



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Lori Mitchell

**SUBJECT:** See Below

**DATE:** July 22, 2024

Approved

Date:

8/2/24

**COUNCIL DISTRICT:** Citywide

**SUBJECT: Federal Highway Administration Grant Application for Public Charging Infrastructure**

## **RECOMMENDATION**

Adopt a resolution authorizing the City Manager or her designee to file an application with the Federal Highway Administration for its Charging and Fueling Infrastructure Community Program grant; and if awarded, negotiate and execute a project agreement, and any related documents, for up to \$6 million in reimbursements from the Federal Highway Administration and up to \$1.5 million in City matching funds for a total project cost of up to \$7.5 million to install approximately 100 electric vehicle charging ports at City facilities for use by the public and City of San José fleet, commencing upon the date of the Federal Highway Administration's approval of award and the City's execution of an approved project agreement, with work to be scheduled to commence by no later than September 30, 2027.

## **SUMMARY AND OUTCOME**

Approval of the recommendation will enable the City, if awarded, to accept funding from the United States Department of Transportation Federal Highway Administration's (FHA) Charging and Fueling Infrastructure (CFI) Community Program grant opportunity to install electric vehicle charging infrastructure. San José Clean Energy (SJCE) would provide up to \$1.5 million in order to be eligible to receive up to \$6 million in reimbursements from the FHA for the installation of approximately 100 Level 2 and direct current fast charging ports at City facilities, such as libraries and community centers. If awarded, the City Manager or her designee would negotiate and execute a project agreement with the FHA under the terms and conditions incorporated into the grant program solicitation (**Attachment** - Federal Highway Administration's CFI Grant Opportunity Solicitation) and the equipment installation will begin after the project

agreement has been executed. Although the chargers will be primarily utilized by the public, they can also be used by the City fleet.

This action would enable the City Manager or her designee to apply for funding reimbursements and execute grant documents required by the FHA if the City's application is successful. Funds would then be appropriated in the San José Clean Energy Fund. Staff estimates \$7.5 million is sufficient to cover all hard and soft costs to deliver the program. Program costs in excess of the \$7.5 million will need to be identified by other funding sources.

## **BACKGROUND**

State rules and the City's climate goals are propelling the electrification of the City fleet and the installation of supporting electric vehicle charging infrastructure. In August 2022, the California Air Resources Board established the Advanced Clean Cars rule that will rapidly scale down the availability of new cars that run on gas, and by 2035, only zero-emission cars and light trucks will be for sale in California.<sup>1</sup> On January 1, 2024, the California Air Resources Board's Advanced Clean Fleets Regulation went into effect, requiring replacement of fleet vehicles with electric models, including heavy duty vehicles such as sweepers, fire trucks, and work trucks.<sup>2</sup> San José's pathway to carbon neutrality by 2030 accelerated the City's Climate Smart San José goals to transition 79-88% of passenger vehicles to zero-emission versions by 2030 and to reduce commute trips taken in single-occupancy vehicles.<sup>3</sup>

Federal, state, and local programs are providing billions of dollars in grant funding to municipalities to install electric vehicle charging infrastructure over the next years. The departments of Energy, Public Works, and Transportation are collaborating on grant funding opportunities. The CFI Community Program grant is the second opportunity staff are collaborating on to install chargers on City properties for public, fleet, and City staff use – including for shared services such as electric bikeshare – particularly in low-income communities with little to no public charging infrastructure.<sup>4</sup>

In May 2024, the FHA issued the second round of the CFI Community Program grant opportunity, allocating \$800 million for new applications from government entities and tribes to deploy electric vehicle charging infrastructure in urban and rural communities and along designated highways, interstates, and major roadways.

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<sup>1</sup> [California Air Resources Board Press Release August 25, 2022](#)

<sup>2</sup> [Advanced Clean Fleets | California Air Resources Board](#)

<sup>3</sup> According to the [California Energy Commission](#), Santa Clara County leads the state in electric vehicle adoption; more than 42% of new cars purchased in 2023 were electric.

<sup>4</sup> In April, the City applied for the California Energy Commission's Charging Infrastructure for Government Fleets grant to install approximately 150 ports at eight City facilities for use by the City fleet, public, and City staff. SJCE's pledged match funding was \$1.88 million. If successful, the California Energy Commission will provide \$3.77 million, for a total investment of \$5.65 million. The California Energy Commission is expected to announce awards in August of 2024.

The CFI Community Programs grant opportunity has two tracks as identified in the **Table** below. In both tracks, the chargers must be publicly accessible, including accessible to and usable by individuals with disabilities, and applicants must demonstrate that the benefits will flow to Justice40 communities.<sup>5</sup>

Table. Description of the Corridor and Community Programs in the CFI Grant

Track	Requirements
Corridor Program	<ul style="list-style-type: none"> <li>Chargers must be located along a designated alternative fuel corridor, within five miles of the corridor</li> <li>Chargers must be publicly accessible and accessible to and usable by individuals with disabilities</li> <li>No maximum award amount</li> <li>Must use funds to contract with a private entity</li> <li>Must demonstrate benefits will flow to Justice40 communities</li> </ul>
Community Program	<ul style="list-style-type: none"> <li>Chargers may be located on any public road or in other publicly accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity</li> <li>Maximum award amount of \$15 million</li> <li>Must reduce greenhouse gas emissions and expand or fill gaps in access to publicly accessible infrastructure</li> </ul>

The City submitted two proposals during the first round of the CFI Community Programs grant opportunity in 2023 which were not awarded. Staff received feedback from the federal government about the City's previous applications and its preferences for this CFI funding round. The Department of Transportation's 2023 application focused on installing Level 2 chargers at libraries and was "highly recommended" by the federal government. The Public Works Department's 2023 application focused on both resilient battery-backed and grid integrated direct current fast charging infrastructure at the Central Service Yard and was "recommended" by the federal government. The federal government offered both applications the opportunity to reapply for the Round 1 Set Aside funding totaling \$500,000, which both departments accepted. To improve the City's chances of its applications being awarded during this second CFI round, staff will additionally submit a new application and (a) increase the number of charging ports in its application, (b) include rural locations, and (c) explore partnering with other agencies to form a regional application. In the event that both Round 1 and Round 2 applications are awarded, the City will choose the award with the greatest funding.

The application is due August 28, 2024. The FHA is expected to issue awards in 2025. Successful applicants will seek reimbursement for the FHA's cost share by documenting

<sup>5</sup> The Justice40 initiative directs 40% of the overall benefits of certain federal investments to flow to disadvantaged communities. Disadvantaged communities census tracts face environmental, climate, or other burdens (energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development) and an associated socio-economic burden. Much of San José falls into a Justice40 census tract ([map.](#))

all expenditures and submitting receipts on a quarterly basis. The solicitation requires that awardees begin projects by September 30, 2027.

## **ANALYSIS**

In December 2023, the departments of Public Works and Energy hired a consultant to develop a City of San José fleet electrification master plan in collaboration with staff from the Department of Transportation. This consultant analyzed the fleet's vehicle inventory, utilization, and domicile data; the electrical drawings and usage of City buildings; and equity criteria identified by staff related to public charging to develop a prioritized list of sites for Level 2 and direct current fast charger installation for fleet and public use. The consultant is assisting City staff in developing grant applications using this analysis and consideration of the City's goal to provide equitable access to charging infrastructure and affordable charging rates across the city.<sup>6</sup>

Staff believes the CFI Community Program grant opportunity is the best fit for meeting City goals for public charging infrastructure access and can also help meet some of the City fleet's charging needs. Staff is exploring a partnership with Silicon Valley Clean Energy, its member cities, and the County of Santa Clara to enable a larger, regional application and include rural locations. The joint application would total \$15 million, requesting \$7.5 million for San José and \$7.5 million for Silicon Valley Clean Energy's member cities and the County.

San José's application will request funding for approximately 100 direct current fast chargers charging ports and Level 2 charging ports. Upon authorization from City Council by this action's resolution, the City Manager or her designee will file an application and execute documents on behalf of the City of San José committing to provide an amount not-to-exceed \$1.5 million in funds, provided that the City is awarded matching funding in an amount up to \$6 million, as well as confirming the City of San José's commitment to negotiate a project agreement subject to the requirements of the FHA's CFI Community Programs grant opportunity solicitation. The solicitation cites a number of statutes and regulations adopted by the FHA and is to be incorporated by reference into any final grant award.<sup>7</sup>

The application will identify several sites for the chargers, including community centers and libraries. Staff is working with the consultant to identify sites and charger types that would best fill in charging access gaps for the community and help meet fleet needs and whose installation and electrical infrastructure upgrade costs are projected to fall within the approximately \$7.5 million funding provided by the FHA and SJCE. If successful,

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<sup>6</sup> More information on the drivers behind this goal and the City's workplan to achieve them can be found in the [Memo to Transportation and Environment Committee \(Departments of Energy, Public Works, and Transportation\) dated November 13, 2023](#).

<sup>7</sup> The FHA reserves the right to negotiate with applicants to modify the project scope, the level of funding, or both.

this grant would be one of several investments needed in the coming years to meet fleet demand for electric vehicle charging.

### **EVALUATION AND FOLLOW-UP**

Staff will issue an information memorandum if awarded any grant(s) by the FHA.

### **COST SUMMARY/IMPLICATIONS**

If awarded the grant, the City of San José will need to expend approximately \$1.5 million on the program to be eligible to receive approximately \$6 million in matching FHA reimbursement funds. The FHA is expected to issue awards in 2025, and if awarded, work to install 100 direct current fast chargers and Level 2 charging ports is scheduled to begin no later than September 30, 2027. If the grant is awarded, recommended budget adjustments in the San José Clean Energy Fund will be brought forward for City Council consideration in a future budget process. The City's consultant is analyzing and recommending sites such that the capital expenditure for the electric vehicle charging equipment and installation is expected to be covered by the FHA grant funding of \$6 million and SJCE match funding estimated at \$1.5 million. Staff estimates the total cost (both hard and soft) will not exceed the total amount of funding of \$7.5 million. However, if the project costs exceed the FHA and SJCE funding, staff will return to City Council seeking appropriation adjustment approval from alternative funding sources.

Timely with the completion of charger installations, the Public Works Department will contract with provider(s) for ongoing operations and maintenance. Electric vehicle chargers are expected to last approximately 10 years. The cost of operations, maintenance, and electricity will be factored into the charging retail rates paid by public and fleet users of the chargers with the aim of cost recovery on an annual basis. The City will also collect Low Carbon Fuel Standard credit revenue from the operation of the chargers, which must be reinvested into transportation electrification projects.<sup>8</sup>

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, City Manager's Budget Office, the Public Works Department, and the Department of Transportation.

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<sup>8</sup> The California Air Resources Board's Low Carbon Fuel Standard program aims to limit the carbon intensity of fuels. In the Low Carbon Fuel Standard market, low carbon intensity fuel producers (such as electric vehicle charging providers) can produce credits for the amount of fuel dispensed. High carbon intensity fuel producers or distributors (such as gasoline) then purchase those credits to offset the high carbon intensity fuel in their portfolio.

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### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the August 13, 2024 City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

LORI MITCHELL

Director, Energy

For questions, please contact Kate Ziemba, Senior Environmental Program Manager, Energy Department at [kate.ziemba@sanjoseca.gov](mailto:kate.ziemba@sanjoseca.gov).

**ATTACHMENT:** Federal Highway Administration's CFI Grant Opportunity Solicitation

**U.S. DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Notice of Funding Opportunity for the U.S. Department of Transportation’s Charging and Fueling Infrastructure Discretionary Grant Opportunity**

**AGENCY:** U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA).

**ACTION:** Notice of Funding Opportunity (NOFO) Number 693JJ324NF00017

**Charging and Fueling Infrastructure Discretionary Grant Opportunity (Round 2)**

**SUMMARY:** The purpose of this NOFO is to solicit applications for the Charging and Fueling Infrastructure Discretionary Grant Program (CFI Program) established under the Infrastructure Investment and Jobs Act (“Bipartisan Infrastructure Law” or “BIL”). In addition, funds under the National Electric Vehicle Infrastructure (NEVI) Formula Program 10 percent set-aside (NEVI 10), also established by BIL, will also be awarded under this NOFO. Funding program sources, Fiscal Years (FY), and amounts available for award under this NOFO can be found in the table below. This NOFO also announces FHWA’s intention to make additional awards for applications submitted under FY 2022/2023 CFI Round 1 NOFO (693JJ323NF00004) issued March 14, 2023.

**KEY DATES:** Key dates are summarized below and described in the NOFO.

<b>Action</b>	<b>Date</b>
NOFO Release Date	May 30, 2024
Due Date for non-awarded Round 1 Applicants to Request Reconsideration for Award under Reserved Funding	July 1, 2024
Due Date for Applicant Questions to <a href="mailto:CFIGrants@dot.gov">CFIGrants@dot.gov</a>	July 29, 2024
Due Date for Round 2 New Applications - by 11:59 PM EST in Grants.gov	August 28, 2024

## Summary of Funding Available Under this CFI NOFO Round 2

Fiscal Year and Program of Funding in this NOFO	Total Funding (approximately)	Funding for Applications Submitted under this NOFO Round 2	Funding for Applications Previously Submitted under FY 2022/2023 CFI NOFO Round 1
CFI FY 2024	\$500,000,000	\$100,000,000	\$400,000,000
CFI FY 2025	\$600,000,000	\$600,000,000	
NEVI 10 FY 2023	\$21,200,000		\$21,200,000
NEVI 10 FY 2024	\$100,000,000		\$100,000,000
NEVI 10 FY 2025	\$100,000,000	\$100,000,000	
<b>Total Available (approximately)</b>	<b>\$1,321,200,000</b>	<b>\$800,000,000</b>	<b>\$521,200,000</b>

The CFI Program is divided into two separate grant categories: (1) the Community Charging and Fueling Program Grants (Community Program), to strategically deploy electric vehicle (EV) charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure located on public roads or in other publicly accessible<sup>1</sup> locations; and (2) the Alternative Fuel Corridor Grants (Corridor Program)<sup>2</sup>, to strategically deploy charging and alternative fueling infrastructure located along designated alternative fuel corridors.<sup>3</sup> The actual amount of funding available for award each fiscal year will be based on the reduction of authorized funding due to the imposition of the annual obligation limitation. While applicants can choose to apply for only one grant program, they may also submit separate applications under each program. If one eligible applicant is interested in applying for both Community and Corridor funding categories in a single application, they

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<sup>1</sup> Publicly accessible means the equipment is available to the public without restriction. A station that is not maintained or restricts access only to customers, tenants, employees, or other consumers is not publicly accessible. Publicly accessible locations may include public parking facilities, parking at public buildings, public transportation stations, Park-and-Rides, public schools, public parks, private parking facilities available for public use, visitor centers, and other public locations on Federal Lands.

[https://www.fhwa.dot.gov/environment/alternative\\_fuel\\_corridors/nominations/90d\\_nevi\\_formula\\_program\\_guidance.pdf](https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/nominations/90d_nevi_formula_program_guidance.pdf)

<sup>2</sup> For more information, see: [https://www.fhwa.dot.gov/environment/alternative\\_fuel\\_corridors/](https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/)

<sup>3</sup> Overall, the CFI Program is authorized funding for 5 fiscal years, totaling up to \$2.5 billion (FY 2022 \$300 million, FY 2023 \$400 million, FY 2024 \$500 million, FY 2025 \$600 million, and FY 2026 \$700 million.)



must clearly separate the proposed work, selection criteria, and budget requested for each category.

The CFI Program will accelerate an electrified and alternative fuel transportation system that is convenient, affordable, reliable, equitable, accessible, and safe. The CFI Program will also help put the United States on a path to a nationwide network of at least 500,000 EV chargers by 2030 and improve networks for vehicles using hydrogen, propane, and natural gas. The CFI Program builds on FHWA Alternative Fuel Corridor (AFC) program and complements the NEVI Formula program, which is initially focused on enabling long distance trips along the National Highway System (NHS) through a convenient, reliable, affordable, and equitable electric vehicle charging network. The goals of the CFI Program are to 1) supplement, not supplant, necessary private sector investment; 2) complement existing Federal programs; 3) facilitate broad public access to a national charging and alternative fuel infrastructure network to accelerate the adoption of zero emissions vehicles; 4) implement Justice40<sup>4</sup> objectives, lower transportation costs, and increase economic opportunity; 5) advance job quality, workforce development, and workforce equity; and 6) reduce greenhouse gas and vehicle-related emissions.

Funds available under this notice will provide crucial support for the full buildout of the Nation's electrified and alternative fuel corridors (supplementing funds from the NEVI Formula Program) and can fill in critical infrastructure gaps to help meet current or anticipated demand for corridor charging or alternative fueling infrastructure. By encouraging the adoption and

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<sup>4</sup> The Justice40 Initiative sets the goal that 40 percent of the overall benefits of climate and other Federal investments flow to disadvantaged communities that have been marginalized by underinvestment and overburdened by pollution. Pursuant to Executive Order (E.O.) 14008, "Tackling the Climate Crisis at Home and Abroad," January 27, 2021, and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28 and Addendum M-23-09, FHWA recognizes disadvantaged communities as the census tracts identified as disadvantaged by the Climate and Economic Justice Screening Tool (CEJST), located at <https://screeningtool.geoplatform.gov/>, as well as all Federally Recognized Tribes (whether or not they have land). Disadvantaged communities may be referred to as "Justice40 communities."

expansion in use of alternative fuels, CFI Program investments have the potential to significantly address the transportation sector's outsized contributions to climate change. Currently, the transportation sector is both the largest source of U.S. carbon dioxide emissions, and is increasingly vulnerable because of the higher temperatures, more frequent and intense precipitation, and sea level rise associated with the changing climate.<sup>5</sup>

FHWA seeks to award funding under this NOFO to projects that address environmental justice,<sup>6</sup> particularly for disadvantaged and other communities (prioritizing rural areas and low- and moderate-income neighborhoods) that may disproportionately experience the consequences of either climate change or other pollutants. Also, FHWA seeks to fund projects that help achieve the Justice40 Initiative goal as described in footnote 4. In addition, FHWA intends to use this funding opportunity to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and diverse workforce programs, in particular registered apprenticeships, labor management partnerships and Local Hire agreements,<sup>7</sup> in project planning stages and program delivery.

This NOFO describes the application requirements, selection and evaluation criteria, Federal requirements, and available technical assistance during the grant solicitation period. To ensure a fair and unbiased evaluation of applications submitted under this NOFO, applications must be complete and address all statutory requirements; however, FHWA may request supplementary information, as needed, or to determine with which category of grant the

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<sup>5</sup> See EPA Inventory of U.S. Greenhouse Gas Emissions and Sinks, available at <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>.

<sup>6</sup> See definition of environmental justice in Executive Order 14906 at <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>.

<sup>7</sup> Contracts awarded with geographic hiring preferences are eligible for assistance under most FHWA financial assistance programs.

application best aligns, or if applicants could be eligible to receive an award from both categories of funding. Recipients of an award under this program related to EV infrastructure are required to comply fully with applicable sections of the National Electric Vehicle Infrastructure Minimum Standards and Requirements Rule (23 CFR Part 680).<sup>8</sup> These Standards specify technical aspects of charging infrastructure including connector types, power levels, minimum number of charging ports per station, minimum uptime (reliability standards), payment methods, and more; data submittal requirements; workforce requirements for installation, operation, or maintenance by qualified technicians; interoperability of EV charging infrastructure; traffic control devices and signage; network connectivity; and publicly available information. Questions related to this solicitation can be sent to the program inbox at [CFIgrants@dot.gov](mailto:CFIgrants@dot.gov) until July 29, 2024. FHWA will deliver informational webinars to interested parties regarding this solicitation, as specified in the Grants.gov notice/synopsis. Please check the CFI Website (<https://www.fhwa.dot.gov/environment/cfi/>) and the Joint Office of Energy and Transportation (Joint Office) Website (<https://driveelectric.gov/>) for more information.

**SPECIAL NOTE: Additional funding to be made available under the 10 percent set-aside of the National Electric Vehicle Infrastructure Program:**

Paragraph (2) under the Highway Infrastructure Program heading in Title VIII of Division J of BIL provides funding for establishing the National Electric Vehicle Infrastructure (NEVI) Formula Program. This paragraph provides that the Secretary shall set aside 10 percent of the NEVI Formula Program each fiscal year for the Secretary of Transportation “to make grants to States and localities that require additional assistance to strategically deploy electric vehicle charging infrastructure.” For purposes of this NOFO, these funds are referred to as

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<sup>8</sup> [Final Rule for National Electric Vehicle Charging Minimum Standards and Requirements](#)

NEVI 10 funds. The Secretary finds that applications submitted under this NOFO by State and local governments for EV charging infrastructure projects would provide additional assistance to strategically deploy EV charging infrastructure. In response to the CFI Round 1 NOFO (693JJ323NF00004), FHWA received significantly more requests for funding than was available. These applications represent EV charging infrastructure projects that State and local governments could strategically deploy. In addition, by combining the NEVI 10 funds with the CFI funds, FHWA is reducing the burden on State and local applicants who would otherwise have to submit multiple applications to different programs. FHWA will not use separate criteria in selecting applications for NEVI 10 funding nor does FHWA require the applicant to specify that the project should be considered for such funding. Rather, FHWA will select applications for NEVI 10 funding using the same criteria as the CFI community and corridor programs, provided the application is for electric vehicle infrastructure.<sup>9</sup>

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<sup>9</sup> NEVI 10 funds awarded for projects under this NOFO will be administered pursuant to the same requirements as CFI except where a CFI requirement is determined to be inconsistent with a statutory requirement of the NEVI program under Title VIII of Division J.

Funding Opportunity Summary:	<p>Funding available under this NOFO consists of two components:</p> <p>(1) Up to \$800 million to fund CFI Round 2 applications to provide grants to eligible entities to strategically deploy publicly accessible EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure in certain locations or along designated AFCs that will be accessible to all drivers of EVs, hydrogen vehicles, propane vehicles, and natural gas vehicles.</p> <p>(2) Up to \$521.2 million to fund applications previously submitted but not selected for award under the FY2022/2023 CFI Round 1 NOFO (693JJ323NF00004) published on March 14, 2023<sup>10</sup>.</p>
Federal Agency Name:	<p>U.S. Department of Transportation FHWA, Office of Planning, Environment and Realty (HEP) 1200 New Jersey Avenue, SE Washington, DC 20590</p>
Funding Opportunity Title:	<p>Charging and Fueling Infrastructure Discretionary Grant Opportunity (Round 2)</p>
Announcement Type:	<p>This is the CFI NOFO Round 2. Section 11401 of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58, Nov. 15, 2021), established the Charging and Fueling Infrastructure Discretionary Grant Program which is codified at 23 U.S.C. § 151(f)(2).</p> <p>There are two funding categories under the Charging and Fueling Infrastructure Discretionary Grant Program: (1) Community Charging and Fueling Program Grants and (2) Alternative Fuel Corridor Grants.</p>

<sup>10</sup> <https://grants.gov/search-results-detail/346798>

		Division J of BIL established the NEVI 10 percent set-aside.
Community Grants:		<ul style="list-style-type: none"> <li>• Located on any public road or in other publicly accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.</li> <li>• Must be publicly accessible.</li> <li>• May use funds to contract with a private entity.</li> <li>• Minimum award amount of \$500,000<sup>11</sup>, maximum award amount of \$15 million.</li> <li>• Must demonstrate benefits<sup>12</sup> will flow to Justice40 communities.</li> <li>• Expected to reduce greenhouse gas emissions and to expand or fill gaps in access to publicly accessible infrastructure.</li> <li>• Must be accessible to and usable by individuals with disabilities.</li> </ul>
Corridor Grants:		<ul style="list-style-type: none"> <li>• Located along a designated AFC; EV charging and other alternative fuels within 5 miles of the AFC.<sup>13</sup></li> <li>• Must be publicly accessible.</li> <li>• Minimum award amount of \$1 million<sup>14</sup>, no maximum award amount.</li> <li>• Must use funds to contract with a private entity.</li> <li>• Must demonstrate benefits<sup>15</sup> will flow to Justice40 communities Must be accessible to and usable by individuals with disabilities.</li> </ul>
Funding Opportunity Number:		693JJ324NF00017

<sup>11</sup> DOT reserves the discretion to consider award sizes under the anticipated minimum award size threshold upon receiving the full pool of applications and assessing the needs of the program in relation to grant priorities and consideration.

<sup>12</sup> See footnote 4 for a description of the Justice40 Initiative

<sup>13</sup> In order to be designated as an AFC for EV charging, FHWA criteria provides that the EV charger be located within 1 travel mile of the highway. For purposes of this NOFO, with respect to the Corridor Program, FHWA will consider applications along designated AFCs for EV chargers up to 5 miles off the highway.

<sup>14</sup> DOT reserves the discretion to consider award sizes under the anticipated minimum award size threshold upon receiving the full pool of applications and assessing the needs of the program in relation to grant priorities and consideration.

<sup>15</sup> See footnote 4 for a description of the Justice40 Initiative.

Type of Award:	Cost Reimbursement Grant
Funding Categories:	The FHWA Administrator may advise the Secretary of Transportation (Secretary) on options for reduced awards. <sup>16</sup> Each application must clearly indicate if the application will be evaluated under the Community or the Corridor grant funds. An eligible applicant may submit separate applications under both programs. If one eligible applicant is interested in applying for both Community and Corridor funding categories in a single application, they must clearly separate the proposed work, selection criteria and budget requested for each category.
Assistance Listing Number (formerly Catalog of Federal Domestic Assistance (CFDA)):	20.205 – Highway Planning and Construction
Application Due Date:	Submission Deadline: Applications are due no later than 11:59 PM EST on <b>AUGUST 28, 2024</b> , through Grants.gov. Applicants are encouraged to submit applications in advance of the application deadline; however, new applications will not be evaluated, and awards for newly submitted applications will not be made, until after the application submission deadline.
Submit Applications To:	FHWA uses Grants.gov for receipt of all applications. Applicants must register and use the system to submit applications electronically. <u>Approval of new user registrations for Grants.gov may take multiple weeks.</u> Applicants are encouraged to register for Grants.gov in advance of the submission deadline. Applicants are also encouraged to subscribe in Grants.gov under this NOFO number to receive notices of any updates, amendments, changes, or supplemental information related to this grant opportunity. <u>It is the Applicant's responsibility to monitor Grants.gov for any updates/amendments to this NOFO.</u> Complete instructions on how to register and apply can be found at Grants.gov. If interested parties experience difficulties at any point during registration or application process, please use the help available on Grants.gov such as the Ask Grant/Chat Now with Grant

<sup>16</sup> Per section B.2. Scalable Project Options, applicants to both Community and Corridor programs are encouraged to propose projects that are scalable and identify scaled funding options in case insufficient funding is available to fund an applicant's project at the full requested amount.

	<p>service; or the Grants.gov 24/7 Customer Support Hotline at 1-800-518-4726; or email <a href="mailto:support@grants.gov">support@grants.gov</a>.</p> <p>USDOT staff <u>cannot</u> assist with technical Grants.gov system and user questions.</p>
Questions:	<p>Submit CFI NOFO Questions to Email: <a href="mailto:CFIgrants@dot.gov">CFIgrants@dot.gov</a></p> <p>Applications will not be reviewed in advance, but FHWA staff are available to answer questions regarding the program. In addition, FHWA will post answers to questions and requests for clarifications at Grants.gov under this funding opportunity number.</p> <p>Due to the competitive nature of the program, during the application submittal phase, FHWA is unable to accommodate individual meeting requests to discuss the opportunity or specific project ideas, and unable to provide individualized guidance or render opinions about the merit of a specific project.</p> <p>The <a href="mailto:CFIgrants@dot.gov">CFIgrants@dot.gov</a> inbox will close after July 29, 2024. Applicants are encouraged to submit their questions to the inbox in advance of this date. Based on the volume of questions, we will attempt to answer as many questions as possible.</p>

**SUPPLEMENTARY INFORMATION:** The organization of this NOFO is based on an outline set forth in Appendix I to Title 2 of the Code of Federal Regulations (CFR) Part 200 to ensure consistency across Federal financial assistance programs.

**RESERVATION OF FUNDS FOR FY 2022/2023 CFI ROUND 1 APPLICATIONS THAT WERE NOT SELECTED FOR CFI FUNDING:** In January 2024, DOT announced award selections resulting from the FY 2022/2023 CFI Round 1 NOFO (693JJ323NF00004). Under this CFI Round 2 NOFO (693JJ324NF00017), FHWA is making up to \$400 million in FY 2024



CFI funding and up to \$121.2 million of NEVI 10 funding (\$21.2 million in FY 2023 funding and \$100 million in FY 2024 funding) available to certain applications that were submitted but not selected under the CFI Round 1 FY 2022/2023 NOFO. For purposes of selecting projects under this reservation of funds, FHWA will follow the criteria and process set forth in the FY 2022/2023 CFI Round 1 NOFO. No amendments are being made to either the selection criteria or process, so no previous application modifications will be needed or accepted. Instead, FHWA will forward all applications that were not selected for funding but rated by the technical review team as either “Highly Recommended,” or “Recommended,” and also found to meet one or more DOT priority considerations as provided in Section E.2 of the FY 2022/2023 CFI Round 1 NOFO. For purposes of this reservation of funds, FHWA incorporates the FY 2022/2023 NOFO by reference and will follow that NOFO criteria for all selections. Note that in following the NOFO process to determine which Recommended and Highly Recommended applications are to be funded, the Senior Review Team, FHWA Administrator, and the Secretary may apply the Statutory Selection Priorities and Additional Considerations independently from the original award process.

If an applicant submitted an application for funding under the FY 2022/2023 CFI Round 1 NOFO and was not selected, such applicant must notify FHWA by email to [CFIGrants@dot.gov](mailto:CFIGrants@dot.gov) by July 1, 2024, if the applicant wishes for that application to be reconsidered for award using this reservation of funding. The applicant does not need to resubmit the Round 1 application, but needs only to notify the FHWA that the applicant wishes for the application to be reconsidered for award using this reservation of funding. Round 1 applicants seeking such reconsideration of their unawarded Round 1 application will not be permitted to modify, amend or supplement their Round 1 applications. To maximize chances of

obtaining an award, CFI FY2022/2023 unawarded applicants may request consideration under the reserved funds, and they may also submit a new application following the criteria outlined in this Round 2 NOFO. FHWA will not award more funding to any one project above the allowable Federal share.

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## **A. Program Description**

### ***1. Overview***

The CFI Program was established by the Bipartisan Infrastructure Law (BIL) (enacted as the Infrastructure Investment and Jobs Act, Section 11401, Pub. L. 117–58, Nov. 15, 2021, codified at 23 U.S.C. § 151) with two grant categories, one for the Community Program and one for the Corridor Program. For a summary of funding available amounts, by source and fiscal year, please see the Summary section above.

The CFI Community Program and the CFI Corridor Program each have their own respective evaluation criteria and program requirements.

#### ***i. Community Program***

Community Program grants are expected to reduce greenhouse gas emissions and to expand or fill gaps in access to charging or alternative fueling infrastructure.

Under 23 U.S.C. § 151(f)(8), FHWA seeks to award Community Program Grants to eligible entities (listed in Section C.1.) for projects on any public road or in other publicly accessible locations that are expected to reduce greenhouse gas emissions and to expand or fill gaps in access to publicly accessible EV charging infrastructure, or hydrogen, propane, or natural gas fueling infrastructure. Projects expanding access to charging and fueling infrastructure in rural areas,<sup>17</sup> low- and-moderate income neighborhoods, and communities with a low ratio of private parking spaces to households or a high ratio of multiunit dwellings to single family homes shall be prioritized (23 U.S.C. § 151(f)(8)(F)).

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<sup>17</sup> For the purposes of the CFI Program, Urbanized Areas (UZA) with populations of less than 50,000 will be considered rural. For purpose of this notice, in defining urban and rural communities, DOT will rely on the Census Bureau 2020 definition of UA as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau Website at: [http://www2.census.gov/geo/maps/dc10map/UAUC\\_RefMap/ua/](http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/)

Infrastructure may be located on any public road or in other publicly accessible locations, such as parking facilities at public buildings, public schools, and public parks,<sup>18</sup> or in publicly accessible parking facilities owned or managed by a private entity (23 U.S.C. § 151(f)(8)(E)). If selected for an award, grant recipients may use funds to contract with a private entity<sup>19</sup> that owns or manages parking facilities. Grant recipients may place charging and fueling infrastructure in parking garages, on-street parking locations, and other parking facilities that charge a parking fee. In addition, the grant recipient must ensure that all electric vehicle charging infrastructure funded as part of their grant includes any parking fee in their price structure and comply with 23 CFR 680.116(a)(3) and 23 CFR 680.116(c)(9).

***ii. Corridor Program***

Corridor Program grants are expected to support buildout of charging or alternative fueling infrastructure along designated AFCs.

Under 23 U.S.C. § 151(f)(6), FHWA seeks to award Corridor Program Grants to eligible entities (listed in Section C.1.) to contract with a private entity<sup>20</sup> for acquisition and installation of publicly accessible EV charging infrastructure, or hydrogen, propane, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle along designated AFCs. As of 2023, designated AFCs cover nearly 205,000 miles of the NHS and traverse rural and urban areas, Tribal lands, national parks, and underserved and disadvantaged communities. The CFI Program will assist State and local agencies, private industry, and other interested stakeholders to build an alternative fuels transportation network to better meet drivers' needs and

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<sup>18</sup> Use of parks must comply with DOT 4(f) requirements 23 U.S.C. 138, 49 U.S.C. 303, and 23 CFR part 774.

<sup>19</sup> The Federally Funded Research and Development Centers, including the National Renewable Energy Laboratory, are ineligible to be contracted as a private entity under this grant program.

<sup>20</sup> The Federally Funded Research and Development Centers, including the National Renewable Energy Laboratory, are ineligible to be contracted as a private entity under this grant program.

improve the mobility of passenger and commercial vehicles that employ electric, hydrogen fuel cell, propane, and natural gas fueling technologies across the nation. The Corridor Program envisions a national AFC network that allows for inter-city, regional, and interstate travel using cleaner fuels, addresses driver range anxiety, integrates with existing transportation planning processes, and accelerates public interest and awareness of alternative fuel availability. This includes both light-duty passenger vehicles and medium/heavy-duty vehicles. Through this NOFO, FHWA seeks to solicit applications that enable these objectives while contributing to the broader objectives outlined below.

FHWA seeks to award projects in both urban and rural areas along designated AFCs to create a balance of publicly accessible electric charging and alternative fuel infrastructure. The EV charging infrastructure should be conveniently and safely located as close to the AFC as possible, and, in general, no greater than five miles from Interstate exits or highway intersections along designated corridors. Hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure is allowable no more than five miles from Interstate exits or highway intersections along the corridor. Infrastructure shall be located along a designated AFC under this section, on the condition that any affected Indian Tribes are consulted before the designation (23 U.S.C. § 151(f)(6)).

## ***2. Additional Information***

DOT is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. DOT also recognizes that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple DOT discretionary opportunities or seek a combination of funding from multiple DOT opportunities. The applicant should identify any

other DOT programs and opportunities they have applied for and intend to apply for beyond the CFI Program (or if the Federal funding is already available to the applicant including NEVI formula and NEVI 10 funds), and what award amounts they will be seeking, within their application. The CFI Community Program seeks to layer in a “dig once,” future-proofing approach to this substantial investment in charging and alternative fuel infrastructure. This “dig once” philosophy equates to maximizing the overall societal and economic benefits of a project while minimizing the cost and disruption of construction by considering and installing for current needs and as many of the reasonably foreseeable future needs as practicable. Examples may include, but are not limited to, communications and broadband conduits, duct banks, and adequate power distribution for multimodal vehicular charging.

In addition to personally owned electric and alternative fuel vehicles, this NOFO can enable electrified and alternative fueled shared mobility, active mobility, and other affordable transportation options by combining funding from the Community Grant Program with other public and private investments.

Applicants for the Corridor Program should ensure their applications, as they relate to EV infrastructure, align with their State’s NEVI Deployment Plan.

### ***3. Administration Priorities and Departmental Strategic Plan Priority Statements***

The DOT will consider funding projects that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth

creation as described in the [USDOT Strategic Plan](#)<sup>21</sup>, the [USDOT Research, Development and Technology Strategic Plan](#)<sup>22</sup>, and in executive orders.<sup>23</sup>

## **B. Federal Award Information**

### ***1. Amount Available***

A total of up to \$800 million is available for awards for new applications solicited under this NOFO, which includes up to \$700 million in CFI Program funds, and up to \$100 million in NEVI 10 funds. For a summary of funding available amounts, by source and fiscal year, please see the Summary section above. The CFI grant awards will identify which fiscal year(s) funding is provided for the award.

All awards of FY 2024 and FY 2025 CFI Program funding are available for obligation through September 30, 2027, and September 30, 2028, respectively. Fiscal Year 2025 funds cannot be obligated before October 1, 2024. Once funds are obligated, CFI Program funds are available until expended. NEVI 10 funds are available until expended.

#### ***i. Community Program Award Information***

A total of up to \$350 million in CFI Program funds appropriated for FY 2024 and 2025 are available through this NOFO for the Community Program. Additional awards may be made using FY 2025 NEVI 10 funds. The anticipated minimum award size is \$500,000 and the statutory maximum award amount is \$15 million (23 U.S.C § 151(f)(8)(I)). DOT reserves the discretion to consider award sizes under the anticipated minimum award size threshold above

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<sup>21</sup> <https://www.transportation.gov/mission/us-dot-strategic-plan-fy-2022-2026>

<sup>22</sup> [https://www.transportation.gov/sites/dot.gov/files/2023-01/USDOT%20RDT%20Strategic%20Plan%20FY22-26\\_010523\\_508.pdf](https://www.transportation.gov/sites/dot.gov/files/2023-01/USDOT%20RDT%20Strategic%20Plan%20FY22-26_010523_508.pdf)

<sup>23</sup> E.O. 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).

EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009). E.O. 14025, Worker Organizing and Empowerment (86 FR 22829), and E.O. 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).



upon receiving the full pool of applications and assessing the needs of the program in relation to grant priorities.

***ii. Corridor Program Award Information***

A total of up to \$350 million in CFI Program funds appropriated for FY 2024 and 2025 are available through this NOFO for the Corridor Program. Additional awards may be made using FY 2025 NEVI 10 funds. The anticipated minimum award size is \$1 million and there is no statutory maximum award size under this NOFO. The DOT reserves the discretion to consider award sizes under the anticipated minimum award size threshold above upon receiving the full pool of applications and assessing the needs of the program in relation to grant priorities.

***iii. Reserved Funding Award Information - Additional Awards of Applications***

***Previously Submitted under FY2022/2023 CFI Round 1 NOFO***

A total of up to \$400 million in FY 2024 CFI funding and up to \$21.2 million in FY 2023 and up to \$100 million in FY 2024 NEVI 10 funds is available to fund applications previously submitted under the FY 2022/2023 CFI Round 1 NOFO, that were not selected for awards. For more information, see the opening Summary section of this NOFO. Any funding not needed under this reserve will be made available for awards to CFI Round 2 new applications.

***2. Scalable Project Options***

Applicants to both Community and Corridor programs are encouraged to propose projects that are scalable and identify scaled funding options in case insufficient funding is available to fund an applicant's project at the full requested amount. For example, if a portion of the total project could be constructed and opened for functional public use, with the remainder of the total project constructed at a later time, please state such in the application, including the

cost, brief scope, and scheduling needs for initial/scaled project. If an applicant advises that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. DOT may award a lesser amount whether or not a scalable option is provided.

## C. Eligibility Information

### 1. Eligible Applicants

To be selected for a grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project that meets the minimum project amount listed above in Section B.1.i. for the Community Program and Section B.1.ii. for the Corridor Program. Ownership structures of potential applicants vary significantly across the country. Therefore, an entity must evaluate the list of eligible applicants and demonstrate in their application that they are eligible for an award. If awards are made using NEVI 10 funds, then eligible applicants will be limited to State and local governments, per statute.

<b>Eligible Applicants</b>	<b>Community Program</b> 23 U.S.C. § 151(f)(8)(C)	<b>Corridor Program</b> 23 U.S.C. § 151(f)(3)	<b>NEVI 10 (Community or Corridor)</b>
A State <sup>24</sup> or political subdivision of a State	x	x	x
A metropolitan planning organization	x	x	
A unit of local government	x	x	x
A special purpose district or public authority with a transportation function, including a port authority	x	x	
An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education	x	x	

<sup>24</sup> The term “State” means any of the 50 States, the District of Columbia, or Puerto Rico 23 U.S.C. § 101(a)(28).

Assistance Act (25 U.S.C. § 5304)) <sup>25</sup>			
A territory of the United States	x	x	
An authority, agency, or instrumentality of, or an entity owned by, 1 or more entities as listed above	x	x	
A group of entities as listed above	x	x	
A State or local authority with ownership of publicly accessible transportation facilities	x		x

The application must be submitted by one lead eligible applicant. If a group (two or more) of eligible entities above submits a joint application, the group must identify a lead applicant to serve as prime awardee in the event an award is made. The prime awardee will serve as the primary point of contact and be responsible for financial administration of the project. Joint applications should include a description of the roles and responsibilities of each eligible applicant and should be signed or include a letter of support by each eligible applicant.

The lead applicant may propose other organizations (such as a private entity<sup>26</sup>) as part of their application. Generally, such other organizations would fall into a sub-recipient or contractor role as defined in 2 CFR 200.331. If possible, the applicant should identify anticipated sub-recipients or contractors in the application. The 2 CFR 200 Procurement Standards apply to contractor awards but not to sub-recipient awards.<sup>27</sup> If the relationship reflects a sub-recipient relationship under 2 CFR 200.331, then the requirements for pass-through entities in 2 CFR 200.332 apply.

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<sup>25</sup> The term “Indian” means a person who is a member of an Indian Tribe 25 U.S.C. § 5304(d). The term “Indian Tribe” means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians 25 U.S.C. § 5304(e).

<sup>26</sup> “Private entity” means a corporation, partnership, company, or nonprofit organization (23 U.S.C. § 151(f)(1)).

<sup>27</sup> See the Contracting and Subgrants section of the CFI Q and A at [https://www.fhwa.dot.gov/environment/cfi/cfi\\_faqs.pdf](https://www.fhwa.dot.gov/environment/cfi/cfi_faqs.pdf)

Applications with a lead applicant that is not one of these statutory eligible applicants will be deemed ineligible and will not be evaluated to determine if the application contains a statutorily eligible project.

## ***2. Cost Sharing or Matching***

The Federal share of the cost of a project carried out with CFI Program funds under both programs shall not exceed 80 percent of the total project cost (23 U.S.C. § 151(f)(10)). Cost sharing or matching is required, with the maximum Federal share being 80 percent of the total cost of the project. Awardees must provide at least 20 percent of the total project cost (not 20 percent of the Federal share) as a matching share. Additional information on cost share can be found at 2 CFR 200.306 -- Cost sharing or matching and FHWA's guidance on Non-Federal Matching Requirements.<sup>2829</sup> DOT will not consider previously incurred costs, previously expended or encumbered funds, or any CFI Program funds received towards the matching requirement for any project.

Eligible entities are required to contract with a private entity under the Corridor Program and are permitted to contract with a private entity under the Community Program.<sup>30</sup>

Under the CFI Program, a "private entity" means a corporation, partnership, company, or nonprofit organization. (23 U.S.C. § 151(f)(1)). As per 23 U.S.C. 151(f)(10), the Federal share for the cost of a project carried out with these grants shall not exceed 80 percent.<sup>31</sup> Where a recipient contacts a private entity for the services specified in the statute (for Corridor, the

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<sup>28</sup> [https://www.fhwa.dot.gov/legisregs/directives/policy/fedaid\\_guidance\\_nfmr.pdf](https://www.fhwa.dot.gov/legisregs/directives/policy/fedaid_guidance_nfmr.pdf)

<sup>29</sup> <https://www.transportation.gov/grants/dot-navigator/understanding-non-federal-match-requirements>

<sup>30</sup> For NEVI 10, BIL Title VIII of Division J provides that recipients "may" use funds to contract with private entities and that private entities "may" pay the non-Federal share of the cost of a project.

<sup>31</sup> Note: The cost share requirement may be met with other Federal funding only if authorized in the statute of the other Federal funding. If there is no express language stating that the funding can be used as a match on other Federal awards, then the Federal funding cannot be used for the non-Federal cost share. Under this NOFO, Tribes are allowed to satisfy the non-Federal match requirements using Tribal Transportation Program funds.

recipient must contract with a private entity for the acquisition and installation of EV charging infrastructure and for Community, the recipient may contract with a private entity for the acquisition, construction, installation, maintenance, or operation of EV Charging infrastructure), the statute requires that the private entity shall contractually agree to pay the non-Federal share of the project cost carried out with CFI Program funds that is not paid by the Federal Government. Accordingly, the recipient must demonstrate it has taken best efforts to require the private entity to contractually pay for the non-Federal share. If a recipient is able to demonstrate that, despite its best efforts, a contract is unable to be executed with the private entity to pay the non-Federal share, FHWA will not consider the recipient to be in violation of the grant agreement pursuant to 23 CFR 1.36. However, the CFI Grant Recipient remains ultimately responsible for ensuring the non-Federal cost share is met for the project.<sup>32</sup>

### ***3. Eligible Projects and Project Costs***

Each of the two funding opportunities has different statutory rules for what kinds of projects are eligible for funding. More information about Eligible Projects and Project Costs for each program is listed below in Section C.4 and C.5. Applications will be considered for the funding program indicated and supported in the application. Applicants that do not include statutorily eligible projects will not be evaluated for the selection criteria.

### ***4. Community Program - Eligibility Information***

Community Program grants are expected to reduce greenhouse gas emissions and to expand or fill gaps in access to charging or alternative fueling infrastructure.

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<sup>32</sup> Note: The cost share requirement may be met with other Federal funding only if authorized in the statute of the other Federal funding. If there is no express language stating that the funding can be used as match on other Federal awards, then the Federal funding cannot be used for the non-Federal cost share. Under this NOFO, Tribes are allowed to satisfy the non-Federal match requirements using Tribal Transportation Program funds.

### Community Program – Eligible Projects

- Community Program grants may be awarded to any project that is expected to reduce greenhouse gas emissions and to expand or fill gaps in access to eligible infrastructure.
- Eligible infrastructure is a publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.<sup>33</sup> Propane fueling infrastructure is limited to infrastructure for medium- and heavy-duty vehicles.<sup>34</sup>
- Projects may be located on any public road or in other publicly accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.<sup>35</sup>
- Both Direct Current Fast Charging and Alternating Current Level 2 chargers are eligible under the CFI Community Program.

### Community Program – Eligible Project Costs

- Acquisition and installation of eligible infrastructure (as defined above). An applicant that receives a CFI grant for installation of eligible infrastructure may also use grant funds for:
  - Any related construction or reconstruction and the acquisition of real property directly related to the project.<sup>36</sup>
  - Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.<sup>37</sup>

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<sup>33</sup> 23 U.S.C. § 151(f)(8)

<sup>34</sup> 23 U.S.C. § 151(f)(7)

<sup>35</sup> 23 U.S.C. § 151(f)(8)(E)

<sup>36</sup> 23 U.S.C. § 151(f)(8)(D)(ii)

<sup>37</sup> 23 U.S.C. § 151(f)(8)(D)(i)

- Contracting with a private entity for the acquisition, construction, installation, maintenance, or operation of eligible infrastructure included in the project.<sup>38</sup>

Operating assistance shall be limited to costs allocable to operate and maintain the eligible infrastructure and service, and may not exceed the amount of a contract to acquire and install eligible infrastructure.<sup>39</sup>

- Educational and community engagement activities to develop and implement education programs through partnerships with schools, community organizations, and vehicle dealerships to support the use of zero-emission vehicles and associated infrastructure (may not exceed more than 5 percent of the grant amount awarded).<sup>40</sup>

### ***5. Corridor Program - Eligibility Information***

Corridor Program grants are expected to support buildout of charging or alternative fueling infrastructure along designated AFCs.<sup>41</sup>

#### **Corridor Program – Eligible Projects**

- Corridor Program grants must be awarded to any project that contracts with a private entity for acquisition and installation, or operation, of eligible infrastructure.
- Eligible infrastructure is publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle.<sup>42</sup> Propane fueling infrastructure is limited to infrastructure for medium- and heavy-duty vehicles.<sup>43</sup>

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<sup>38</sup> 23 U.S.C. § 151(f)(8)(H)

<sup>39</sup> 23 U.S.C. § 151(f)(6)(C)(ii-iii)

<sup>40</sup> 23 U.S.C. § 151(f)(8)(K)

<sup>41</sup> For more information on AFC's [https://www.fhwa.dot.gov/environment/alternative\\_fuel\\_corridors/](https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/)

<sup>42</sup> 23 U.S.C. § 151(f)(6)(A)

<sup>43</sup> 23 U.S.C. § 151(f)(7)

- Projects must be located along an alternative fuel corridor designated under this section, on the condition that any affected Indian Tribes are consulted before the designation.<sup>44</sup>
- EV charging infrastructure should be conveniently and safely located as close to the AFC as possible, and, in general, no greater than five miles from Interstate exits or highway intersections along designated corridors.<sup>45</sup>
- Hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure should be conveniently and safely located as close to the AFC as possible, and, in general, no greater than five miles from Interstate exits or highway intersections along designated corridors.

#### Corridor Program – Eligible Project Costs

- Contracting with a private entity for acquisition and installation of eligible infrastructure (as defined above).<sup>46</sup>
- Providing a private entity with operating assistance for the first 5 years of operations after the installation of eligible infrastructure while the facility transitions to independent system operations.<sup>47</sup> Operating assistance shall be limited to costs allocable to operate and maintain the eligible infrastructure and service, and may not exceed the amount of a contract to acquire and install eligible infrastructure.<sup>48</sup>
- An applicant that receives a CFI grant for acquisition and installation, or operations, of eligible infrastructure may also use grant funds for acquisition and installation of traffic

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<sup>44</sup> 23 U.S.C. § 151(f)(6)(B)

<sup>45</sup> In order to be designated as an AFC for EV charging, FHWA criteria provides that the EV charger be located within 1 travel mile of the highway. For purposes of this NOFO, with respect to the Corridor Program, FHWA will consider applications along designated AFCs for EV chargers up to 5 miles off the highway.

<sup>46</sup> 23 U.S.C. § 151(f)(6)(A)

<sup>47</sup> 23 U.S.C. § 151(f)(6)(C)(i)

<sup>48</sup> 23 U.S.C. § 151(f)(6)(C)(ii-iii)



control devices located in the right-of-way to provide directional information to eligible infrastructure included in the project.<sup>49</sup>

- Preliminary engineering, engineering, and design-related services directly relating to the construction of a highway project, including engineering, design, project development and management, construction project management and inspection.<sup>50</sup>

## **D. Application and Submission Information**

### ***1. Address to Request Application Package***

All application materials may be found on Grants.gov. Once at Grants.gov, select the Search Grants tab. Then enter one of the following:

- Opportunity Number: 693JJ324NF00017
- Opportunity Name: Charging and Fueling Infrastructure Discretionary Grant Program
- Assistance Listing Number: 20.205

When at one of these pages, select the CFI Opportunity, which will open to a page with several tabs. The first tab is a synopsis of the opportunity. The Related Documents tab is the Full Announcement (the NOFO document), NOFO Amendments, and supporting documents added by DOT such as FAQs. The Package tab allows you to preview the forms needed to submit an application. The red Subscribe button allows applicants to register to receive notice by email when DOT updates or adds to the opportunity page. The red Apply button allows applicants to apply using Grants.gov. Applicants should use the Grants.gov Workspace to create and submit the application. See Grants.gov for training on using Grants.gov Workspace.

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<sup>49</sup> 23 U.S.C. § 151(f)(6)(D)(ii)

<sup>50</sup> 23 U.S.C. §101(a)(4)

For a Telephone Device for the Deaf (TDD), please call (202) 366-3993. If potential applicants are unable to download the application package from the internet, they may send a written request for a paper copy to the below address. Requests should be sent to:

[CFIGrants@dot.gov](mailto:CFIGrants@dot.gov)

## **2. *Content and Form of Application***

All applications must be submitted electronically through [Grants.gov](https://www.grants.gov). The application must include: (1) STANDARD FORMS; and (2) APPLICATION SUPPORT. See instructions below.

(1) STANDARD FORMS: The following are mandatory:

- Standard Form 424 (Application for Federal Assistance)
- Standard Form 424C (Budget Information for Construction Programs)
- Standard Form 424D (Assurances for Construction Programs)
- Standard Form LLL (Disclosure of Lobbying Activities)
- Project Abstract Summary
- Attachments (Use this form to add APPLICATION SUPPORT file(s))

(2) APPLICATION SUPPORT: A narrative document no more than 25 pages that addresses the following items i.-iv. which are detailed below. In Grants.gov, please submit the APPLICATION SUPPORT as one PDF file if possible.

- i. Project Narrative
- ii. Budget Information
- iii. Project Merit Criteria
- iv. Project Readiness and Environmental Risk

### **i. Project Narrative**

FHWA recommends that the project narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). If possible, Website links to supporting documentation should be

provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each document supports. FHWA recommends using appropriately descriptive final names (e.g., Project Narrative, Maps, Geospatial Data, Project Budget) for all attachments.

Also, in the project narrative, applicants should describe how the project addresses the following areas as well as the additional project narrative information that is specified below. DOT specifies that the project narrative follow the outline below. Following the outline will also assist evaluators in locating the relevant information.

### Community Program

I. Description of project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, geospatial data describing the project location(s) (e.g., ESRI shapefiles, latitude/longitude coordinates, intersections, specific addressees, etc.), the number of EV charging ports/alternative fueling dispensers expected at each project site, and how traffic safety considerations will be addressed for vehicles entering and leaving the site. Applicants should provide as much information as possible for the location of the project site(s) and the number of the number of EV charging ports/alternative fueling dispensers, keeping in mind the award is limited to the project and location as described in the application. If there is some uncertainty regarding the location or number of EV charging ports/alternative fueling dispensers, this should be described in detail in the application and the potential sites and the number of EV charging ports/alternative fueling dispensers discussed.

Applicants must address how their project appropriately mitigates any safety risks introduced by the project. Prior to receiving funds, all projects are expected to, at a minimum, identify and mitigate to the extent practicable any significant safety risks that could result after the project completion. Applicants should include how their project will not negatively impact the overall safety of the traveling public. Applicants should also consider the National Roadway Safety Strategy (NRSS)<sup>51</sup> when addressing how the projects will support the goal of achieving zero roadway death through a Safe Systems Approach. This description should also detail how the access is in compliance with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.).

II. Description of how the project expands community-based infrastructure or fills gaps in access by equitably expanding the deployment of publicly available EV charging infrastructure, or hydrogen, propane or natural gas fueling infrastructure in community locations, located on any public road or in any other publicly accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.

III. Additional Project Narrative Information. FHWA is interested in community charging and fueling deployment projects in several focus areas. As applicable, applicants are encouraged to indicate which focus area(s) their proposed project address(es) and how the project benefits the community and improves access to EV and alternative fueling infrastructure. In addition, in association with the focus areas specified, applicants are encouraged to note whether the project would expand alternative fueling/charging access to rural areas, low- and

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<sup>51</sup> <https://www.transportation.gov/NRSS>

moderate- income neighborhoods, and/or underserved or hard to reach communities where the private sector may not invest absent Federal funding.

More than one category can be identified.

- Neighborhood and Multi-Family Charging: Provide convenient, affordable access to charging infrastructure in public or shared private locations within walking distance of where future EV owners live, potentially including multi-family properties and curbside installations in urban neighborhoods. Projects should seek to advance low-cost solutions with light construction when possible (e.g., pole-based charging) and take advantage of charge management technology to minimize site power requirements. Charging projects in this category are likely to be Level 2 installations (alternating current charging no more than 19.2 kW per port) given proximity to homes with long duration charging potential and challenges associated with upgrading electric service in dense neighborhoods. However, applicants are allowed to propose direct current fast charging solutions when appropriate. Projects should address innovative ways to navigate challenges such as curbside access, reservation/convenient availability, reliability, and management of limited spaces. The DOT encourages collaboration between applicants, right-of-way (ROW)/property owners, and electric utilities during the application, installation, and maintenance of charging infrastructure.
- Multi-Modal Hubs and Shared-Use Fleets and Services: Seek to connect or promote rental vehicle, taxi, carshare, ride-share, ride-hail, bicycle, micromobility, microtransit, and other electrified or alternative fuel multi-

passenger or active mobility options that provide alternatives to individual vehicle ownership.

Projects may also seek to connect national freight corridors with local delivery providers and fleets, such as urban depots charging for light- and medium-duty vehicles.

- **Multi-Purpose Workplace and Destination Charging:** Destination charging that corresponds to locations where vehicles are likely to be parked for an extended period of time facilitates convenience and often allows for lower-power, low-cost charging. Many of these locations, when publicly accessible, can serve multiple purposes allowing employees, customers, or visitors to use a location to both park and charge their vehicle and creating additional utility to these locations in both rural and urban communities. Projects should seek to identify these commonly used popular locations to increase access to charging and facilitate low-cost, lower power charging. Charging speeds should be aligned with typical parking times for a given location, allowing drivers to depart with a meaningful increase in driving range.
- **Community Fleets and Freight:** Enable local medium- and heavy-duty electrification and alternative fuel use for Class 3 through Class 8 Vehicle fleets for use cases including, but not limited to municipal services, first-mile/last-mile, and hybrid deployments that combine dedicated infrastructure for medium- and heavy-duty vehicles with co-deployed charging for light-duty passenger vehicles. The deployment of these projects should align with Phases

1, 2, or 3 of the National [Zero Emission Freight \(ZEF\) Corridor Strategy](#), as specified in the Appendix for each Phase.

### Corridor Program

I. Description of project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, geospatial data describing the project location(s) (e.g., ESRI shapefiles, latitude/longitude coordinates, intersections, specific addresses, etc.), the number of EV charging ports/alternative fueling dispensers expected at each project site, and how traffic and pedestrian safety considerations will be addressed for users accessing the site and nearby destinations. Applicants should provide as much information as possible about the location of the project site(s) and the number of EV charging ports/alternative fueling dispensers, keeping in mind the award is limited to the project and location as described in the application. If there is some uncertainty regarding the location or number of EV charging ports/alternative fueling dispensers, this should be described in detail in the application and the potential sites and EV charging ports/alternative fueling dispensers discussed. As described in section V below, Corridor program applicants should identify availability of on-site amenities.

Applicants must address how their project appropriately mitigates any safety risks introduced by the project for all users, including pedestrians accessing nearby destinations. Prior to receiving funds, all projects are expected to, at a minimum, identify and mitigate to the extent practicable any significant safety risks that could result after the project completion. Applicants should include how their project will ensure safety of all users and not negatively impact the overall safety of the traveling public. Applicants should also consider the NRSS<sup>52</sup> when

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<sup>52</sup> <https://www.transportation.gov/NRSS>

addressing how the projects will support the goal of achieving zero roadway death through a Safe Systems Approach.

II. Description of how public accessibility of charging or fueling infrastructure proposed to be funded with a grant under this subsection has been considered, including charging or fueling connector types and publicly available information on real-time availability and payment methods to ensure secure, convenient, fair, and equal access.<sup>53</sup>

III. Description of outcomes from collaborative engagement with stakeholders (including automobile manufacturers, utilities, infrastructure providers, technology providers, electric charging, hydrogen, propane, and natural gas fuel providers, metropolitan planning organizations, States, Indian Tribes, and units of local governments, fleet owners, shared mobility operators, fleet managers, fuel station owners and operators, labor organizations, infrastructure construction and component parts suppliers, and multi-State and regional entities) that address the following for EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure:

- Foster enhanced, coordinated, public-private or private investment;
- Expand deployment;
- Protect personal privacy and ensure cybersecurity; and
- Ensure that a properly trained workforce is available to construct and install infrastructure (23 U.S.C. § 151 (f)(4)(A)(ii)).

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<sup>53</sup> (23 U.S.C. § 151 (f)(4)(A)(i))



IV. Identify whether the location of the station or fueling site considered the following:

- The availability of onsite amenities for vehicle operators, such as restrooms or food facilities. Applicants are encouraged to identify other onsite and nearby amenities such as WiFi availability and protection from the weather;
- Access in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
- Height and fueling capacity requirements for facilities that charge or refuel large vehicles, such as semi-trailer trucks; and
- Appropriate distribution to avoid redundancy and fill charging or fueling gaps (23 U.S.C. § 151 (f)(4)(A)(iii)).

V. Details to ensure infrastructure installation that can be responsive to technology advancements, such as accommodating autonomous vehicles, vehicle-to-grid technology, and future charging methods (23 U.S.C. § 151 (f)(4)(A)(iv)).

VI. Discussion about the long-term operation and maintenance of the EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, to avoid stranded assets and protect the investment of public funds in that infrastructure (23 U.S.C. § 151 (f)(4)(A)(v)).<sup>54</sup> For example, applicants could include data such as fuel supply availability (e.g., the specific electric utility tariff(s) under which the applicant intends to take service), expected average use levels over time, and long-term operation and maintenance agreements.

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<sup>54</sup> Also see 23 CFR § 680.106(i)

VII. Assessment of the estimated emissions that will be reduced through the use of EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, which shall be conducted using the Alternative Fuel Life-Cycle Environmental and Economic Transportation (AFLEET) CFI Emissions tool<sup>55</sup> developed by Argonne National Laboratory (or a successor tool) (23 U.S.C. § 151 (f)(4)(B)).

VIII. Description of how the project improves the AFCs by expanding the deployment of public EV charging infrastructure, particularly DC fast charging infrastructure or hydrogen, propane or natural gas fueling infrastructure along FHWA-designated AFCs. The application should indicate how the project: (1) will contribute to the conversion of corridor-pending corridors to corridor-ready corridors by filling infrastructure gaps; (2) will help meet current or anticipated excess demand for corridor charging or alternative fueling infrastructure; and (3) will provide infrastructure to support greater adoption of light- or medium- and heavy-duty alternative fuel vehicles.

IX. Additional Project Narrative Information. Applicants should specify the reasons for which CFI Corridor Program funding is being requested and demonstrate that the proposed project is not duplicative with the NEVI Formula Program or previous FHWA CFI awards. FHWA is interested in corridor charging and fueling deployment projects in several focus areas. As applicable, applicants are encouraged to indicate which focus area(s) their proposed project address(es) and how the project contributes to the build-out of a national corridor network. More than one category can be identified.

- Demonstrate Build-Out of AFCs: Expand deployment of EV charging infrastructure, or hydrogen, propane or natural gas fueling infrastructure along

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<sup>55</sup> [AFLEET CFI Tool \(anl.gov\)](https://anl.gov/afleet)

designated AFCs. Infrastructure projects of interest can expand existing or add new charging and fueling infrastructure for light-duty, medium-duty, and heavy-duty vehicles.

- Zero Emission Corridors for Medium- and Heavy-Duty Vehicles: Enable zero emission movement of goods, connect distribution hubs, and connect population centers. Projects may also seek to connect national freight corridors with local delivery providers and fleets, such as urban depot charging for light- and medium-duty vehicles. Projects may also leverage other funding for alternative fuel infrastructure at ports or depots along corridors. The deployment of these projects should align with Phases 1 or 2 of the National [Zero Emission Freight \(ZEF\) Corridor Strategy](#)<sup>56</sup> Medium- and heavy-duty infrastructure applications should include explicit fleet commitments to use the infrastructure.
- Long Dwell Time Locations Along AFCs: Charging and fueling infrastructure that correlates to locations where vehicles are parked for extended periods of time can enhance driver convenience and, in some cases, significantly reduce costs. In the case of EV charging, long dwell time locations can meet driver demands and reduce the potential electric demand of EVs through lower power charging. Many long dwell time locations, such as small downtowns, hotels/motels, park and ride facilities, parks, and campgrounds are located along corridors and can facilitate convenient, affordable travel.

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<sup>56</sup> [driveelectric.gov/files/zef-corridor-strategy.pdf](https://driveelectric.gov/files/zef-corridor-strategy.pdf)

## **FOR BOTH PROGRAMS**

For both the Community Program and Corridor Program the project narrative should provide information as to how innovative payment approaches (such as contactless technology, mobile wallets, bundling with transit discounts and other benefits programs, etc.) will be used to ensure that low- and zero-emission transportation options are accessible to diverse populations, including the unbanked and underbanked. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by FHWA. FHWA may, but is not required to, request supplementary information, including additional data, to clarify supporting data and documentation submitted in an application, but FHWA encourages applicants to submit the most relevant and complete information they can provide. Supplementary information may be requested to determine with which category of grant the application best aligns. To ensure a fair and unbiased evaluation of applications submitted under this NOFO, FHWA will not request additional information to perfect incomplete applications.

## **FOR BOTH PROGRAMS**

### **ii. Budget Information: Grant Funds, Sources and Uses of All Project Funding**

Describe your overall budget and how funds will be spent on various portions of the project(s). Provide a budget narrative explaining each element of cost contained in the Standard Form 424C. Categorize your budget into uses such as project planning and development (such as costs for meaningful public involvement), ROW/acquisition costs, installation costs, operation costs, maintenance costs, educational activity costs, etc. The estimated amount of funds or percentages of funds to be spent in each category should be indicated as well as which entity is responsible for each cost. This section should also include any operating subsidies that will be

sought or have been obtained for EV charging infrastructure, or hydrogen, propane or natural gas fueling infrastructure. However, identified operating subsidies are not subject to program limitations for operating assistance (i.e., operating assistance may not exceed the amount of a contract to acquire and install eligible infrastructure<sup>57</sup>) unless the funding source for the operating subsidy is through Title 23.

Describe your cost share and how you will satisfy the cost share requirements of the NOFO Section C.2.

Project budgets should show how different funding sources will share in each activity and present those data in dollars and percentages. The budget should identify other Federal funds, the applicant is applying for, has been awarded, or intends to use. Funding sources should be grouped into three categories: non-Federal, CFI Program, and other Federal with specific amounts from each funding source. The applicant should identify any named or planned sub-recipients or contractors in the application and describe compliance with or intention to comply with 2 CFR 200.

Provide a table showing the following as applicable: (1) the Federal funding requested for activities that are pre-NEPA and/or do not require NEPA approval; and (2) the Federal funding requested for activities that are post-NEPA approval (i.e., final design, ROW, construction).

For purposes of this NOFO and consistent with Title 23, the term construction is defined at 23 U.S.C. §101(a)(4), in part, as the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway or any project eligible for assistance under this title, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by

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<sup>57</sup> 23 U.S.C. § 151(f)(6)(C)(ii-iii)

the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program.<sup>58</sup>

The Standard Form 424C should be supported by a budget narrative explaining each element of cost.<sup>59</sup>

FHWA reserves the right after an application is selected for award, to request additional supporting information and or documentation for purposes of confirming that costs proposed are allowable (2 CFR 200.403), reasonable (2 CFR 200.404) and allocable (2 CFR.405).

Except for the information properly marked as described in Section H., the Department may share application information within the Department or with other Federal Agencies if the Department determines that sharing is relevant to the respective program's objectives.

### **iii. Project Merit Criteria**

The applicant should describe how the proposal meets the Project Merit Criteria list in Section E.1.iv.

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<sup>58</sup> The 23 U.S.C. §101(a)(4) definition of construction continues to provide the following examples of what is included in the term: (A) assessing resilience, mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services; assessing resilience, mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services; (B) reconstruction, resurfacing, restoration, rehabilitation, and preservation; (C) acquisition of ROW; (D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing; (E) elimination of hazards of railway-highway grade crossings; (F) elimination of roadside hazards; (G) improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; (H) improvements that reduce the number of wildlife-vehicle collisions, such as wildlife crossing structures; and (I) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

<sup>59</sup> After applications are selected for award, the Government reserves the right to request from the applicant/selectee supporting information and/or documentation for the purpose of confirming that the elements of cost contained in the proposed budget are Allowable (2 CFR 200.403), Reasonable (2 CFR 200.404), and Allocable (2 CFR 200.405).

#### **iv. Project Readiness and Environmental Risk**

The application should include information that, when considered with the project budget information, is sufficient for FHWA to evaluate whether the project is reasonably expected to begin in a timely manner, and obligate awards before the deadline. To assist FHWA's determination of project readiness, application information should include:

- A detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed;
- Discussion of energy source and storage needs, such as (1) a description of engagement or plans to engage with relevant utility providers to date, (2) whether utility upgrades will be needed to complete the project, and if other types of upgrades are needed, (3) whether utility designs have begun, been submitted, or are final;
- An assessment of real property and ROW acquisition necessary for the project or a statement that no acquisition is necessary;
- Information about the inclusion of this project (or a plan to having this project included) in the relevant State, metropolitan, and local planning documents<sup>60</sup>;
- Any project approvals already obtained, including whether site assessments have taken place and whether permits have been issued or applied for;
- Identification of known or anticipated project risks and how they will be addressed;

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<sup>60</sup> The planning requirements applicable to the Federal-aid highway program apply to all CFI Program Grant projects. In accordance with 23 U.S.C. §§ 134 and 135, all projects requiring an action by FHWA must be in the applicable plan and programming documents (e.g., metropolitan transportation plan, transportation improvement program (TIP), and statewide transportation improvement program (STIP)). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, or STIP, it will not receive a grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and MPO. Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a grant.

- Discussion about any coordination or public engagement that has been completed or is on-going regarding this project;
- Discussion about intentions for Disadvantaged Business Enterprise (DBE) participation or engagement;
- Discussion of how equity and accessibility requirements will be met;
- An anticipated project timeline or anticipated project milestone dates;
- Information about how 23 CFR Part 680 requirements, published on February 28, 2023, will be included; and
- Any other information that will demonstrate project readiness.

The application should also include information about the expected or anticipated environmental impacts of the project. To assist FHWA's environmental risk assessment, application information should include any National Environmental Policy Act (NEPA) reviews or approvals and permits that have already been completed or an anticipated timeline to obtain the necessary approvals and permits for the project. For more information on NEPA, see Section F.2.: Administrative and National Policy Requirements.

### ***3. Unique Entity Identifier and System for Award Management (SAM)***

Effective April 4, 2022, the Data Universal Numbering System (DUNS) number is no longer required for entities doing business with the Federal Government and has been replaced by the SAM UEI. As of that date, applicants are required to use a UEI issued during the SAM.gov registration process. Active registrants in SAM.gov have had their SAM UEI automatically assigned and it is currently viewable within SAM.gov. There is no additional action necessary for registered entities to take to obtain their SAM UEI. Each applicant is required to:



- Be registered in SAM before submitting their application;
- Provide a valid UEI in their application; and
- Continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by a Federal awarding Agency.

Please see <https://www.grants.gov/web/grants/applicants/applicant-faqs.html#UEI> for more information on the transition from DUNS to SAM UEI, including what UEI to enter into the UEI field on Grants.gov and on application package forms.

The FHWA may not make a Federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time the Federal awarding Agency is ready to make a Federal award, the Federal awarding Agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

**NOTE TO APPLICANTS: The SAM.gov requires the registrant to provide a UEI number to complete the registration. These processes can take several weeks to complete so should be started well before the application deadline.**

#### ***4. Submission Dates and Timelines***

Applications must be submitted electronically through Grants.gov no later than 11:59 p.m., Eastern Time on **AUGUST 28, 2024.**

#### ***5. Intergovernmental Review***

The CFI Program is not subject to the Intergovernmental Review of Federal Programs under EO 12372.

## **6. Funding Restrictions**

Pre-CFI Program Grant award costs (costs incurred prior to execution of a grant agreement or authorization in Financial Management Information Systems) will not be reimbursed.

Grant funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

### **i. Community Program**

Under 23 U.S.C. § 151(f)(8)(K), grant funds may be used for educational and community engagement activities (e.g., projects to educate consumers on the availability of new charging and fueling to address range anxiety; projects that work with communities to identify their needs for new charging and fueling infrastructure) to develop and implement education programs through partnerships with schools, community organizations, and vehicle dealerships to support the use of zero-emission vehicles and associated infrastructure; however, this cost is capped at no more than 5 percent of the grant amount the recipient is awarded. As in the Corridor Program, under 23 U.S.C. § 151(f)(7), projects for propane fueling are limited to infrastructure for medium- and heavy-duty vehicles.

### **ii. Corridor Program**

Under 23 U.S.C. § 151(f)(6)(A), grant funds shall only be used to contract with a private entity<sup>61</sup> for acquisition and installation of publicly accessible EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle. As per 23 U.S.C. § 151(f)(6)(C)(i-iii), operating assistance costs allocable to operating and maintaining publicly

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<sup>61</sup> The Federally Funded Research and Development Centers, including the National Renewable Energy Laboratory, are ineligible to be contracted as a private entity under this grant program.

available EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure for the first 5 years of operations after the installation are allowable while the facility transitions to independent system operations and those costs may not exceed the amount of the contract to acquire and install publicly accessible charging or fueling infrastructure. Under 23 U.S.C. § 151(f)(6)(D)(i)-(iii), costs for the acquisition and installation of traffic control devices located in the ROW to provide directional information to publicly accessible EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure acquired, installed, or operated is limited to applicants that receive a grant and are using that grant for the traffic control devices and that cost may not exceed the amount of the contract to acquire and install publicly accessible charging or fueling infrastructure. Per 23 U.S.C. § 151(f)(7), projects for propane fueling are limited to infrastructure for medium- and heavy-duty vehicles.

## ***7. Other Submission Considerations***

### **i. Consideration of Applications**

Only applicants who comply with all submission deadlines described in this NOFO and electronically submit valid applications through Grants.gov will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

### **ii. Late Applications**

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties outlined below. Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must provide email notification to [CFIgrants@dot.gov](mailto:CFIgrants@dot.gov) prior to the application deadline with the username of the registrant and details of the technical issue experienced. The applicant must provide:

- Details of the technical issue experienced;
- Screen capture(s) of the technical issues experienced along with corresponding Grants.gov “Grant tracking number”;
- The “Legal Business Name” for the applicant that was provided in the SF-424;
- The Point of Contact name submitted in the SF-424;
- The UEI associated with the application; and
- The Grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the Grants.gov and UEI registration processes before the deadline; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its Website; (3) failure to follow all instructions in this NOFO; and (4) technical issues experienced with the applicant’s computer or information technology environment.

After FHWA reviews all information submitted and contacts the Grants.gov Help Desk to validate reported technical issues, FHWA staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. The FHWA will not accept appeals of FHWA’s decision to approve or deny a request for a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

### **iii. Compliance with Section 508 of the Rehabilitation Act of 1973**

The DOT encourages applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at <https://www.access-board.gov/ict/>.

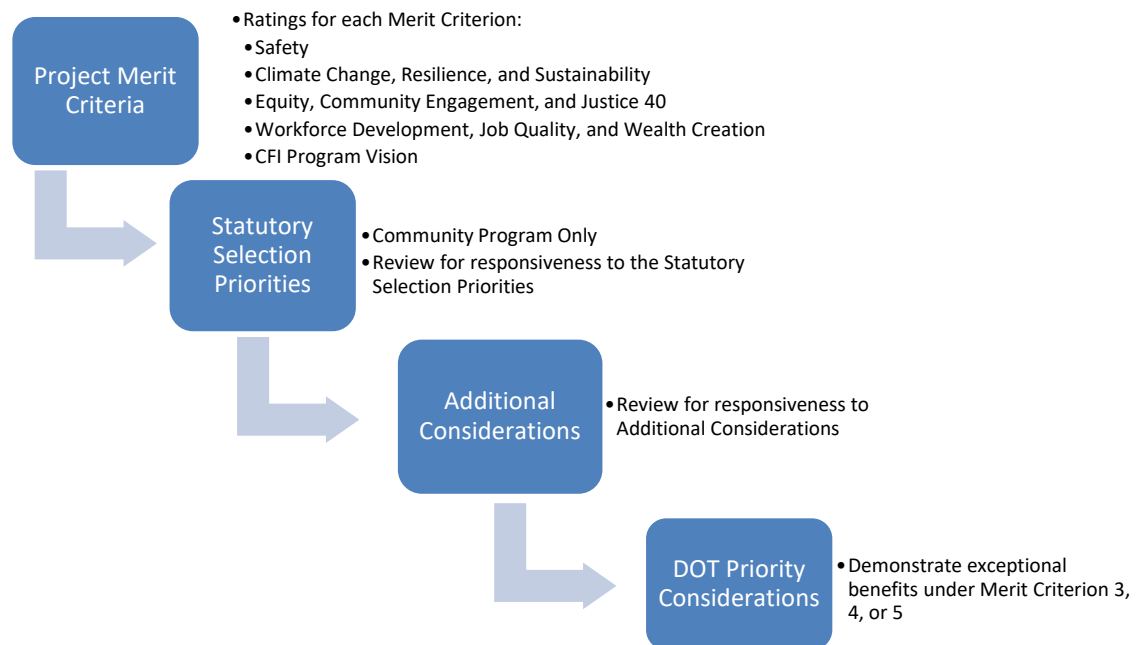
## E. Application Review Information

### 1. Selection Criteria

#### i. Community Program

The FHWA will award CFI Community Program Grants based on screening of applicable eligibility requirements followed by evaluation of the Project Merit Criteria (Section E.1.iv.), Statutory Selection Priorities (Section E.1.v.), Additional Considerations (Section E.1.vi.), and DOT Priority Considerations (Section E.1.vii.) as shown in Figure 1, below and described in this Section.

*Figure 1: Community Program Selection Criteria for Eligible Projects*

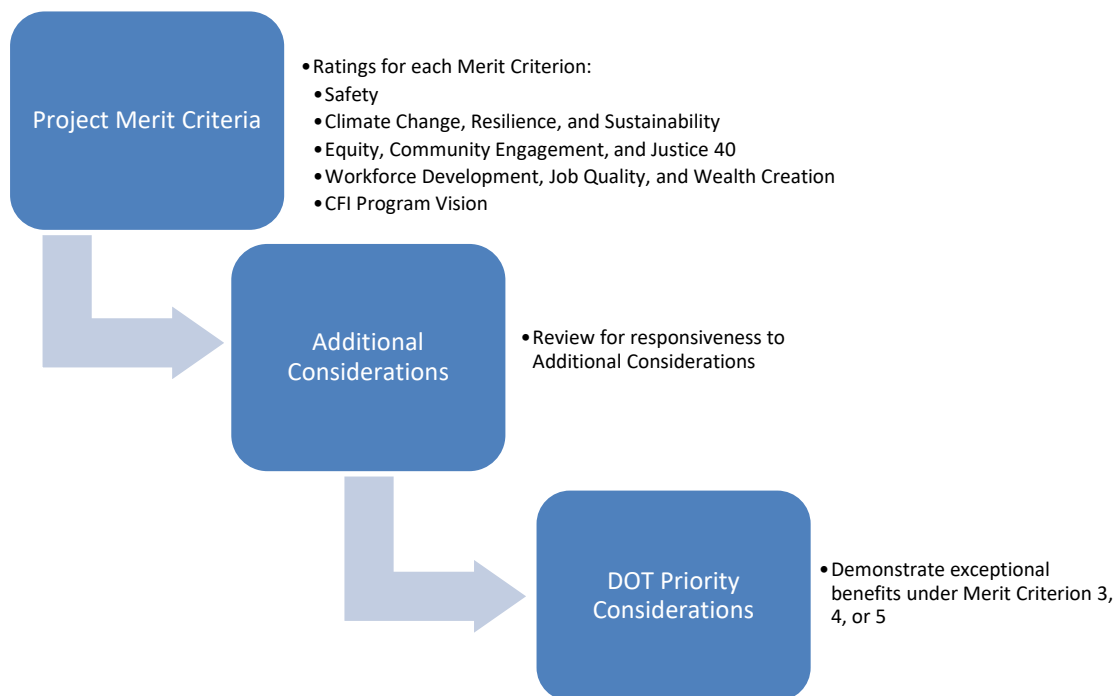


#### ii. Corridor Program

The FHWA will award CFI Corridor Program Grants based on screening of applicable eligibility requirements, followed by evaluation of the Project Merit Criteria (Section E.1.iv.),

Additional Considerations (Section E.1.vi.), and DOT Priority Considerations (Section E.1.vii.) as shown in Figure 2, below and described in this Section.

*Figure 2: Corridor Program Evaluation for Eligible Projects*



### iii. Overall Application Rating

If a project does not meet the applicable eligibility requirements (Section C.), the application will not be further evaluated. Based on evaluation of the Project Merit Criteria listed below, DOT will assign each eligible project an overall rating of highly recommended, recommended, or not recommended for each of the grant programs for which the applicant is applying. A **Highly Recommended** project is one that meets all statutory eligibility criteria, receives a rating of Highly Qualified in at least 3 of the 5 Project Merit Criteria described below, receives at least a rating of Qualified for each of the Project Merit Criteria described below. A **Recommended** project is one that meets all statutory eligibility criteria and receives at least a

rating of Qualified for each of the Project Merit Criteria described below. A **Not Recommended** project is one that does not meet one or more of the statutory eligibility criteria or receives a rating of Not Qualified for any of the Project Merit Criteria described below. When a project is determined to be Not Recommended at any time during the review, DOT will discontinue further evaluation under remaining criteria.

#### **iv. Project Merit Criteria**

The DOT has designated five project criteria which will be used to evaluate and rate the merit of an application, as follows.

##### **a. Criterion 1 Safety**

Applicants must address how their project appropriately mitigates any safety risks introduced by the project. Prior to receiving funds, all projects are expected to, at a minimum, identify and mitigate to the extent practicable any significant safety risks that could result after the project completion. Applicants should address how their project will not negatively impact the overall safety of the traveling public. Applicants should also consider the NRSS<sup>62</sup> when addressing how the projects will support the goal of achieving zero roadway death through a Safe Systems Approach.

<b>Highly Qualified</b>	<b>Qualified</b>	<b>Not Qualified</b>
The application demonstrates that the project will (must demonstrate all):	The application demonstrates that the project will (must demonstrate at least one):	The application contains insufficient information to allow reviewers to assess whether the project will demonstrate any of the following items:

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<sup>62</sup> <https://www.transportation.gov/NRSS>

(1) Provide positive safety benefits for all users; <b><u>AND</u></b> (2) Does not negatively impact safety for all users; <b><u>AND</u></b> (3) Promote safety through design.	(1) Provide positive safety benefits for all users; <b><u>OR</u></b> (2) Does not negatively impact safety for all users; <b><u>OR</u></b> (3) Promote safety through design.	(1) Provide positive safety benefits for all users; (2) Does not negatively impact safety for all users; <b><u>OR</u></b> (3) Promote safety through design.
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## **b. Criterion #2 Climate Change, Resilience, and Sustainability**

Applicants must address how the project will consider climate change, resilience, and environmental justice in the planning stage and in project delivery. Applicants are encouraged to use the [DOT Navigator Climate checklist](#) in responding to this criteria. In particular, applicants must address the extent to which the project reduces greenhouse gas emissions in the transportation sector, incorporates evidence-based climate resilience measures and features, advances objectives in the [National Climate Resilience Framework](#), and reduces the lifecycle greenhouse gas emissions from the project materials. Applicants also must address the extent to which the project avoids adverse environmental impacts to air or water quality, wetlands, endangered species, and resiliency to natural disasters, with a focus on prevention, response, and recovery.

<b>Highly Qualified</b>	<b>Qualified</b>	<b>Not Qualified</b>
The application demonstrates that the project will (must demonstrate all):	The application demonstrates that the project will (must demonstrate at least one):	The application contains insufficient information to allow reviewers to assess whether the project will demonstrate any of the following items:



<p>(1) Significantly reduce greenhouse gas emissions in the transportation sector. For the Community Program, although not required, applicants are encouraged to use tools to demonstrate estimated emission reductions and explain the significance of reductions. For the Corridor Program, the use of AFLEET<sup>63</sup> to estimate emission reductions required; <b><u>AND</u></b> (2) Incorporate evidence-based climate resilience measures or features, and addresses the Federal Flood Risk Mitigation Standard as updated by EO 13690, as appropriate; <b><u>AND</u></b> (3) Consider climate change, resilience, and environmental justice in project planning and delivery; <b><u>AND</u></b> (4) address the extent to which the project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, as well as address disproportionate negative impacts of climate change and pollution on disadvantaged communities, including natural disasters, with a focus on prevention, response, and recovery.</p>	<p>(1) Significantly reduce greenhouse gas emissions in the transportation sector. For the Community Program, although not required, applicants are encouraged to use tools to demonstrate estimated emission reductions and explain the significance of reductions. For the Corridor Program, the use of AFLEET to estimate emission reductions required; <b><u>OR</u></b> (2) Incorporate evidence-based climate resilience measures or features, and addresses the Federal Flood Risk Mitigation Standard as updated by EO 13690, as appropriate; <b><u>OR</u></b> (3) Consider climate change, resilience, and environmental justice in project planning and delivery; <b><u>OR</u></b> (4) address the extent to which the project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, as well as address disproportionate negative impacts of climate change and pollution on disadvantaged communities, including natural disasters, with a focus on prevention, response, and recovery.</p>	<p>(1) Significantly reduce greenhouse gas emissions in the transportation sector. For the Community Program, although not required, applicants are encouraged to use tools to demonstrate estimated emission reductions and explain the significance of reductions. For the Corridor Program, the use of AFLEET to estimate emission reductions required; (2) Incorporate evidence-based climate resilience measures or features, and addresses the Federal Flood Risk Mitigation Standard as updated by EO 13690, as appropriate; (3) Consider climate change, resilience, and environmental justice in project planning and delivery; <b><u>OR</u></b> (4) address the extent to which the project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, as well as address disproportionate negative impacts of climate change and pollution on disadvantaged communities, including natural disasters, with a focus on prevention, response, and recovery.</p>
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<sup>63</sup> Corridor Program emissions estimates must be conducted using the Alternative Fuel Life-Cycle Environmental and Economic Transportation (AFLEET) CFI Emissions tool developed by Argonne National Laboratory (or a successor tool) (23 U.S.C. § 151 (f)(4)(B)). [AFLEET CFI Tool \(anl.gov\)](https://afleet.anl.gov)

### c. Criterion #3 Equity, Community Engagement, and Justice<sup>40</sup>

Applicants must address how their project will include an equity assessment which evaluates whether a project will create proportional impacts and remove transportation related disparities to all populations in a project area. To be highly qualified, applicants should demonstrate that 40 percent of funds received under this program will benefit disadvantaged communities using the Climate and Economic Justice Screening Tool (CEJST),<sup>64</sup> considering the following parameters based on community type. Projects will be considered to benefit disadvantaged communities if they are 1) within Tribal lands owned by Federally Recognized Tribes, 2) within a rural community (outside of a census defined urbanized area), 3) within a disadvantaged community in a census defined urbanized area, or 4) within a ½-mile buffer of a disadvantaged community in a census defined urbanized area. Applicants should demonstrate how meaningful public involvement<sup>65</sup>, inclusive of disadvantaged communities, will occur throughout a project's life cycle. Projects should demonstrate, to the extent possible, that outcomes should target benefits towards disadvantaged communities. Applicants should address how project benefits will increase affordable transportation options, improve safety, connect Americans to good-paying jobs, fight climate change, and improve access to resources and quality of life.

Highly Qualified	Qualified	Not Qualified
The application demonstrates that the project will (must demonstrate all):  (1) include an equity analysis which evaluates whether a project will create proportional impacts and remove transportation related disparities to all populations	The application demonstrates that the project will (must demonstrate at least one):  (1) include an equity analysis which evaluates whether a project will create proportional impacts and remove transportation related disparities to all populations	The application contains insufficient information to allow reviewers to assess whether the project will demonstrate any of the following items:  (1) include an equity analysis which evaluates whether a project will create

<sup>64</sup> <https://screeningtool.geoplatform.gov/>

<sup>65</sup> <https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>

<p>in a project area. Applicants must use the CEJST in their assessment to demonstrate benefits towards disadvantaged communities; <b><u>AND</u></b> (2) include meaningful public engagement throughout a project's life cycle <b><u>AND</u></b> (3) increase affordable transportation options, improve safety, connect Americans to good-paying jobs, fight climate change, or improve access to resources and quality of life; <b><u>AND</u></b> (4) enable all people within the multimodal transportation networks to reach their desired destination safely, affordably, and with a comparable level of efficiency and ease; <b><u>AND</u></b> (5) address, as applicable, the unique challenges rural and Tribal communities face related to mobility and economic development, including isolation, transportation cost burden, and traffic safety (consistent with DOT's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative) if geographically relevant to the project OR indicate that this is not relevant; <b><u>AND</u></b> (6) incorporate and support integrated land use, economic development and transportation planning to improve the movement of people and goods and local fiscal health, facilitates greater public and private investments and strategies in land-use productivity, including rural</p>	<p>in a project area. Applicants must use the CEJST in their assessment to demonstrate benefits towards disadvantaged communities; <b><u>OR</u></b> (2) include meaningful public engagement throughout a project's life cycle <b><u>OR</u></b> (3) increase affordable transportation options, improve safety, connect Americans to good-paying jobs, fight climate change, or improve access to resources and quality of life; <b><u>OR</u></b> (4) enable all people within the multimodal transportation networks to reach their desired destination safely, affordably, and with a comparable level of efficiency and ease; <b><u>OR</u></b> (5) address, as applicable, the unique challenges rural and Tribal communities face related to mobility and economic development, including isolation, transportation cost burden, and traffic safety (consistent with DOT's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative) if geographically relevant to the project OR indicate that this is not relevant; <b><u>OR</u></b> (6) incorporate and support integrated land use, economic development and transportation planning to improve the movement of people and goods and local fiscal health, facilitates greater public and private investments and strategies in land-use productivity,</p>	<p>proportional impacts and remove transportation related disparities to all populations in a project area Applicants must use the CEJST in their assessment to demonstrate benefits towards disadvantaged communities; (2) include meaningful public engagement throughout a project's life cycle; (3) increase affordable transportation options, improve safety, connect Americans to good-paying jobs, fight climate change, or improve access to resources and quality of life; (4) enable all people within the multimodal transportation networks to reach their desired destination safely, affordably, and with a comparable level of efficiency and ease; (5) address, as applicable, the unique challenges rural and Tribal communities face related to mobility and economic development, including isolation, transportation cost burden, and traffic safety (consistent with DOT's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative) if geographically relevant to the project OR indicate that this is not relevant; <b><u>OR</u></b> (6) incorporate and support integrated land use, economic development and transportation planning to improve the movement of people and goods and local fiscal health, facilitates</p>
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main street revitalization or increase in the production or preservation of location-efficient housing.	including rural main street revitalization or increase in the production or preservation of location-efficient housing.	greater public and private investments and strategies in land-use productivity, including rural main street revitalization or increase in the production or preservation of location-efficient housing.
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#### **d. Criterion #4 Workforce Development, Job Quality, and Wealth Creation**

Applicants must address how their project will create good-paying jobs with free and fair choice to join a union, including through the use of project labor agreements, promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); and adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations.<sup>66</sup> Applicants should address how the project promotes local inclusive economic development and entrepreneurship, including prioritizing the use of DBEs, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.<sup>67</sup>

<b>Highly Qualified</b>	<b>Qualified</b>	<b>Not Qualified</b>
The application demonstrates that the project will (must demonstrate all):  (1) create good-paying jobs with free and fair choice to join a union and expand strong labor standards including, but	The application demonstrates that the project will (must demonstrate at least one):  (1) create good-paying jobs with free and fair choice to join a union and expand strong labor standards	The application contains insufficient information to allow reviewers to assess whether the project will demonstrate any of the following items:

<sup>66</sup> <https://www.fhwa.dot.gov/construction/hiringpreferences/qanda060822/>

<sup>67</sup> Nothing in this criterion is intended to conflict with DOT's DBE Program regulations at 49 CFR part 26. The use of DBE or firms that may be certified for participation in other applicable Federal, State, or local programs must be consistent with DOT DBE.

not limited to the use of project labor agreements; <b><u>AND</u></b> (2) promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); <b><u>AND</u></b> (3) use hiring policies and provide a workplace culture to promote the entry and retention of underrepresented populations; <b><u>AND</u></b> (4) promote local inclusive economic development and entrepreneurship such as the use of DBEs, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.	including, but not limited to the use of project labor agreements; <b><u>OR</u></b> (2) promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); <b><u>OR</u></b> (3) utilize hiring policies and provide a workplace culture to promote the entry and retention of underrepresented populations; <b><u>OR</u></b> (4) promote local inclusive economic development and entrepreneurship such as the use of DBEs, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.	(1) create good-paying jobs with free and fair choice to join a union and expand strong labor standards including, but not limited to the use of project labor agreements; (2) promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); (3) use hiring policies and provide a workplace culture to promote the entry and retention of underrepresented populations; <b><u>OR</u></b> (4) promote local inclusive economic development and entrepreneurship such as the utilization of DBEs, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.
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#### e. Criterion #5 CFI Program Vision

Applicants must describe how their project will fulfill the CFI Program Vision by expanding the deployment of EV charging and alternative fuels through community-based infrastructure in the Community Program and Alternative Fueling Corridor Networks in the Corridor Program.

Highly Qualified	Qualified	Not Qualified
<b>For Community Programs,</b> A. The application demonstrates the project <b><u>WILL</u></b> :	<b>For Community Programs,</b> A. The application demonstrates the project <b><u>MAY</u></b> : (1) equitably expand the	<b>For Community Programs,</b> A. The application contains insufficient information to allow reviewers to assess

<p>(1) equitably expand the deployment of public EV charging infrastructure, or hydrogen, propane or natural gas fueling infrastructure in publicly accessible locations for use by the community, including but not limited to local businesses; retail centers; municipal and local community sites; intermodal transportation facilities, parking facilities, multimodal hubs, multiunit dwellings, workplaces, commercial districts, tourism destinations and cultural sites; public parks and recreational destinations, and other frequented site host locations in the local community; <b><u>AND</u></b> (2) identify and describe the characteristics of the project location(s) and state the expected number of EV charging ports or alternative fueling pumps to be constructed at each project site.</p> <p>B. In addition, the application demonstrates that the project <b><u>will address one of the following focus areas</u></b> in Section D.2.i.: (1) neighborhood and multi-family charging; (2) multi-modal hubs and shared-use fleets and services; (3) multi-purpose workplace and destination charging; <b><u>OR</u></b> (4) community fleets and freight.</p> <p style="text-align: center;"><b><u>OR</u></b></p>	<p>deployment of public EV charging infrastructure, or hydrogen, propane or natural gas fueling infrastructure in publicly accessible locations for use by the community, including but not limited to local businesses; retail centers; municipal and local community sites; intermodal transportation facilities, parking facilities, multimodal hubs, multiunit dwellings, workplaces, commercial districts, tourism destinations and cultural sites; public parks and recreational destinations, and other frequented site host locations in the local community; <b><u>OR</u></b> (2) identify and describe the characteristics of the project location(s) and state the expected number of EV charging ports or alternative fueling pumps to be constructed at each project site.</p> <p>B. In addition, the application demonstrates that the project <b><u>may address one of the following focus areas</u></b> in Section D.2.i.: (1) neighborhood and multi-family charging; (2) multi-modal hubs and shared-use fleets and services; (3) multi-purpose workplace and destination charging; <b><u>OR</u></b> (4) community fleets and freight.</p> <p style="text-align: center;"><b><u>OR</u></b></p>	<p>whether the project <b><u>WILL</u></b> or <b><u>MAY</u></b> demonstrate any of the following items:</p> <p>(1) equitably expand the deployment of public EV charging infrastructure, or hydrogen, propane or natural gas fueling infrastructure in publicly accessible locations for use by the community, including but not limited to local businesses; retail centers; municipal and local community sites; intermodal transportation facilities, parking facilities, multimodal hubs, multiunit dwellings, workplaces, commercial districts, tourism destinations and cultural sites; public parks and recreational destinations, and other frequented site host locations in the local community; <b><u>OR</u></b> (2) identify and describe the characteristics of the project location(s) and state the expected number of EV charging ports or alternative fueling pumps to be constructed at each project site.</p> <p>B. In addition, the application <b><u>contains insufficient information to allow reviewers to assess whether the project WILL or MAY demonstrate any of the following focus areas</u></b> in Section D.2.i.: (1) neighborhood and multi-family charging; (2) multi-modal hubs and shared-use fleets and services; (3) multi-</p>
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<p><b>For Corridor Programs,</b> A. The application demonstrates the project <b><u>WILL</u></b>:</p> <p>(1) expand deployment of public DC fast charge EV charging port infrastructure, or hydrogen, propane or natural gas fueling infrastructure along FHWA-designated AFCs that would enable or accelerate the construction of charging or fueling infrastructure that would be unlikely to be completed without Federal assistance; <b><u>AND</u></b> (2) identify and describe the characteristics of the project location(s) and state the expected number of EV charging ports or alternative fueling dispensers to be constructed at each project site.</p> <p>B. In addition, the application demonstrates that the project <b><u>WILL address one of the following focus areas</u></b> in Section D.2.i.: (1) demonstrate build-out of AFCs; <b><u>OR</u></b> (2) zero emission corridors for medium- and heavy-duty vehicles; <b><u>OR</u></b> (3) long dwell time locations along AFCs.</p>	<p><b>For Corridor Programs,</b> A. The application demonstrates the project <b><u>WILL</u></b>:</p> <p>(1) expand deployment of public DC fast charge EV charging infrastructure, or hydrogen, propane or natural gas fueling infrastructure along FHWA-designated AFCs that would enable or accelerate the construction of charging or fueling infrastructure that would be unlikely to be completed without Federal assistance; <b><u>OR</u></b> (2) identify and describe the characteristics of the project location(s) and state the expected number of EV charging ports or alternative fueling dispensers to be constructed at each project site.</p> <p>B. In addition, the application demonstrates that the project <b><u>MAY address one of the following focus areas</u></b> in Section D.2.i.: (1) demonstrate build-out of AFCs; <b><u>OR</u></b> (2) zero emission corridors for medium- and heavy-duty vehicles; <b><u>OR</u></b> (3) long dwell time locations along AFCs.</p>	<p>purpose workplace and destination charging; <b><u>OR</u></b> (4) community fleets and freight. <b><u>OR</u></b></p> <p><b>For Corridor Programs,</b> A. The application contains insufficient information to allow reviewers to assess whether the project <b><u>WILL</u></b> or <b><u>MAY</u></b> demonstrate any of the following items:</p> <p>(1) expand deployment of public DC fast charge EV charging infrastructure, or hydrogen, propane or natural gas fueling infrastructure along FHWA-designated AFCs that would enable or accelerate the construction of charging or fueling infrastructure that would be unlikely to be completed without Federal assistance; <b><u>OR</u></b> (2) identify and describe the characteristics of the project location(s) and state the expected number of EV charging ports or alternative fueling dispensers to be constructed at each project site.</p> <p>B. In addition, the application <b><u>contains insufficient information to allow reviewers to assess whether the project WILL or MAY demonstrate any of the following focus areas</u></b> in Section D.2.i.: (1) demonstrate build-out of AFCs; <b><u>OR</u></b> (2) zero emission corridors for medium- and heavy-duty vehicles; <b><u>OR</u></b> (3)</p>
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		long dwell time locations along AFCs.
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#### **v. Statutory Selection Priorities – Community Program Only**

The Statutory Selection Priorities only apply to projects for the CFI Community Program:

- (1) Priority goes to projects that expand access to EV vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure within rural areas (23 U.S.C. § 151(f)(8)(F)(i));
- (2) Priority goes to projects that expand access to EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure within low- and moderate-income neighborhoods (23 U.S.C. § 151(f)(8)(F)(ii)); and
- (3) Priority goes to projects that expand access to EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure within communities with a low ratio of private parking spaces to households or a high ratio of multiunit dwellings to single family homes, as determined by the Secretary (23 U.S.C. § 151(f)(8)(F)(iii)).

#### **vi. Additional Considerations**

##### Community Program Considerations

For the Community Program, DOT will then consider the extent to which the project complements and does not duplicate existing Federal investments such as those in the NEVI Formula Program, contribute to geographic diversity among eligible entities, including achieving a balance between urban and rural communities<sup>68</sup> and the extent to which the project meets

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<sup>68</sup> 23 U.S.C. § 151(f)(8)(G)(i)



current or anticipated market demands for charging or fueling infrastructure, including faster charging speeds with high-powered capabilities necessary to minimize the time to charge or refuel current and anticipated vehicles.<sup>69</sup> DOT will also consider, based on the application, whether the project is reasonably expected to begin in a timely manner, obligate awards before the deadline, and how quickly they are planned to be completed and made available for use by the traveling public.

### Corridor Program Considerations

After completing the merit review, for the Corridor Program, DOT will consider the extent to which the projects complement and do not duplicate existing Federal investments such as those in the NEVI Formula Program and improve alternative fueling corridor networks by converting corridor-pending corridors to corridor-ready corridors or in the case of corridor-ready corridors, providing redundancy (aa) to meet excess demand for charging or fueling infrastructure; or (bb) to reduce congestion at existing charging or fueling infrastructure in high-traffic locations<sup>70</sup> through identification of existing<sup>71</sup> and planned<sup>72</sup> locations. The DOT will consider the extent to which a project would meet current or anticipated market demands for corridor charging or alternative fueling infrastructure,<sup>73</sup> would support a long-term competitive market for charging or alternative fueling and does not significantly impair existing charging and infrastructure providers<sup>74</sup> through an analysis of the estimated charging or alternative fueling demand at the proposed infrastructure locations coordinated to avoid infrastructure overlap. The DOT will consider the extent to which the project would enable or accelerate the construction of

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<sup>69</sup> 23 U.S.C. § 151(f)(8)(G)(ii)

<sup>70</sup> 23 U.S.C. § 151(f)(5)(A)(i)(I) and (II) (aa) and (bb)

<sup>71</sup> <https://afdc.energy.gov/station>

<sup>72</sup> [https://www.fhwa.dot.gov/environment/nevi/ev\\_deployment\\_plans/](https://www.fhwa.dot.gov/environment/nevi/ev_deployment_plans/)

<sup>73</sup> 23 U.S.C. § 151(f)(5)(A)(ii)

<sup>74</sup> 23 U.S.C. § 151(f)(5)(A)(iv)

charging or fueling infrastructure that would be unlikely to be completed without Federal assistance<sup>75</sup> as a result of meaningful public engagement with communities that have lacked private investment in vehicle charging or alternative fuel infrastructure. The DOT will consider the extent to which the project would deploy EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure for medium- and heavy-duty vehicles (including along the [National Highway Freight Network](#) established under section 167(c) and in proximity to intermodal transfer stations<sup>76</sup> by identifying if the proposed infrastructure would be located at, near, or enroute to an intermodal coastal or inland port facility, and if yes, describe whether and how the proposed charging or alternative fuel infrastructure will be designed and scaled to accommodate medium- and heavy-duty alternative fuel vehicles. The DOT will consider the extent to which projects support the National Zero-Emission Freight Corridor Strategy<sup>77</sup> and the FHWA Freight Electric Vehicle Corridor designations<sup>78</sup>. The DOT will consider the extent to which the project would ensure, to the maximum extent practicable, geographic diversity among grant recipients to ensure that EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure is available throughout the United States.<sup>79</sup> The DOT will also consider the extent to which the private entity that the eligible entity contracts for an eligible project (i) submits to the Secretary the most recent year of audited financial statements and (ii) has experience in installing and operating EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure<sup>80</sup> as evidenced

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<sup>75</sup> 23 U.S.C. § 151(f)(5)(A)(iii)

<sup>76</sup> 23 U.S.C. § 151(f)(5)(A)(vi)

<sup>77</sup> [driveelectric.gov/files/zef-corridor-strategy.pdf](https://driveelectric.gov/files/zef-corridor-strategy.pdf)

<sup>78</sup> [https://www.fhwa.dot.gov/environment/alternative\\_fuel\\_corridors/freight\\_ev\\_corridors/](https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/freight_ev_corridors/)

<sup>79</sup> 23 U.S.C. § 151(f)(5)(B)

<sup>80</sup> 23 U.S.C. § 151(f)(5)(C)(i) and (ii)

by discussion in the narrative and provided resumes (not to exceed 2 pages per resume) for key participating team members. The DOT will also consider the extent to which, to the maximum extent practicable, the eligible entity and the private entity that the eligible entity contracts for an eligible project enter into an agreement (i) to operate and maintain publicly available EV charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas infrastructure and (ii) that provides a remedy and an opportunity to cure if the requirements described in clause (i) are not met.<sup>81</sup> DOT will also consider, based on the application, whether the project is reasonably expected to begin in a timely manner, obligate awards before the deadline, and how quickly they are planned to be completed and made available for use by the traveling public.

#### **vii. DOT Priority Considerations**

The following are DOT Priority Considerations for the CFI Program, which apply to BOTH the Community and Corridor Programs. After completing the project merit review, DOT will prioritize Highly Recommended projects and Recommended projects that are responsive to the applicable Statutory Selection Priorities (Community Program only) and Additional Considerations, and that demonstrate exceptional benefits under Merit Criterion #3 Equity, Community Engagement, and Justice<sup>40</sup>, Merit Criterion #4 Workforce Development, Job Quality, and Wealth Creation, and/or Merit Criterion #5 CFI Program Vision.

#### **2. Review and Selection Process**

The FHWA will evaluate applicants for the CFI Program Grants in accordance with the evaluation process described below. The FHWA CFI Program Manager will conduct an application intake and eligibility review by providing an initial eligibility screening based on the

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<sup>81</sup> 23 U.S.C. § 151(f)(5)(D)(i) and (ii)

respective statutory eligibility criteria under Section C of the NOFO. Only eligible projects will be evaluated against the selection criteria described above.

**i. Review Process**

The FHWA will establish a Technical Review Team to review each eligible application for Community and Corridor funding categories. The Technical Review Team may be composed of individuals from FHWA Office of Planning, Environment and Real Estate, other FHWA Offices, Office of the Secretary, other DOT Administrations, the Joint Office of Energy and Transportation, and the U.S. Department of Energy. They will review each application against the Project Merit Criteria to assign an overall rating of “Highly Recommended,” “Recommended,” or “Not Recommended,” as defined under Section E.1.iv. to each application.

After assignment of the overall rating, the Technical Review Team will prioritize the Highly Recommended and Recommended applications for responsiveness to the Statutory Selection Priorities (Community Program only), Additional Considerations, and DOT Priority Considerations as described under Section E.1.v-vii.

**ii. Selection Process**

The Technical Review Team will send to the FHWA Senior Review Team (SRT) the overall project rating for each grant application and the evaluation of responsiveness to the Statutory Selection Priorities (Community Program only), Additional Considerations, and DOT Priority Considerations for Highly Recommended and Recommend projects.

The FHWA SRT will determine which projects to advance to the FHWA Administrator as recommended for funding. The FHWA Administrator will determine which projects to advance to the Secretary, through the Under Secretary for Transportation Policy, as

recommended for funding. The FHWA SRT will be the same for CFI and NEVI-10 Programs described in this NOFO.

The FHWA SRT will determine which Highly Recommended projects to advance to the FHWA Administrator. The FHWA SRT may also recommend for selection Recommended projects that are responsive to the Statutory Selection Priorities (Community Program only), Additional Considerations, and one or more of the DOT Priority Considerations. When recommending a Recommended project over a Highly Recommended project, the FHWA SRT will select Recommended projects by considering how well the project addressed the Statutory Selection Priorities (Community only), Additional Considerations and Project Merit Criteria. The FHWA SRT will also consider the number of merit criteria rated Highly Qualified and endeavor to ensure a geographically diverse award of projects when recommending a Recommended project over a Highly Recommended project. The FHWA Administrator will determine which Highly Recommended projects, and any Recommended projects, to advance to the Secretary after considering the FHWA SRT recommendations including the responsiveness to the DOT Priority Considerations. The FHWA Administrator may advise the Secretary on options for reduced awards under either the Community or the Corridor Program.

The Secretary makes final project selections and will select among the projects advanced by the FHWA Administrator. The Secretary's selections identify the applications that best address the CFI Program Vision for Community and Corridor Grants, Project Merit Criteria, Statutory Selection Priorities (for Community Program), Additional Considerations, and DOT Priority Considerations.

### ***3. Additional Information***

The FHWA may, during the selection process, enter into discussions with an applicant that may include mutually agreeing upon a lesser amount of a potential award than originally

requested in the application if necessary due to the quantity, size, and scope of the applications received in response to this NOFO and the results of the application review process. Discussions may include scalable project options as described under Section B.2. of this NOFO.

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. The DOT must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM. An applicant may review information in SAM.gov and comment on any information about itself that a Federal awarding Agency previously entered. The FHWA will consider comments by the applicant, in addition to the other information in SAM.gov, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

## **F. Federal Award Administration Information**

### ***1. Award Notices***

Following the evaluation outlined in Section E., the Secretary will announce awarded projects by posting a list of selected projects at [CFI - Environment - FHWA \(dot.gov\)](https://www.fhwa.dot.gov/cfi-environment/).

Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, FHWA will contact the point of contact listed in the SF 424 to initiate negotiation of the project agreement for authorization. Recipients of CFI Program Grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, FHWA will reimburse CFI Program Grant funds to recipients only after a project agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Unless authorized by FHWA in writing after FHWA's announcement of FY 2022 and FY 2023 CFI Program awards, any costs that a

recipient incurs before FHWA executes a project agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

## ***2. Administrative and National Policy Requirements***

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. Applicable Federal laws, rules, and regulations set forth in title 23, U.S.C., and title 23 of the CFR, shall apply to awards provided under this program. Awards are subject to all applicable Federal laws, rules, and regulations, including the Uniform Relocation and Real Property Acquisition Act (42 U.S.C. §§ 4601 et seq.; 49 CFR part 24) and National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321 et seq.; 40 CFR parts 1500 – 1508; 23 CFR part 771). Applicants should consider the appropriate level of review under NEPA. Eligible CFI projects are generally the type of actions that would not be expected to result in significant environmental impacts. Several NEPA Categorical Exclusions (CE) may be applicable including those found at 23 CFR 771.117(c) and (d), depending on the scope of the action and the CE conditions. One example of a CE that may apply to projects under this grant is the CE 23 CFR 771.117 (c)(23), however other CEs or other NEPA requirements may apply. In addition, DOT has adopted the Department of Energy's (DOE's) Electric Vehicle Charging Stations CE and it also may apply to projects under this NOFO.<sup>82</sup> Before a CE determination can be applied, the action must be analyzed to determine whether there are project impacts to natural, community, or historical resources (i.e., unusual circumstances that would require further analysis to determine whether the CE classification is appropriate (see 23 CFR 771.117(a-b)).

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<sup>82</sup> <https://www.federalregister.gov/documents/2023/09/20/2023-20238/notice-of-adoption-of-electric-vehicle-charging-stations-categorical-exclusion-under-the-national>

In connection with any program or activity conducted with or benefiting from funds awarded under this NOFO, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of DOT; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget (OMB). In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If FHWA determines that a recipient has failed to comply with applicable Federal requirements, FHWA may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

EO 14005 directs the Executive Branch Departments and Agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Any grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carriers Safety Regulations (FMCSR), or vehicles that are exempt from FMVSS or FMCSR in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

Critical Infrastructure Security, Cybersecurity, and Resilience: It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both



physical and cyber threats, consistent with the National Security Memorandum on Critical Infrastructure Security and Resilience (NSM-22) and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems (NSM-5). Each applicant selected for Federal funding under this NOFO must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the U.S. Department of Homeland Security, will be required to do so before receiving funds for construction. Information on cybersecurity performance goals can be found at <https://www.cisa.gov/cpg>. These performance goals provide a baseline set of cybersecurity practices broadly applicable across critical infrastructure with known risk-reduction value, a benchmark for critical infrastructure operators to measure and improve their cybersecurity maturity, and a combination of recommended practices for IT and OT owners, including a prioritized set of security practices. Additionally, funding recipients must be in compliance with 2 CFR § 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

Domestic Preference Requirements: As expressed in EO 14005, ‘Ensuring the Future Is Made in All of America by All of America’s Workers’ (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this NOFO are subject to the domestic preference requirement at Build America, Buy America Act (Pub. L. No 117-58, div. G §§ 70901–70927). The Department expects all applicants to comply with that requirement.

However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

Civil Rights and Title VI: As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR part 21), the ADA, and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. The DOT's and the applicable Operating Administrations' Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

Federal Contract Compliance: As a condition of grant award and consistent with EO 11246, EEO (30 FR 12319, and as amended), all federally-assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for work being performed by people of color. Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing EO 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to

help promote compliance with non-discrimination and affirmative action obligations. The OFCCP will identify projects that receive an award under this NOFO and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally-assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under "Scheduling" on the DOL Website:

[Construction Compliance Frequently Asked Questions | U.S. Department of Labor \(dol.gov\)](#).

The applicability of Federal requirements to a project may be affected by the scope of the NEPA reviews for that project. For example, under 23 U.S.C. § 313(g), Buy America requirements apply to all contracts that are eligible for assistance under title 23, United States Code, and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with Title 23 funds. As another example, ADA regulations and Section 504 of the Rehabilitation Act of 1973 regulations apply to all projects funded under this NOFO.

Performance and Program Evaluation: As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT or another Agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The DOT may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor or DOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate

the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an Agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges Federal awarding Agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” 5 U.S.C. § 311. Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR Part 200).

Project Signage and Public Acknowledgements: Recipients are encouraged for construction and non-construction projects to post project signage and to include public acknowledgments in published and other collateral materials (e.g., press releases, marketing materials, website, etc.) satisfactory in form and substance to DOT, that identifies the nature of the project and indicates that “the project is funded by the Bipartisan Infrastructure Law.” In

addition, recipients employing project signage are required to use the official Investing in America emblem in accordance with the Official Investing in America Emblem Style Guide. Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs.

Climate Change and Environmental Justice Impact Consideration: Each applicant selected for CFI Program funding must demonstrate effort to consider climate change and environmental justice impacts as described in Section E.1.b. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the DOT, will be required to do so before receiving funds for construction, consistent with EO 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).<sup>83</sup>

Equity and Barriers to Opportunity: Each applicant selected for CFI Program Grant funding must demonstrate effort to improve equity and reduce barriers to opportunity. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by DOT, will be required to do so before receiving funds for construction, consistent with EO 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).<sup>84</sup>

Davis-Bacon Act: Recipients of an award under this program are also required to comply fully with the Davis-Bacon Act (40 U.S.C. §§ 3141-3148; 23 U.S.C. § 109(s)(2); 23 U.S.C. § 113(a)), which requires all laborers and mechanics employed by contractors or

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<sup>83</sup> An illustrative example of how these requirements are applied to recipients can be found here: <https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions>

<sup>84</sup> An illustrative example of how these requirements are applied to recipients can be found here: <https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions>

subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by an award made available under this program, be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor.

DBE Program: Recipients of an award under this program are also required to comply fully with the DBE Program, which is a legislatively mandated DOT program that applies to Federal-aid highway dollars expended on federally-assisted contracts issued by DOT recipients in order to ensure nondiscrimination in the award and administration of DOT-assisted contracts, help remove barriers to the participation of DBEs in DOT-assisted contracts, and assist in the development of firms that can compete successfully in the marketplace outside of the DBE Program. The DBE Program was most recently reauthorized by the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141). Note that the DBE program requirements do not apply to projects funded with NEVI 10 funds.

Compliance with 23 CFR Part 680: Recipients of an award under this program are also required to comply fully with applicable sections of the National Electric Vehicle Infrastructure Standards and Requirements (23 CFR Part 680), which has certain requirements for EV charging infrastructure, including installation, operation, and maintenance requirements, interoperability and connectivity standards, minimum uptime requirements, data submission requirements, as well as certain data fields that must be made available, free of charge, to third-party software developers, via application programming interface.<sup>85</sup> This regulation also has certain requirements for the workforce installing, maintaining, and operating EV chargers to have appropriate licenses, certifications, and training to ensure that the installation and maintenance of

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<sup>85</sup> [EV Charging Minimum Standards Rule as Submitted to Federal Register for Publication \(Unofficial\) \(dot.gov\)](#)

EV chargers is performed safely by a qualified and increasingly diverse workforce of licensed technicians and other laborers.<sup>86</sup> Installation, maintenance and operations of infrastructure for other fuel types is encouraged to follow a similar approach and utilize a skilled workforce with appropriate licenses, certifications, and training.

### ***3. Reporting***

#### **i. Progress Reporting on Grant Activities**

Each applicant selected for CFI Program Grant funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the CFI Program grant process. Each applicant selected for CFI Program Grant funding will also be subject to applicable reporting and data submission requirements in 23 CFR 680.112(a)-(c) and 23 CFR 680.116(c).

#### **ii. Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding Agencies exceeds \$10 million for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Pub. L. No. 110-417, as amended (41 U.S.C. § 2313). As required by section 3010 of Pub. L. No. 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

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<sup>86</sup> 23 CFR 680.106(j)

### **iii. Other**

FHWA reserves the right to request additional information, if deemed needed, to better understand the status of the project. The successful applicant will provide additional financial reporting beyond the semi-annual reporting, if such statements are necessary to address FHWA's Stewardship and Oversight responsibility of the funds. The successful applicant also agrees to allow periodic project inspections and FHWA will provide NOFO for such inspections.

### **G. Federal Awarding Agency Contacts**

For questions concerning this NOFO and the CFI Program, please Email [CFIGrants@dot.gov](mailto:CFIGrants@dot.gov).

A TDD is available for individuals who are deaf or hard of hearing at (202) 366-3993.

Office hours are from 7:30 a.m. to 4:00 p.m., Eastern Time, Monday through Friday, except Federal holidays.

### **H. Other Information**

#### ***1. Protection of Confidential Business Information***

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it "Contains Confidential Business Information (CBI)"; (2) mark each page that contains confidential information with "CBI"; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how



disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If FHWA receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, FHWA will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

## ***2. Publication/Sharing of Application Information***

Following the completion of the selection process and announcement of awards, FHWA may publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H., FHWA may make application narratives publicly available or share application information within DOT or with other Federal Agencies if FHWA determines that sharing is relevant to the respective program's objectives.

## ***3. DOT Feedback on Applications***

Feedback by FHWA is available as a courtesy to applicants not selected for award to receive information about the evaluation of their application.

