|----------|
| 1           | Exhibit A, Scope of Work/Schedule                | Yes      |
| 2           | Exhibit B, Budget Detail                         | Yes      |
| 3           | DGS-GSPD-09-007, NCB Request                     | No       |
| 4           | CEC 95, DVBE Exemption Request                   | No       |
| 5           | Awardee CEQA Documentation                       | No       |
| 6           | Resumes  | No       |
| 7           | CEC 105, Questionnaire for Identifying Conflicts | Yes      |

**Approved By**

Individuals who approve this form must enter their full name and approval date in the MS Word version.

**Agreement Manager:** Ben De Alba

**Approval Date:** May 26, 2023

**Branch Manager:** Jaron Weston

**Approval Date:** 05/26/2023

**Deputy Director:** Melanie Vail

**Approval Date:** 6/1/2023

**FTD NEW AGREEMENT ROUTING LOG**



| <b>FTD New Agreement Routing</b> | <b>@Mentions</b> |
|----------------------------------|------------------|
| CAM/Supervisor                   | Ben De Alba      |
| Branch Manager                   | Jaron Weston     |
| Deputy Director                  | Melanie Vail     |

**Files to be Reviewed/Approved:**

Link to SharePoint Location: [RMB600-23-001 Caltrans IA for NEVI](#)

- [Caltrans-CEC NEVI Interagency Agreement](#)
- [CEC 94 Contract Request Form](#)
- [Exhibit A: Scope of Work](#)
- [Exhibit A-1: Schedule](#)
- [Exhibit B: Budget](#)
- [Exhibit B-1: Budget Workbook](#)
- [Exhibit C: General Terms and Conditions](#)
- [Exhibit D: Additional Terms and Conditions](#)
- [Exhibit E: Special Terms and Conditions](#)
- [Exhibit F: Additional Provisions](#)
- [Exhibit G: Conflict of Interest](#)
- [Exhibit H: California's Deployment Plan for the NEVI Program](#)
- [Exhibit I: Contacts](#)

**Files for the IA Contract Prepared by Legal (review optional):**

- Exhibit B: Budget Detail and Payment Provisions
- Exhibit C: General Terms and Conditions for Interagency Agreements
- Exhibit D: Additional Terms and Conditions
- Exhibit E: Special Terms and Conditions
- Exhibit F: Additional Provisions
- Exhibit G: Conflict of Interest
- Exhibit H: California's Deployment Plan for the NEVI Program
- Appendix A to Nondiscrimination Assurances in Exhibit E: Special Terms and Conditions
- Appendix B to Nondiscrimination Assurances in Exhibit E: Special Terms and Conditions
- Appendix C to Nondiscrimination Assurances in Exhibit E: Special Terms and Conditions
- Appendix D to Nondiscrimination Assurances in Exhibit E: Special Terms and Conditions
- Appendix E to Nondiscrimination Assurances in Exhibit E: Special Terms and Conditions



STATE OF CALIFORNIA  
CALIFORNIA ENERGY COMMISSION

Contract Request Form  
CEC-94 (Revised 04/2023)

**Conflict of Interest Forms (needs signature)**

- CEC 105 Ben De Alba ([signed](#))
- CEC 105 Jaron Weston ([signed](#))
- CEC 105 Melanie Vail ([signed](#))

Note: Once signed, update link with signed version of PDF.

## Interagency Agreement

Between

The California Department of Transportation

And

The California Energy Commission

Regarding the Coordination of the National Electric Vehicle Infrastructure  
Formula Program in California

### **Exhibit A: Scope of Work**

#### **Definitions**

The Federal Highway Administration is herein after referred to as “FHWA.”

The Joint Office of Energy and Transportation is herein after referred to as the “Joint Office.”

The California Department of Transportation (“Caltrans”) is the recipient of federal funding under the National Electric Vehicle Infrastructure Formula Program (“Federal NEVI Program”), and Caltrans is the “Contracting Agency” referenced in the California Department of General Services’ (“DGS”) Standard Agreement - Amendment Form 213A.

The California Energy Commission (“CEC”) is the subrecipient to Caltrans of federal funding under the NEVI Program, and the CEC is the “Contractor” referenced in DGS Form 213A.

Caltrans and the CEC are herein after collectively referred to as “Parties.”

California’s implementation of the Federal NEVI Program is herein after referred to as “California’s NEVI Program” or “the California NEVI Program,” which includes development and administration of NEVI Funding Opportunities and follows California’s Deployment Plan for the National Electric Vehicle Infrastructure Program, or “Deployment Plan.”

A project using funding under California’s NEVI Program to build out electric vehicle charging infrastructure for a specified portion of an Alternative Fuel Corridor is herein after referred to as a “NEVI Project.”

A competitive solicitation issued by the CEC for a NEVI Project is herein after referred to as a “NEVI Funding Opportunity.”

An applicant awarded funding by the CEC under a NEVI Funding Opportunity is the primary source for delivering the project listed in the award agreement and is herein after referred to as an “Awardee.” Subcontractors to Awardees are herein after referred to as “Awardee Subcontractors.”

An agreement entered into by the CEC and an Awardee for a NEVI Project is herein after referred to as a “NEVI Project Agreement.”

An agreement entered into by Caltrans and the CEC for an individual NEVI Project is hereinafter referred to as a “Project Specific Supplement Agreement.”

### **Commencement**

This Interagency Agreement (“Agreement”) will become effective upon execution by Caltrans and the CEC, and approval by DGS. This Agreement shall have no force or effect unless and until execution by Caltrans and the CEC and approval by DGS.

The CEC shall not receive payment for work performed prior to the effective date of the Agreement and before receipt of notice to proceed by the Caltrans Contract Manager.

In signing this Agreement, the Parties agree to follow the provisions described herein. The Parties may amend this Agreement as permitted by law. All inquiries and notices made during the term of this Agreement will be directed to the project representatives listed below.

| <b>California Department of Transportation</b>                                | <b>California Energy Commission</b>                                      |
|---|--|
| Section/Unit: Director’s Office of Equity, Sustainability, and Tribal Affairs | Section/Unit: Fuels and Transportation Division, ZEV Acceleration Branch |
| Contract Manager: Jimmy O’Dea   | Project Manager: Ben De Alba   |
| Address: 1120 N Street<br>Sacramento, CA 95814                                | Address: 715 P Street<br>Sacramento, CA 95814                            |
| Business Phone Number: 916-708-3002   | Business Phone Number: 916-539-6828                                      |
| Email: jimmy.odea@dot.ca.gov  | Email: ben.dealba@energy.ca.gov  |

### **Background**

The Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), Public Law 117-58 (Nov. 15, 2021), provides \$5 billion through the Federal NEVI Program to

build a national network of electric vehicle (EV) charging infrastructure along highway corridors.

As the established State Department of Transportation in California, Caltrans can carry out projects that satisfy the requirements of Title 23 of the United States Code (USC) including 23 USC Section 302, and is the recipient of Federal Highway Administration (FHWA) funds. Caltrans manages more than 50,000 miles of California's highway and freeway lanes, provides inter-city rail services, permits more than 400 public-use airports and special-use hospital heliports, and works with local agencies on transportation projects. The CEC is leading the state to a 100 percent clean energy future and is the state's lead agency for the deployment of zero-emission vehicle infrastructure. The CEC manages the Clean Transportation Program which, among other things, funds and manages grant projects to meet the state's needs for zero-emission vehicle infrastructure.

The Federal-aid Highway Program (FAHP) is a federally assisted program of state-selected projects. The scope of FHWA responsibilities, and the legal authority for Caltrans' assumption of FHWA responsibilities have been developed over time. The U.S. Secretary of Transportation delegated responsibility to the Administrator of FHWA for the FAHP.

The assumptions outlined in this agreement are subject to the Stewardship and Oversight Agreement ("S&O") between FHWA and Caltrans.<sup>1</sup> The CEC's and Caltrans' actions on NEVI Projects will be subject to (1) the Caltrans-FHWA S&O Agreement, (2) "Exhibit 2b Federal-Aid Project Responsibilities List,"<sup>2</sup> (3) this Agreement, (4) Project Specific Supplement Agreements, and (5) state and federal law. The CEC's and Caltrans' actions on NEVI Projects will also be subject to the provisions of the Local Assistance Procedures Manual (LAPM)<sup>3</sup> as applicable to the California NEVI program, Federal NEVI Program, and the Parties' respective responsibilities as a recipient and sub-recipient as described herein.

CEC will be responsible as specified in 2 CFR Part 200, and Title 23, to the extent of its role as a subrecipient of Caltrans and as the state entity making NEVI Project awards; Caltrans will be responsible as recipient for oversight of CEC's performance of CEC's duties and responsibilities. For each NEVI Project, Caltrans will provide oversight of CEC through Project Specific Supplement Agreements.

The CEC will be responsible, to the extent of its role as a subrecipient of Caltrans and as the state

---

<sup>1</sup> The S&O Agreement between FHWA and Caltrans can be found online at: [www.fhwa.dot.gov/federalaid/stewardship/agreements/ca.pdf](http://www.fhwa.dot.gov/federalaid/stewardship/agreements/ca.pdf)

<sup>2</sup> Exhibit 2-b Federal-Aid Project Responsibilities List can be found online at: <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c02/02b.pdf>

<sup>3</sup> Caltrans' LAPM can be found online at: <https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistance-procedures-manual-lapm>

entity making NEVI Project awards, for the duties and obligations of a subrecipient described in the S&O Agreement, Project Specific Supplement Agreements, Caltrans' Right of Way Manual, and the LAPM as applicable to the Federal NEVI Program. Caltrans is responsible and accountable to FHWA for overseeing federal funds and the CEC consistent with the S&O.

The CEC will be responsible and accountable for compliance with all applicable federal laws and requirements, to the extent of its role as a subrecipient. To the extent permitted by the S&O, the Parties agree to work together and share their expertise with each other, as needed, and within the scope of this Agreement. While CEC is responsible for content of NEVI Program Agreements, the CEC may consult with Caltrans for their expertise in managing federal funds to ensure compliance with all federal requirements. Specifically, the CEC may ask Caltrans to review draft NEVI Funding Opportunities and NEVI Project Agreement terms and conditions to ensure that federal requirements are incorporated. If FHWA deems that federal requirements have not been met and decides to request repayment of Federal NEVI Program funds from Caltrans, the CEC may be required to repay that same amount of Federal NEVI funds to Caltrans, if it has not met federal requirements.

### **Purpose**

The CEC and Caltrans have a strong collaboration. The purpose of this Agreement is to provide terms of the collaboration between the two agencies to ensure charging infrastructure investments by the state made through California's NEVI Program are strategic, coordinated, efficient, and equitable while meeting the applicable laws and regulations.

This Agreement describes the work necessary to deploy EV charging infrastructure in accordance with *California's Deployment Plan for the NEVI Program* ("Deployment Plan") attached as **Error! Reference source not found.**, and the Federal NEVI Program, including the FHWA's program guidance and any promulgated regulations for the Federal NEVI Program, all as amended from time to time.

Administration of this Agreement by Caltrans and the CEC will facilitate open communication between Parties and identify any needed modifications to the tasks, products, schedule, or budget to meet Federal NEVI Program requirements and achieve state and federal goals, including those in the Deployment Plan.

This Agreement addresses roles and responsibilities associated with:

**Agreement administration**, including:

- Scheduling and preparing materials for meetings between Caltrans and the CEC, regarding the status and trajectory of California’s NEVI Program. A final meeting or meetings will be held to close out this Agreement after completion and closing of California’s NEVI Program.
  - Invoicing and paying support-costs associated with the administration of California’s NEVI Program.
- **Technical tasks**, including:
- Analyzing corridors, engaging stakeholders, and preparing/submitting authorization requests associated with potential, additional designations of Alternative Fuel Corridors for California’s NEVI Program.
  - Preparing and submitting updates to the Deployment Plan as required by the FHWA and Joint Office over the 5-year term of California’s NEVI Program.
- **NEVI Project administration**, including:
- Developing and publishing competitive NEVI Funding Opportunities to fund private entities’ installation, operation, and maintenance of EV charging infrastructure along designated Alternative Fuel Corridors according to the latest Deployment Plan and Federal NEVI Program requirements.
  - Executing NEVI Project Agreements with Awardees, managing NEVI Project Agreements, requiring compliance with state and federal requirements, and reimbursing CEC Awardees for actual expenses per NEVI Project Agreements’ terms and conditions.

**Roles, Responsibilities, and Deliverables**

**Both Parties agree to:**

- Perform their respective duties and responsibilities (as recipient and subrecipient) in accordance with the S&O and LAPM as applicable to the Federal NEVI Program.
- Subject to the foregoing, meet regularly (e.g., no less than monthly) for the duration of California’s NEVI Program as it exists or if it is re-authorized under new provisions.
- Subject to the foregoing, share information, ideas, and knowledge freely and openly to the

maximum benefit of the state and the public.

- ❑ Both parties agree and understand that Caltrans is not providing any funding or reimbursement for NEVI Projects beyond available Federal NEVI Program funding.

**The CEC will:**

### **Agreement Administration**

- ❑ Prepare and present a California NEVI Program update at each regular meeting between Parties, including a final NEVI report (including findings, conclusions, and recommendations) at a closeout meeting or meetings for California's NEVI Program. The CEC will prepare written documentation of NEVI Project Agreements reached, if any, at these meetings.
- ❑ Provide descriptions of the modifications needed to the tasks, schedule, products, or budget associated with California's NEVI Program.
- ❑ Provide a budget of the CEC's support-costs for the purposes of programming in advance of a request for authorization (E-76) and followed by incurring expenses. Only work performed after E-76 authorization is eligible for reimbursement.
- ❑ Prepare and submit an authorization request (E-76) to Caltrans for all budgeted support costs incurred by the CEC prior to incurring expenses and subsequently invoice Caltrans semiannually. Only work performed after E-76 authorization is eligible for reimbursement.
- ❑ Estimate indirect cost rates and submit to Caltrans for approval before reimbursement of support costs.

### **Technical Tasks**

#### ***Updates to Deployment Plan***

- ❑ Conduct stakeholder outreach, including public workshops, one-on-one meetings, small group meetings, and responses to e-mailed questions. Outreach shall specifically include engagement with disadvantaged communities on transportation electrification opportunities through California's NEVI Program, including but not limited to outreach to the Disadvantaged Communities Advisory Group (DACAG).
- ❑ Prepare analyses of future transportation electrification demand, consistent with the CEC's

Electric Vehicle Charging Infrastructure Assessment (also known as the AB 2127 report), to provide objective assessments for Caltrans and CEC to collaborate on the placement of Direct Current Fast Charging (DCFC) stations along California's Alternative Fuel Corridors.

- ❑ Analyze infrastructure needs by assessing the distribution of existing and planned DCFC stations to ensure conformance with California's policy goals for equitable access to transportation electrification facilities. Infrastructure assessments will be updated ahead of each NEVI Funding Opportunity.
- ❑ Provide and maintain a docket that allows for the submission, publication, and retention of materials and public comments related to the Deployment Plan and its updates.
- ❑ Draft Deployment Plan updates as required by FHWA guidelines and the Joint Office.
- ❑ Submit draft updates of the Deployment Plan to Caltrans and other state agencies for input.
- ❑ Seek public input on draft updates to the Deployment Plan.
- ❑ Integrate sections developed by Caltrans and evaluate agency and stakeholder feedback.

#### *Designation of Alternative Fuel Corridors*

- ❑ Provide analysis annually, or as needed, to support the designation of eligible highways in California as Alternative Fuel Corridors.
- ❑ Conduct stakeholder engagement for the designation of California's Alternative Fuel Corridors, such as public workshops, one-on-one meetings, small group meetings, and responses to e-mailed questions.
- ❑ Create and maintain geospatial information services (GIS) maps for Alternative Fuel Corridors that may include current and future EV corridors including charging site attributes, condition, and performance data layers.

#### **California NEVI Program Administration**

## *Development and Management of NEVI Funding Opportunities*

- ❑ Draft NEVI Funding Opportunity materials that comply with federal laws, ordinances, regulations, and standards, including but not limited to compliance requirements under the following, as amended from time to time:
  - Build America, Buy America Act
  - Davis Bacon Act
  - National Environmental Policy Act
  - Americans with Disabilities Act
  - Title VI of the Civil Rights Act of 1964
  - Title VIII of the Civil Rights Act of 1968
  - Uniform Relocation Assistance and Real Property Acquisition Act (49 CFR 24 et seq.)
  - Requirements of the Federal NEVI Program, including the requirements of CFR Title 23; CFR Title 49; 2 CFR 200; 28 CFR parts 35 and 36
  - National Electric Vehicle Infrastructure Standards and Requirements (23 CFR 680)
  - Any promulgated regulations for the Federal NEVI Program
  - The Deployment Plan
  
- ❑ Create and manage NEVI Funding Opportunities in consultation with Caltrans. At the request of CEC, Caltrans shall review draft solicitations for compliance with NEVI requirements, including but not limited to the requirements of Title 23 and Title 49, United States Code, Chapter 1; 2 CFR part 200; 23 CFR parts 35 and 36; any promulgated regulations for the federal NEVI Program; and California's NEVI Deployment Plan, all as amended from time to time. To this end, the CEC will provide Caltrans a draft of NEVI Funding Opportunity materials for review and comments prior to publishing. The CEC may consider the oversight feedback of Caltrans regarding compliance with federal requirements.
  
- ❑ Development of NEVI Funding Opportunities shall comply with the FHWA and Caltrans

requirements, state and federal laws and regulations, and consistent with CEC's own procedures, including the following:

- Draft and publish pre-solicitation and solicitation materials and documents, using the CEC's templates including but not limited to those for a proposed NEVI Project Agreement's scope of work, terms and conditions, budget, and schedule
  - Hold public workshops
  - Receive proposals
  - Evaluate proposals
  - Publish Notice(s) of Proposed Awards
- ❑ Create, manage, and update evaluation criteria for the NEVI Funding Opportunities that satisfy the Deployment Plan's goals and objectives and is agreed to by both Parties.
  - ❑ Establish and update a publicly available schedule for target dates for releasing NEVI Funding Opportunities.

#### *Development and Management of NEVI Project Agreements*

- ❑ Develop NEVI Project Agreements with proposed Awardees that satisfy state, federal, and NEVI Program requirements, for potential approval by the CEC's Commissioners. At minimum, each NEVI Project Agreement will include a scope of work with specific and measurable goals, deliverables, requirements for each deliverable, and shall describe how each NEVI Project Agreement will meet the Federal NEVI Program requirements. Terms in NEVI Project Agreements may include but are not limited to the following:
  - Installation, operation, and maintenance by qualified technicians of EV charging infrastructure
  - Interoperability of EV charging infrastructure
  - Traffic control devices and on-premise signs acquired, installed, or operated
  - Data related to a project funded under the NEVI Formula Program, including the format and schedule for the submission of such data

- Network connectivity of EV charging infrastructure
- Information on publicly available EV charging infrastructure locations, pricing, real-time availability, and accessibility through mapping applications
- ❑ Ensure that the federally-required match is identified and secured as part of the NEVI Project Agreement.
- ❑ Support Caltrans and regional partners (i.e., Metropolitan Planning Organizations, Regional Transportation Planning Agencies, etc.) to program or amend the Federal Transportation Improvement Program to include NEVI Projects.
- ❑ Provide draft NEVI Project Agreements to Caltrans for oversight review.
- ❑ Approve NEVI Project Agreements.
- ❑ Execute approved NEVI Project Agreements and manage such agreements for their duration and in accordance with their terms.
- ❑ Ensure that no reimbursable work for a NEVI Project begins until federal funds for the project are authorized by FHWA via E-76, and that all work for which an Awardee intends to seek reimbursement using NEVI funds is incurred during the term of its NEVI Project Agreement, not before or after, and that the project is closed within 120 days of the project end date. Adjustments to project end date should be requested via E-76 (AMOD) prior to the project end date lapsing to ensure the project end date does not lapse before billable work is complete. Should the project end date lapse, any project work done after the lapsing of the project end date and the approval of a new project end date by FHWA at the request of the CEC via a Request for Authorization Request package submittal to Caltrans, will not be eligible for federal reimbursement and the project costs and expenses may be paid by CEC without reimbursement.
- ❑ Require Awardees to participate in monthly calls and provide quarterly project reports to communicate progress. Perform periodic critical project reviews as necessary to determine if the Awardee should continue to receive funding to complete the NEVI Project and to identify any needed modifications to the tasks, products, schedule, or budget.
- ❑ Collect and submit required data to FHWA and the Joint Office on quarterly and annual basis in compliance with Federal NEVI Program requirements.
- ❑ Review Awardee invoices and prepare and submit reimbursement requests to Caltrans for actual

costs incurred by Awardees in accordance with the terms and conditions in its NEVI Project Agreement and federal requirements within CFR Title 23 and the LAPM Chapter 5.

- ❑ Comply with all applicable environmental laws and regulations, including the requirements of the California Environmental Quality Act (CEQA).
- ❑ Ensure Awardees are reimbursed in accordance with the provisions of their NEVI Project Agreement. Amend NEVI Project Agreements, including budgets as needed and appropriate in accordance with the provisions of this Agreement.
- ❑ Maintain records of Awardees' invoicing and reimbursements for three years after the closeout of the project.
- ❑ Work with Caltrans and other stakeholders to establish a Project Specific Supplement Agreement between Caltrans and the CEC for each NEVI Project that includes scope, goals/objectives, deliverables, requirements for each deliverable, acceptance criteria, schedules, corridor plan (design, right of way, utilities, and construction) and costs including an Indirect Cost Allocation Rate calculation. Each Project Specific Supplement Agreement executed under this Agreement will be managed and billed separately.
- ❑ Establish an Indirect Cost Allocation Plan/Rate that is approved by the Parties' respective accounting divisions and by the Caltrans Internal Audits Office.
- ❑ Manage NEVI Project Agreements and evaluate individual NEVI Project Agreements expenses for eligibility within the Federal and California NEVI Programs, state, and federal rules, notably 2 CFR Part 200.
- ❑ Request the de-obligation of unused federal funds in accordance with individual Project Specific Supplement Agreements between Caltrans and the CEC.
- ❑ Prepare NEVI Project Agreement templates and review with Caltrans. CEC shall ensure NEVI Project Agreements include the requirements of the Federal NEVI Program, including but not limited to the following:
  - Build America, Buy America Act, including language that steel and iron products and construction materials permanently incorporated into projects must comply with Buy America requirements per 23 CFR 635.410 et seq. and the Build America, Buy America Act.
  - Davis Bacon Act

- National Environmental Policy Act
- The Americans with Disabilities Act of 1990 (ADA), and any implementing regulations, including applicable accessible standards adopted by the U.S. Department of Transportation into its ADA regulations (49 CFR 37 et seq.) in 2006, and adopted by the U.S. Department of Justice into its ADA regulations (28 CFR parts 35 and 36 et seq.) in 2010.
- Title VI of the Civil Rights Act of 1964, and implementing regulations 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.
- Uniform Relocation Assistance and Real Property Acquisition Act (49 CFR 24 et seq.) and implementing regulations.
  - A Caltrans District Right of Way Local Programs Coordinator may monitor right of way activities at any time during a NEVI Project. However, most monitoring will take place in real time to ensure Uniform Act compliance.
  - Pre-coordination and consultation shall occur between the CEC and Caltrans prior to submittal of the right of way certification as described in Ch. 13 of the LAPM.
  - The CEC may request Caltrans District Right of Way Local Programs Coordinators to review documentation to verify qualifications are met for right of way activities to be performed.
- Requirements of the Federal NEVI Program, including the requirements of CFR Title 23; CFR Title 49; 2 CFR part 200; and 28 CFR parts 35 and 36 et seq.
- National Electric Vehicle Infrastructure Standards and Requirements (23 CFR 680)
- The Deployment Plan

□ Regarding NEPA, submit a Preliminary Environmental Study (PES) Form to the Caltrans

Division of Local Assistance, Office of Environmental Compliance and Outreach (ECO). This form may be prepared by NEVI Project applicants. The PES includes relevant project information including potential impacts, class of action, and lists required technical studies. Preparation of technical studies may begin with approval of the PES Form and shall be completed by NEVI Project applicants.

- ❑ CEC, Awardees, or Awardee Subcontractors shall consult with Caltrans prior to commencing any environmental work, right of way activities, and construction as part of the E-76 approval process.
- ❑ When right of way activities on a NEVI Project are performed, CEC, Awardee, or Awardee Subcontractor shall prepare the Right of Way Certification in consultation with Caltrans in its oversight role (“Exhibit-13A” or “Exhibit-13B” in the LAPM, Chapter 13) for each project and submit a Right of Way Certification to Caltrans, necessary even for projects that do not involve the Caltrans right of way.
  - Supporting documentation shall be submitted prior to the Certification package, if applicable including: Appraisal or Waiver Valuation, Title Reports, contracts, Title VI Compliance, Deed, Rental/Lease Agreement, Insurance Requirement, Return on Investment to determine cost liability, Notice to Owners, Specific Authorization, and Review of Invoices for Utilities. For utility relocation details refer to LAPM Chapter 14: Utility Relocation and Caltrans Right of Way Manual Chapter 13: Utility Relocation.

Only personnel meeting the qualifications criteria identified in the Ch. 17 of the Right of Way Manual will perform right of way activities.

**Caltrans will:**

**Agreement Administration**

- ❑ Determine location, time, and date of meetings between Parties and prepare meeting agendas, including closeout meetings. Caltrans will prepare a schedule of activities to close out the Agreement.
- ❑ Program support-costs estimated by the CEC.
- ❑ Process the CEC’s invoices for program support in accordance with the Prompt Payment Act and provide payment to the CEC within 45 days of receipt of an undisputed invoice. Expenses will be paid with funds made available by the Federal NEVI Program for program administration after approvals are obtained by Caltrans from FHWA.

## Technical Tasks

### *Updates to the Deployment Plan*

- ❑ To the extent it does not conflict with its oversight duties and responsibilities, support the CEC with stakeholder outreach, including public workshops, one-on-one meetings, small group meetings, and responses to e-mailed questions, in accordance with the CEC's standard practices and policies.
- ❑ Draft sections of updates to the Deployment Plan related to areas in which Caltrans has experience and expertise, as agreed by Caltrans and the CEC.
- ❑ Review draft updates to the Deployment Plan for conformance with the requirements of the Federal NEVI Program, including requirements of CFR Title 23, and notify the CEC in writing of any deficiencies, including conflicts, discrepancies, omissions, errors, or other elements that have the potential to create nonconformance or noncompliance with requirements of the Federal NEVI Program; and provide text that will correct any deficiencies.
- ❑ Submit updated Deployment Plans to FHWA for review and approval. Caltrans is responsible for the content of any plans submitted to FHWA.
- ❑ Serve as primary liaison to FHWA, and ensure all tasks and projects funded with Federal NEVI Program funding are compliant with requirements in the S&O Agreement for maintaining federal eligibility.
- ❑ Conduct outreach to California Indian Tribes through its Native American Liaison Branch. Tribal consultation shall be done in accordance with Section 106 of the National Historic Preservation Act and will be conducted by Caltrans Headquarters or District Environmental staff.
- ❑ Write and publish an annual Community Engagement Outcomes Report in accordance with Federal NEVI Program requirements. Caltrans shall seek input and review on this report from the CEC. Caltrans is responsible for the contents of this report and submitting to FHWA.

### *Designation of Alternative Fuel Corridors*

- ❑ Request and process input from Metropolitan Planning Organizations, Caltrans District Offices, and other state agencies regarding the designation of Alternative Fuel Corridors.

- Based on analysis from the CEC, prepare a proposal regarding the designation of Alternative Fuel Corridors and submit to FHWA for approval/authorization. Caltrans is responsible for and will determine the final nomination of corridors and is responsible for the content of plans submitted to the FHWA.

### **California NEVI Program Administration**

#### *Development and Management of NEVI Funding Opportunities*

- Provide oversight review of draft NEVI Funding Opportunity materials, and make staff experts available as needed, to provide consultation for the CEC's compliance with federal laws, ordinances, regulations, and standards, including but not limited to compliance requirements under the following, as amended from time to time:
  - 2 CFR Part 200 and Title 23
  - Build America, Buy America Act
  - Davis Bacon Act
  - National Environmental Policy Act
  - Americans with Disabilities Act
  - Title VI of the Civil Rights Act of 1964
  - Title VIII of the Civil Rights Act of 1968
  - Uniform Relocation Assistance and Real Property Acquisition Act (49 CFR 24 et seq.)
  - Requirements of the Federal NEVI Program, including the requirements of CFR Title 23; CFR Title 49; 2 CFR 200; 28 CFR parts 35 and 36 et seq.
  - National Electric Vehicle Infrastructure Standards and Requirements (23 CFR 680)
  - The Deployment Plan

If discovered, Caltrans shall notify the CEC in writing of any issues regarding compliance with the aforementioned laws, ordinances, regulations, and standards and suggest a course of action to resolve those issues, with sufficient time for CEC to avoid any noncompliance.

- ❑ Provide staff to assist the CEC with evaluation of charging infrastructure project proposals as technical advisors, with emphasis on ensuring that proposed projects meet the federal requirements specified above. Caltrans and technical advisors in their individual capacity shall execute nondisclosure agreements provided by CEC prior to participation in review of applications and comply with conflict-of-interest requirements as provided in **Error! Reference source not found.**
- ❑ Serve as the point of contact for communications and obtaining federal authorizations for all projects with FHWA and associated federal agencies regarding NEVI Funding Opportunities.

#### *Development and Management of NEVI Project Agreements*

- ❑ In coordination with regional partners (i.e., Metropolitan Planning Organizations), process administrative modifications or amendments to the Federal State Transportation Improvement Program (FSTIP) to execute California's NEVI Program as mutually agreed upon. For NEVI Projects in rural and non-MPO areas, Caltrans will process administrative modifications or amendments to the FSTIP.
- ❑ Develop Project Specific Supplement Agreements with the CEC that allow for E-76 authorizations and reimbursement of project invoices for each NEVI Project.
- ❑ After all the required documents are properly prepared and submitted by the CEC, process federal funding authorization requests from the CEC (E-76) for NEVI Projects. Provide funding to CEC within forty-five (45) days of approval of any authorization request.
- ❑ Provide support to the CEC in the development and management of NEVI Project Agreements consistent with Caltrans' oversight role. These costs will be considered administration support costs allowable by the Federal NEVI Program and reimbursed by the Federal NEVI Program.
- ❑ Consistent with its oversight role, review draft NEVI Project Agreement templates and notify the CEC in writing of any concerns. Caltrans' review of draft NEVI Project Agreements shall include but not be limited to provisions associated with the following:
  - Build America, Buy America Act, including language that steel and iron products and construction materials permanently incorporated into projects must comply with Buy

America requirements per 23 CFR 635.410 et seq. and the Build America, Buy America Act.

- Davis Bacon Act
  
- NEPA, the Council on Environmental Quality's NEPA implementing regulations, and applicable agency NEPA procedure, as outlined in the Caltrans/FHWA Memoranda of Understanding for US Codes 326 and 327 (NEPA Assignment MOUs), Caltrans Standard Environmental Reference and Local Assistance Procedures Manual including:
  - The First Amended Section 106 Programmatic Agreement (106 PA) among FHWA, the State Office of Historic Preservation, the Advisory Council of Historic Preservation, and Caltrans on January 1, 2014. Compliance with Federal Laws, Regulations, and Executive Orders enumerated in the Part 3.2 of the FHWA/Caltrans MOU for USC 326 and Appendix B of the FHWA/Caltrans MOU for US Code 327.
  
- The Americans with Disabilities Act of 1990 (ADA), and any implementing regulations, including applicable accessible standards adopted by the U.S. Department of Transportation into its ADA regulations (49 CFR 37 et seq.) in 2006, and adopted by the U.S. Department of Justice into its ADA regulations (28 CFR parts 35 and 36 et seq.) in 2010.
  
- Title VI of the Civil Rights Act of 1964, and implementing regulations 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.
  
- Uniform Relocation Assistance and Real Property Acquisition Act (49 CFR 24 et seq.) and implementing regulations.
  - A Caltrans District Right of Way Local Programs Coordinator may monitor Right of Way activities at any time during the project. However, most monitoring will take place in real time during the right of way phase of the project to ensure Uniform Act compliance.

- Pre-coordination and consultation shall occur with the CEC prior to submittal of the Certification package.
  - Caltrans District Right of Way Local Programs Coordinators will review documentation to verify qualifications are met for right of way activities to be performed.
- Requirements of the Federal NEVI Program, including the requirements of the United States Code and Code of Federal Regulations Titles 23 and 49; 2 CFR 200 et seq.; and 28 CFR 35 and 36 et seq.
  - National Electric Vehicle Infrastructure Standards and Requirements (23 CFR 680)
  - The Deployment Plan
- As NEPA Lead Agency, Caltrans will review and approve PES forms and technical studies completed by Awardees or Awardee Subcontractors, make NEPA findings, and provide NEPA documentation.