

Charging and Fueling Infrastructure (CFI) Competitive Grant Program Q & A

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CFI Competitive Grant Program Questions and Answers

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind applicants in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

Eligibility and Application Questions

Question 1: Who are the eligible entities that can apply for the CFI Grant Program?

Answer:

Please see NOFO Section C.1 entitled Eligible Applicants. Because ownership structures of potential applicants vary significantly across the country, an entity must evaluate the list of eligible applicants and demonstrate they are eligible for award. The ultimate determining factor regarding eligibility under the CFI Grant program is whether the entity is owned by a State, a political subdivision of a State, a metropolitan planning organization (MPO), or a local government as per 23 U.S.C. 151(f)(3)(G). For community grants only, the entity would also be eligible if it is a State or local authority with ownership of publicly accessible transportation facilities as per 23 U.S.C. 151(f)(8)(C)(ii). In this case, it is the responsibility of the applicant to demonstrate that entity ownership makes them eligible.

The application must be submitted by one lead applicant that meets the eligibility criteria contained in the NOFO Section C.1. The lead applicant may propose other organizations (such as a private company) as part of the applicant team. Generally, such other organizations would fall into a subrecipient/subcontractor role as defined in 2 CFR 200.331.

Question 2: What level of detail is required for the location of each charging or fueling station in the application? Is it sufficient to provide a general geographic location (e.g., a census tract), or do applicants need to include additional information such as site design?

Answer:

Applicants should provide as much information as possible for the location of the project site(s), keeping in mind the award is limited to the project and location as described in the application. If there is some uncertainty regarding the location, this should be described in detail in the application and the potential sites discussed.

In addition, the NOFO describes multiple types of information related to the project site that should be included in a complete application (including but not limited to NOFO sections A.1.i, A.1.ii, C.3, C.4, C.5, D.2.i, D.2.iv, E.1.iv, E.1.v, E.1.vi). As part of the review and selection process, the Project Merit Criteria listed in section E.1.iv of the NOFO will be used to evaluate the application.

Question 3: Do the National Electric Vehicle Infrastructure Standards and Requirements (23 CFR Part 680) apply to CFI Grant project(s)?

Answer:

Yes. The National Electric Vehicle Infrastructure Standards and Requirements (23 CFR Part 680) apply to Community and Corridor CFI recipients that include electric vehicle (EV) infrastructure projects. They do not apply to awards for other eligible alternative fuel infrastructure projects. See the [NEVI Resources website](#) for more information.

Question 4: Can an applicant request funding for utility work related to installing EV charging infrastructure?

Answer:

Yes. Costs to acquire and install on-site electric service equipment (e.g., power meter, transformer, switch gear) are eligible.

Costs for minor grid upgrades are also eligible, provided the work is necessitated solely by the construction or upgrading of the EV charging station and participation in the upgrade does not exceed the allocable cost of the minimum upgrades needed to match the planned power requirements of the EV charging station. A minor grid upgrade is defined as the work necessary to connect an EV charging station to the electric grid distribution network; for example, extending power lines or upgrading existing power lines several miles.

However, major grid upgrades, such as longer line extensions or upgrades, improvements to offsite power generation, bulk power transmission, or substations are ineligible.

Question 5: What is the Alternative Fuel Life-Cycle Environmental and Economic Transportation (AFLEET) tool and is it required as part of my application to the CFI Grant Program?

Answer:

Argonne National Laboratory created a customized version of the AFLEET tool specifically for applicants to the CFI Grant Program. The AFLEET CFI Emissions Tool estimates well-to-wheel greenhouse gas emissions, vehicle operation air pollutant emissions (CO, NOx, PM10, PM2.5, VOC, SOx) and Fuel Dispensed.

The use of the ALFEET tool is required for the CFI Corridor Program as listed under the Corridor Program heading in section D.2.i of the NOFO. Applicants to the CFI Community Program must demonstrate and explain how their project will significantly reduce greenhouse gas emissions and may choose to use the AFLEET CFI tool.

Applicants can download the spreadsheet from the [AFLEET CFI website](#). Instructions in the spreadsheet explain where to enter a few key pieces of information (location of project, number of charging or fueling stations, etc.) about the project. Then the spreadsheet will calculate the emissions reductions in a table format that can be copied and pasted directly into grant applications.

Please contact Argonne National Labs if you need assistance at: afleet@anl.gov.

Question 6: Are medium-/heavy-duty charging depots or similar commercial truck related facilities eligible?

Answer:

Yes. They must be “publicly accessible,” as discussed in the NOFO.

Contracting and Subgrants

Question 7: Is a CFI Grant recipient required to contract with a private entity to implement a CFI Grant project?

Answer:

It depends. The CFI Corridor Program requires, as per 23 U.S.C. § 151(f)(6)(A), that CFI Grant recipients contract with a private entity(ies) for the acquisition, construction, and installation of publicly accessible charging or fueling infrastructure. Corridor Program recipients may, but are not required to, contract with a private entity for operations and maintenance as per 23 U.S.C. § 151(f)(6)(C). The CFI Community Program states at 23 U.S.C. § 151(f)(8)(H) that CFI Grant recipients may, but are not required to, contract with a private entity (or private entities) for the acquisition, construction, installation, maintenance and/or operation. For other allowable costs, including other project services, the CFI Grant recipient has the discretion to determine their contracting needs to complete the project in compliance 2 CFR part 200. Under the CFI Program, a “private entity” means a corporation, partnership, company, or nonprofit organization as per 23 U.S.C. § 151(f)(1).

Note: Contracting with a private entity may entail one contract with one private entity, or multiple separate contracts with different private entities, to provide the acquisition, construction, installation, maintenance, and/or operation of publicly accessible charging or fueling infrastructure. The decision to issue one or multiple contracts is up to the CFI Grant recipient.

Question 8: Is a competitive procurement process required for contracts with private entities for acquisition, construction, installation, maintenance, and/or operation of charging or fueling infrastructure?

Answer:

Yes. The CFI grants are subject to the Procurement Standards included in 2 CFR 200.317 through 200.327 and 2 CFR 1201.317. All contracts under this program with private entities for the acquisition, construction, installation, maintenance, and/or operation of publicly accessible charging or fueling infrastructure must be conducted in a manner providing full and open competition consistent with the standards of 2 CFR 200.319 and 200.320, and (for State DOTs) 23 CFR 635 and 23 CFR 636. Please refer to question 12 on real property interests for additional information.

Question 9: The NOFO says, "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." Can the applicant give the 20 percent match to the private entity or pay it on their behalf?

Answer:

No. The CFI Recipient cannot give the 20 percent match to the private entity or pay it on their behalf. As per 23 U.S.C. 151(f)(10), the Federal share for the cost of a project carried out with these grants shall not exceed 80 percent. The CFI Grant Recipient is ultimately responsible for ensuring the cost share is satisfied, but the statute requires that the private entity shall agree to provide the 20 percent match.

Question 10: Can a CFI Grant recipient use a contractor that was selected before submitting a CFI application or receiving CFI grant funds for their project?

Answer:

Yes. The competitive procurement process for the acquisition, construction, installation, maintenance, and/or operation of charging or fueling infrastructure may occur before or after submittal of the CFI Grant application.

Before Submitting Grant Application: If an applicant conducted a competitive procurement prior to submittal of a CFI Grant application, the applicant should name the private entity contractor(s) in the application and demonstrate the contractor(s) were selected in a manner that provided full and open competition consistent with the standards of 2 CFR 200.319 and 200.320, and (for State DOTs) 23 CFR 635 and 23 CFR 636.

After Submitting Grant Application: If an applicant proposes to conduct a competitive procurement after submittal of a CFI Grant application, the applicant should describe their planned procurement in the application and confirm the contractor(s) will be selected in a

manner that will provide full and open competition consistent with the standards of 2 CFR 200.319 and 200.320, and (for State DOTs) 23 CFR 635 and 23 CFR 636.

Pre-CFI Program Grant award costs (costs incurred prior to execution of a grant agreement or authorization in Financial Management Information System) will not be reimbursed. The existence of any such contract does not obligate the FHWA to select an application for an award – the applicant bears all the risk and obligations under any such contract, including the risk of compliance with applicable Federal procurement requirements.

Question 11: How can an applicant satisfy the additional considerations as listed in Section E.1.vi. of the NOFO for the Corridor Program regarding the contracted private entity’s financial statements and experience in installing and operating charging or fueling infrastructure in the grant application?

Answer:

Applicants who name their proposed private entity in the application, based on a previously conducted competitive procurement, may submit the relevant information regarding the named private entity in the application as an attachment using the Attachments Form in Grants.gov.

Applicants who plan to select their private entity using a competitive procurement process after being selected to receive a CFI grant award may submit a description of the applicant’s plan to obtain the relevant information after award.

Question 12: A private business reached out to an eligible applicant to serve as a site host for a CFI Grant project. Are costs associated with the site host reimbursable under the CFI Grant Program?

Answer:

Yes. Site rental or lease costs are allowable per 2 CFR 200.465, Rental Costs of Real Property and Equipment. Per paragraph (a) of the section, “rental costs are allowable to the extent that the rates are reasonable in light of such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased. For additional information, please refer to question 17 on the length of time that the charging or alternative fuel stations need to remain publicly available after installation.

Question 13: Would the applicant be allowed to partner with this site host without competitively bidding for site selection in the area?

Answer:

Yes. The project site may be selected without competition and named in the application as a site host only. Independent rental or lease agreements for project site are not considered to be a

procurement transaction that requires full and open competition under 2 CFR 200.319 and 200.320.

If a site host will also participate in performing construction, installation, operations and/or maintenance, the competitive procurement requirements do apply and, as such, the site host cannot be selected without competition. All contracts under this program with private entities for the acquisition, construction, installation, maintenance, and/or operation of publicly accessible charging or fueling infrastructure must be conducted in a manner providing full and open competition consistent with the standards of 2 CFR 200.319 and 200.320, and (for State DOTs) 23 CFR 635 and 23 CFR 636.

In addition, the CFI Grant recipient must have appropriate real property interests for the project compliant with 23 CFR 1.23 and Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Question 14: Can eligible applicants (e.g., a State, county government, local government, etc.) apply for funds with the intention of subgranting funds based on a subsequent Notice of Funding Opportunity?

Answer:

Yes. Under 2 CFR 200.331, CFI Grant recipients may perform some or all the award through a subgrant.

Question 15: Can eligible applicants propose to subgrant funds to another entity as a subrecipient?

Answer:

Yes. If the relationship reflects a subrecipient relationship under 2 CFR 200.331, then the requirements for pass-through entities in 2 CFR 200.332 apply.

Question 16: What is the difference between subrecipient and a contractor as defined in 2 CFR 200.1 and discussed in 2 CFR 200.331?

Answer:

Subrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. Ultimately, the direct recipient is responsible for ensuring Federal requirements outlined in the award are followed however, the rights and the obligations stated in the prime grant terms and conditions generally flow down to a subrecipient as per 2 CFR 200.332. The subrecipient is responsible for programmatic decision making, is responsible for ensuring Federal requirements outlined in the subaward are followed, and uses the Federal funds to carry out a program of the organization as opposed to providing

goods or services to the prime grantee. The 2 CFR 200 Procurement Standards apply to contractor awards but not to subrecipient awards.

Contractor means an entity that receives a contract. Contract means a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. A contract is for the purpose of obtaining goods and services for the recipient's or subrecipient's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the recipient/subrecipient and a contractor are when the entity receiving the Federal funds: 1. Provides the goods and services within normal business operations. 2. Provides similar goods or services to many different purchasers. 3. Normally operates in a competitive environment. 4. Provides goods or services that are ancillary to the operation of the Federal program. 5. Is not subject to compliance requirements of the Federal program as a result of the agreement. Typically, a contractor may be an expert advisor or service provider who is paid a fee for services or product rendered and delivered to the recipient/subrecipient. The 2 CFR 200 Procurement Standards apply to contractor awards but not to subrecipient awards.

Question 17: Does the Disadvantaged Business Enterprise (DBE) Program apply to CFI Grant Program projects?

Answer:

Yes. As stated in section F.2 of the NOFO, DBE applies to the CFI Program.

Operations and Maintenance

Question 18: Would an eligible applicant have to own and/or operate charging or fueling station(s) funded through the CFI Community and the CFI Corridor Grant Programs?

Answer:

No. The NOFO does not require the CFI Grant recipient to own or operate the charging or fueling stations.

Question 19: How long will the charging or alternative fuel stations need to remain publicly available after installation? What happens if there is a change in property ownership and the new owners want to make the property private?

Answer:

For EV charging infrastructure, 23 CFR 680 requirements apply to Community and Corridor CFI projects. 23 CFR § 680.106(i) provides that States or other direct recipients must ensure that chargers are maintained in compliance with 23 CFR 680 for a period of not less than 5 years from the initial date of operation. Grantees must ensure that this provision is met even if there are changes in ownership of the EV charging stations. For other alternative fuel stations, grantees should specify the minimum period of operation.

Fees and Access

Question 20: Are there requirements for days/hours that charging or fueling stations must be open to the public?

Answer:

It depends. For EV charging stations, 23 CFR 680.106(e) addresses availability requirements. EV charging stations located along and designed to serve users of designated AFCs must be available 24 hours per day, 7 days per week. This includes stations funded through the CFI Corridor Grant Program. EV charging stations in other locations must be available at least as frequently as the business operating hours of the site host. This includes stations funded through the CFI Community Grant Program. For other alternative fuel stations, grantees should specify the minimum hours of operation.

Question 21: Can a fee be charged to customers for charging or fueling at project sites funded under the CFI Grant Program?

Answer:

In general, yes. A fee can be charged to users for a charging session or for refueling.

However, locations located within the right-of-way of the Interstate System cannot charge a fee for commercial activities unless they meet the exception under 23 U.S.C. 111 (a) or Federal funds have never been used on that highway.

For EV charging infrastructure, 23 CFR 680 requirements apply to community and corridor CFI projects. See 23 CFR 680.106(m) “Use of Program Income” and 23 CFR 680.116(a) “Communication of Price”.

Question 22: Are fees to gain access to a charging or fueling station in a parking garage or a parking lot allowed?

Answer:

No. For both the Community and Corridor CFI Grant Programs, per the footnote on p.1, the NOFO states, “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.”

Additionally, in section A.1.i, the NOFO states, “Fees to gain access to the charging or fueling infrastructure funded by this grant are not permitted.”

Fees associated with gaining access to parking facilities such as garages or lots are not allowed per this definition of publicly accessible.

Other parking fees, dwell time fees, connection fees, or fees charged for occupying the site while charging or fueling or after the charging or fueling session is complete are allowed and should be clearly displayed and explained to the public. In addition, EV charging infrastructure must comply with 23 CFR 680.116(a) “Communication of Price”

Question 23: Are reservation systems to reserve a charging or fueling space allowed?

Answer:

Yes. A reservation system is allowed so long as the reservation system is open and available for the general public to use.