



ARIZONA DEPARTMENT OF TRANSPORTATION

Request for Information

P3-24-01RFI

For

Electric Vehicle Charging Infrastructure Implementation

Date Issued: June 29, 2023

Responses Due: 2:00 PM MST, July 28, 2023

Arizona Department of Transportation
Alternative Delivery/Major Projects Division

1. Introduction

A. Purpose of this Request for Information

The Arizona Department of Transportation (“ADOT”) hereby invites interested parties (“Respondents”) to respond to this Request for Information (“RFI”) regarding a prospective future solicitation for the deployment of electric vehicle (“EV”) charging infrastructure under the Bipartisan Infrastructure Law’s (“BIL”) National Electric Vehicle Infrastructure (“NEVI”) Formula Program (“Project”). ADOT intends to develop and deliver a bundle of EV charging infrastructure using a Public-Private Partnership (“P3”) framework to design, build, finance, operate, and maintain the Project, in accordance with the federal requirements associated with NEVI funding and state laws. ADOT intends to transfer ownership of the EV charging infrastructure at the end of the five-year operations and maintenance (“O&M”) period of the Project.

The purpose of this RFI is to seek the industry’s perspective and feedback on the questions presented herein and to provide an opportunity for industry input on the overall procurement process for the Project. Interested firms and parties are strongly encouraged to submit responses with detailed comments. The information contained in the responses to this RFI will help ADOT progress planning and development efforts for the Project, and help confirm or refine ADOT’s project procurement, financing, and delivery approach.

B. Effect of this Request for Information

This RFI is an inquiry only, intended solely to assist ADOT on an administrative level, and is not a formal solicitation or initiation of a procurement process. Submissions will not be evaluated. No contract or agreement will be entered into because of this RFI.

This RFI does not represent a commitment to issue a Request for Qualifications (“RFQ”) or a Request for Proposals (“RFP”) in the future, or a commitment that a subsequent procurement, if any, will follow any delivery approach described herein. Therefore, those choosing to respond to this RFI will not, merely by virtue of providing any manner of response, be deemed to be “bidders” on the Project in any sense.

Submission of responses is not a prerequisite for participating in a future procurement. Such participation would be subject to demonstrating satisfaction of the criteria stipulated in potential subsequent solicitation documents. Participation in this RFI and ensuing one-on-one meetings, or an election not to participate, will not confer on any Respondent any preference, special designation, advantage, or disadvantage whatsoever in any subsequent procurement process related to the Project.

C. Submission Requirements

ADOT welcomes responses to this RFI from independent companies or corporations, or from consortia or partnerships, that have a potential interest in acting as lead developers, design-build contractors, landowners, power providers, or equity investors for a P3 (Respondents). ADOT is interested in the maximum amount of constructive comments. It is not necessary for Respondents to respond as the consortia or partnerships that are planning to submit future bids, although ADOT is interested in being informed as to the formation of any future bidding groups for work on the Project. Such information will not be binding on the Respondents.

Please see Section 2.G entitled “Organizational Conflicts of Interest” for limitations on entities and individuals who will not be eligible to participate in an RFI submission.

D. Submissions, Questions, and Comments

Respondents shall submit one electronic (PDF) document via email to the email address noted below. Please enable the Commenting or User Rights Feature before submittal. Total page count for the questionnaire should not exceed 15 pages, utilizing 12pt Arial type font, inclusive of the one-page cover letter. Total file size should be less than 2 megabytes.

Submissions should include a one-page cover letter and the information specifically requested in Section 3, Information Requested. ADOT requests that the email body include the firm name, reference to P3-24-01RFI, and the name, title, and contact information of the person responsible for interfacing with ADOT. Marketing materials are not to be submitted as part of a written response.

Respondent's submission shall be delivered to the following email address, P3Office@azdot.gov, no later than 2:00 p.m. Mountain Standard Time (MST) on July 28, 2023.

Your "Firm/Consortium Name" and "P3-24-01RFI" must be clearly indicated on the email subject line and on the submission cover letter.

Any questions concerning this RFI should be directed to the ADOT P3 Office. Email questions to P3Office@azdot.gov. Interpretation of this RFI or additional information will only be given by written amendment to this RFI from the email address listed above.

E. One-on-one Meetings

This RFI is intended, in part, to provide an opportunity to receive industry feedback through written responses and confidential one-on-one meetings with industry participants.

Respondents are encouraged to request a one-on-one meeting to discuss their responses and provide further input to ADOT. Respondents wishing to meet with ADOT must submit a response. Respondents must submit a request by 2:00 p.m. MST July 20, 2023, to P3Office@azdot.gov; please include multiple preferred meeting times within the schedule blocks listed below. The duration of the meetings will be determined by ADOT and based on the number of requests received. The meetings will be virtual/video conferences. ADOT intends to conduct as many one-on-one meetings as possible, time permitting. However, ADOT does not guarantee a one-on-one meeting and will determine with whom to meet at its discretion. Respondents will be notified of acceptance of a one-on-one meeting by July 31, 2023.

The schedule for the one-on-one meetings is shown in the table below.

| Activity | Date, Time | Location |
|--------------------------|-------------------------|----------|
| One-on-one Meeting Day 1 | August 8, 8am-4pm (MST) | Virtual |
| One-on-one Meeting Day 2 | August 9, 8am-4pm (MST) | Virtual |

F. Project Overview

In the [State of Arizona Electric Vehicle Infrastructure Deployment Plan](#) ("Plan"), ADOT identified six goals for an interconnected electric vehicle supply equipment ("EVSE") network:

- Reduce range anxiety by closing gaps in the EVSE network along Arizona's alternative fuel corridors ("AFCs").
- Support the development of an EVSE network that is resilient, equitable, accessible, and reliable.
- Engage stakeholders and the public in the planning, development, and installation of EVSE.
- Identify potential new AFC locations during the outreach process.
- Utilize efficient contracting and procurement mechanisms to:
 - Maximize the amount of infrastructure that can be built.

- Consider future needs.
- Reduce current risk(s) to support the EVSE network’s long-term viability.
- Use data and performance metrics to evaluate charger installation and operations to inform the development of program improvements.

G. Scope of Work

Over the next five years, the state is set to receive \$76.5 million in federal dollars through the NEVI Formula Program to establish publicly accessible EV charging stations along Arizona’s designated AFCs, which are currently the interstate highways.

ADOT intends to issue competitive contract(s) to private entities to either upgrade existing stations or to acquire, install, operate, and maintain new stations identified in the Plan. The map on the following page, depicting Figure 18 from the Plan, identifies 8 potential “upgrade” sites and 13 potential “new” sites. All sites would need to be within one mile (via vehicle) from the off-ramp of the AFC. The Developer will be required to obtain agreements with the site hosts that allows public access at all times through the term of the agreement.

ADOT is in the process of evaluating options related to bundling multiple sites. One concept contemplated in the Plan is to procure a single Developer to implement all 21 sites. Therefore, the Developer must provide the required EVSE infrastructure at all identified sites, but could do so through the provision of all new sites, or a combination of upgrades and new sites.

Additional information on ADOT’s EV Program can be found here: [Arizona Electric Vehicle Program | Department of Transportation \(azdot.gov\)](https://www.azdot.gov/Arizona-Electric-Vehicle-Program)

H. Project Schedule

The following is a preliminary schedule if a P3 procurement is pursued.

| Milestone | Anticipated timeline |
|-----------------------------------|--|
| RFI and one-on-one meetings | 3rd quarter of 2023 |
| Update to NEVI Plan | 3rd quarter of 2023 |
| Public Hearing for P3 Procurement | 4th quarter of 2023 |
| Release RFP | 4th quarter of 2023 |
| Responses due | 1st quarter of 2024 (anticipate 90-day response period) |
| Selection of Preferred Proposer | 1st quarter of 2024 |
| Commercial/Financial Close | 2nd quarter of 2024 |



I. Anticipated Project Procurement Process

Should ADOT decide to proceed with procurement for the Project, ADOT intends to conduct a single-step procurement in which the teams are qualified and selected via a single RFP.

The RFP will be issued to all proposers and will include a term sheet for the project agreement. In addition, as part of the final RFP process, ADOT will issue any changes to RFP documents by formal amendment to all proposers.

The proposers will be required to make management, technical, and financial submissions that are compliant with and demonstrate full acceptance of project agreement terms.

ADOT expects to use a “best value” evaluation approach as well as other selection criteria to award the contract to the selected proposer. Best value evaluation factors and weightings remain to be determined but potentially will be based on such criteria as prior experience, technical competency, technical approach, strength of management team, price, risk analysis, and/or schedule for Project delivery and completion. There will not be a stipend associated with this procurement.

J. Legal Authority

The procurement process will be implemented in accordance with ADOT's policies and procedures and in compliance with applicable state and federal laws and regulations. ADOT may procure and deliver the Project under its authority to engage in P3s, as set forth in Arizona Revised Statutes ("A.R.S.") §§ 28-7701 – 28-7011 (the "P3 Law").

2. Conditions for the Submission of Information

A. Changes to this RFI

At any time in its sole discretion, ADOT may, by written amendment to this RFI, modify, amend, cancel, and/or reissue this RFI. If an amendment is issued before the submittal deadline, it will be made available on the following website [Arizona Electric Vehicle Program | Department of Transportation \(azdot.gov\)](https://www.azdot.gov/Arizona-Electric-Vehicle-Program).

B. Information Preparation Costs

ADOT shall not be liable for any costs incurred by any Respondent in the preparation, submission, presentation, or revision of its information and response, or in any other aspect of the Respondent's pre-information submission activity. All such costs shall be borne solely by the Respondent. In no event shall ADOT be bound by, or liable for, any obligations with respect to the Project until such time (if at all) as ADOT authorizes and executes a written agreement, and then only to the extent set forth in such agreement.

C. Clarification of Responses

ADOT reserves the option, at its sole discretion, to contact a Respondent to seek clarification regarding information contained in its response, but shall have no obligation to do so. The decision to contact and request clarification from a Respondent rests solely with ADOT. In submitting its response, a Respondent should not assume that it will be provided with an opportunity to subsequently clarify or otherwise discuss any feature thereof.

D. Disclosure of Information Contents

Although ADOT does not intend to publicly release responses, all materials and information submitted in response to this RFI, and any materials delivered to ADOT during one-on-one meetings, are subject to the Arizona Public Records Law, A.R.S. Title 39, and any other laws, regulations, and case decisions applicable to the disclosure of materials and information submitted under this RFI (collectively, the "Public Records Laws").

Respondents are also advised that the Public Records Laws may exempt certain portions of the responses, such as certain trade secrets and commercial and financial information, from public disclosure and permit confidential treatment by ADOT. If a Respondent has special concerns about the confidentiality of materials and information that it desires to make available to ADOT, but which the Respondent believes is exempted from disclosure under the Public Records Laws, such Respondent shall specifically and conspicuously designate that material and information in writing and by placing "CONFIDENTIAL" in the header or footer of each such page affected, together with a concise written explanation as to why the information is exempt from disclosure. No oral designations of any kind will be accepted. Blanket written designations that do not identify the specific materials and information are not acceptable and may be cause for ADOT to treat the entire response as public information.

ADOT may disclose the contents of all responses to this RFI, except to the extent that a portion of the response may be exempt from disclosure in accordance with applicable Public Records Laws and the

instructions provided above. By delivering a response, as well as by registering and participating in a one-on-one meeting with ADOT, each Respondent consents to such disclosure and expressly waives any right to contest such disclosure unless exempt under applicable provisions of the Public Records Laws.

ADOT will not advise a Respondent or other party as to the nature or content of documents entitled to protection from disclosure under the Public Records Laws, interpretation of such laws, or definition of trade secret or other proprietary information. Nothing contained in this provision shall modify or amend requirements and obligations imposed by the Public Records Laws. The provisions of the Public Records Laws shall control in the event of a conflict between the procedures described above and the Public Records Laws.

In the event of any litigation or other proceeding concerning the disclosure of a Respondent's materials or information or portion thereof submitted to ADOT, the Respondent shall be responsible for prosecuting or defending such action at its sole expense and risk; provided, however, that ADOT reserves the right, in its sole discretion, to intervene or participate in the litigation or other proceeding in such manner as it deems necessary or desirable. All costs and fees (including attorneys' fees and costs) incurred by ADOT in connection with any litigation, other proceeding, or request for disclosure shall be reimbursed and paid by the Respondent whose response is the subject thereof.

In no event shall the State of Arizona, ADOT, or any of their respective agents, representatives, consultants, directors, officers, or employees be professionally or personally liable to a Respondent, a Respondent team member, or any other party for the disclosure of any materials or information submitted in response to this RFI or at the one-on-one meetings, including materials marked "CONFIDENTIAL," whether the disclosure is deemed required by Public Records Laws or by an order of court or occurs through inadvertence, mistake, or negligence.

E. Ownership of Submitted Materials

All materials and information submitted in response to or in connection with this RFI shall become the ADOT property and will not be returned to the submitting parties. ADOT shall have the right to use such materials and information and ideas set forth therein without restriction.

F. Rights of ADOT

ADOT reserves to itself all rights available to it under applicable law, including, but not limited to, the absolute right, at any time and in its sole discretion, to change or modify this RFI, to reject any and all information, to seek clarification of information, to request additional information, and to undertake communications with one or more Respondents or others who, at any time subsequent to the deadline for submissions to this RFI, may express an interest in the subject matter hereof.

No Respondent or any other person or entity shall have any rights against ADOT arising from the contents of this RFI, receipt of information, or incorporation in or rejection of information contained in any response or in any other document. ADOT makes no representations, warranties, or guarantees that the information contained herein or on the project website, or in any amendment hereto or thereto, is accurate, complete, or timely or that such information accurately represents the conditions that would be encountered during the performance of any subsequent contract issued from a separate procurement. The furnishing of such information by ADOT shall not create or be deemed to create any obligation or liability upon it for any reason whatsoever; and each Respondent, by submitting its information, expressly agrees that it has not relied upon the foregoing information, and that it shall not hold ADOT liable or responsible therefore in any manner whatsoever.

G. Organizational Conflicts of Interest

Respondents are advised that the following entities and individuals are precluded from submitting a response to this RFI and participating on a Respondent's team in the event of a future solicitation, unless otherwise authorized by ADOT:

- Any consultant firm that has been contracted by ADOT to provide expert professional services in connection with the ADOT Office of P3 Initiatives, P3 Project delivery approach, or P3 Project procurement, including, but not limited to:
 - Nossaman LLP
 - Mayer Brown LLP
 - HDR, Inc.
 - KPMG LLC
 - CDM Smith Inc.
 - Sperry Capital Inc.
 - Kenneth A. Smith Consulting LLC
 - AECOM
- Any entity that is a parent, affiliate, or subsidiary of any of the foregoing entities, or that is under common ownership, control, or management with any of the foregoing entities; and
- Any employee or former employee of any of the foregoing entities who was involved with the P3 Project delivery approach or P3 Project procurement while serving as an employee of such entity.

3. Information Requested

A. General Information and Experience

- I. Please briefly provide the following descriptive information for the Respondent and its team members (if any). The purpose of this question is to aid ADOT in understanding the identity and business of the Respondent and its team members.
 - i. Name of Respondent, team members, and anticipated roles and responsibilities related to the Project.
 - ii. Describe each member's involvement and experience with EVSE and direct current fast charging ("DCFC") infrastructure.
 - iii. Provide details on where each organization has designed, installed, and/or currently operates and/or hosts DCFC stations in Arizona or across the US.
 - iv. Provide details on experience delivering projects compliant to FHWA requirements under Title 23 of the United States Code.

B. Procurement Strategy

- Q1. One approach being considered is to select a single Developer to install EVSE at all 21 NEVI sites. What specific challenges or opportunities does this structure create? Does this affect the potential partnerships you are considering? Does this make you more likely or less likely to respond to the RFP? If you prefer smaller bundles, what parameters or conditions would you recommend for developing the bundles (geography- or corridor-based, balanced return on investment, etc.)?
- Q2. ADOT's goal is to maximize private sector funding as the minimum 20% match required by the Federal Highway Administration ("FHWA") for use of NEVI funding and reduce the amount needed for a federal subsidy. What are key aspects of the procurement and project approach that would help ADOT meet this goal?
- Q3. Are there specific locations within the gaps along the AFCs where the economic viability of operating a NEVI-compliant site may be challenging even with a federal subsidy? What

incentives could most effectively induce installation, operations, and maintenance of charging infrastructure at those locations?

- Q4. ADOT plans to provide 90 days to prepare a response to the RFP. Is that adequate time, too much time, or just right? What elements (forms, reference documents, data, etc.) could ADOT include in the RFP that would assist Respondents in preparing their response to the RFP?

C. EV Infrastructure Implementation

- Q5. Please provide a high-level schedule or timeline for your full development process, including market research, land use requirements, site host agreements, and business development activities used to determine EVSE site locations, as well as the process for designing and implementing EVSE stations. How could ADOT assist with achieving and/or accelerating your process? (*Note: In the Plan, ADOT identified possible areas/interchanges for locating EVSE stations to meet federal requirements; however, specific sites were not identified.*)
- Q6. By what date would you need to have a signed contract from ADOT to be confident you could begin installation of the EVSE by October 1, 2024, consistent with the deadline included in the Buy America requirements to be eligible for a waiver. Please provide any additional thoughts, concerns, or solutions for complying with the Buy America requirements for NEVI-funded EVSE implementation, including utility upgrades.

D. Site Considerations

- Q7. What functional site design elements (beyond those required by the NEVI rules) should ADOT consider in developing its minimum technical requirements and evaluation criteria for sites? Examples include spacing of chargers, pull-through capacity, overhead canopies, and allowances for future expansion (charging ports, charging speeds, etc.). Which design elements should be mandatory for each NEVI site versus optional amenities that potentially earn extra consideration in evaluating proposals? Do you have any concerns if ADOT were to require both North American Charging Standard (“NACS”) and Combined Charging Standard (“CCS”) connectors?
- Q8. What amenity elements should ADOT consider most important in developing its minimum technical requirements and evaluation criteria for NEVI sites (restrooms, wi-fi access, proximity to restaurants and retail, etc.)? Which amenities should be mandatory for each site and available 24 hours per day/7 days per week versus optional amenities that could potentially earn extra consideration in evaluating proposals?
- Q9. What metrics would you use to determine the readiness of a site (proximity and sufficiency of electrical power, no anticipated environmental concerns, etc.)?

E. Operations and Maintenance

- Q10. Provide an overview of your organization’s approach to O&M, including the utilization of both remote monitoring and on-site preventative and failure maintenance activities. What concerns do you have regarding meeting the basic maintenance requirements for the program (finding qualified technicians, availability of parts, appropriate response times, use of public hot-line, etc.)?
- Q11. ADOT is considering instituting a noncompliance regime during the O&M phase to incentivize performance. What is your experience with these types of systems? What are

key metrics that ADOT should use to measure maintenance performance? What are reasonable response times for key maintenance risks?

- Q12. Please describe measures your organization uses to ensure end-users of EVSE infrastructure have access to high-performing and reliable charging infrastructure even during power outages and other emergency situations.
- Q13. What are your current or planned fee structures (time-based, energy-based, power-based, etc.) and what payment mechanism do you accept? Please explain any issues you have encountered or identified.
- Q14. Do you have any concerns with meeting the cybersecurity requirements in the [State of Arizona Electric Vehicle Infrastructure Deployment Plan](#) (see page 100 and Appendix E)? Do you have any comments or concerns regarding the use of the [Joint Office of Energy and Transportation's EV Charging Analysis and Reporting Tool](#) ("EV-ChART") for reporting?

F. Partnerships and Business Models

- Q15. What is the desired utility coordination relationship between ADOT, the utility owners, and a Respondent?
- Q16. Describe what makes a successful business model and partnership, including with site hosts (land owners). Also, please describe threats that can lead to a business and partnership's failure. These can be examples from current and/or previous partnerships.
- Q17. Please provide your organization's viewpoints on contracting methods for EVSE infrastructure, including leasing and/or revenue sharing agreements. Have you implemented any cost/revenue sharing models for the operation of EVSE? If yes, please share what you can about the terms of those partnerships.

G. Commercial Terms

- Q18. What suggestions would you have for ADOT to encourage workforce development, public engagement, and Justice40 benefits through EVSE installation, operations, and maintenance along with encouraging Disadvantaged Business Enterprise ("DBE") participation, especially in rural areas?
- Q19. What consumer safety and security elements should ADOT consider in developing its NEVI-required physical security strategy and incorporating it into any procurement?
- Q20. What performance standards (in addition to the required 97% uptime) would you expect to see in any agreement with ADOT?
- Q21. Regarding the duration of any agreement in place with ADOT, what commercial terms would you expect to be linked to the end of the agreement? How can ADOT encourage continued operations of all sites beyond the 5-year period?
- Q22. What payment structure would provide the right balance of incentivizing early completion of the Work against the financing costs of the Developer? What is a fair hold-back amount? Would milestone payments be beneficial or make the project more attractive? Is there potential for increasing the private match above 20% at certain sites?