

U.S. DEPARTMENT OF TRANSPORTATION

**Federal Highway Administration**

**Notice of Funding Opportunity for Fiscal Year (FY) 2022 and FY 2023 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 693JJ323NF00004

**Charging and Fueling Infrastructure Discretionary Grant Opportunity**

**SUMMARY:** The purpose of this notice is to solicit applications for grants totaling of up to \$700 million under the Charging and Fueling Infrastructure Discretionary Grant Program (CFI Program), established under the Infrastructure Investment and Jobs Act (“Bipartisan Infrastructure Law” or “BIL”). The \$700 million is divided into two separate grant categories: (1) up to \$350 million for 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) up to \$350 million for the Alternative Fuel Corridor Grants (Corridor Program), to strategically deploy charging and

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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, and 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)

alternative fueling infrastructure located along designated alternative fuel corridors.<sup>2</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, this combined solicitation allows applicants to simultaneously apply for funding under both programs by submitting only one application. To the extent possible, all applications will be considered for both the Community and the Corridor programs.

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 U.S. 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 the FHWA Alternative Fuel Corridor (AFC) program and complements the National Electric Vehicle Infrastructure (NEVI) Formula program, which is initially focused on enabling long distance trips along the National Highway System (NHS). 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 adoption of zero emissions vehicles; 4) implement Justice40<sup>3</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.

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<sup>2</sup> Overall, this program authorizes funding for 5 fiscal years (including FY 2022 and 2023), 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).

<sup>3</sup> [Justice40 Initiative | US](#)

By encouraging the adoption and 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>4</sup>

The FHWA seeks to award funding under this notice to projects that address environmental justice,<sup>5</sup> particularly for communities (prioritizing rural areas and low- and moderate-income neighborhoods) that may disproportionately experience the consequences from climate change and other pollutants. Also, as part of the FHWA implementation of Executive Order (EO) 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619),<sup>6</sup> FHWA seeks to fund projects that help achieve the goal that at least 40 percent of benefits<sup>7</sup> flow towards low-income<sup>8</sup> communities, disadvantaged communities,<sup>9</sup> communities underserved by affordable transportation, or overburdened<sup>10</sup> communities. 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

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<sup>4</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>5</sup><https://www.epa.gov/environmentaljustice#:~:text=Environmental%20justice%20is%20the%20fair,laws%2C%20regulations%2C%20and%20policies>.

<sup>6</sup> <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

<sup>7</sup> The Justice40 Initiative is the Administration's whole-of-government approach to advancing environmental justice through recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits of investments flow to disadvantaged communities. (EO 14008, *Tackling the Climate Crisis at Home and Abroad*, 86 FR 7619)

<sup>8</sup> Low-income: A person whose median household income is at or below the U.S. Department of Health and Human Services poverty guidelines. (FHWA Order 6640.23A. FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 2012)

<sup>9</sup> Disadvantaged communities are those that are marginalized, underserved, and overburdened by pollution. (EO 14008 on Tackling the Climate Crisis at Home and Abroad, 2021).

<sup>10</sup> Overburdened Communities include minority, low-income, tribal or indigenous populations, or geographic locations in the U.S. that potentially experience disproportionate environmental harms and risks. (EPA EJ 2020 Glossary)

union and the incorporation of strong labor standards and diverse workforce programs, in particular registered apprenticeships, labor management partnerships and Local Hire agreements,<sup>11</sup> in project planning stages and program delivery.

This notice 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 notice, applications must be complete and address all statutory requirements; however, FHWA may request supplementary information, as needed, or to determine which category of grant the 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 Standards and Requirements (23 CFR Part 680).<sup>12</sup> These Standards specify technical aspects of chargers 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. There will be at least one Webinar regarding the CFI Program. 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.

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<sup>11</sup> Contracts awarded with geographic hiring preferences are eligible for assistance under most FHWA financial assistance programs.

<sup>12</sup> [EV Charging Minimum Standards Rule as Submitted to Federal Register for Publication \(dot.gov\)](https://www.federalregister.gov/documents/2021/07/26/2021-14444-ev-charging-minimum-standards-rule)

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|-------------------------------------|--|
| <p>Funding Opportunity Summary:</p> | <p>Up to \$700 million in Federal funding 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>Up to \$350 million is available for Community Program projects.<br/>Up to \$350 million is available for Corridor Program projects.</p> |
| <p>Federal Agency Name:</p>         | <p>U.S. Department of Transportation<br/>FHWA, Office of Planning, Environment and Realty (HEP)<br/>1200 New Jersey Avenue, SE<br/>Washington, DC 20590</p>  |
| <p>Funding Opportunity Title:</p>   | <p>Charging and Fueling Infrastructure Grant Opportunity</p>   |
| <p>Announcement Type:</p>           | <p>This is the initial announcement of this funding opportunity. 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>             |

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|-----------------------------|---|
| 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>13</sup>, maximum award amount of \$15 million.</li> <li>• Must address environmental justice.</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 within 1 mile and other alternative fuels within 5 miles of the AFC.</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 address environmental justice.</li> <li>• Must be accessible to and usable by individuals with disabilities.</li> </ul>  |
| Funding Opportunity Number: | 693JJ323NF00004   |
| Type of Award:              | Cost Reimbursement Grant  |
| Funding Categories:         | The FHWA Administrator may advise the Secretary of Transportation (Secretary) on options for reduced awards and may award eligible applications under either the Community or the Corridor Program. To the extent possible, all applications will be considered for both the Community and the Corridor Program regardless of which grant is applied for.   |

<sup>13</sup> The 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>14</sup> The 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.

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| Assistance Listing Number (formerly Catalog of Federal Domestic Assistance (CFDA)): | 20.205 – Highway Planning and Construction   |
| Application Due Date:   | Submission Deadline: Applications are due not later than 11:59 PM EST on <b>MAY 30, 2023</b> , through <a href="https://www.grants.gov">Grants.gov</a> . Applicants are encouraged to submit applications in advance of the application deadline; however, applications will not be evaluated, and awards will not be made, until after the application deadline.  |
| Submit Applications To:   | <p>The FHWA uses <a href="https://www.grants.gov">Grants.gov</a> for receipt of all applications. Applicants must register and use the system to submit applications electronically. <u>Approval of new user registrations for <a href="https://www.grants.gov">Grants.gov</a> may take multiple weeks.</u> Applicants are encouraged to register in advance of the submission deadline, and to subscribe under this NOFO number to receive notifications of updates/amendments. <u>It is the Applicant’s responsibility to monitor <a href="https://www.grants.gov">Grants.gov</a> for any updates/amendments to this NOFO.</u> Complete instructions on how to register and apply can be found at <a href="https://www.grants.gov">Grants.gov</a>. If interested parties experience difficulties at any point during registration or application process, please call the <a href="https://www.grants.gov">Grants.gov</a>_Customer Support Hotline at 1-800-518-4726.</p> <p>U.S. DOT staff cannot assist with technical <a href="https://www.grants.gov">Grants.gov</a> questions. <a href="https://www.grants.gov">Grants.gov</a> technical support is available:<br/> Online: <a href="http://www.grants.gov/web/grants/support.html">http://www.grants.gov/web/grants/support.html</a><br/> By phone (24 hours a day, 7 days a week): 1-800-518-4726<br/> By email: <a href="mailto:support@grants.gov">support@grants.gov</a></p> |
| Questions:  | <p>Submit 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 <a href="https://www.grants.gov">Grants.gov</a> under this funding opportunity number.</p>   |

**SUPPLEMENTARY INFORMATION:** The organization of this notice 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. However, that format is designed for locating specific information, not for linear reading. For readers seeking to familiarize themselves with how the CFI Program dual funding categories application process will work, DOT recommends starting with Section A for both the Community Program and the Corridor Programs, which describe the goals of each program and DOT's Administration priorities. The DOT also recommends reviewing Section E, which describes how DOT will select among eligible applications. The FHWA Administrator may advise the Secretary on options for reduced awards and may award eligible applications under either the Community or the Corridor Program.



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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. The BIL provided up to \$150 million to each program for FY 2022, totaling up to \$300 million, and up to \$200 million to each program for FY 2023, totaling up to \$400 million. Accordingly, a total of up to \$700 million is available under this notice, which includes up to \$350 million for the Community Program and up to \$350 million for the Corridor Program. Although this is one grant program, this solicitation is one NOFO with two distinct funding opportunities. These two distinct funding opportunities are referred to jointly as the “CFI Program” throughout this NOFO.

#### **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>15</sup> low- and-moderate income neighborhoods, and communities with a low ratio of

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<sup>15</sup> For the purposes of the CFI Program, Urbanized Areas (UA) 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

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)). 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>16</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>17</sup> that owns or manages parking facilities; however, fees to gain access to the charging or fueling infrastructure funded by this grant are not permitted.

## **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>18</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 2022, designated AFCs cover nearly 190,000 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 improve the mobility of passenger and commercial vehicles that employ electric, hydrogen fuel

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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/)

<sup>16</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>17</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>18</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.

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 inter-state 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.

The 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 one mile 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***

The DOT is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. The 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 utilize if the Federal funding is already available to the applicant), and what award amounts they will be seeking, within their application. The 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 conduit, 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 investment.

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 the following priorities when making award decisions for the CFI Program:

1. Safety: The Department is committed to advancing safe, efficient transportation, including in the CFI Program. The National Roadway Safety Strategy (NRSS), issued January 27, 2022, commits the Department to respond to the current crisis in roadway fatalities by ‘taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation’s roadways,’ in pursuit of the goal of achieving zero roadway

deaths through a Safe System Approach.<sup>19</sup> The outcomes that are anticipated from the projects funded by the CFI Program should align with the NRSS.

2. Climate Change and Sustainability: The Department seeks to fund projects under the CFI Program that reduce greenhouse gas emissions in the transportation sector, incorporate evidence-based climate resilience measures and features, reduce the lifecycle greenhouse gas emissions from the project materials, and avoid adverse environmental impacts to air or water quality, wetlands, and endangered species, and address the disproportionate negative environmental impacts of transportation on disadvantaged communities, consistent with Executive Order (EO) 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).<sup>20</sup>
3. Equity and Justice<sup>40</sup>: The Department seeks to award projects under the CFI Program that will create proportional impacts to all populations in a project area, remove transportation related disparities to all populations in a project area, and increase equitable access to project benefits, consistent with EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009). The Department also seeks to award projects that address equity and environmental justice, particularly for communities that have experienced decades of underinvestment and are most impacted by climate change, pollution, and environmental hazards, consistent with EO 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).

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<sup>19</sup> <https://www.transportation.gov/NRSS>

<sup>20</sup> See U.S. Department of Transportation Strategic Framework FY 2022–2026 (Dec. 2021) at <https://www.transportation.gov/administrations/office-policy/fy2022-2026-strategic-framework>

4. Workforce Development, Job Quality, and Wealth Creation: The Department intends to use the CFI Program 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 training and placement programs, especially registered apprenticeships, in project planning stages, consistent with EO 14025, Worker Organizing and Empowerment (86 FR 22829), and EO 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335). The Department also intends to use the CFI Program to support wealth creation, consistent with the DOT's Equity Action Plan through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.
5. Accessibility: The Department is committed to making infrastructure accessible to and usable by individuals with disabilities.<sup>21</sup>

## **B. Federal Award Information**

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

A total of up to \$700 million is available for CFI Program awards under this notice, which includes up to \$300 million appropriated by the BIL for FY 2022, and up to \$400 million appropriated by the BIL for FY 2023. All awards of FY 2022 funding are available for obligation through September 30, 2025 and must be expended by September 30, 2030. All awards

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<sup>21</sup> For more information, please refer to the U.S. Access Board American with Disabilities Act Accessibility Standards website at <https://www.access-board.gov/ada/> and, as appropriate, U.S. Access Board document entitled *Design Recommendations for Accessible Electric Vehicle Charging Stations* found here: [www.access-board.gov/tad/ev/](http://www.access-board.gov/tad/ev/)



of FY 2023 funding are available for obligation through September 30, 2026 and must be expended by September 30, 2031.

**i. Community Program Award Information**

A total of up to \$350 million is available through this notice for the Community Program, which includes up to \$150 million appropriated for FY 2022, and up to \$200 million appropriated for FY 2023. The minimum award size is \$500,000 and the maximum award amount is \$15 million (23 U.S.C § 151(f)(8)(I)). 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 and consideration.

**ii. Corridor Program Award Information**

A total of up to \$350 million is available through this notice for the Corridor Program, which includes up to \$150 million for FY 2022, and up to \$200 million for FY 2023. The minimum award size is \$1 million and there is no 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 and consideration.

***2. Scalable Project Options***

Applicants 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 or a bundled 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. The 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.

| <b>Eligible Applicants</b>   | <b>Community Program</b><br>23 U.S.C. § 151(f)(8)(C) | <b>Corridor Program</b><br>23 U.S.C. § 151(f)(3) |
|--|--|--|
| A State <sup>22</sup> or political subdivision of a State  | ✓  | ✓  |
| A metropolitan planning organization   | ✓  | ✓  |
| A unit of local government   | ✓  | ✓  |
| A special purpose district or public authority with a transportation function, including a port authority                                | ✓  | ✓  |
| An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5304)) <sup>23</sup> | ✓  | ✓  |

<sup>22</sup> The term “State” means any of the 50 States, the District of Columbia, or Puerto Rico 23 U.S.C. § 101(a)(28).

<sup>23</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” or “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).

|  |   |   |
|--|---|---|
| A territory of the United States   | ✓ | ✓ |
| An authority, agency, or instrumentality of, or an entity owned by, 1 or more entities as listed above | ✓ | ✓ |
| A group of entities as listed above  | ✓ | ✓ |
| A State or local authority with ownership of publicly accessible transportation facilities             | ✓ |   |

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 applicant and should be signed or include a letter of support by each applicant.

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>24</sup> The DOT will not consider previously incurred costs, previously

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<sup>24</sup> [https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid\\_guidance\\_nfmr.pdf](https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid_guidance_nfmr.pdf)

expended or encumbered funds, or any CFI Program funds received towards the matching requirement for any project.

Eligible entities that contract with a private entity as required for the Corridor Program or as permitted by the Community Program must include in those contracts a condition that the private entity shall be responsible for the share of the project cost carried out with CFI Program funds that is not paid by the Federal Government. Under the CFI Program, a “private entity” means a corporation, partnership, company, or nonprofit organization. (23 U.S.C. § 151(f)(1)).

### ***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. If projects are eligible for funding under both CFI programs, applications will be considered for both funding opportunities. Applicants that do not include one of these statutorily eligible projects will not be evaluated in the selection priorities or considerations.

### ***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.

#### **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 publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or

natural gas fueling infrastructure.<sup>25</sup> Propane fueling infrastructure is limited to infrastructure for medium- and heavy-duty vehicles.<sup>26</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>27</sup>

#### 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>28</sup>
  - Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.<sup>29</sup>
  - Contracting with a private entity for the acquisition, construction, installation, maintenance, or operation of eligible infrastructure included in the project.<sup>30</sup>
- Educational and community engagement activities to develop and implement education programs through partnerships with schools, community organizations, and

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<sup>25</sup> 23 U.S.C. § 151(f)(8)

<sup>26</sup> 23 U.S.C. § 151(f)(7)

<sup>27</sup> 23 U.S.C. § 151(f)(8)(E)

<sup>28</sup> 23 U.S.C. § 151(f)(8)(D)(ii)

<sup>29</sup> 23 U.S.C. § 151(f)(8)(D)(i)

<sup>30</sup> 23 U.S.C. § 151(f)(8)(H)

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>31</sup>

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

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

#### 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>32</sup> Propane fueling infrastructure is limited to infrastructure for medium- and heavy-duty vehicles.<sup>33</sup>
  - 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>34</sup>
  - EV charging infrastructure should be conveniently and safely located as close to the AFC as possible, and, in general, no greater than one mile from Interstate exits or highway intersections along designated corridors.
  - Hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure should be conveniently and safely located as close to the

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<sup>31</sup> 23 U.S.C. § 151(f)(8)(K)

<sup>32</sup> 23 U.S.C. § 151(f)(6)(A)

<sup>33</sup> 23 U.S.C. § 151(f)(7)

<sup>34</sup> 23 U.S.C. § 151(f)(6)(B)

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>35</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>36</sup>
  - Operating assistance shall be limited to costs allocable to operating and maintaining the eligible infrastructure and service, and may not exceed the amount of a contract to acquire and install eligible infrastructure.<sup>37</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 control devices located in the right-of-way to provide directional information to eligible infrastructure included in the project.<sup>38</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: 693JJ323NF00004

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<sup>35</sup> 23 U.S.C. § 151(f)(6)(A)

<sup>36</sup> 23 U.S.C. § 151(f)(6)(C)(i)

<sup>37</sup> 23 U.S.C. § 151(f)(6)(C)(ii-iii)

<sup>38</sup> 23 U.S.C. § 151(f)(6)(D)(ii)

- 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. Workspace to create and submit the application. See Grants.gov for training on using Grants.gov Workspace.

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) the required Standard Forms listed in item ii. Budget Information below; and (2) a narrative document that addresses the following items which are detailed below. Please submit the following items i. – iv. through Grants.gov as one file or as separate files, uploaded to the required form entitled “Attachments”.

- i. Project Narrative
- ii. Budget Information



- iii. Project Merit Criteria
- iv. Project Readiness and Environmental Risk

**i. Project Narrative**

The 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. The 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. The 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, and how traffic safety considerations will be addressed for vehicles entering and leaving the site. 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 NRSS<sup>39</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 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 building, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.

III. Description of how funds will be spent on various portions of the project(s). This should be categorized into uses such as project planning and development (such as costs for meaningful public involvement<sup>40</sup>), right-of-way (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.

IV. Additional Project Narrative Information. The FHWA is interested in community charging and fueling deployment projects in several focus areas. As applicable, applicants are

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<sup>39</sup> <https://www.transportation.gov/NRSS>

<sup>40</sup> This document can promote a shared understanding of meaningful public involvement and can be used as a resource: <https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>

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 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.

- 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 depot charging for light- and medium-duty vehicles.
- Urban/Suburban Area Charging and Fueling Solutions: Provide convenient, affordable access to charging and alternative fuel infrastructure in applications such as multi-unit dwellings and homes without driveways or garages. Projects should seek to advance lower cost and highest return charging solutions with light construction when possible (e.g., pole-based charging). Intersectional charging/mobility hubs that serve both inner-ring suburban and urban needs are also of interest. The EV charging projects should carefully articulate power levels required and demonstrate consideration of gaps to fill among existing charging and fueling infrastructure in order to provide an

appropriate power delivery mix (e.g., avoid providing only high-power charging stations as the sole solution). Projects should address innovative ways to address challenges such as curb side access, reservation/convenient availability, reliability, and management of limited spaces. The DOT encourages collaboration between applicants and owners of the ROW during the application, installation, and maintenance of charging and fueling infrastructure.

- Rural Area Charging and Fueling Solutions: Support multi-purpose use including single occupancy vehicles, medium-duty vehicles and fleets, shared vehicles, and taxi or other service vehicles in the community. Rural areas can present unique challenges and opportunities to provide transportation solutions. Projects should identify and address unique rural challenges and provide affordable solutions for vehicle charging or fueling infrastructure.
- Fleet Vehicles that Serve and Operate in Communities: Enable local medium- and heavy-duty electrification and alternative fuel use for the following vehicle types: (1) Class 3, 4, 5 vans & step vans, class 6 box trucks, class 8 terminal tractors class regional haul tractors; (2) Municipal vehicles (e.g., shuttles, school buses, street sweepers, refuse, pickup trucks and vans); (3) Delivery trucks; or (4) Long haul vehicles.

### 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, how traffic safety considerations

will be addressed for vehicles entering and leaving the site. 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 NRSS<sup>41</sup> when 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 (23 U.S.C. § 151 (f)(4)(A)(i)).

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>41</sup> <https://www.transportation.gov/NRSS>

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;
- 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)).

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>42</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

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<sup>42</sup> [AFLEET CFI Tool \(anl.gov\)](http://anl.gov)

corridors to corridor-ready corridors by filling infrastructure gaps; (2) helps meet current or anticipated excess demand for corridor charging or alternative fueling infrastructure; and (3) provides infrastructure to support greater adoption of light- or medium- and heavy-duty alternative fuel vehicles.

IX. Description of how funds will be spent on various portions of the project(s). This should be categorized into uses such as project planning and development (such as costs for meaningful public involvement<sup>43</sup>), 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.

X. Additional Project Narrative Information. The 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 public DC fast charge EV charging infrastructure, or hydrogen, propane or natural gas fueling infrastructure along designated AFCs. Infrastructure projects of interest can

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<sup>43</sup> This document can promote a shared understanding of meaningful public involvement and can be used as a resource: <https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>

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: The EV charging and hydrogen fueling infrastructure that will enable zero emission movement of goods, connecting distribution hubs and 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. Medium- and heavy-duty infrastructure applications should include explicit fleet commitments to utilize the infrastructure.
- Resiliency: Promote reliability and resiliency to intermittent or sustained power outages, disruptive and increasingly severe weather (snowstorms, fire, hurricanes, etc.), high-demand events that can strain the electric grid, or otherwise provide charging services in emergency situations. Projects should accommodate the safe movement of vehicles during these extreme weather events or power outages. These solutions may require complementary technologies (e.g., on-site battery storage, distributed energy resources, microgrids, bi-directional power).

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. For both the Community Program and the Corridor Program, the project narrative should also provide information necessary for DOT to determine that the project satisfies project requirements described in Section C.4.-5. for the grant program and to assess the merit criteria specified in Section E.1.iv. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by FHWA. The 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 notice, FHWA will not request additional information to perfect incomplete applications.

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

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, if any, that the applicant 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 application must include the following forms as listed in the CFI Application Package in Grants.gov.

Mandatory Forms:

- Standard Form 424 (Application for Federal Assistance) (mandatory)
- Grants.gov Lobbying Form (mandatory)
- Project Abstract Summary (mandatory)
- Key Contacts (optional)

Based on the nature of the project (Non-Construction vs Construction), the applicant must submit either:

- Standard Form 424A (Budget Information for Non-Construction Programs) (mandatory) and Standard Form 424B (Assurances for Non-Construction Programs) (mandatory)

or

- Standard Form 424C (Budget Information for Construction Programs) (mandatory) and Standard Form 424D (Assurances for Construction Programs) (mandatory)

Because of the Grants.gov Package Tab forms labeling structure, the Standard Forms 424A, B, C, and D will appear as optional forms. However, the applicant must select and submit either 424A and B; or SF 424C and D.

Applicants proposing non-construction-related projects should submit forms SF 424A and SF 424B with their application. Applicants proposing construction-related projects must submit forms SF 424C and SF 424D with their application. If a project consists of both non-construction and construction activities, the applicant must select one or the other based on which activity consumes the preponderance of the Federal funding. 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 the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program.<sup>44</sup>

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<sup>44</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

Forms are available for download at <https://www.grants.gov/web/grants/forms/sf-424-mandatory-family.html>.

The Standard Form 424A or 424C (as applicable) should be supported by a budget narrative explaining each element of cost.

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.

### **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 and expend awards before the deadlines. 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;
- 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>45</sup>;

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effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

<sup>45</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

- Any project approvals already obtained;
- Identification of known or anticipated project risks and how they will be addressed;
- Discussion about any coordination or public engagement that has been completed or is on-going regarding this project;
- Discussion about intentions for Disadvantage 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.

### ***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](https://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.

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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.

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 **May 30, 2023.**

#### ***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. In addition, under 23 U.S.C. § 151(f)(8)(J), the Secretary may use the Community Program funds for technical assistance to assist grant recipients with the administration of their awarded funds; however, this cost is capped at 1 percent of the of the entire grant amount available for that fiscal year.

**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>46</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 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 while the facility transitions to independent system operations and those costs may

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<sup>46</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.

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. As in the Community Program, under 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 notice 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 contact Sarah Tarpgaard at [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 registration process 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 an evaluation of the Project Merit Criteria (Section E.1.iv.), DOT Statutory Selection Priorities (Section E.1.v.), Additional Considerations (Section E.1.vi.), and DOT Priority Considerations (Section E.1.vii.) described in this Section.



## **ii. Corridor Program**

The FHWA will award CFI Corridor Program Grants based on an evaluation of the Project Merit Criteria (Section E.1.iv.), Additional Considerations (Section E.1.vi.), and DOT Priority Considerations (Section E.1.vii.) described in this Section.

## **iii. Overall Application Rating**

If a project does not meet the applicable eligibility requirements (Section C.), the application will not be evaluated for the Project Merit Criteria or DOT Priority Considerations. 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, and 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 include how their project will not negatively impact the overall safety of the traveling public. Applicants should also consider the NRSS<sup>47</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:              |
| (1) Provide positive safety benefits for all users; (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; (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. |

**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. 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, and reduces the

<sup>47</sup> <https://www.transportation.gov/NRSS>

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, 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.

| <b>Highly Qualified</b>   | <b>Qualified</b>  | <b>Not Qualified</b>  |
|---|---|---|
| <p>The application demonstrates that the project will (must demonstrate all):</p> <p>(1) Significantly reduce greenhouse gas emissions in the transportation sector; (2) Incorporate evidence-based climate resilience measures or features, and addresses the Federal Flood Risk Mitigation Standard as updated by E.O. 13690, as appropriate; (3) Consider climate change, resilience, and environmental justice in project planning and delivery; <b>AND</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>The application demonstrates that the project will (must demonstrate at least one):</p> <p>(1) Significantly reduce greenhouse gas emissions in the transportation sector; (2) Incorporate evidence-based climate resilience measures or features, and addresses the Federal Flood Risk Mitigation Standard as updated by E.O. 13690, as appropriate; (3) Consider climate change, resilience, and environmental justice in project planning and delivery; <b>OR</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>The application contains insufficient information to allow reviewers to assess whether the project will demonstrate any of the following items:</p> <p>(1) Significantly reduce greenhouse gas emissions in the transportation sector; (2) Incorporate evidence-based climate resilience measures or features, and addresses the Federal Flood Risk Mitigation Standard as updated by E.O. 13690, as appropriate; (3) Consider climate change, resilience, and environmental justice in project planning and delivery; <b>OR</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> |

**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. Although not required, applicants are encouraged to use DOT’s Transportation Disadvantaged Census Tracts (arcgis.com) tool or equivalent tools in their assessment. Applicants should demonstrate how meaningful public involvement<sup>48</sup>, inclusive of disadvantaged populations, will occur throughout a project’s life cycle. Projects should demonstrate, to the extent possible, that outcomes should target at least 40 percent of benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened 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.

| <b>Highly Qualified</b>  | <b>Qualified</b>  | <b>Not Qualified</b>   |
|--|---|--|
| <p>The application demonstrates that the project will (must demonstrate all):</p> <p>(1) include an equity analysis which evaluates whether a project will create proportional impacts and remove transportation related disparities to all populations in a project area. Although not required, applicants are encouraged to use DOT’s Transportation Disadvantaged Census Tracts (arcgis.com) or EV Charging Justice40 Map (arcgis.com) tool or equivalent tools in their assessment; (2) include</p> | <p>The application demonstrates that the project will (must demonstrate at least one):</p> <p>(1) include an equity analysis which evaluates whether a project will create proportional impacts and remove transportation related disparities to all populations in a project area. Although not required, applicants are encouraged to use DOT’s Transportation Disadvantaged Census Tracts (arcgis.com) or EV Charging Justice40 Map (arcgis.com) tool or equivalent tools in their assessment; (2) include</p> | <p>The application contains insufficient information to allow reviewers to assess whether the project will demonstrate any of the following items:</p> <p>(1) include an equity analysis which evaluates whether a project will create proportional impacts and remove transportation related disparities to all populations in a project area. Although not required, applicants are encouraged to use DOT’s Transportation Disadvantaged Census Tracts (arcgis.com) or EV Charging Justice40 Map</p> |

<sup>48</sup> <https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>

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| <p>meaningful public engagement throughout a project’s life cycle and to the extent possible, projects that target at least 40 percent of benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened communities; (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>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</p> | <p>meaningful public engagement throughout a project’s life cycle and to the extent possible, projects that target at least 40 percent of benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened communities; (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> | <p>(arcgis.com) tool or equivalent tools in their assessment; (2) include meaningful public engagement throughout a project’s life cycle and to the extent possible, projects that target at least 40 percent of benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened communities; (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</p> |
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| 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. | 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. | 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 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, but not limited to 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 apprenticeship, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); and change hiring policies and workplace cultures to promote the entry and retention of underrepresented populations. Applicants should address how the project promotes local inclusive economic development and entrepreneurship, including prioritizing the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.<sup>49</sup>

| <b>Highly Qualified</b>  | <b>Qualified</b>   | <b>Not Qualified</b>  |
|--|--|---|
| The application demonstrates that the project will (must demonstrate all):<br><br>(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):<br><br>(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>49</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.

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| <p>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 apprenticeship, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); (3) utilize 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 utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.</p> | <p>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 apprenticeship, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); (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 utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.</p> | <p>(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 apprenticeship, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); (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 utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.</p> |
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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.

| <b>Highly Qualified</b>   | <b>Qualified</b>   | <b>Not Qualified</b>  |
|---|--|---|
| <p>The application demonstrates the project <b><u>WILL</u></b>:</p> <p><b>For Community Programs,</b></p> | <p>The application demonstrates the project <b><u>MAY</u></b>:</p> <p><b>For Community Programs,</b></p> | <p>The application contains insufficient information to allow reviewers to assess whether the project <b><u>WILL</u></b> or</p> |

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| <p>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.</p> <p>In addition, the application demonstrates that the project will address one of the following focus areas in Section D.2.i.: (1) connect or promote multi-modal hubs and shared-use fleets and services; (2) provide convenient, affordable access to charging and alternative fuel infrastructure to offer urban/suburban area charging and fueling solutions; (3) support multi-purpose use to offer rural are charging and fueling solutions; <b>OR</b> (4) enable electrification or alternative fuel use for fleet vehicles that serve and operate in the community.</p> <p style="text-align: center;"><b><u>OR</u></b></p> <p><b>For Corridor Programs,</b></p> | <p>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.</p> <p>In addition, the application demonstrates that the project may address one of the following focus areas in Section D.2.i.: (1) connect or promote multi-modal hubs and shared-use fleets and services; (2) provide convenient, affordable access to charging and alternative fuel infrastructure to offer urban/suburban area charging and fueling solutions; (3) support multi-purpose use to offer rural are charging and fueling solutions; <b>OR</b> (4) enable electrification or alternative fuel use for fleet vehicles that serve and operate in the community.</p> <p style="text-align: center;"><b><u>OR</u></b></p> <p><b>For Corridor Programs,</b></p> | <p><b><u>MAY</u></b> demonstrate any of the following items:</p> <p><b>For Community Programs,</b> 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.</p> <p>In addition, 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 focus areas in Section D.2.i.: (1) connect or promote multi-modal hubs and shared-use fleets and services; (2) provide convenient, affordable access to charging and alternative fuel infrastructure to offer urban/suburban area charging and fueling solutions; (3) support multi-purpose use to offer rural are charging and fueling solutions; <b>OR</b> (4) enable electrification or alternative fuel use for fleet</p> |
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| <p>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.</p> <p>In addition, the application demonstrates that the project will address one of the following focus areas in Section D.2.i.: (1) demonstrate build-out of AFCs by expanding existing or adding new charging and fueling infrastructure; (2) enable zero emission corridors for medium- and heavy-duty vehicles that will enable zero emission movement of goods, connecting distribution hubs and population centers; <b>OR</b> (3) promote reliability and resiliency to intermittent or sustained power outages or extreme weather events.</p> | <p>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.</p> <p>In addition, the application demonstrates that the project may address one of the following focus areas in Section D.2.i.: (1) demonstrate build-out of AFCs by expanding existing or adding new charging and fueling infrastructure; (2) enable zero emission corridors for medium- and heavy-duty vehicles that will enable zero emission movement of goods, connecting distribution hubs and population centers; <b>OR</b> (3) promote reliability and resiliency to intermittent or sustained power outages or extreme weather events.</p> | <p>vehicles that serve and operate in the community.</p> <p style="text-align: center;"><b><u>OR</u></b></p> <p><b>For Corridor Programs,</b> 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.</p> <p>In addition, 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 focus areas in Section D.2.i.: (1) demonstrate build-out of AFCs by expanding existing or adding new charging and fueling infrastructure; (2) enable zero emission corridors for medium- and heavy-duty vehicles that will enable zero emission movement of goods, connecting distribution hubs and population centers; <b>OR</b> (3) promote reliability and resiliency to intermittent or sustained power outages or extreme weather events.</p> |
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#### **v. DOT Statutory Selection Priorities – Community Program Only**

The following are Secretarial Statutory Selection Priorities for the CFI Program, which are unique to the 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 consider the extent to which the project contributes to geographic diversity among eligible entities, including achieving a balance between urban and rural communities<sup>50</sup> and the extent to which the project meets current or anticipated market demands for charging or fueling infrastructure, including faster charging

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<sup>50</sup> 23 U.S.C. § 151(f)(8)(G)(i)

speeds with high-powered capabilities necessary to minimize the time to charge or refuel current and anticipated vehicles.<sup>51</sup>

### Corridor Program Considerations

For the Corridor Program, DOT will consider the extent to which the projects will 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>52</sup> through identification of existing<sup>53</sup> and planned<sup>54</sup> locations. The DOT will consider the extent to which project would meet current or anticipated market demands for corridor charging or alternative fueling infrastructure,<sup>55</sup> would support a long-term competitive market for charging or alternative fueling and does not significantly impair existing charging and infrastructure providers<sup>56</sup> through an analysis of the estimated charging or alternative fueling demand at the proposed infrastructure locations that was coordinated to avoid infrastructure overlap. The DOT will consider the extent to which the project would enable or accelerate the construction of charging or fueling infrastructure that would be unlikely to be completed without Federal assistance<sup>57</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

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<sup>51</sup> 23 U.S.C. § 151(f)(8)(G)(ii)

<sup>52</sup> 23 U.S.C. § 151(f)(5)(A)(i)(I) and (II) (aa) and (bb)

<sup>53</sup> <https://afdc.energy.gov/station>

<sup>54</sup> [https://www.fhwa.dot.gov/environment/nevi/ev\\_deployment\\_plans/](https://www.fhwa.dot.gov/environment/nevi/ev_deployment_plans/)

<sup>55</sup> 23 U.S.C. § 151(f)(5)(A)(ii)

<sup>56</sup> 23 U.S.C. § 151(f)(5)(A)(iv)

<sup>57</sup> 23 U.S.C. § 151(f)(5)(A)(iii)

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>58</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 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>59</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>60</sup> as evidenced 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>61</sup>

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<sup>58</sup> 23 U.S.C. § 151(f)(5)(A)(vi)

<sup>59</sup> 23 U.S.C. § 151(f)(5)(B)

<sup>60</sup> 23 U.S.C. § 151(f)(5)(C)(i) and (ii)

<sup>61</sup> 23 U.S.C. § 151(f)(5)(D)(i) and (ii)

## **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 merit review, DOT will prioritize Highly Recommended projects and Recommended projects 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, 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 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 applicable DOT

Statutory Selection Priorities (Community Program), Additional Considerations, and DOT Priority Considerations as described under Section E.1.v-vii.

**ii. Selection Process**

The Technical Review Team will send the overall project rating for each grant application and the evaluation of responsiveness to the DOT Statutory Selection Priorities (Community Program), Additional Considerations, and DOT Priority Considerations for Highly Recommended and Recommend projects to the FHWA Senior Review Team (SRT). 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 is comprised of FHWA's Senior Leadership and appropriate senior officials from the Office of Secretary as determined by the FHWA Administrator. The FHWA SRT will be the same for both CFI Programs.

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 meet 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 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 and ability to award certain eligible applications under either the Community or the Corridor Program. To the extent possible, all applications will be considered for both the Community and the Corridor Program regardless of which grant is applied for.

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, DOT 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 notice and the results of the application review process. Discussions may include scalable project options as described under Section B.2. of this notice.

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 CEs 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. 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)).

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, 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.

In particular, 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 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. Each applicant selected for Federal funding under this notice 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, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Presidential Improving Cybersecurity for Critical Infrastructure Control Systems. 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 notice 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 DOL's 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 notice 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 notice.

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).

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>62</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>63</sup>

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<sup>62</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>63</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>

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 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.

Disadvantaged Business Enterprise 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).

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>64</sup> This regulation also has certain

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<sup>64</sup> [EV Charging Minimum Standards Rule as Submitted to Federal Register for Publication \(Unofficial\) \(dot.gov\)](#)

requirements for the workforce installing, maintaining, and operating EV chargers has appropriate licenses, certifications, and training to ensure that the installation and maintenance of EV chargers is performed safely by a qualified and increasingly diverse workforce of licensed technicians and other laborers.<sup>65</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

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<sup>65</sup> 23 CFR 680.106(j)



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.

**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 notice 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.