March 6, 2025

**GFO-24-606**

**California’s National Electric Vehicle Infrastructure Formula Program Solicitation 2**

**Addendum 1**

The purpose of this addendum is to notify potential applicants of changes that have been made to GFO-24-606.

The addendum includes revisions to the Solicitation Manual (Attachment 00), Project Narrative Unique to Corridor Segment (Attachment 01 – Part A), and Scope of Work (Attachment 02). Added language appears in **bold underline**,and deleted language appears in [~~strikethrough~~] and within square brackets.

The addendum also adds an attachment: Special Terms and Conditions for California Tribal Organizations Serving California Native American Tribes With Sovereign Immunity (Attachment 18).

## Solicitation Manual

The following edits are made to the Solicitation Manual (Attachment 00).

1. **Attachments** (page 4) (new attachment added)

**18 – Special Terms and Conditions for California Tribal Organizations Serving California Native American Tribes With Sovereign Immunity**

1. **Section I.B. Background** (pages 5-6)

NEVI is an initiative to create a coast-to-coast network of EV chargers focused on major highways that support the majority of long-distance trips. This national network will give drivers confidence that they can always find a place to charge **and**[~~,~~] jump start private investment in charging infrastructure and EVs**.** [ ~~and support President Biden’s goal of having EVs make up at least 50 percent of new car sales by 2030.~~~~[[1]](#footnote-2)~~]

**As of February 6, 2025, FHWA suspended the approval of all states’ previously approved NEVI deployment plans while it undergoes a review of the NEVI formula program guidance. The existing NEVI formula program guidance has been rescinded during this review. FHWA plans to release new NEVI formula program guidance in spring 2025, which will include instructions to states on amending their deployment plans.[[2]](#footnote-3)**

**The CEC and Caltrans expect to also prepare and submit a 2025 deployment plan update** [~~The deployment plan will be updated again in 2025~~] to reflect progress, identify new challenges and opportunities, highlight future plans, and ensure alignment with California’s EV charging infrastructure planning efforts, such as the state’s Zero Emission Vehicle Infrastructure Plan. California is committed to reviewing the outcomes from the deployment plan to determine best practices, ensure that the plan meets the program guidelines, and to confirm that the plan is accomplishing the state’s goals for a network of EV chargers.

1. **Section I.D. Key Activities and Dates** (pages 6-7)

| **ACTIVITY** | **ACTION DATE** |
| --- | --- |
| Solicitation Release | December 19, 2024 |
| Pre-Application Workshop\*  | January 14, 2025 |
| Deadline for Written Questions by 5:00 p.m.\* | January 21, 2025 |
| Anticipated Distribution of Questions/Answers | Week of February 17, 2025 |
| Support for Application Submission in the Energy Commission Agreement Management System (ECAMS) until 5:00 p.m. | **Ongoing until** **March 25 [~~March 17~~], 2025** |
| **Deadline to Submit Applicationsby 11:59 p.m.\*** | **March 25 [~~March 17~~], 2025** |
| Anticipated Notice of Proposed Awards Posting  | Week of **June 16** [~~June 9~~], 2025 |
| Anticipated CEC Business Meeting  | September 2025 |

1. **Section I.P. Reference Documents** (pages 14-15)
* [~~U.S. Department of Transportation, Federal Highway Administration.~~ [~~National Electric Vehicle Infrastructure (NEVI) Formula Program Guidance~~](https://www.fhwa.dot.gov/environment/nevi/formula_prog_guid/90d_nevi_formula_program_guidance.pdf)~~. https://www.fhwa.dot.gov/environment/nevi/formula\_prog\_guid/90d\_nevi\_formula\_program\_guidance.pdf.~~]
* [~~The White House.~~ [~~FACT SHEET: Biden-Harris Administration Announces New Standards and Major Progress for a Made-in-America National Network of Electric Vehicle Chargers~~](https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers/)

~~https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers/.~~]

* [~~Climate and Economic Justice Screening Tool.~~ [~~Explore the map~~](https://screeningtool.geoplatform.gov/en/) ~~(for identifying Justice40 disadvantaged communities). https://screeningtool.geoplatform.gov/en/.~~]
1. **Section II.A. Applicant Requirements** (pages 17-18)
2. **Eligibility**

This solicitation is open to all private entities, excluding investor-owned utilities**, and is also open to California Tribal Organizations serving California Native American Tribes**.

1. **Terms and Conditions**

Each grant agreement resulting from this solicitation will include terms and conditions that set forth the grant recipient’s rights and responsibilities. By providing the authorizations and certifications required under this solicitation, each Applicant agrees to enter into an agreement, if awarded, with the CEC to conduct the proposed project according to the terms and conditions for this solicitation (Attachments 16 and 17, and the [Insolvency, Bankruptcy, or Receivership terms and conditions](https://www.energy.ca.gov/sites/default/files/2024-12/Special_Terms_and_Conditions_Bankruptcy_ada.pdf) found at https://www.energy.ca.gov/sites/default/files/2024-12/Special\_Terms\_and\_Conditions\_Bankruptcy\_ada.pdf)**, and, if applicable, the Special Terms and Conditions for California Tribal Organizations serving California Native American Tribes with Sovereign Immunity (Attachment 18)**, without negotiation.

Failure to agree to the terms and conditions by taking actions such as failing to provide the required authorizations and certifications or indicating that acceptance is based on modification of the terms may result in rejection of the application. Applicants must read the terms and conditions carefully. CEC reserves the right to modify the terms and conditions prior to executing grant agreements.

**If a California Tribal Organization (Tribal Organization) serving a California Native American Tribe (Tribe) with sovereign immunity is listed as a proposed awardee in the Notice of Proposed Awards (NOPA), before bringing the proposed award to a Business Meeting, CEC staff must receive (a) resolution(s) or other authorizing document(s) by the governing body of the Tribe or Tribal Organization which:**

* + 1. **Authorizes the Tribe or Tribal Organization to enter into the proposed agreement, including accepting the Special Terms and Conditions for California Tribal Organizations Serving California Native American Tribes with Sovereign Immunity (Attachment 18), including the Limited Waiver of Sovereign Immunity and Consent to Jurisdiction; and**
		2. **Approves a limited waiver of tribal sovereign immunity, to the extent that any such sovereign immunity exists, for any and all claims by the CEC that may arise relating to this Agreement and any remedies therefore under the laws of the state of California and the laws of the United States of America; and**
		3. **Consents to personal jurisdiction over the Tribe or Tribal Organization, and consents to venue in any court of the State of California and any federal court sitting in the State of California; and waives any and all claim that the Tribe or Tribal Organization may have, including without limitation that such court is an inconvenient forum, for the purposes of any proceeding related to this Agreement; and, with respect to a proceeding in a court of the State of California or a federal court sitting in the State of California, any requirement that tribal remedies must be exhausted; and**
		4. **Delegates authority to execute the proposed agreement to an appropriate individual.**

**The above requirements may be provided in one or more documents. The document(s) will be included as an exhibit to the resulting grant agreement.**

**Delay in award. Any delay in the Tribe or Tribal Organization’s ability to provide the documentation specified in sections (i)-(iv) above may result in delayed award of the grant agreement.**

**Reservation of right to cancel proposed award. Funds available under this solicitation have encumbrance deadlines which the CEC must meet in order to avoid expiration of the funds. In addition to any other rights reserved to it under this solicitation or that it otherwise has, the CEC reserves the right to cancel a proposed award if it determines, in its sole and absolute discretion, that the documentation described in sections (i)-(iv) above would likely not be provided prior to an encumbrance deadline, and that the CEC’s ability to meet its encumbrance deadline may thereby be jeopardized. In this instance, the CEC may cancel the proposed award and award funds to the next highest scoring applicant.**

1. **Section II.B. Project Requirements** (page 19)

The [California’s National Electric Vehicle Infrastructure Funding Program Map](https://experience.arcgis.com/experience/135c0da4b70f4717b4664ad2e427d2bc) at https://experience.arcgis.com/experience/135c0da4b70f4717b4664ad2e427d2b**c** is also available for reference.

1. **Section II.B.3. California-Designated Disadvantaged Communities and Low-Income Communities** (pages 35-36)

Please refer to the [California Climate Investments Priority Populations 2024 CES 4.0 Map](https://webmaps.arb.ca.gov/PriorityPopulations/), available at https://webmaps.arb.ca.gov/PriorityPopulations/, **or** [**California’s National Electric Vehicle Infrastructure Funding Program Map**](https://experience.arcgis.com/experience/135c0da4b70f4717b4664ad2e427d2bc) **at https://experience.arcgis.com/experience/135c0da4b70f4717b4664ad2e427d2bc**, for determining if a site is in a California-designated disadvantaged and/or low-income community.

1. **Section II.B.4. Federally-Designated Disadvantaged Communities (Justice40 Communities)** (page 36)

[~~The NEVI formula program is a Justice40-covered initiative. As such, the FHWA is tracking how the program benefits disadvantaged communities. FHWA recognizes disadvantaged communities as the census tracts identified as disadvantaged by the~~ [~~Climate and Economic Justice Screening Tool (CEJST)~~](https://screeningtool.geoplatform.gov/en/)~~, located at https://screeningtool.geoplatform.gov/, as well as all federally-recognized tribes.~~]

[~~At least 40% of the new charging ports funded through this solicitation should be physically located within federally designated disadvantaged communities (also referred to as Justice40 communities) as identified by the CEJST tool. To accomplish this, proposed projects must target siting at least 40 percent of the new charging ports in federally designated disadvantaged communities. If the 40 percent target is not met in an application, the Applicant must clearly state in the project narrative why it could not be achieved on that corridor segment.~~]

**On January 20, 2025, President Donald J. Trump revoked Executive Order 14008 (Tackling the Climate Crisis at Home and Abroad).[[3]](#footnote-4) Executive Order 14008 established the Justice40 initiative. The NEVI formula program was a Justice40 initiative as documented in the public comment responses during NEVI regulation development and in original NEVI formula program guidance. Given uncertainty about which NEVI formula program guidance will apply to this solicitation, this solicitation aims to enable the tracking of Justice40 community benefits if required, but otherwise does not give preference to projects in relation to federally-designated disadvantaged communities. The state can track Justice40 community benefits, if necessary, using the Justice40 layer in California’s National Electric Vehicle Infrastructure Funding Program Map.**

1. **Section II.B.7. Number of Charging Ports** (page 37)

[~~Per 23 CFR 680 and FHWA NEVI formula program guidance,[[4]](#footnote-5) to be NEVI compliant, each~~] **Each** EV charging station must have a minimum of four network-connected DC fast charging ports and be capable of simultaneously charging at least four EVs at 150 kW or above at each port, with a minimum station power capability at or above 600 kW.

1. **Section II.B.9. EV Charging Station Accessibility and Availability** (page 38)

EV charging stations funded under this solicitation must be publicly accessible 24 hours per day, 7 days per week, year-round. [~~Publicly accessible as defined under NEVI guidance means the equipment is~~] **Equipment must be** available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other customers is not publicly accessible.[~~[[5]](#footnote-6)~~] This does not prohibit isolated or temporary interruptions in service or access because of maintenance or repairs.

1. **Section II.B.11. Charging Equipment and Networking Requirements** (page 39)
* Energy Star Certification
	+ The chargers must be Energy Star certified and listed on the [Energy Star Product Finder Page](https://www.energystar.gov/productfinder/product/certified-evse-dc-output/results) at **https://www.energystar.gov/productfinder/product/certified-evse-dc-output/results** [~~https://www.energystar.gov/productfinder/product/certified-evse/results~~]. Chargers do not have to be certified at the time of submitting the proposal but must be certified prior to submitting an invoice that seeks repayment for the chargers. Chargers over 350 kW are not required to be Energy Star certified.
1. **Section III.D.2.c. Expected Project Benefits** (page 57)
	1. Detail and document each charging station’s California-designated disadvantaged community percentile **and**[~~,~~] whether it is in a California-designated low-income community**.** [~~, and whether it is in a Justice40 community (federally-designated disadvantaged community).~~] Specify the degree to which the target (explained in Section II.B.3) of 50 percent of stations being located in California-designated disadvantaged or low-income communities is met or exceeded. [~~Specify the degree to which the target (explained in Section II.B.4) of 40 percent of stations being located in Justice40 communities is met or exceeded.~~]
	2. Describe how the project will benefit California-designated disadvantaged community **and/or**[~~,~~] California-designated low-income community[~~, and/or Justice40 community~~] residents and communities, by providing emission reduction, public health, economic, and cost-saving benefits.
2. **Section IV.E.3. Expected Project Benefits** (page 77)

Applications will be evaluated on the degree to which:

* The proposed EV charging station site(s) are in a California-designated disadvantaged community **and/or**[~~,~~] California-designated low-income community**.**[~~, and/or Justice40 community (federally-designated disadvantaged community).~~] The goals described in Section II.B.3 [~~and II.B.4~~] will be met or exceeded.
* The proposed project(s) will benefit California-designated disadvantaged communities **and/or**[~~,~~] California-designated low-income communities[~~, and/or Justice40 disadvantaged communities (federal disadvantaged communities)~~] by providing emission reduction, public health, economic, and cost-saving benefits.
1. **Section V.A. Definition of Key Words** (pages 81 and 84)

| **Word/Term** | **Definition** |
| --- | --- |
| **California Native American Tribe** | **A Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.** |
| **California Tribal Organization serving a California Native American Tribe** | **A corporation, association, or group controlled, sanctioned, or chartered by a California Native American Tribe that is subject to its laws, the laws of the State of California, or the laws of the United States.** |
| … | … |
| Justice40 Community | [~~FHWA recognizes Justice40 communities as t~~] **T**he census tracts **shown as federally-designated disadvantaged communities in** [**California’s National Electric Vehicle Infrastructure Funding Program Map**](https://experience.arcgis.com/experience/135c0da4b70f4717b4664ad2e427d2bc) **at https://experience.arcgis.com/experience/135c0da4b70f4717b4664ad2e427d2bc** [~~identified as disadvantaged by the Climate and Economic Justice Screening Tool (CEJST), located at~~ [~~https://screeningtool.geoplatform.gov/~~](https://screeningtool.geoplatform.gov/)~~, as well as all federally recognized tribes.~~] Justice40 communities may be referred to as “federally-designated disadvantaged communities.”  |

1. **Section V.K. Agreement Requirements** (pages 89-90)

The content of this solicitation shall be incorporated by reference into the final agreement. See the sample agreement terms and conditions (Attachments 16 and 17, and the [Insolvency, Bankruptcy, or Receivership terms and conditions](https://www.energy.ca.gov/sites/default/files/2024-12/Special_Terms_and_Conditions_Bankruptcy_ada.pdf) found at https://www.energy.ca.gov/sites/default/files/2024-12/Special\_Terms\_and\_Conditions\_Bankruptcy\_ada.pdf) included in this solicitation. **Final agreements with Recipients that are a California Tribal Organization serving a California Native American Tribe shall also have the Special Terms and Conditions for California Tribal Organizations serving California Native American Tribes with Sovereign Immunity (Attachment 18).**

…

CEC will send the approved agreement, including the NEVI terms and conditions (Attachment 16), Special Federal Award terms and conditions (Attachment 17), the Insolvency, Bankruptcy, or Receivership terms and conditions found at <https://www.energy.ca.gov/sites/default/files/2024-12/Special_Terms_and_Conditions_Bankruptcy_ada.pdf>), and any additional terms and conditions, **such as Attachment 18,** to the grant recipient for review, approval, and signature. Once the grant recipient signs, CEC will fully execute the agreement. Recipients are approved to begin the project only after full execution of the agreement, including any authorizations needed from the FHWA.

## Attachment 01 – Part A: Project Narrative Unique to Corridor Segment

The following edits are made to Project Narrative Unique to Corridor Segment (Attachment 01 – Part A).

* + 1. **Expected Project Benefits** (page 3)
1. Detail and document each charging station’s California-designated disadvantaged community percentile **and**[~~,~~] whether it is in a California-designated low-income community**.** [~~, and whether it is in a Justice40 community (federally-designated disadvantaged community).~~] Specify the degree to which the target (explained in Section II.B.3 of the solicitation manual) of 50 percent of stations being located in California-designated disadvantaged or low-income communities is met or exceeded. [~~Specify the degree to which the target (explained in Section II.B.4 of the solicitation manual) of 40 percent of stations being located in Justice40 communities is met or exceeded.~~]
2. Describe how the project will benefit California-designated disadvantaged community **and/or**[~~,~~] California-designated low-income community[~~, and/or Justice40 community~~] residents and communities, by providing emission reduction, public health, economic, and cost-saving benefits.

## Attachment 02 – Scope of Work

The following edits are made to the Scope of Work (Attachment 02).

1. **Background** (page 7)

NEVI is an initiative to create a coast-to-coast network of EV chargers focused on major highways that support the majority of long-distance trips. This national network will give drivers confidence they can always find a place to charge **and**[~~,~~] jump start private investment in charging infrastructure and EVs**.** [~~, and support President Biden’s goal of at least 50% of vehicle sales to be electric by 2030.~~~~1~~]

[[~~FACT SHEET: Biden-Harris Administration Announces New Standards and Major Progress for a Made-in-America National Network of Electric Vehicle Chargers~~](https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers/)~~, 2023. https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers/.~~]

1. **Approval to Commence With Work** (new section) (page 8)

**This Agreement will be reimbursed by federal funds under the NEVI Formula Program. The Federal Highway Administration must authorize funding for projects as they complete tasks. To ensure no work begins before the authorization of funds, Recipients must receive written notification from the CAM that they can begin work before commencing with any task listed in this Scope of Work.**

1. **Task 1: Administration** (page 8)

**Work on this task may not begin until the Recipient receives written notification from the CAM that E-76 approval (FHWA authorization) for this task has been received.**

1. **Task 6: Operations and Reliability** (page 25)

**Work on this task may not begin until the Recipient receives written notification from the CAM that E-76 approval (FHWA authorization) for this task has been received.**

1. **Task 7: Semi-Annual Electric Vehicle Charger Inventory Reports** (page 35)

**Work on this task may not begin until the Recipient receives written notification from the CAM that E-76 approval (FHWA authorization) for this task has been received.**

1. **Task 8: Data Collection and Analysis** (page 36)

**Work on this task may not begin until the Recipient receives written notification from the CAM that E-76 approval (FHWA authorization) for this task has been received.**

1. **Task 9: Federal Data Reporting** (page 39)

**Work on this task may not begin until the Recipient receives written notification from the CAM that E-76 approval (FHWA authorization) for this task has been received.**

1. **Task 10: Project Fact Sheet** (page 41)

**Work on this task may not begin until the Recipient receives written notification from the CAM that E-76 approval (FHWA authorization) for this task has been received.**

**Marissa Sutton**

**Commission Agreement Officer**

1. [ ~~The White House. February 15, 2023.~~ [~~Fact Sheet: Biden-Harris Administration Announces New Standards and Major Progress for a Made-in-America National Network of Electric Vehicle Chargers~~](https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers/)~~. https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers/.~~] [↑](#footnote-ref-2)
2. **Federal Highway Administration. February 6, 2025. Memo “**[**Suspending Approval of State Electric Vehicle Infrastructure Deployment Plans.**](https://www.fhwa.dot.gov/environment/nevi/resources/state-plan-approval-suspension.pdf)**” https://www.fhwa.dot.gov/environment/nevi/resources/state-plan-approval-suspension.pdf.** [↑](#footnote-ref-3)
3. **The White House. January 20, 2025.** [**Initial Rescissions of Harmful Executive Orders and Actions**](https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/)**. https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/.** [↑](#footnote-ref-4)
4. [ ~~U.S. Department of Transportation, Federal Highway Administration.~~ [~~National Electric Vehicle Infrastructure (NEVI) Formula Program Guidance~~](https://www.fhwa.dot.gov/environment/nevi/formula_prog_guid/90d_nevi_formula_program_guidance.pdf)~~. See Section IV, Project Eligibility Provisions. https://www.fhwa.dot.gov/environment/nevi/formula\_prog\_guid/90d\_nevi\_formula\_program\_guidance.pdf.~~] [↑](#footnote-ref-5)
5. [[~~Ibid~~](https://www.fhwa.dot.gov/environment/nevi/formula_prog_guid/90d_nevi_formula_program_guidance.pdf)~~, page 23, footnote 31: https://www.fhwa.dot.gov/environment/nevi/formula\_prog\_guid/90d\_nevi\_formula\_program\_guidance.pdf.~~] [↑](#footnote-ref-6)