



Solicitation Guidance for the Light-Duty Electric Vehicle Infrastructure Program
Volkswagen Environmental Mitigation Trust Fund
Issued May 11th, 2021

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I. Overview

A. Introduction

The Volkswagen Environmental Mitigation Trust (Trust) was established as part of a settlement reached between the United States District Court for the Northern District of California and Volkswagen (VW) for VW's use of illegal defeat devices in certain 2.0-liter and 3.0-liter diesel vehicles. Through the Trust, funding may be awarded to Eligible Mitigation Actions, as prescribed in the settlement's Consent Decree, that are intended to mitigate past and future emissions of nitrogen oxides (NOx) emitted by the subject diesel vehicles.

The California Air Resources Board (CARB) is the lead agency acting on the State's behalf in implementing California's share of Trust funds totaling approximately \$423 million. On May 25, 2018, CARB approved the [Beneficiary Mitigation Plan](#) (BMP) for California, which establishes five eligible program categories and describes the goals and basic requirements for each category¹.

CARB authorized the allocation of approximately \$360 million in Trust funds for projects and \$63 million for reserves and administrative costs. The five program categories that have been designated for the Trust funds include the following:

- Zero-Emission Transit, School, and Shuttle Buses (\$130 million)
- Zero-Emission Class 8 Freight and Port Drayage Trucks (\$90 million)
- Zero-Emission Freight and Marine (\$70 million)
- Combustion Freight and Marine (\$60 million)
- Light-Duty Zero-Emission Vehicle Infrastructure (\$10 million)

Under contract to CARB, the Bay Area Air Quality Management District is serving as administrator ("VW Administrator") of the Trust funds for the award of Trust funding for the Light-Duty Zero-Emission Vehicle Infrastructure category, including up to \$5 million for electric vehicle charging station projects and \$5 million for hydrogen fueling station projects².

This competitive solicitation seeks to award up to \$5 million in Trust funds to eligible applicants who will purchase, install, operate, and maintain new light-duty electric vehicle charging stations in California. This document describes eligibility criteria, operational and implementation requirements, the application process, and evaluation criteria for the Light-Duty Electric Vehicle Infrastructure Program.

The VW Administrator reserves the right to modify this solicitation at its sole discretion.

¹ State of California. Beneficiary Mitigation Plan.

<https://ww2.arb.ca.gov/resources/documents/californias-beneficiarymitigation-plan>

² Funding for hydrogen fueling stations was awarded on December 9, 2020 under a contact with the California Energy Commission through a competitive solicitation, (GFO-19-602), which closed on May 22, 2020. For more details on GFO-19-602, see <https://www.energy.ca.gov/solicitations/2019-12/gfo-19-602-hydrogen-refueling-infrastructure>.

B. Program Goals and Overview

The Light-Duty Electric Vehicle Infrastructure Program (“Program”) is designed to support the expanding fueling needs of a growing electric vehicle fleet across the state by providing \$5 million in Trust funds to eligible Contractors to purchase, install, operate, and maintain new charging stations at Project Beneficiary locations. Trust funds are intended to complement other funding sources and efforts underway in California to help fill geographic gaps and improve equitable access to charging infrastructure.

Applications that are received through this solicitation will be evaluated on a competitive basis to **maximize the number of charging opportunities at the lowest cost** (i.e. VW funds requested per kW). In addition, at least 50% of Trust funds will be awarded to projects that benefit [disadvantaged and low-income communities](#)³.

Applicants who are selected for award will be responsible for fulfilling all Program Requirements, including overseeing the purchase, installation, operation, and maintenance of the charging stations and funded equipment for a minimum of three years. Furthermore, Contractors are responsible for identifying and contracting with “Project Beneficiaries,” defined as the site host where charging stations will be located.

C. Resources for Applicants & Grantees

Resources related to the Program and this solicitation, including announcements about upcoming webinars, are available at <https://www.californiavwtrust.org/ev-infrastructure/>. Interested parties may also sign up at this site to receive periodic e-mail notifications regarding program updates. Questions about the Program must be submitted via email to californiavwtrust@baaqmd.gov. The VW Administrator will respond to questions on the website in a regularly updated FAQ. The deadline to submit questions is **two weeks** prior to the submission deadline.

The VW Administrator will hold at least one remote pre-application webinar through Zoom outlining the Program eligibility and requirements, application process, and online application system. The webinars will be open to all interested parties. Pre-registration is required for participation and though participation is optional, it is encouraged. The registration link, information about the webinar schedule, and recordings of all webinars will be posted on the Program website at <https://www.californiavwtrust.org/ev-infrastructure/>. Participation by telephone is also possible. For call-in details, interested parties should register using the Zoom registration link on the website.

II. Program Requirements

A. Eligible Applicants:

1. Eligible applicants are companies or organizations (public or private) with a proven track record of overseeing the procurement, permitting, installation, and maintenance of at least 20 DC Fast Chargers and/or 100 level 2 chargers at three or more different property locations and for three or more different customers in California since January 1, 2018. Examples of eligible applicants

³ CalEnviroScreen identifies California communities by census tract that are disproportionately burdened by, and vulnerable to, multiple sources of pollution. You can visit the website at:

<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>; Priority Populations with a map of both disadvantaged and low-income communities is also available at:

<https://ww3.arb.ca.gov/cc/capandtrade/auctionproceeds/communityinvestments.htm>

include vendors, installers, and aggregators. Once awarded, these applicants are referred to as “Contractors” for the purposes of this solicitation.

Contractors will be required, at a minimum, to identify the Project Beneficiaries, to enter into contract with them and the VW administrator, and to fulfill all the Program Requirements as outlined in this document, including overseeing implementation, maintaining and operating equipment, and reporting.

2. Applicants must be in compliance with all applicable Federal, State, and local regulations at the time of application and remain in good standing with applicable regulations throughout the contract term.
3. Applicants who have received funding from local air districts, the California Energy Commission or from the California Air Resources Board, must be in good standing with those agreements.
4. Applicants must have the financial ability to pay upfront for all costs necessary to complete their projects. Trust funds are paid only on a reimbursement basis after project completion (see “Reimbursement Process”).
5. Religious institutions are not eligible to apply and Trust funds may not be used to install equipment on property belonging to religious institutions.
6. Electrify America and any Defendants of the Consent Decree (Volkswagen AG and its subsidiaries) are not eligible to apply.

B. Project Beneficiaries

Project Beneficiaries include any businesses, non-profits, or public agencies who either own the property where the proposed chargers will be installed, or who provide evidence (e.g., long-term lease agreement, letter of support) from the property owner who will allow the selected Contractor to install and operate chargers for the duration of the Operational Period. Project Beneficiaries cannot apply directly to this Program but rather must work with an eligible applicant. Project Beneficiaries under contract with selected Contractors will receive no-cost or discounted Trust-funded charging stations in return for agreeing to fulfill Program Requirements for the duration of the contract term. Anyone who is interested in applying to be a Project Beneficiary may sign up on the Program website. Information on Project Beneficiaries will be posted to the Program website to be shared with potential applicants.

Requirements for Project Beneficiaries include the following:

- Sign an agreement with the Contractor agreeing to all Program Requirements as outlined in this solicitation.
- Allow the Contractor to have reasonable access to the property for installation, operation, and maintenance, and to usage data for reporting purposes.
- Allow access during regular business hours (see “Project Operation Requirements”).
- Allow the VW Administrator or its authorized representatives to inspect the charging stations and sites at any time during the Project Operational Period and cooperate with such inspections.
- Allow the VW Administrator and its authorized representatives to conduct performance and fiscal audits of the Project at any time during the contract term and cooperate with such audits making available all records relating to the Project performance and expenses incurred in the implementation of the Project.
- Agree to cooperate with the Contractor to secure permits and other requirements.
- Be in compliance with all applicable Federal, State, and local regulations at the time of application and remain in good standing with applicable regulations throughout the contract term.

- Agree to complete a successor agreement with the Contractor in case of sale or change of property ownership.
- Agree to repayment of Trust funds in the case of breach or Project Beneficiary's failure to comply with Program Requirements.

C. Facility Types:

Applicants must provide information that characterizes the place where charging stations will be installed using the designated Facility categories listed below. Although this information will **NOT** be used to evaluate a given station, it may be used to ensure at least one of each type of facility is awarded. For this solicitation, a "Facility" is any designated area or parking lot/structure that has a distinct location (e.g., assessor parcel number or physical address) where electric vehicle chargers will be installed. Designated Facility categories are as follows:

- Destination Facility: Activity center, such as a library, park, or shopping center. Proposed charger(s) will be located at or within proximity to the activity center and are accessible to customers and visitors.
- Multi-Dwelling Units (MDUs) Facility: A dwelling consisting of 10 or more residential units. Proposed charger(s) will be located at or within proximity to the MDU and are accessible, at a minimum, to MDU residents and their guests. Single-family (household) residences and MDUs with less than five residential units are NOT eligible.
- Transit Parking Facility: Parking facility available at a transit station, airport long-term parking, or a park-and-ride location. Proposed charger(s) will provide access to users of these forms of transit.
- Transportation Corridors Facility: Proposed charger(s) will provide charging for making long trips and will be located in proximity to freeways and highways, e.g., a rest area.
- Workplace Facility: Proposed charger(s) will be located at, or within proximity, to an employment center and will provide access to charging for fleets, employees, visitors, and the general public (optional).

As a given location may fall into several facility categories, Applicants can list up to two facility types (primary and secondary) in their application for each charging site. For example, a location may be primarily a Transportation Corridor and secondarily a Destination Facility. Applicants are encouraged to note this in the application.

D. Requirements for Charging Sites and Funded Equipment

For the purposes of this solicitation, charging sites include all chargers and associated equipment at one single location – for example, if 10 Level 2 chargers were located in a parking lot, they collectively would make up the charging site.

1. The following requirements apply to all Charging Sites:
 - a. Must be located in California and in locations that are in compliance with all federal, state and municipal laws, ordinances, rules, codes, standards and regulations.
 - b. Must be in locations that are well-lit, secure, and **publicly available**, unless they are in parking lots serving MDUs and workplaces, in which case they must be in a shared parking location (i.e., not assigned or dedicated to specific tenants or owners) and must remain available to all tenants, owners, employees, and guests. Chargers may not be installed in private garages, except for those that serve residents of MDUs or employees of workplaces.

- c. If installed as part of a new development or construction, the chargers must be in excess of what is required by local building codes and state laws and may only include the cost of the chargers themselves, i.e., no construction costs.
 - d. Must fill geographic gaps not met by SB350, Electrify America and California Energy Commission Programs.
2. The following requirements apply to funded equipment:
- a. Must be **new** equipment. Equipment that is resold, rebuilt, or received from warranty insurance claims is not eligible.
 - b. Must be mounted to a wall or stationary pedestal.
 - c. Must be certified by the Underwriters Laboratories, Inc. (UL) or an equivalent safety standard.
 - d. Must be connected to the electric grid.
 - e. Must be enabled to charge a fee for use and accept some form of on-site payment via credit card; cannot require membership for use.
 - f. Must be operated by the Contractor for the required Operational Period.
 - g. Optionally, be capable of bidirectional power flow or reverse power flow between the vehicle and the grid.
 - h. Eligible charger types and charger-specific requirements:
 - **DC Fast:** Must be able to deliver electricity to EVs at a minimum rate of 50 kW and must have a standard connector such as CCS, CHAdeMO, or Tesla connector. Equipment and network must have remote diagnostics and be capable of “remote start.” Must also be capable of usage data collection and have a minimum five-year networking agreement (eligible towards total project cost).
 - **Level 2:** Must be able to deliver electricity to EVs at a minimum rate of 6.2 kW per connector and must have the SAE standard J1772 connector. They must also be networked and use an open standard protocol as a basic framework for purposes of network interoperability.
 - **Level 1:** Must be equipped with SAE standard J1772 connectors. Must be able to deliver electricity to EVs at a minimum rate of 1.4 kW of continuous power.

E. Other Program Requirements

Only a fully executed contract constitutes the VW Administrator’s award of Trust funds. No work or obligations may be made to procure equipment (e.g. binding contract for sale of equipment) prior to a Notice to Proceed being issued, except for the placement of fully refundable deposits, feasibility or electrical load capacity studies, or CEQA.

CEQA must be completed within 5 months from the date a Notice to Proceed is issued.

F. Contractor Implementation Requirements

After the contract between the VW Administrator and Contractor (“Funding Agreement”), has been executed and a Notice to Proceed has been issued, Contractors may begin work, which includes working with Project Beneficiaries to plan installations and purchase EV charging equipment. Any equipment that has been ordered or committed (e.g., a non-refundable deposit has been made), purchased, or installed before a Notice to Proceed is issued is not eligible for reimbursement.

Further requirements include the following:

1. Copies of purchase orders must be submitted within 5 months of the Notice to Proceed is issued.

2. Funded stations must be placed into service and be operational within 18 months of the date the Notice to Proceed is issued.
3. Contractors must install physical directional signage for easy identification of charging station location within the facility or parking area and at the station to designate the parking spaces as for "EV charging use only."
4. Contractors must post information about the charging stations on the US Department of Energy Alternative Fuel Data Center website: www.afdc.energy.gov/fuels/electricity_locations.html.
5. Contractors must ensure that all Trust-funded work complies with all California prevailing wage requirements, including but not limited to the provisions of State Labor Code Section 1771.
6. Contractors are responsible for securing all permits and for ensuring all project equipment is installed to the manufacturer's specification. All electrical work must be in accordance with local codes, permitting, inspection requirements, and any American Disability Act (ADA) requirements, if applicable.
7. Contractors must agree to allow the VW Administrator or its designee to inspect the installation premises of the charging stations after the receipt of an application and for up to 36 months after the issuance of a reimbursement payment.
8. Contractors must provide all administrative support for the project during both implementation and operational periods, secure permits, and address other issues that may arise.

G. Project Operation Requirements

After the new equipment has been placed into service, the Contractor will operate the equipment in California in the manner specified in this solicitation and the Funding Agreement.

1. Operational Period: The Contractor must maintain and operate all funded equipment in service for a minimum of 3 years.
2. Access: Charging stations must be available for use at least 250 days per year and for at least 8 hours per day during normal business hours.
3. Maintain Insurance: The Contractor shall ensure that insurance as required by law is maintained for the property and for the Trust-funded equipment, including but not limited to property, liability, and workers compensation insurance. If an accident or other cause destroys or otherwise renders the funded equipment permanently inoperable, the Contractor must notify the VW Administrator in writing. The written notification must provide proof that the funded equipment has become inoperable, including photographs of the inoperable equipment with equipment identification numbers (EIN) or other identifying markings, and any applicable insurance or police documentation. If any funded equipment become inoperable, the Contractor is solely responsible for replacing the inoperable equipment at their own expense if any of the contractual obligations have not been met.
4. Assignment: If the Contractor would like to assign, sell, license, or otherwise transfer any rights or obligations to a third party during the term of the Funding Agreement, the Contractor must seek written approval from the VW Administrator. The new purchaser will be required to fulfill all the remaining requirements in the Funding Agreement made with the original Contractor. The following conditions also apply:
 - a. The original Contractor must inform the new purchaser in writing about the project requirements by sharing a copy of the Funding Agreement.

b. For the original Contractor to be released from the requirement to satisfy the Funding Agreement terms, the new owner must sign an amended version of the Funding Agreement with the VW Administrator prior to official resale.

c. For funded equipment that is resold or moved out of the State, the original Contractor must promptly refund a prorated portion of Trust funds received.

d. The new owner must purchase all the chargers funded under this funding opportunity. Individual chargers cannot be transferred during the term of this Funding Agreement.

5. If the Contractor chooses to pass the ownership of the charging stations to the Project Beneficiary, the Contractor is still responsible for implementation, operation, and maintenance of the station. The Contractor will also still be responsible for the reporting to the VW administrator over the course of the contracted project. Any agreements regarding change of ownership between the Contractor and the Project Beneficiary must be approved in advance by the VW Administrator.

H. Reporting and Record Keeping

Contractors must submit periodic reports to the VW Administrator that, at a minimum, include:

1. Semi-annual Progress reports, during the implementation period, that contain information about the pre-operational status of the project, including project costs incurred, project activity during the reporting period, and information about progress made. Due dates can be found in the tentative program schedule below.
2. Annual operational reports, during the operational period, for a continuous 36-month period that includes kWh/month/station delivered during reporting period and hours operated.

Contractors must keep written records of the equipment purchased with Trust funds – including but not limited to project-related expenditures and proof of purchase, final copies of reports submitted to the VW Administrator, copy of executed Funding Agreement and amendments, if any, for the duration of the Funding Agreement term plus three years.

The Contractor must provide all requested information related to any equipment purchased with Trust funds within ten days of the VW Administrator's written request for such information. Requested information may include but is not limited to purchase orders or agreements, equipment payment information, registration, and insurance.

III. Funding Information

A. Funding Minimum and Maximum Limits

The VW administrator seeks to award up to \$5 million in Trust funds to approximately 2-10 applicants through this solicitation. The maximum award to a single applicant is \$4 million and the minimum award is anticipated to be \$500,000.

The maximum amount of funding that can be applied for each charging site will vary depending on the ownership of the property where it will be located (i.e., owned by a government agency) and on whether stations will be accessible to the general public. Maximum funding amounts for each proposed station may not exceed the following:

- up to 100 percent of eligible costs for publicly accessible charging stations at government-owned properties;

- up to 80 percent for publicly accessible charging stations at privately owned properties; and
- up to 60 percent for charging stations serving employees and visitors at workplaces and multi-dwelling units (serving both residents and guests).

B. Minimum Proposal Eligibility

Each application must include a proposal for the minimum number of each type of charger:

- 20 DC Fast Chargers at 5 or more locations, or
- 200 Level 2 Chargers at 20 or more locations, or
- 10 DC Fast and 100 Level 2 Chargers at 5 or more locations.

Applications that propose only Level 1 Chargers are not eligible, however Level 1 Chargers may be included in proposals that meet the minimum proposal eligibility described above. Each location with Level 1 Chargers must include a minimum of ten Level 1 Chargers and may only be installed at multi-dwelling unit and airport long-term parking facilities.

C. Match Funding Requirements

Applicants are encouraged to pursue co-funding opportunities; however:

1. All match and co-funding sources must be disclosed in the application and the reimbursement request. Trust funding and other co-funding sources may not exceed the total eligible costs.
2. Unallowed Sources: Match/co-funding may NOT include other California Air Resources Board funding or Electrify America, including but not limited to the Clean Off Road Equipment Voucher Incentive Program, Carl Moyer Program, AB 923 (Firebaugh, Chapter 707, Statutes of 2004), and AB 617 (C. Garcia, Chapter 136, Statutes of 2017).
3. Allowable Sources: Subject to any limitations from the co-funding source, California Energy Commission funding, Utility programs, and Congestion Mitigation Air Quality may be used as match. Funding from other State, local, federal, non-profit, or private revenue sources that do not claim or require NOx reductions may also be used as match. Additionally, Contractors/Project Beneficiaries may claim Low Carbon Fuel Standard credits earned by the chargers funded through this Program.

Contractors will be responsible for covering all costs (“Match”) that are not covered by the award. Also, if any match funding falls out or the project becomes ineligible for match, the Contractor is solely responsible for securing additional match funding to meet the requirements herein.

D. Eligible Costs

Program funds awarded may be used to reimburse eligible costs incurred. The following is a list of eligible costs:

- Electric vehicle charging equipment, including tax and shipping fees.
- Equipment used to record the kWh dispensed to electric vehicles (e.g., separate meter, data logger).
- Materials for installation (e.g., signage, conduit, including costs associated with necessary electrical upgrades to meet the demands of the chargers such as electrical panels, and transformers).
- Labor for installation.
- Permit fees.
- Maintenance agreement and network fees that are paid upfront.

E. Ineligible Costs

Ineligible costs may be incurred by Contractors in the implementation of their projects but are not eligible either for use towards match requirements or for reimbursement with Trust funds. Ineligible costs are those costs not directly related to the purchasing and installation of new electric vehicle charging equipment. This includes the following:

- Operations and maintenance costs that are not paid upfront (e.g., repairs, electricity costs, network fees, improvements, spare parts, security, fuel and energy costs.)
- Costs related to administration of the funding agreement or project.
 - Consultant labor, fees, or other costs.
 - Administrative costs (e.g., accounting for funds and fulfilling contractual obligations, including, but not limited to, labor for participating or fulfilling an audit, reporting and record-keeping.)
 - Data collection and reporting.
- Costs related to upgrading any existing charging stations.
- Planning and feasibility studies.
- Non-essential equipment hardware.
 - Remote access/control via Wi-Fi or cellular connection, access control/ability to accept multiple forms of payment, load balancing across multiple chargers.
- Other
 - Travel/lodging.
 - Employee training and salaries.
 - Legal fees.
 - Real estate property purchases/leases.
 - Performance bond costs.
 - Storm water plan costs.
 - Testing and soil sampling.
 - Hazardous materials, including permitting, handling, and disposal.

Unless noted otherwise, Contractors are responsible for any taxes that they may incur as a result of participation in this Program.

F. Reimbursement Process

Trust funds will be paid only on a reimbursement basis. Contractors may submit one reimbursement request monthly for any stations where all work has been completed and all eligible costs incurred have been paid. Once a reimbursement request has been approved by the VW Administrator, payment will be issued within 30 days of an approved request.

Each reimbursement request must include evidence through documentation that the funds requested are eligible costs, that the work was completed in accordance with Program Requirements, and that all work has been paid for. Required documentation includes, but is not limited to, line-item documented labor charges (salaries, wages, and benefits), invoices or receipts from vendors or consultants, copies of checks issued or other proof of payment, an itemized list of all expenses incurred by the Contractor, and other documents the Air District deems necessary.

Contractors will also be asked to sign an affidavit indicating that they complied with all requirements, including prevailing wages and labor costs. Costs that are not substantiated properly will not be eligible for reimbursement.

IV. Project Lists and Evaluation

A. Project Lists:

This Program is seeking to maximize charging opportunities for drivers across the state and fund the highest number of charging opportunities at the lowest cost. The VW Administrator will select projects for award based on criteria (see “Evaluation Process”) and ensure that at least 50% of the funds awarded benefit disadvantaged or low-income communities.

Although the total maximum award to a single entity may not exceed \$4 million, applicants may apply for up to \$7.5 million in Trust funds by submitting one or more “lists” that reflect their priority order for proposed stations, i.e., priority stations, back-up stations, and contingency options. Within each list, applicants are encouraged to further list their projects in priority order as this will help the VW Administrator to identify an applicants’ highest priority projects within each list if all eligible projects on a list cannot be funded. Except for the Contingency list, the Priority and Back-up Lists must include only projects that are shovel-ready (e.g. the stage where construction can begin), meaning these stations meet all applicable Program Requirements and the applicant has submitted all required information listed in the Application Checklist, including location, number and type of chargers, number of ports or connectors, cost quote for each station, and a letter of support from each of the Project Beneficiary that own or have long-term lease rights to the properties where each of the proposed stations will be installed.

A spreadsheet with the required fields is available on the Program website. All information requested in the spreadsheet must be completed in order for applications to be considered complete.

1. Priority List: Projects listed in the Priority list must be shovel-ready. Applicants may submit a proposal that requests up to \$2.5 million in Trust funds. The VW Administrator will be reviewing and evaluating all stations proposed in the priority lists first. Applicants who propose less than \$2.5 million should include all shovel-ready projects on this list.
2. Back-up List: Applicants who are proposing more than \$2.5 million in shovel-ready projects may propose additional stations in a Back-Up list. Applicants may request up to \$2.5 million in funding for projects using the Back-up list. Stations listed in the Back-up list are distinguished from those on the Priority list in that the applicant considers these stations to be a lower priority for this funding opportunity. Applicants who propose less than \$2.5 million should not submit any shovel-ready projects on a Back-up list.
3. Contingency List: Applicants may use the Contingency-List option for any of the following three conditions:
 - a. Applicants who want to propose more than \$5 million in shovel-ready projects may submit their lowest priority projects on the Contingency List as a way of applying for up to \$7.5 million, i.e., an additional \$2.5 million in projects shown on Contingency list plus \$5 million for projects listed in the Priority and Back-up Lists. The VW Administrator will review shovel-ready projects proposed on the Contingency list only if the Program is not

over-subscribed and after having evaluated all shovel-ready projects listed on Priority and Back Up lists.

- b. Applicants who have projects that are NOT shovel-ready may use the Contingency List to apply for projects totaling up to \$2.5 million. In this case, the application may appear incomplete as certain required information may not be submitted at the time of application (e.g., letter of support from a Project Beneficiary). The VW Administrator will only review these projects after having completed review of all other shovel-ready projects on the Priority and Back-up Lists.
- c. Applicants may also use the Contingency List option to submit a brief proposal (1,000 words max) that describes their approach for quickly identifying new projects in the event that a project that is selected for award is later withdrawn or cancelled. This should include planned community outreach, including educational efforts to explain the proposed project to the public.

Applicants are encouraged to contact potential Project Beneficiaries posted on the Program website.

B. Evaluation Process

The VW Administrator will first review all stations contained in the Priority List and evaluate these using the Evaluation Criteria. If the Program is not oversubscribed the VW Administrator may review and evaluate stations that are contained in the Back-up List, and if still undersubscribed, stations proposed on the Contingency List.

For each list submitted (priority, back-up, and contingency), each charging site will be evaluated, scored, and ranked individually against other charging site with chargers of the same type using the criteria set forth in this solicitation and the applicable Consent Decree and BMP requirements, including any subsequent updates, modifications, or advisories. The VW Administrator will follow this process:

1. Initial Screening: All applications will undergo an initial screening process for eligibility and completeness according to the criteria set forth in this solicitation. This includes qualifications such as a demonstrated recent installation history. The VW Administrator may disqualify any applicant who has demonstrated past failure to meet contractual obligations with the VW Administrator, other air district(s), or CARB, or has failed to comply with applicable local, state, or federal laws (see “Eligible Applicants”).
2. Scoring and Ranking: Charging sites in or adjacent (within ½ mile) to Disadvantaged (SB535)/Low Income (AB1550) communities⁴ will be reviewed and prioritized for funding first. Charging sites will then be ranked based on the requested VW funds and the maximum charging capacity (kW) at each site, where a lower amount of funds requested coupled with a higher charging capacity will be ranked more highly. Charging sites with the same types of chargers will be ranked against one another.

⁴ CalEnviroScreen identifies California communities by census tract that are disproportionately burdened by, and vulnerable to, multiple sources of pollution. You can visit the website at:

<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>; Priority Populations with a map of both disadvantaged and low-income communities is also available at:

<https://ww3.arb.ca.gov/cc/capandtrade/auctionproceeds/communityinvestments.htm>

If the program is oversubscribed, after the review above, the VW Administrator will prioritize charging sites located in counties with a higher need of charging infrastructure by 2025⁵ compared to what is currently available⁶.

As part of this process, the VW Administrator will verify information provided in the application, which may cause the initial rankings and any associated awards to change.

The VW administrator may choose to award a lower ranked charging site to meet the following program requirements:

- To maximize the funds that are awarded to charging sites located in Disadvantaged (SB535)/Low Income (AB1550) communities⁷ (with a minimum of 50%).
- At least 1 facility of every type is awarded.
- No more than 80% of the Trust funds will be awarded to each charger type (level 1, level 2 and DC Fast).

The last funded charging site may be partially funded, depending on the amount of remaining funds. If any tie breakers are needed, then priority would be given to charging sites located in counties with a higher need of charging infrastructure by 2025 compared to what is currently available.

3. Waitlist: If there are eligible charging sites on the priority lists, back up lists or contingency lists after funding has been exhausted, they will be placed on a waitlist. If an awarded project falls through, the VW administrator will return to these lists to find eligible replacements.

V. Application Submittal Process

This section contains the format requirements and instructions on how to apply for Trust funding. The format is intended to assist the Applicant in meeting the Program Requirements and to enable the VW Administrator to evaluate each application uniformly and fairly. Applicants must follow all application format instructions, answer all questions, and supply all requested data.

A. Application Submittal Instructions

All applications and supporting documentation must be submitted through the web-based application portal, located at <https://www.californiavwtrust.org/ev-infrastructure/>. Hard copy applications will not be accepted. This online tool allows Applicants to submit their electronic documents to the VW Administrator prior to the date and time specified in this solicitation. The system will not allow applications to be submitted after the due date and time.

⁵ CEC EV Infrastructure Projection Tool (EVI-Pro)

<https://maps.nrel.gov/cec/?aL=0&bL=cdark&cE=0&IR=0&mC=38.48154475346391%2C-122.9418182373047&zL=10>

⁶ Department of Energy, Alternative Fuels Data Center <https://afdc.energy.gov/stations/#/find/nearest?country=US>

⁷ CalEnviroScreen identifies California communities by census tract that are disproportionately burdened by, and vulnerable to, multiple sources of pollution. You can visit the website at:

<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>; Priority Populations with a map of both disadvantaged and low-income communities is also available at:

<https://ww3.arb.ca.gov/cc/capandtrade/auctionproceeds/communityinvestments.htm>

First time users must register as a new user to access the system. Applicants will receive a confirmation email after all required documents have been successfully uploaded. Electronic files must be in PDF and Excel (project lists and budget) formats unless originally provided in the solicitation in another format.

Applicants may use a third party to assist in completing the application; however, no contracts will be executed with a third party. Applicants are responsible for ensuring the accuracy of all information provided in the application. Submission of incomplete, incorrect, or false information may result in disqualification or penalty of perjury. For questions related to the use of the online system, applicants may contact the VW Administrator via email at californiavwtrust@baaqmd.gov and via phone at 1-844-9VW-FUND. Due to the competitive nature of this solicitation, questions about the Light-Duty Electric Vehicle Infrastructure program will not be answered by phone.

All applications will be reviewed at the close of the application deadline. Applicants may only submit one application. If more than one application is submitted, the VW Administrator will review the first one that was submitted (based on the date stamp) and all others will be rejected.

Applicants must ensure that all required supporting documentation is submitted along with the application. A non-exhaustive list of application documentation items required for each project component category is included in Application Checklist below.

B. Project Narrative

Applications will need to include a narrative addressing applicant eligibility, past performance, and a brief description of their current proposed stations, not to exceed 2,000 words. The VW Administrator will only review applications from eligible applicants, however no additional points or credit will be given to applicants that exceed the minimum Applicant eligibility requirement.

The narrative should address all the following areas:

1. **Team Qualifications.** Describe how the project team's experience and qualifications are suitable to meet the objectives of this Program (e.g., years of experience with procurement, permitting, installation, and maintenance of electric vehicle charging equipment). Specifics around eligibility as outlined in this solicitation must be addressed in this section.
2. **Ability to Meet Deadlines.** Describe demonstrated ability to meet project deadlines and milestones of current or past light-duty electric vehicle infrastructure projects.
3. **Previous Awards.** Applicant must include a table listing the prior awards the team has received from any government agency since January 1, 2018. Applicant should also include the name of the funding agency, funding amount, number and type of chargers, location, and status of the project. For projects that did not complete project objectives at all or in a timely manner, describe the challenges faced, what led to those challenges and indicate whether those challenges were within the Applicant's control. Describe any audit findings and how they were ultimately addressed and resolved. Describe the outcome of the project.
4. **Project Readiness and Implementation**
 - a. **Overall Readiness/Permitting.** Include information about the permitting required for each charging site and whether or not the permitting has been completed. If the permitting has not been completed, applications must include a permitting schedule that ensures the successful project completion within the timeframes specified in this

- solicitation, as well as discuss the results of communications or in-person meetings with the authority(s) that has jurisdiction over the project.
- b. Site Control. Describe the proposed project site and document site control. Site control includes, but is not limited to leases, ownership, or access rights. Applicants must also demonstrate thorough safety, maintenance, and training procedures will be in place.
 - c. California Environmental Quality Act. Include information documenting progress towards achieving compliance under the California Environmental Quality Act (CEQA). If CEQA compliance has not been obtained, applications must include a schedule to complete CEQA activities for the proposed project, as well as discuss the results of communications or in-person meetings with the Lead Agency.
 - d. Project Plan. Describe how the tasks and requirements outlined in this solicitation regarding implementation and operation, will be achieved. Milestones and completion dates should be sequential and demonstrate how the Applicant will successfully complete their projects.
 - e. Service Plan. Include information documenting planned equipment service support that will be deployed to address issues in the field when they arise.
 - f. Long-Term Operation. Discuss briefly how proposed equipment will continue to operate beyond the term of the Funding Agreement.
 - g. References. Provide 3 references from prior agreements describe above in section # 3 “Previous Awards”, if any, and at least 3 other references for work completed by the Applicant to verify the Applicant’s past performance. Each reference must include the name of the business or property owner, a contact person’s name, email and phone number, and a brief description of the work completed for that reference. If contacted by VW Administrator staff, references should be able to speak to the Applicant’s ability to successfully complete projects in a timely manner and their performance.

C. Application Checklist

Application and Supporting Documentation Checklist

Application Checklist		
1	Applicant Name and Contact information	
2	Project Narrative (see section V.B.) (2,000 words max)	
3	Project Lists (see section IV.A.) – Excel template is available on VW Website. <ul style="list-style-type: none"> ▪ Priority List ▪ Back-up List ▪ Contingency List or Brief proposal (1,000 words max) 	
4	Letters of Commitment from all Project Beneficiaries	
5	Template agreement between Contractors and Project Beneficiaries	
6	Project budget, including information on matching-funds	
7	Quotes for EV chargers (indicate which charging site the chargers are associated with)	
8	Applicant W-9	

VI. Tentative Program Schedule

Key Actions Dates Time

- Public release of solicitation: May 11th, 2021 1pm (Pacific Time)
- Pre-Application webinars: Information will be posted on VW website
- FAQ posted regularly
- Deadline to submit questions: two weeks prior to submittal deadline.
- Application submittal deadline: July 15th, 2021 5pm (Pacific Time)
- Evaluation period: July-September 2021
- Applicants notified, “Notice of Proposed Award” (NOPA): September 2021
- Proposed contracts sent to awardees for signature: Within 30 days after publication of NOPA
- Deadline for awardees to return signed contract to VW Administrator: Within 60 days from date the contract has been issued by VW Administrator
- Contract executed and Notice to Proceed issued by VW Administrator: Within 14 days from date VW Administrator receives the signed contract from the Contractor
- Copies of purchase orders must be submitted within 5 months of Notice to Proceed.
- EV chargers are delivered and into service: All funded equipment must be placed into service and operational within 18 months of the date of the Notice to Proceeds is issued. CEQA must be completed within 5 months from the date a Notice to Proceed is issued.
- Contractor submits semi-annual progress reports during the implementation period March 1st and October 1st each year.
- Contractor submits annual operational reports during operational period: Due by February 1st until the project has provided at least 36 months of operational data.
- Contractor maintains written records of Equipment purchased with Trust funds: Duration of the Funding Agreement term plus three years.

Appendix A: Definitions

Aggregator: an intermediate between electric vehicle (EV) and operator of power grid.

Applicant: any person, company or organization who submits an application.

Beneficiary Mitigation Plan: the document that contains the eligible mitigation actions for California that CARB will fund from the State's \$423 million allocation of the Environmental Mitigation Trust.

Contractor: applicant whose application is selected for an award.

Charger: chargers consist of the conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle. Chargers fall into one of three types: Level 1, Level 2 and DC Fast.

Charging Sites: all of the chargers and associated equipment at one single location – for example, if 10 Level 2 chargers were located in a parking lot, they collectively would make up the charging site.

Charging Station: See Charger.

Disadvantaged Communities: for the purpose of SB 535, these areas are defined by the California Environmental Protection Agency as the top 25% most impacted census tracts in CalEnviroScreen (current version is 3.0).

Electric Vehicle (EV): a vehicle that is propelled in part or solely by an electric motor, is capable of being recharged from an external source of electricity that meets the Society of Automotive Engineers and/or CHAdeMO protocol standard, and meets the California Air Resources Board fuel standard of Plug-in Gasoline Electric Hybrid or Li+.

Facility: any designated area or public parking lot/structure that has a distinct location (e.g., parcel number or physical address) where electric vehicle chargers will be installed.

Funding Agreement: contract between the VW Administrator and Contractor for Trust funds.

Infrastructure: means the equipment used to enable the use of electric powered vehicles (e.g., electric vehicle charger).

Low-income communities: for the purpose of AB 1550, these areas are defined as census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low-income by Housing and Community Development's State Income Limits.

Project Beneficiaries: the site host where charging stations will be located.

VW Administrator: under contract to CARB, the Bay Area Air Quality Management District is serving as administrator of the Trust funds for the award of Trust funding for the Light-Duty Zero-Emission Vehicle Infrastructure category.