

NEVI DESIGN-BUILD REQUEST FOR QUALIFICATIONS

IDAHO TRANSPORTATION DEPARTMENT

National Electric Vehicle Infrastructure (NEVI) Program

Lewiston Service Area - Key Number 24765

Bliss Service Area - Key Number 24766

Pocatello Service Area - Key Number 24767

STATEMENT OF QUALIFICATIONS INSTRUCTIONS

December 30, 2024

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RFQ.1 INTRODUCTION AND GENERAL INFORMATION

This Request for Qualifications (RFQ) is issued by the Idaho Transportation Department (Department) to seek Statements of Qualifications (SOQ) for the National Electric Vehicle Infrastructure Program (NEVI Program or Program). SOQs will be accepted only from Applicants that have assembled a team capable of providing all services and improvements required by the Project.

RFQ.1.1 ABBREVIATIONS AND DEFINITIONS

The following abbreviations and capitalized terms used in this RFQ have the meanings indicated below.

RFQ.1.1.1 ABBREVIATIONS

AFC	Alternative Fuel Corridor
CFR	Code of Federal Regulations
DCFC	Direct-current fast charging
DB	Design-Build
DEQ	Idaho Department of Environmental Quality
EEO	Equal Employment Opportunity
EVITP	Electric Vehicle Infrastructure Training Program
EVSE	Electric Vehicle Supply Equipment
FHWA	Federal Highway Administration
IAWG	Interagency Working Group
IIJA	Infrastructure Investment and Jobs Act
ITD	Idaho Transportation Department
NACS	North American Charging Standard
NEPA	National Environmental Policy Act
NEVI	National Electric Vehicle Infrastructure
OEMR	Idaho Governor's Office of Energy and Mineral Resources
O&M	Operations and Maintenance
QA	Quality Assurance
QC	Quality Control
RFA	Request for Applications
RFQ	Request for Qualifications
SFAS	Siting, Feasibility, and Access Study
SOQ	Statement of Qualifications
USC	United States Code

RFQ.1.1.2 DEFINITIONS

“Addenda/Addendum” means written instruction issued by the Department adding, deleting, or making material changes in provisions of the Request for Qualifications (RFQ) or previously issued addenda.

“Alternative Fuel Corridor (AFC)” means a federally-designated route prioritized for alternative fuel deployment.

“Applicable Standards” mean the mandatory state and federal codes of practice, manuals or other publications at the time of contract award.

“Applicant” means a local jurisdiction, Tribe, sole proprietorship, partnership, limited liability partnership, joint venture, corporation, any type of limited liability company, professional corporation, legal entity, and/or authorized representative of the company who has signed and is submitting the SOQ in response to this RFQ or technical and price application in response to a RFA and who will be responsible if subsequently selected to ensure the proper performance of the Contract.

“Application” means the Applicant’s comprehensive technical and pricing submittal in response to the RFA.

“Associate” means an individual who is a professional or managerial employee, executive, director, Key Personnel, contractor, or any immediate family member of a Major Participant.

“Award” means the Department’s acceptance of an Applicant’s Application and a fully executed Contract for each Site.

“Best Value” means a solicitation and selection process that considers the Applicant’s responses to the evaluation criteria described in the RFQ and RFA which generally include their qualifications, technical approach and price.

“Contract” means the written agreement between the Department and the Applicant/NEVI Developer setting forth the obligations of the parties with respect to the Project, including the performance of the Work, the furnishing of labor and materials, and the basis of payment. The Contract will include the contract documents and any amendments and change orders that are required to complete the design and construction of the Work in an acceptable manner.

“Contract Documents” means the form of contract, specifications, general provisions, special provisions, technical provisions, some or all the Applicant’s Application, any addenda, and all provisions required by law to be inserted in the Contract, whether actually inserted or not.

“Cost Share” means the portion of Project costs not paid by Federal funds or contributions (unless authorized by Federal statute). This term includes *matching*, which refers to required levels of cost share that must be provided. See 2 CFR § 200.306. (Taken from 2 CFR § 200.1).

“Department” means the Idaho Transportation Department.

“Department’s Engineer (Engineer)” means the Division Administrator of the Department acting directly or through the Resident Engineer.

“Design-Build (DB)” means a project delivery methodology by which ITD contracts with a single firm that has responsibility for the design, construction, operation, maintenance, and reporting of a Project under a single contract with ITD.

“Disadvantaged Business Enterprise (DBE)” means a for-profit small business concern as defined in 49 CFR Part 26.

“Electric Vehicle Supply Equipment (EVSE)” mean a device with one or more charging ports and connectors for charging electric vehicles.

“Final Acceptance” means written confirmation by the Department that the Project has been completed in accordance with the Contract, with the exception of latent defects and warranty obligations, if any, and has been accepted.

“Interagency Working Group (IAWG)” means the body who administers the Idaho NEVI Program. Agency members are the Idaho Governor’s Office of Energy and Mineral Resources, the Idaho Transportation Department, and the Idaho Department of Environmental Quality.

“Key Personnel” means key management positions filled by individuals with demonstrated experience and expertise on projects of a similar size, type of work, and complexity.

“Major Participant” means any of the following team members included in the SOQ or Application:

1. Applicant;
2. EVSE Supplier;
3. Property Owner;
4. Designer;
5. Utility Company;
6. Any other entity contributing to a significant aspect of the Project.

“National Electric Vehicle Infrastructure (NEVI) Program” provides federal funding to states to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection, access and reliability.

“National Environmental Policy Act (NEPA)” establishes procedural requirements to ensure that Federal agencies consider the consequences of their proposed actions on the human environment. 40 CFR § 1500-1508. FHWA’s NEPA regulations are found at 23 CFR § 771.

“NEVI Developer” means the Applicant selected through the Best-Value solicitation process to install, operate, and maintain NEVI-compliant DCFC EVSE through a Design-Build Contract with the Department. Upon conditional award, the selected Applicant will be referred to as the NEVI Developer.

“Oversight” means all actions by IAWG necessary to provide confidence that all material is incorporated in the Work, the Work complies with the Contract, and all equipment and all elements of the Work will perform satisfactorily for the purpose intended.

“Program” refers to the Idaho NEVI Program.

“Project” means the design, building, operation and maintenance of a turnkey electric vehicle charging station for the Site, meeting all applicable requirements of the NEVI Formula Program, the RFQ/RFA, and the Contract Documents.

“Public Price Opening” means the public opening and reading of price applications.

“Quality Assurance (QA)” means all activities associated with the process of validating the NEVI Developer’s work product and determining compliance with the Contract. Quality assurance includes process and procedure reviews; inspection, sampling and testing compliance reviews; acceptance or rejection of design or construction products provided by the NEVI Developer; and documentation of all QA activities.

“Quality Control (QC)” means all activities performed by the NEVI Developer, its subconsultants, subcontractors, suppliers, or manufacturers to ensure that a product meets Contract requirements. Quality control includes design reviews and checks; inspection of material handling and construction; calibration and maintenance of sampling and testing equipment; document control; production process control; any inspection, sampling, and testing done for these purposes; and documentation of QC efforts.

“Reference Documents” means the documents provided with and so designated in the RFQ. The reference documents are provided to the Applicant for informational purposes and may be subject to change.

“Reporting” means, but is not limited to, disclosing Project-specific performance information required in all applicable Contract provisions and federal and state regulations.

“Request for Applications (RFA)” means a document used to solicit Applications from Applicants to design, construct, operate, and maintain a Project. The RFA includes the instructions for the technical and price components and contract documents. The RFA is issued only to Applicants who are on the short-lists for the Project.

“Request for Qualifications (RFQ)” means a Department-issued document that is the first step of a two-step selection process. The RFQ describes the Project in enough detail to let potential Applicants determine if they wish to apply. The RFQ forms the basis for developing a short-list of the most qualified Applicants for each Service Area who will be invited to respond to the RFA.

“Round 1” means the first funding opportunity in the Idaho NEVI Program to include Sites in the Service Areas of Pocatello, Bliss, and Lewiston, Idaho.

“Service Area” means the general geographic location identified in the SFAS that meets the NEVI requirements for 50-mile spacing and no more than 1-mile from the AFC exit.

“Short-List” means the list of Applicants that have submitted SOQs that the Department determines, through evaluation of the SOQs, are the most highly qualified and will be invited to submit technical and price applications in response to an RFA.

“Site” means an Applicant-identified property along an AFC where Applicant proposes to install and maintain NEVI-compliant EVSE.

“Siting, Feasibility, and Access Study” means IAWG’s study released in July 2024 that details the strategic Idaho locations for EVSE deployment, the methodology of how those sites were selected, and other EVSE considerations for NEVI Developers and interested stakeholders.

“Specifications” means either the Idaho Transportation Department’s Standard Specifications or Idaho Standards for Public Works Construction, which will be defined in the RFA.

“State” means the State of Idaho as represented in this Program by any or all members of IAWG.

“Statement of Qualifications (SOQ)” means the information prepared and submitted by an Applicant in response to an RFQ.

“Surety” means the corporation, firm, partnership, or individual supplying the contract bonds provided by the Applicant. The surety may also provide the application guaranty.

“Work” means the Applicant’s furnishing of all labor, material, equipment, and other incidentals necessary or convenient to the successful completion of the Project and the Applicant carrying out of all the duties and obligations imposed by the Contract.

RFQ.1.2 PROGRAM & PROJECT INFORMATION

RFQ.1.2.1 PROGRAM STATUS

As part of the IJJA, the nationwide NEVI Program intends to make significant investments in Electric Vehicle Supply Equipment (EVSE) that will put the United States on a path to a nationwide network of 500,000 EV chargers by 2030 and ensure a convenient, reliable, affordable, and equitable charging experience for all users. NEVI is administered by FHWA as part of the Highway Infrastructure Program.

The State will receive approximately \$30 million Federal funds from FY 2023 through FY 2026 to create an EV charging network across the State of Idaho. IAWG is the body who administers the NEVI Program. IAWG’s multi-year vision is to effectively deploy universal and publicly available EVSE along Idaho’s Alternative Fuel Corridors (AFC) at intervals that provide drivers the long-term confidence to travel throughout Idaho while meeting community and economic needs. IAWG’s Program goals can be found in the 2022 NEVI Baseline Plan at EIdaho.org.

The Program’s status is summarized as follows.

In September 2022, IAWG 2022 Electric Vehicle Infrastructure Baseline Plan was approved. This plan described IAWG’s initial goals, public involvement results, and approach to evaluating potential Sites through a Siting, Feasibility, and Access Study (SFAS).

In September 2023, IAWG 2023 Baseline Plan Update was approved. This update described public involvement findings over the fiscal year and the methodology utilized in the SFAS.

On July 15, 2024, IAWG released the SFAS. The SFAS describes the selection methodology and strategic locations where IAWG intends to fund NEVI stations.

On September 1, 2024, IAWG submitted its latest Baseline Plan update. This update described public involvement survey results and other efforts conducted over the fiscal year. The update also discusses IAWG’s solicitation plan for over the coming fiscal year.

IAWG has identified three (3) potential Service Areas for development, referred to as Round 1 Service Areas. After the Round 1 Projects are underway or complete, IAWG anticipates soliciting for additional rounds for EVSE deployment over a multi-year period.

IAWG plans to develop the Program in three rounds:

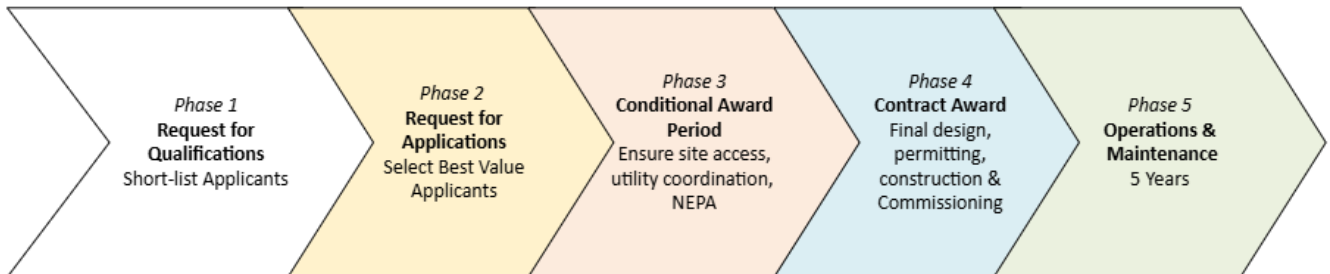
- Round 1: Pocatello, Bliss, and Lewiston
- Round 2: Interstate Highway System (I-15, I-84, I-86, and I-90)
- Round 3: US-95/SH-55 Corridor

All rounds will be determined by funding availability and Program needs.

RFQ.1.2.2 PROGRAM PROCESS

Generally, each round of the Program is anticipated to progress through five phases. The first phase is the RFQ to short-list qualified Applicants for Service Areas in that round. The second phase is the RFA, where short-listed Applicants will be invited to submit technical and price applications. After IAWG evaluates Applications as described in Section RFQ.4 below, IAWG will select one Applicant for each Service Area in this round. That selected Applicant will become the NEVI Developer and move to the third phase, the conditional award period. Here, at a minimum, the NEVI Developer will be required to ensure Site access, utility service, and NEPA compliance. Once those tasks are complete, the fourth phase begins. The NEVI Developer will sign the Contract and begin the design and permitting and, once approved, the construction and commissioning. Once the station is complete and commissioned, the NEVI Developer moves into the fifth and final phase and will be required to operate, maintain, and report on the charging station for a minimum of five years, to comply with Contract requirements and state and federal regulations.

Note that the future rounds of the Program will have a separate RFQ, and each RFQ will only qualify the applicant for that round of sites. Applicants selected in this round will not be precluded from submitting in future rounds.



RFQ.1.2.3 GENERAL PROJECT DESCRIPTION

Generally, the Work will consist of the following:

**Idaho National Electric Vehicle Infrastructure Program
Project Numbers 24765, 24766, 24767**

Construct or upgrade existing DCFC EV charging stations in Lewiston, Bliss and Pocatello that conform to the minimum standards of 23 CFR § 680 and other applicable federal, state, and local requirements. Applicants must operate and maintain stations for at least five (5) years following station commissioning. Applicants should consider upgrading existing EVSE infrastructure to compliance with the NEVI minimum standards at 23 CFR § 680. All Sites shall be DCFC with a minimum of four ports with a minimum power of 150 kW per port.

Each Site must be located within a one-mile travel distance from an Interstate Highway System exit or highway intersection on an AFC listed in Table 1, as indicated in the highlighted portions of Figures 1, 2, and 3 and shown in more detail at this link <https://tinyurl.com/h83c6c2v>.

The approximate cost of each Project is \$1,000,000. Actual costs will be provided by the Applicant in response to the RFA. NEVI Developers will be required to provide at least 20% of eligible costs. The Program will provide up to 80% eligible costs. Applicants will provide a separate price proposal in the RFA process. The technical score and price proposal will be considered together to determine the best value Applicant.

The desired operational date timeline of each Project is within 12 months of the Contract Award. Selected Applicants will provide a project schedule with their Applications in response to the RFA.

TABLE 1: ROUND 1 SERVICE AREAS

Service Area	AFCs
Lewiston	US-95 and US-12
Bliss	I-84
Pocatello	I-15 and I-86
ArcGIS link to Service Area maps: https://tinyurl.com/h83c6c2v	

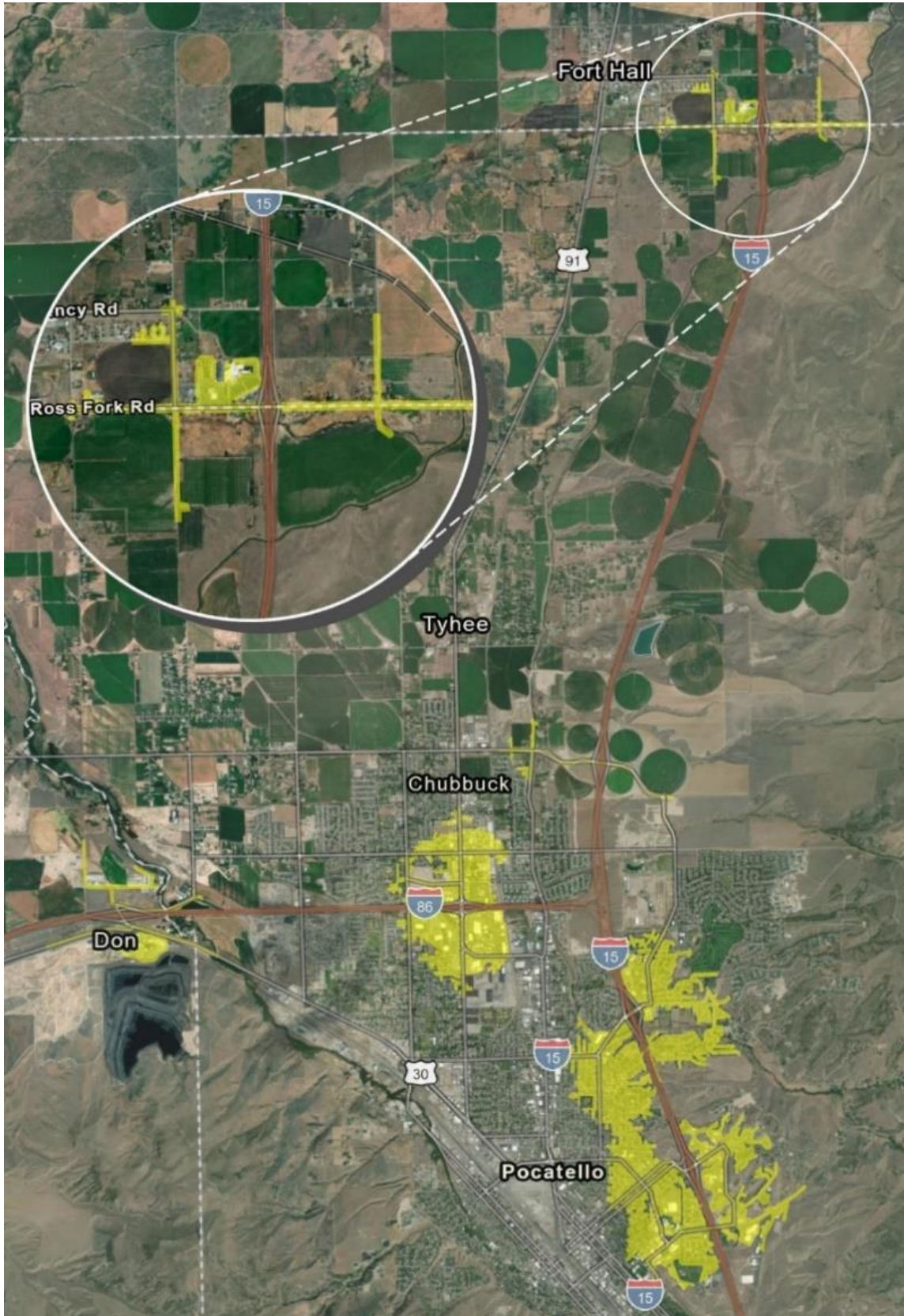
Figure 1: Lewiston One-mile Service Area



Figure 2: Bliss One-mile Service Area



Figure 3: Pocatello One-mile Service Area



RFQ.1.3 ELIGIBLE PROJECTS

Eligible projects are defined in the *NEVI Formula Program Guidance*, June 2024, as follows:

NEVI Program funds, including the 20% NEVI Developer match, are restricted to projects and costs that are directly related to EV charging infrastructure that is open to the public. Eligible costs must not be incurred prior to Contract execution. In general, NEVI Program funds may be used for the following items. This information is provided as an example only and is not an exhaustive list.

- New charging stations
- Upgrades to existing charging stations
- On-site distributed energy resources (DERs). (Energy storage, such as on-site batteries, would be considered directly related, and therefore would be eligible.)
- On-site electric service equipment
- Permanently attached connectors and/or connector adapters
- Traffic control devices and signage
- Operating assistance for costs allocable to operating and maintaining EV infrastructure acquired or installed under this Program, for a period not to exceed five years.

The 20% match provided by the NEVI Developer must also be restricted to projects and costs that are directly related to EV charging infrastructure that is open to the public. Examples of ineligible costs include but are not limited to the following:

- Purchase or rent of real estate
- Landscaping or other botanical improvements
- Any permit requirements not directly related to EV charging infrastructure
- Used, refurbished, or remanufactured equipment
- Any final design or construction costs incurred prior to NEPA approval
- Construction or general maintenance of building and parking facilities if not directly related to a charging station installation or upgrade
- Bad debts, late payments, finance charges or contingency funds, interest, and investment
- Lobbying, lobbyists, and political contributions

Applicants should review the [NEVI Formula Program Guidance](#) and [NEVI Formula Program Questions and Answers](#) for detailed responses to questions about project eligibility.

RFQ 1.4 SOQ/APPLICATION STIPEND

A stipend will not be provided for SOQ or Application preparation.

RFQ.1.5 CONTRACT INFORMATION AND REQUIREMENTS

The Department's intent is to enter into a lump-sum design-build Contract for each Project.

NEVI Developers shall comply with all applicable Federal, State, and local laws, rules, regulations including but not limited to the following:

- [2 CFR § 200](#) (Uniform Administrative Requirements, Cost Principles, and Audit Requirements)
- [23 USC § 313](#) (Buy America)
- [41 USC § 83](#) (Build America, Buy America)
- [23 USC § 109\(s\)](#) (Highway Project EV Charging Station Standards)
- [23 USC § 113](#) (Prevailing Wage Requirements)
- [23 CFR § 1](#) (FHWA Right-of-Way)
- [23 CFR § 710](#) (FHWA Right-of-Way and Environment)
- [23 CFR § 771](#) (FHWA Environmental Impact and Related Procedures)

- [23 CFR § 680](#) (NEVI Program Minimum standards)
- [Idaho Code § 40-904](#) (Contracts – Design Build)
- [Title 54, Chapter 12, Idaho Code](#) (Engineers and Surveyors – Professions, Vocations, and Businesses)
- [Title 54, Chapter 19, Idaho Code](#) (Public Works Contractors – Professions, Vocations, and Businesses)
- [Idaho Code § 18-8701, et seq.](#) (No Public Funds for Abortion Act)

The State requires FHWA Form 1273 is completed and included with the Contract. NEVI Developers are encouraged to reference the NEVI Formula Program Questions and Answers.

RFQ.1.5.1 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

FHWA guidance indicates the DBE Program (49 CFR § 26) does not apply to NEVI Formula funds. However, this does not preclude minority-owned, women-owned, or disadvantaged business enterprises from participating in the NEVI Program.

RFQ.1.5.2 EQUAL EMPLOYMENT OPPORTUNITY

In connection with this Program, Applicants will not discriminate against any employee or person for employment because of race, color, religion, sex, national origin, age, marital status, or being physically challenged. Applicants must take affirmative action to ensure that all applicants are treated during employment without regard to their race, color, religion, sex, national origin, age, marital status, or being physically challenged. Such action includes layoff or termination; rates of pay or other forms of compensation; employment; job assignment; upgrading; demotion; transfer; recruitment/recruitment advertising; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.

RFQ.1.5.3 INCOME

The NEVI Program requires that use of income derived from the real property shall be used for Title 23 USC eligible projects. The use of income derived from the operation of the EV charging facility shall be used for debt services, a reasonable return on investment for private financing, improvement or maintenance of the EV charging station, or other Title 23 USC purposes. See 23 CFR § 680.106(m) and section IV(B) of the *NEVI Formula Program Guidance* for more information.

RFQ.1.5.4 DAVIS-BACON ACT REQUIREMENTS

23 USC § 113 applies and Davis Bacon Federal wage requirements included at subchapter IV of chapter 31 of Title 40, USC, must be paid for any Project funded with Program funds. This requires that the Department of Labor (DOL) wage rate report, USDOL Certified Payroll Worksheet and Request for Authorization of Additional Classification and Rate (SF1444) are to be submitted when a contractor or subcontractor's work classification is not in the USDOL wage determination along with agreements that are affected by the Davis-Bacon Act requirement. If applicable, all positions that are related to an agreement subject to the Davis-Bacon Act must be classified accordingly. Detailed information about the Davis-Bacon Act can be found at the [U.S. Department of Labor's Federal Contracts-Working Conditions website](#).

RFQ.1.5.5 AMERICANS WITH DISABILITIES ACT

All work shall comply with the American with Disabilities Act of 1990 (ADA) and implementing regulations. The ADA applies to EV charging stations by prohibiting discrimination on the basis of disability by public and private entities. Applicants are highly encouraged to review the US Access Board's [Design Recommendations for Accessible Electric Vehicle Charging Stations](#) before submitting an SOQ.

On September 3, 2024, the US Access Board published a notice of proposed rulemaking to address the accessibility of EV charging stations. ([89 FR § 71215](#)). If this rule is adopted, the Department intends to modify Program guidelines accordingly. Applicants are advised to monitor this rulemaking.

RFQ.1.5.6 CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act of 1964, and implementing regulations, apply to this Program to ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

RFQ.1.5.7 CIVIL RIGHTS ACT OF 1968

All applicable requirements of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), and implementing regulations, apply to this Program.

RFQ.1.5.8 UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION ACT

The Uniform Relocation Assistance and Real Property Acquisition Act, and implementing regulations, apply to this Program by establishing minimum standards for federally funded programs and projects that involve the acquisition of real property (real estate) or the displacement or relocation of persons from their homes, businesses, or farms.

RFQ.1.5.9 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

NEPA requires federal agencies (or state agencies that received federal dollars) to assess the environmental effects of their proposed actions on the natural and human environment prior to making decisions. Using the NEPA process, agencies evaluate the environmental and related social and economic effects of their proposed actions. Agencies also provide opportunities for public review and comment on those evaluations.

The Department will retain the exclusive direction and control of the NEPA documentation related to the Applicant's conceptual design for each Site. The Applicant may be requested to provide information about the Site in response to the RFA and shall participate in the NEPA evaluation during the conditional award period. However, the Applicant will not be responsible for preparing the NEPA document or have any decision-making responsibility with respect to the NEPA process based on the conceptual design for their Site.

The Applicant shall be responsible to ensure that all environmental and mitigation measures identified in the NEPA document are implemented. The cost for these measures will be negotiated during the conditional award period.

The Applicant shall not proceed with final design activities, physical construction of the Project, or portions thereof, or ground disturbing activities for which the NEPA process has not been completed. A completed and approved NEPA document is required before Contract Award.

RFQ.1.5.10 JUSTICE40

In accordance with Presidential Executive Orders 14008 and 14096, the Justice40 initiative aims to direct at least 40% of the benefits of federal grants, programs, and initiatives flow to disadvantaged communities. Applicants will be further evaluated on Justice40 in the RFA. Applicants are highly encouraged to research the [Climate and Economic Justice Screening Tool](#) (CEJST) when considering site selection, community impacts, and their projects overall.

RFQ.1.5.11 REFERENCE DOCUMENTS

Reference documents, hard copy, and/or electronic formats are included in the RFQ for the purpose of providing information to the Applicants that is in the Department's possession at the time of the RFQ. The Department has not determined whether the reference documents are accurate, complete, or pertinent, or of any value to the Applicants. The reference documents will not form a part of the

Contract between the Department and the NEVI Developer, except as may be provided otherwise in the Contract. The Department makes no representation or guarantee as to, and shall not be responsible for, the accuracy, completeness, or pertinence of the reference documents, and, in addition, shall not be responsible for any conclusions drawn therefrom.

RFQ.1.6 ROLES AND RESPONSIBILITIES

RFQ.1.6.1 ROLE OF THE IAWG

The Idaho NEVI Program is administered by IAWG. IAWG's members are from OEMR, DEQ, and the Department. Applicants should expect to work with members of these agencies across Project phases.

For the Project, IAWG is responsible for:

- A. Overall Program administration;
- B. Preparation of the RFQ and RFA, evaluation of SOQs and Applications, determination of the short-list and selection of the Applicant(s);
- C. Contract solicitation and administration;
- D. Obtaining the appropriate environmental clearances and permits except those specifically assigned to the Applicant (see RFQ.1.5.9);
- E. Review and comment, acceptance of the Work, and payment for the Work performed;
- F. Oversight and auditing of Applicant's design and construction; and
- G. Ensuring all reporting requirements are met.

As permitted by law and at IAWG's sole discretion, it may use its consultants in fulfilling these and other responsibilities.

RFQ.1.6.2 APPLICANT RESPONSIBILITIES

Only prospective Applicants that are capable of completing a Project in its entirety will be eligible for the Short-List.

If any mistake, error, or ambiguity in the RFQ is identified by the Applicant at any time during the solicitation process, the Applicant shall have a duty to notify the Department of the recommended correction in writing.

Environmental & Historic Preservation

The NEPA process must be completed for selected Site(s). The Department will perform the NEPA evaluation for the selected Site(s), however the Applicant must perform a prescreening process and include documentation in their Application in response to the RFA. The four primary disciplines of concern are hazardous materials; endangered, threatened, and candidate species; wetlands; and historic/cultural resources. The appropriate ITD Categorical Exclusion (CE) form (ITD-0649 or ITD-0654) will be used, and it is anticipated the CE type will be c23. Applicants must review the Draft NEPA Provisions document in Appendix B for further environmental and historic preservation information.

Site Property

Proof of property rights will be required during the RFA and shall be executed during the conditional award period. Site access must be continuously available to the public for the duration of the operations and maintenance period.

If the Applicant does not or will not own the Site on which the charging station will be installed, the Applicant is required to submit documentation signed by both the Applicant and the Site owner, establishing permission to install and operate the Program-funded equipment at the Site for no fewer than five (5) years. The terms and conditions of the agreement or contract between the Site host and the Applicant must not inhibit the Applicant's ability to meet any of the Program requirements.

The Applicant shall grant to the Department the right during the term of the Contract to enter upon the Site and all other properties upon which Project-related EVSE may from time to time be located, at any time and without notice to or consent or approval of Applicant, the Site host, or any other party. The Applicant's Site access may be obtained by deed of fee simple, easement, right of way, lease, license, property access agreement, or by any other means acceptable to the Department.

If a potential Site is located on Tribal land, the Applicant must demonstrate cooperation with the respective Tribal government.

Cost

The Applicant will provide their Project costs in the RFA process. The Applicant will commit to meeting a minimum 20% match of the eligible Project costs as required in the NEVI Guidance. See section RFQ 2.1 on the Best Value approach during the RFA.

Schedule

The Applicant will be required to submit a schedule during the RFA process. The Applicant shall have the site operational within 12 months of the Contract Award.

Once the Best-Value Applicant is selected and awarded a contract, the Applicant becomes the NEVI Developer.

RFQ.1.6.3 NEVI DEVELOPER RESPONSIBILITIES

The NEVI Developer's responsibilities include all activities required to develop, design, construct, operate, maintain, and report on the Project in accordance with the requirements of the Contract documents. Idaho Code § 40-904(3) requires no less than thirty percent (30%) of the Contract to be self-performed by the NEVI Developer. The 20% match of eligible costs reduces the 30% self-perform requirement to 10% to be self-performed by the NEVI Developer, which could be achieved through reimbursable work or additional cost match.

NEVI Developers shall comply with all federal and State laws, rules, and regulations including but not limited to the laws, rules, regulations stated in RFQ.1.5.

The NEVI Developer will be responsible for Work whether or not the NEVI Developer itself performs it. The Department will consider the NEVI Developer to be the sole point of contact regarding the award and associated Contract, including but not limited to payment of any and all costs resulting from the conditional award period. The NEVI Developer is fully responsible and liable for adherence by the subcontractor to all provisions of the Contract.

Licensure

Per Idaho Code § 40-904(6)(7) and title 54 chapters 12 and 19, and any other applicable statutes, rules and regulations related thereto, all persons participating in this solicitation and/or the Contract must obtain all licenses and permits and take all necessary steps to conduct business in the State of Idaho and perform the work required under the Contract, including proposing and carrying out contracts consistent with the laws of the State of Idaho. For federal-aid projects, federal law may take precedence over the laws of the State of Idaho.

Any Idaho professional engineering licenses required shall be obtained prior to submittal of the Application during the RFA process. The NEVI Developer must obtain any necessary public works licenses prior to Contract Award. The NEVI Developer, engineers, and all contractors and subcontractors involved in completion of the Project must be licensed to work in the State of Idaho and hold appropriate specialty licenses prior to Contract award.

Electricians must have an EVITP or similar certification in accordance with the NEVI Guidelines.

Site Property

Site access must not be restricted from the Department, IAWG employees, or Department's delegates for any reason during the conditional award, design, installation, and operations and maintenance period. Site access must be continuously available to the public for the duration of the operations and maintenance period.

Prior to the change in ownership of the property or Site on which the equipment is located during the life of the agreement, the NEVI Developer agrees to notify the Department and execute a new agreement or contract with the new Site host, or reimburse the Department for NEVI Formula Program funds received to-date if a new agreement cannot be executed by both the NEVI Developer and the new Site host.

Any change in ownership of any Program-funded assets during the term of the Contract shall be subject to the prior written consent of the Department in its sole discretion. "Change in ownership" means any sale, transfer, or disposal of any legal, beneficial, or equitable interest in any or all of Program-funded assets of the NEVI Developer and/or any related entity. "Related entity" means any and all of the named entities to be incorporated in the Application that were evaluated for the purposes of the Contract award.

Invoicing & Reimbursement

The NEVI Developer will submit monthly invoices and progress reports to the Department. Payments for design and construction work for any month will be based on the details provided in the RFA, subject to the Department's review and approval. Payments during design and construction will have a retainage held by the Department equal to ten percent (10%) of the reimbursable costs during the month.

Over the course of the five-year operating period, the Department will disburse one-fifth (1/5) of the retainage each year, in quarterly payments made promptly following acceptance and approval of NEVI Developer's quarterly and annual data reports. Invoices for operations and maintenance work after the Site has been commissioned shall be submitted quarterly. Reimbursable payments will be based on one-fourth (1/4) of yearly operations and maintenance costs identified in the NEVI Developer's price application, following acceptance and approval of NEVI Developer's quarterly data reports.

Station uptime and NEVI Developer compliance with data reporting requirements may affect the percentage of retainage paid out over the five-year operations and maintenance period. If the NEVI Developer fails to perform in accordance with the Contract requirements, the percent retainage paid out over the five-year operations and maintenance period and bond may be affected.

RFQ.1.6.4 CHANGES TO APPLICANT'S ORGANIZATION

Applicants are advised that, in order for an Applicant to remain qualified to submit an Application after it has been placed on the Short-List, the Applicant's organization, including all Major Participants and Key Personnel identified in the SOQ, must remain intact for the duration of the solicitation process, unless approved in writing by the Department.

Requests for changes in any of the Major Participants or Key Personnel during the life of the Contract will be carefully evaluated. The Applicant must consider the make-up of its team prior to submittal of the SOQ to reduce the likelihood of any such changes during the Application period and thereafter throughout the term of the Contract. Substitutions will only be considered for situations of an unforeseen or uncontrollable nature. Such reasoning as failure for the Applicant to execute contracts with Key Personnel and/or Major Participants will not be considered a valid reason and will render the Applicant non-responsive.

Upon completion of the installation and acceptance by the Department, NEVI Developer may request in writing to the Department to have Design and Construction Key Personnel released from further requirements. However, the requirements in this provision remain in effect for the NEVI Developer and Operations/Maintenance Key Personnel for the duration of the Contract.

RFQ.1.7 ORGANIZATIONAL CONFLICT OF INTEREST

Applicants and Major Participants are responsible for being aware of and complying with the requirements of 23 CFR 636.116, Idaho Code § 40-904(13), and the Conflict of Interest Guidelines (Appendix RFQ-A). Any Applicant or Major Participant affected by the conflict of interest will be disqualified, even if an Applicant is unaware of the conflict of interest.

- A. Major Participants are prohibited from receiving any advice or discussing any aspect relating to the Project or the solicitation of the Contract with any person who may have an organizational conflict of interest. Applicants must include a full disclosure of all potential organizational conflicts of interest in their SOQ.
- B. By submitting its SOQ, each Applicant agrees that, if an organizational conflict of interest is thereafter discovered, the Applicant must make an immediate and full written disclosure to the Department that includes a description of the action that the Applicant has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the Department may, at its discretion, cancel the Contract. If the Applicant was aware of an organizational conflict of interest with any of its Major Participants prior to the award of the Contract and did not disclose the conflict to the Department, the Department may terminate the Contract for default.
- C. The following firms are members of the IAWG program management team that have assisted with this solicitation and therefore cannot participate on any Major Participant's team:
 - 1. Any firm(s) currently assisting IAWG in Program administration.
 - a. Jacobs Engineering Group
 - b. Atlas Strategic Communications

RFQ.1.8 COMMUNICATION PROTOCOL

The following rules of contact shall apply during the RFQ and RFA solicitation process, which begins upon the date of issuance of the RFQ and will be completed upon the earliest to occur of (a) notification of conditional award, (b) rejection of all Applications, or (c) cancellation of this solicitation. These rules are designed to promote a fair, unbiased, and legally defensible solicitation process. Contact pertains to all types including face-to-face, any electronic device, telephone, e-mail, and written communications.

RFQ.1.8.1 DEPARTMENT DESIGNATED POINT OF CONTACT

The Department's designated point of contact is:

Merrill Sharp, Project Manager
Idaho Transportation Department
11331 W. Chinden Blvd, Boise, Idaho 83714
P.O. Box 7129, Boise Idaho 83707-1129
NEVI@itd.idaho.gov

All communications from Applicants must be submitted electronically to the Department's designated point of contact at the email address provided above. Emails shall state "Idaho NEVI Program" in the subject line.

The Department and IAWG will not consider any communication delivered in any other way, except that the Department may contact Applicants as it deems necessary as described in this RFQ.

RFQ.1.8.2 APPLICANT'S SINGLE POINT OF CONTACT

The Department is not responsible for any Applicant's failure to receive information from the Department on the basis of providing accurate contact information. Persons or firms that obtain the RFQ from sources other than the Department bears the sole responsibility for obtaining any information issued by the Department for the Project.

RFQ.1.8.3 RULES OF CONTACT

The specific rules of contact are as follows:

- A. Applicant and its team members shall not communicate with another Applicant or its team members with regard to this RFQ or either team's SOQ, with two exceptions:
 - 1. Subcontractors that are shared between two or more Applicant teams may communicate with their respective team members, so long as those Applicants establish a protocol to ensure that the subcontractor will not act as a conduit of information between the teams; and
 - 2. Contact among Applicant teams is allowed during IAWG-sponsored informational meetings.
- B. The Applicants shall correspond with IAWG regarding this RFQ only through the Department's designated point of contact.
- C. Applicants may not contact IAWG employees or any member of the Project management team (including department heads, members of the evaluation committee, and any official who will participate in the decision to award the Contract) regarding the Project, except through the process identified above.
- D. Any communication determined to be improper may result in disqualification, at the sole discretion of the Department.
- E. Any official information regarding the Project will be disseminated from the Department through the Department's designated point of contact. No correspondence or information from the Department or anyone representing the Department regarding the RFQ or the SOQ process generally shall be binding unless it is communicated in accordance with this section.
- F. IAWG will not be responsible for or bound by any oral exchange or any other information or exchange that occurs outside the official process specified herein.
- G. Neither an Applicant nor its agents can contact any employees of:
 - 1. Idaho Transportation Department, other than as allowed in this section.
 - 2. Idaho Governor's Office of Energy and Mineral Resources.
 - 3. Idaho Department of Environmental Quality.
 - 4. Any firm(s) actively assisting IAWG with Program administration.
 - a. Jacobs Engineering Group
 - b. Atlas Strategic Communications
- H. If the Applicant or anyone representing the Applicant offers or gives any advantage, gratuity, bonus, discount, bribe, or loan of any sort to IAWG or any of its employees, agents or representatives at any time during this solicitation process:
 - 1. The Department will immediately disqualify the Applicant.
 - 2. The Department may sue the Applicant for damages and/or refer the matter to appropriate enforcement authorities.

RFQ.1.9 RECORDS EXEMPT FROM DISCLOSURE

The Department will rely on the Idaho Public Records Act, title 74, chapter 1, Idaho Code to assert disclosure exemption to all records related to this solicitation, including SOQs, evaluation and short-list procedures, Applications, evaluation and selection procedures, and any records created during the evaluation and selection process. These records will remain protected records until the Contract has been awarded.

If the Applicant submits information in its SOQ that it believes is protected from disclosure under Idaho law and that it wishes to protect from disclosure beyond the award of the Contract, the Applicant must do the following:

- A. At the time the SOQ is submitted, clearly mark as confidential any information customarily regarded as confidential business information as such in its SOQ. Include a cover sheet identifying each section and page which has been so marked and include a statement for each justifying the Applicant's determination that the identified information is protected.
- B. Defend any action seeking release of the records it believes to be protected and indemnify, defend, and hold harmless the Department, its agents, and its employees from any judgments awarded against IAWG in favor of the party requesting the records, including any and all costs connected with that defense. This indemnification survives the Department's cancellation or termination of this solicitation, or the Contract award and subsequent execution of a Contract. In submitting a SOQ, the Applicant agrees that this indemnification survives as long as the protected information is in the possession of the Department.

If the Applicant declines or fails to defend and indemnify, the Department may release such information at its discretion and without liability. Any indemnification and defense must comply with State law.

All records pertaining to this solicitation will become public information after execution of the Contract, unless such records are determined to be exempted from disclosure under the Idaho Public Records Act or by any other provision of Idaho law.

RFQ.1.10 EXAMINATION OF RFQ PACKAGE

Each Applicant shall be solely responsible for reviewing and examining, with appropriate care, all documents included in the RFQ, including any addenda issued by the Department; further, each Applicant should request an interpretation of any discrepancy, ambiguity, error or omission contained therein.

RFQ.2 SOLICITATION PROCESS

RFQ.2.1 METHOD OF SOLICITATION

This RFQ is issued pursuant to authority provided in Idaho Code § 40-904. The Contract will be a lump sum design-build contract solicited using Best Value as a basis of selection. The intent of the Department is to award a Contract to the responsive Applicant whose SOQ and subsequent Application is most advantageous to the State for each Site.

The solicitation process will include two steps:

- A. RFQ (determination of Short-List); and
- B. RFA (selection of NEVI Developer(s) from a Short-List that submitted responsive SOQs).

This RFQ is issued as the first step to solicit information, in the form of SOQs, that IAWG will evaluate to determine which Applicant(s) are the most highly qualified to successfully deliver the Project. The selection of the NEVI Developer for the Contract will be based on both pass/fail responsiveness factors and a combined evaluation of technical and price factors as submitted by the Applicants.

The Department will short-list the most highly qualified Applicants that submit SOQs.

With this RFQ, the Department intends to establish a short-list of up to five (5) Applicants for each Round 1 Site: Pocatello, Bliss, and Lewiston. See Section RFQ.3.1 for Applicants choosing to submit an SOQ for multiple sites.

In the second step, the Department will issue a Request for Applications (RFA) to the short-listed Applicants for this Project. The Department will award a design-build Contract for each Site to the Applicant offering the best value, to be determined as described in the RFA. The Department, at its sole discretion, reserves the right, among others, to suspend, modify, or terminate this solicitation at any time.

IAWG will consider information submitted in the SOQs in response to the RFQ and Applications in response to the RFA and otherwise available to IAWG in determining the Best Value Application. The selection of the NEVI Developer for the Contract will be based on both pass/fail responsiveness factors and scored criteria as submitted by the Applicants.

RFQ.2.2 SOLICITATION SCHEDULE

Table 2 (RFQ Timeline and Anticipated RFA Schedule) shows the anticipated schedule for this solicitation. IAWG reserves the right to alter these dates. All deadlines are prevailing (Daylight or Standard) Mountain Time unless otherwise noted.

TABLE 2 RFQ TIMELINE AND ANTICIPATED RFA SCHEDULE

EVENT	DATE	TIME
RFQ issue date	December 30, 2024	
Pre-SOQ informational meeting	January 16, 2025	1:00 pm
Applicant’s questions and clarifications due date	January 30, 2025	5:00 pm
Final addendum and/or answers to questions due date	February 6, 2025	
SOQs due date	February 20, 2025	5:00 pm
Short-list announced (anticipated)	April 3, 2025	
RFA issue date (anticipated)	April 10, 2025	May
Application due date (anticipated)	22, 2025	
Notice of conditional award (anticipated)	July 3, 2025	

RFQ.2.3 MEETINGS

All meetings will be held virtually unless otherwise specified.

At the request of the Department, group meetings and/or one-on-one meetings with Applicants may be scheduled to discuss topics such as responses to questions, topics included in addenda, or clarifications to the application.

RFQ.2.3.1 STATEMENTS AT MEETINGS

Nothing stated at any meeting or included in a written record or summary of a meeting will modify the RFQ unless it is incorporated by addendum pursuant to RFQ.2.5 (RFQ Addenda).

RFQ.2.3.2 ATTENDEES

If any informational meeting is held, the Applicant will be expected to attend with appropriate members of its proposed key personnel.

RFQ.2.3.3 PRE-SOQ INFORMATIONAL MEETING

The Department intends to conduct a pre-SOQ informational meeting to introduce the RFQ and SOQ requirements to potential Applicants.

The meeting information is provided below:

Microsoft Teams	Phone	Video conferencing device
Meeting Link Meeting ID: 236 891 143 00 Passcode: Te7uC9BX	+1 208-473-7075, 108785995# United States, Boise Find a local number Phone conference ID: 108 785 995#	Tenant key: itdgv@m.webex.com Video ID: 119 287 405 5

RFQ.2.4 APPLICANT QUESTIONS

RFQ.2.4.1 QUESTIONS AND REQUEST FOR CLARIFICATION

Applicants are encouraged to ask questions and request clarification of the RFQ and other content that the Applicant considers unclear or incomplete any time prior to the RFQ questions deadline in Table 2. The Department will consider questions submitted by Applicants regarding the RFQ to the Department’s designated point of contact, including requests for clarification and requests to correct errors.

All such requests must be submitted to the Department’s designated point of contact identified in RFQ.1.8. The request or question must specifically identify the section or document the question is relating to. No oral requests will be considered. No requests for additional information or clarification to any other Department office, consultant, employee or agency will be considered.

Questions or requests for clarification must be received no later than the date specified in Table 2. Questions received after these dates may or may not be responded to, at the sole discretion of the Department.

RFQ.2.4.2 RESPONSE TO QUESTIONS

The Department will provide written responses to questions received from Applicants and summaries of the questions (without specific attribution) and responses will be posted on the Department’s Doing Business webpage. It is the Applicant’s responsibility to check the Department’s Doing Business webpage ([Business | Idaho Transportation Department](#) under the Design-Build tab). The responses will not be considered part of the RFQ unless they are incorporated by addendum pursuant to RFQ.2.5.

RFQ.2.5 RFQ ADDENDA

The Department reserves the right, in its sole discretion, to revise, modify, or change the RFQ and/or solicitation process at any time before the SOQ due date. Any such revision will be implemented through issuance of an addendum to the RFQ. The Department will post addendums on the Department’s Doing Business webpage.

The Department does not anticipate issuing any addendum later than seven (7) calendar days prior to the SOQ due date. However, if the need arises, the Department reserves the right to issue addenda after such date. If the Department finds it necessary to issue an addendum after such date, then any relevant processes or response times necessitated by the addendum will be set forth in that specific addendum.

Applicant shall acknowledge in Form A, Acknowledgement of Receipt (Appendix RFQ-A), receipt of all addenda and all answers in response to Applicant questions. Failure to acknowledge such receipt may cause the SOQ to be deemed nonresponsive and be rejected.

RFQ.2.6 COMPLIANT SOQ

The Applicant shall submit an SOQ that provides all the information required by this RFQ. Failure to do so may deem the SOQ nonresponsive.

The Applicant must complete the requirements in this RFQ and attachments. The information and completed forms in the successful Applicant's Application will become Contract documents.

Failure to provide all the information and all completed forms in the format specified may result in the Department's rejection of the SOQ or a lower rating for the SOQ. All blank spaces in the SOQ forms must be filled in as noted, and no substantive change shall be made to the SOQ forms.

The Applicant shall submit the SOQ in the official format that is specified in RFQ.3.3.

SOQs may be considered nonresponsive and may be rejected for any of the following reasons:

- A. The SOQ is submitted on a paper form other than that specified in this RFQ, it is not properly signed, any part thereof is omitted from the SOQ package, or requested information deemed material by the Department is not provided.
- B. The SOQ is illegible or contains any omission, erasure, alteration, or item not called for in the RFQ or contains any unauthorized addition, conditional or alternate SOQ, or other irregularity of any kind, and the Department determines that such irregularity makes the SOQ incomplete, indefinite, or ambiguous as to its meaning.
- C. The Applicant adds any provision reserving the right to accept or reject an award or the discretion to enter into a Contract following award.
- D. The Department determines the SOQ to be noncompliant in any other respect including failure to acknowledge addenda.

RFQ.2.7 SUBMISSION OF SOQS

RFQ.2.7.1 SUBMISSION REQUIREMENTS

The SOQ shall be submitted in accordance with the RFQ and the following requirements:

- A. The SOQ shall be submitted electronically via email to the Department's designated contact according to the information in RFQ.1.8.1 with the subject line "Statement of Qualifications for [Applicant's name] – National Electric Vehicle Infrastructure Program, Project Number [XXXXX]".
- B. It is the Applicant's sole responsibility to ensure delivery of its SOQ to the Department at the time and place specified herein, and the Department has no liability or responsibility thereof.
- C. The Department will not consider any late SOQs. SOQs received after the deadline for submittal of SOQs will be returned to the Applicant unopened and will be considered nonresponsive.

RFQ.2.7.2 MODIFICATION TO A STATEMENT OF QUALIFICATIONS

An Applicant may modify its SOQ in writing, in whole or part, prior to the specified time for submitting SOQs. The modification shall conform in all respects to the requirements for submission of a SOQ per this RFQ. Modifications shall be clearly delineated as such on the face of the document to prevent confusion with the original SOQ and shall specifically state that the modification supersedes the previous SOQ, or a portion thereof, and all previous modifications, if any. If multiple modifications are submitted, they shall be sequentially numbered so the Department can accurately identify the final SOQ. The modification must contain complete SOQ sections, complete pages, or complete forms, as described in the RFQ and Appendix RFQ-A. No line-item changes will be accepted, and no facsimile or other electronically transmitted modifications will be accepted.

RFQ.2.7.3 WITHDRAWAL OF A STATEMENT OF QUALIFICATIONS

An Applicant may withdraw its SOQ only by a written and signed request that is received by the Department prior to the specified time for submitting SOQs. Following withdrawal of its SOQ, the Applicant may submit a new SOQ, provided that it is received prior to the specified time for submitting SOQs. The contents of any SOQ that is withdrawn remain the property of the Department notwithstanding such withdrawal.

RFQ.3 SOQ REQUIREMENTS

In providing an SOQ, Applicants should be guided by the Project goals, objectives and submittal requirements listed in the RFQ.

RFQ.3.1 SERVICE AREA DESIGNATIONS

The Applicant shall submit a separate SOQ for each Service Area for which the Applicant desires to complete a Project (e.g., separate SOQs for Pocatello, Bliss, and/or Lewiston). The SOQ should clearly indicate which Site the SOQ pertains to in the cover letter and include Service Area-specific information on the required forms and corresponding narratives.

In the RFA, short-listed Applicants may only submit one (1) Application for a given Service Area.

RFQ.3.2 COST OF PREPARING AN SOQ

The cost of preparing the SOQ and any other costs incurred at any time before or during the SOQ process, including costs incurred for any meetings or interviews shall be borne by the Applicant.

RFQ.3.3 GENERAL INSTRUCTIONS, FORMAT, AND ORGANIZATION OF SOQ

Each SOQ will be interpreted and evaluated by IAWG based on the information provided by each Applicant. No consideration will be given to tentative or ambiguous commitments. For example, phrases containing “we may” or “we are considering” will not be considered in the evaluation process because they do not indicate a firm commitment by the Applicant. Lengthy narratives containing extraneous information are discouraged.

Incorporation into Contract. The Department will use information submitted for evaluating the SOQ. For the successful Applicant, the SOQ and Application information will become part of the Contract.

Organization. Organize the SOQ in separate sections in accordance with Table 3. Include a table of contents that provides page number references.

Forms. All forms named herein are found in Appendix RFQ-A, unless otherwise noted. All entries must be typed or entered in ink. Verified electronic signatures are acceptable. Any material modification to the forms may result in the SOQ being declared non-responsive by the Department.

Text, Font, and Pages. Text shall be in English in a standard font, a minimum of 11 points in height, and single-spaced. Text pages shall be single-sided 8 ½ -inch by 11-inch white paper, with simple lettered or numbered dividers for each section. Number each page in each section consecutively (i.e., 1-1, 1-2,...; 2-1, 2-2...; etc.), and center page numbers at the bottom of each page. Text shall be inside 1" margins of each page with the exception of company name/logo and page header/footer may be within margin. Any deviations from the text, font, and page requirements may result in the SOQ being declared non-responsive by the Department.

Page Limit. The SOQ page count shall not exceed the number designated in Table 3, exclusive of the table of contents, tabbed dividers, and the cover letter. The page count in Table 3 includes required forms. Limit the information provided to that which is required in the RFQ. Any additional information, pages or appendices provided by the Applicant but not requested by the Department will be removed from the SOQ and returned to the Applicant and will not be reviewed.

Readability. Present information clearly and concisely. Documentation that is difficult to read may be rejected and may lead to disqualification.

Submittal. Provide one (1) single file of the complete SOQ electronically.

RFQ.3.4 PASS/FAIL EVALUATION FACTORS

Each SOQ must achieve a rating of “pass” on every pass/fail factor to receive further consideration. Failure to achieve such a “pass” rating will result in the SOQ being declared nonresponsive and the Applicant being disqualified. Prior to making such determination, the Department may offer an Applicant the opportunity to provide supplemental information or clarify its SOQ. The SOQ pass/fail evaluation factors are:

- A. **Cover Letter;**
- B. **Legal;**
- C. **Financial/Surety;**
- D. **Insurance; and**
- E. **Other required forms.**

If an Applicant achieves a “pass” on all the pass/fail factors, its SOQ will be further evaluated using the scored technical evaluation factors.

RFQ.3.4.1 COVER LETTER

The cover letter is intended to introduce the Applicant and their Major Participants to IAWG. It is for informational purposes only and shall not include any information regarding any sensitive or confidential information. Inclusion of these items will result in the SOQ being nonresponsive and will not be reviewed.

The cover letter must include a statement of interest about the Site for which the Applicant desires to be considered (e.g., Pocatello, Bliss, and/or Lewiston) and include the specific Project Key Number. If the Applicant is interested in multiple Sites but not able to develop multiple Sites if selected for the short-list on multiple Sites, the Applicant must indicate its Site preference (e.g., Pocatello #1; Bliss #2; Lewiston #3) and how many Sites it intends to complete, if awarded.

The cover letter shall include a statement that the Applicant commits to provide financial, personnel and equipment resources to complete the work.

Through the RFQ and RFA processes, the Department intends to select one NEVI Developer from each of the three Service Area’s short-listed Applicants. The Department reserves the right to select the same Applicant for multiple Service Areas if it is the best value to the State and otherwise meets the State’s objectives. Applicant availability to complete all work tasks will be assessed and considered if Applicant is successful in the scoring/ranking of multiple Sites.

Authorized representatives of the Applicant’s organization must sign the letter.

RFQ.3.4.2 LEGAL INFORMATION

- A. Organizational Structure and Powers of Attorney:
 - 1. Form O, Organization Information (Appendix RFQ-A), for the Major Participants, including:
 - a. The type of company each Major Participant is (refer to list in definition of “Applicant” or add other description as appropriate)
 - b. A description of how the Major Participant will operate; and
 - c. A certification of the statement therein by each Major Participant

2. Submit notarized power of attorney for the Applicant.

RFQ.3.4.3 FINANCIAL INFORMATION

During the RFQ stage, the Applicant shall provide a letter from a surety or insurance company indicating that the Applicant can obtain the required contract bonds for the Project. The contract amount for each Project is estimated to be approximately \$1,000,000.

The letter must state that the surety or insurance company submitting such letter is authorized to do business in Idaho at the time of award, and that the surety or insurance company meets the following additional qualifications:

- A. Has at least a Financial Strength Rating of A- and a Financial Size Category VII or better by A.M. Best Company; and
- B. Is listed on Treasury Department Circular 570.

The letter must also specifically state that the surety/insurance company has evaluated the Applicant's backlog and work-in-progress in determining the Applicant's available bonding capacity. The letter must indicate that the bonding is available for the contract amount listed above. Letters indicating "unlimited" bonding/security capability are not acceptable.

The surety letter shall clearly state the rating categorization noted above and reference the estimated contract value as identified above, in a manner similar to the notation provided below:

"as surety for [Applicant's name] with A.M. Best Financial Strength Rating [rating] and Financial Size Category [size category] is capable of obtaining 100% Performance Bond and 100% Labor and Materials Payment Bond in the amount of the anticipated cost of the Contract, and said bonds will cover the Project and any warranty periods as provided for in the contract documents on behalf of the Applicant, in the event that the Applicant be the successful bidder and enter into a Contract for this Project."

During the RFA stage, the Applicant shall provide separate surety letters for the design and installation period and for the operation and maintenance period in the amount of the Applicant's actual price application (the sum of the bond amounts must equal the total Contract amount) if the total cost of the price application is greater than the estimated Contract value.

Following the RFA stage and within fourteen (14) days upon notification of conditional award, the NEVI Developer shall provide actual bonds for the design and installation period and for the operation and maintenance period.

RFQ.3.4.4 INSURANCE

A successful Applicant shall maintain insurance at the minimum required levels as specified in the table at the end of this section and shall furnish the Department with certificate(s) of insurance in accordance with the following requirements:

- A. Initial Proof of Insurance: As part of its SOQ in response to the RFQ, the Applicant shall provide a minimum of one (1) of the following documents in support of the Applicant's ability to obtain the required insurance:
 1. A signed statement by the Applicant certifying that the Applicant has contacted its insurer(s) and that Applicant is in good standing or is otherwise qualified as of the date of the Applicant's statement to be issued the insurance policies required herein, including additional insured endorsements and waivers of subrogation, as applicable;
 2. A certificate of insurance for the policies required herein, including additional insured endorsements and waivers of subrogation, as applicable;
 3. A letter from the Applicant's insurer(s) stating the Applicant is in good standing or is otherwise qualified as of the date of the insurer's letter to be issued the insurance

policies required herein, including additional insured endorsements and waivers of subrogation, as applicable; or

4. A signed statement by the Applicant certifying that Applicant is self-insured and noting the documentation and information it will provide to support its request to the Department to declare and approve the self-retention. See Section E, below.
- B. NEVI Developer shall provide the Department with certificates of insurance, including additional insured endorsements, within fourteen (14) calendar days after notice of conditional award. All insurance required herein shall be kept current and maintained throughout the conditional award period and the Contract's term. Unless otherwise designated by the Department, NEVI Developer shall not perform any Work prior to providing the insurance required herein.
- C. Failure to provide certificates of insurance or to maintain the required insurance shall be grounds for suspension or cancellation of the conditional award and/or Contract. All insurance policies and certificates must be signed copies. NEVI Developer shall provide an up-to-date copy of the certificate upon renewal of the policy. NEVI Developer shall immediately stop Work if unable to maintain insurance coverage.
- D. State of Idaho as Additional Insured: The liability insurance coverage required for performance of the Contract shall name the State of Idaho, its agencies and divisions, officers, directors, employees, agents, and volunteers as additional insured.
- E. Self-insured retentions must be declared to and approved by the Department. The Department may require the Applicant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.
- F. All required insurance policies that are not provided through self-insurance shall be issued by insurance companies as approved by the Department. All insurance shall be issued by insurance companies in good standing and admitted to do business within the State of Idaho, and have a rating of A-, Class VII or better in the most recently published edition of Best's Reports.
- G. The Department, in its sole discretion, may determine prior to or at the time of the conditional award and/or Contract that additional insurance terms and or/coverage(s) are necessary based upon information provided to the Department in the Applicant's response to the RFA (e.g., flood insurance, pollution insurance, umbrella insurance, etc.).
- H. The Department reserves the right to determine the sufficiency of Applicant's insurance documentation and to request additional information prior to the conditional award and/or Contract.
- I. NEVI Developer shall ensure that all Major Participants and/or tiers of subcontractors shall maintain insurance in like form and amounts, including the Additional Insured requirements, unless the Applicant provides proof to the Department's satisfaction that Major Participants and/or subcontractor(s) are fully covered under the Applicant's insurance, or except as otherwise authorized by the Department.
- J. All commercial general liability and auto insurance policies secured or maintained by the NEVI Developer, its Major Participants, and Subcontractors, shall include clauses stating that each carrier shall waive all rights of recovery under subrogation or otherwise against NEVI Developer or the State, its agencies and divisions, officers, directors employees, agents, and volunteers. This requirement also applies to other required policies when such waivers are available.
- K. Policies shall provide a minimum of thirty (30) calendar days advance written notice of cancellation, material change, or nonrenewal of required insurance policies to the

Department. In those situations where the insurance carrier refuses to provide notice to the Department, the NEVI Developer shall notify the Department of any cancellation or reduction in coverage or limits of any insurance within seven (7) calendar days of receipt of insurer’s notification to that effect.

TYPE	MINIMUM LIMITS
Commercial General Liability	\$1M per occurrence \$2M aggregate
Auto	\$1M
Workers’ Comp: Statutory /Employer’s liability	\$1M per occupational incident \$1M per each occupational disease \$1M policy aggregate
Cyber	\$5M per occurrence <u>Sub-limits</u> \$5M - Network Security / Privacy Liability 50% of the policy aggregate or greater - Breach Response / Notification sublimit \$5M - Technology Professional Errors & Omissions

RFQ.3.4.5 OTHER REQUIRED FORMS

Applicant shall include the required forms listed below:

- A. Form A, Acknowledgment of Receipt (Appendix RFQ-A), acknowledging receipt of the RFQ and any addenda and/or responses to questions issued by the Department.
- B. Form B, Idaho Code Certification Form for Federal-Aid Projects (Appendix RFQ-A) certifying the Applicant and its Major Participants are in compliance with the Idaho requirement related to anti-boycott and prohibition on contracts with companies owned or operated by the government of China.
- C. Form C, Conflict of Interest Disclosure (Appendix RFQ-A), certifying that the Applicant and Major Participants comply with the terms in RFQ.1.7.
- D. Form F, Certification Regarding Debarment, Suspension, and Other Responsibility Matters (Appendix RFQ-A), certifying that the Applicant is not presently debarred, suspended, or otherwise ineligible for covered transactions; or is not currently or recently involved in certain criminal or civil litigation.

RFQ.3.5 SCORED EVALUATION FACTORS

SOQs will be evaluated and scored based on how well the SOQ responds to the requirements and meets or exceeds the objectives for each of the evaluation factors. Maximum points available for each scored evaluation criteria are stated in Table 3 (Outline for Submittal of Statement of Qualifications).

The SOQ scored evaluation factors are:

- A. **Key Personnel Experience;**
- B. **Installation Experience; and**
- C. **Project Understanding and Approach.**

RFQ.3.5.1 KEY PERSONNEL EXPERIENCE

**Idaho National Electric Vehicle Infrastructure Program
Project Numbers 24765, 24766, 24767**

The SOQ should demonstrate that the Applicant will implement a cohesive design-build team to successfully install, operate, and maintain the Project while meeting all the Contract requirements. Provide a consistent team to facilitate efficient project management and operation, and effectively manage all aspects of the Contract in a quality, timely, and effective manner. Ensure key positions are filled by individuals with demonstrated experience and expertise on projects of a similar size, type of work, and complexity as this Project.

The Key Personnel listed below are required for this Project, however, at the Applicant's discretion additional Key Personnel may be identified. The Applicant must commit all Key Personnel through the phase or milestone they will be involved with the Project.

Submit the following required documents within the SOQ:

- A. Form K, Key Personnel (Appendix RFQ-A). Indicate the name, position, company or agency, and current phone and email for each reference. References must be owners or clients for whom the Key Personnel have performed similar work for and must not be current or past employers of the Key Personnel. Provide two references for the Project Manager and one reference for all other Key Personnel. Individuals may fill multiple roles so long as the corresponding responsibilities are sufficiently met. Key personnel must have the following qualifications:
1. **Project Manager:** Must have demonstrated experience in design, construction and/or management of projects with similar size, scope, and complexity as this Project, such as EVSE implementation and experience with Title 23 federal aid projects.
 2. **Designer:** Must have demonstrated experience in design of projects with similar size, scope, and complexity as this Project, such as EVSE implementation and experience with Title 23 federal aid projects.
 3. **Electrician/Installation Manager:** Must have demonstrated experience in EVSE installation or management of EVSE installation. Per 23 CFR § 680.106(j)(1), at least one electric technician must hold Electric Vehicle Infrastructure Training Program (EVITP) or similar certification. All other onsite, non-electrical workers directly involved in the installation, operation, and maintenance of chargers must have graduated from a registered apprenticeship program or have appropriate licenses, certifications, and training as required by Federal and State laws.
 4. **Operations & Maintenance Manager:** Must have demonstrated experience in operating and maintaining EVSE, including repair, customer service, troubleshooting, and data protection and reporting.
- B. Resumes for each Key Personnel, no more than one (1) page each, highlighting the following information:
1. Proposed role on the Project and experience in the area of responsibility;
 2. General employment history;
 3. Experience in the management, design, and/or construction of EVSE projects, specifically noting if the Key Personnel have worked together before; and
 4. Education and professional registration (if required).
- C. Functional organizational chart depicting a comprehensive team that clearly delineates the roles and responsibilities of staff with program components including management, planning, design, construction, and operations and maintenance. Specifically identify Key Personnel and each individual's firm.

RFQ.3.5.2 INSTALLATION EXPERIENCE

The SOQ should demonstrate that the Applicant will provide experience and expertise in the deployment and successful operation of DCFC using quality, timely, and effective methods to successfully deliver this Project.

Submit the following required document with a minimum of one (1) example not to exceed five (5) total examples, with each example not to exceed one (1) page, within the SOQ:

- A. Form I, Installation History (Appendix RFQ-A), shall list recent EVSE installations, with priority for NEVI compliant installations, then other installations that meet the EVSE Checklist referenced in Appendix B. At least one of the examples must be of the Applicant's installation history. If an Applicant has no record of relevant installations or if the information relative to a category is not available, enter a declarative statement to that effect on Form I.

RFQ.3.5.3 PROJECT UNDERSTANDING AND APPROACH

The SOQ should demonstrate that the Applicant understands the goals, technical aspects, issues and risks associated with the Project, and how the Applicant will contribute to the success of the Project. The Applicant shall show a comprehensive and effective approach that is aligned with the NEVI Program, Idaho's NEVI Plan and Updates, the needs specific to the Project, and State and Federal goals and regulations. If the Applicant is proposing to upgrade an existing site, describe the details of the upgrades in the narrative response to each section below. This section shall not exceed three (3) pages.

Submit a narrative specifically describing experience and personnel responsibilities of at least the following:

- Strategy to ensure effective management of the Project, minimize conditional award period, and efficiently deliver the Project
- Strategy to ensure 10% additional work beyond the 20% match is self-performed by the NEVI Developer
- Identify potential Title 23 challenges and strategy to mitigate them
- Briefly summarize coordination to date with designer, property owner, utility supplier and others that will advance the delivery of the Project
- Briefly discuss approach to data management, including collecting, protecting, and reporting required data

TABLE 3 OUTLINE FOR SUBMITTAL OF STATEMENT OF QUALIFICATIONS

<i>Section Number</i>	<i>Section Titles and Required Information</i>	<i>Reference in RFQ</i>	<i>Points Available</i>
Sec. 1	COVER LETTER (one (1) page)	3.4.1	P/F
Sec. 2	LEGAL and FINANCIAL INFORMATION (no page limit)		P/F
Sec. 2.1	Legal Information Form O (Organizational Information) Powers of Attorney	3.4.2	P/F
Sec. 2.2	Financial Information Surety Letter(s)	3.4.3	P/F
Sec. 2.3	Insurance Requirements Initial Proof of Insurance	3.4.4	P/F
Sec 2.4	Form A (Acknowledgement of Receipt); and Form B (Idaho Code Certifications for Federal-Aid Projects) Form C (Conflict of Interest Disclosure). Form F (Certification Regarding Debarment, Suspension, and Other Responsibility Matters)	3.4.5	P/F
Sec. 3	QUALIFICATIONS AND EXPERIENCE	3.5	100 Points
Sec 3.1	Key Personnel Form K (Key Personnel), no page limit Resumes, not to exceed one (1) page for each Key Personnel Functional Organizational Chart, not to exceed one (1) page	3.5.1	40 Points
Sec. 3.2	Installation History (Max 5 pages/examples) Form I (Installation History)	3.5.2	40 Points
Sec. 3.3	Project Understanding and Approach (Max 3 pages)	3.5.3	20 Points
Optional	INTERVIEWS	4.2.2	10 Points

RFQ.4 SOQ EVALUATION

RFQ.4.1 SOQ EVALUATION OVERVIEW

The Department’s intent is to create a fair and uniform basis for the evaluation of the SOQs in compliance with all applicable requirements governing this solicitation.

The objective of the RFQ step of the solicitation is to create a short-list of the most highly qualified Applicants with the general capability (technical, financial, and management) and experience necessary to successfully undertake and complete the Project. The Applicant will have primary responsibility to plan, design, manage, control, and report on the Project and to complete the Project on or ahead of schedule.

SOQs determined to be nonresponsive to this RFQ may be excluded from further consideration and the Applicant will be so advised.

The SOQs will initially be evaluated on the pass/fail factors outlined herein. Failure to achieve a “pass” rating on all pass/fail elements will result in the SOQ being declared nonresponsive. SOQs determined to be nonresponsive to this RFQ may be excluded from further consideration and the Applicant will be so advised.

SOQs that are determined to be responsive will be reviewed and rated by the individual evaluation committee members per the factors indicated herein. Individual evaluation committee ratings will be accumulated into a single overall technical rating for each SOQ.

The evaluation committee will prepare a recommendation to the selection committee, with supporting documentation. The selection committee will review and clarify the recommendation as needed and make a recommendation for the short-list to the Department’s delegate per Board Policy 4001.

The Department reserves the right to reject any or all SOQs, to waive technicalities, or to advertise for new SOQs if, in the judgment of the Department, the best interests of the public will be promoted

thereby. The Department may waive minor oversights or errors in the form of the SOQ of the Applicants that do not alter the quality or quantity of the information provided.

RFQ.4.2 SOQ EVALUATION PROCESS

Each scored evaluation factor will be assigned a corresponding percentage based on Table 4 by independent evaluation committee members based on how well that SOQ section meets the scored evaluation factor requirements. This percentage will be multiplied by the pre-determined maximum points available for each factor to determine the evaluator’s score for the factor. Any SOQ that receives a rating of “unacceptable” in one or more evaluation factors will receive an overall SOQ rating of unacceptable and be deemed nonresponsive.

Any SOQ that receives a rating of unacceptable for any evaluation factor will not be selected for the short-list.

TABLE 4 RFQ RATING CRITERIA

Percentage Range	Rating Criteria for Percentage Range
“Excellent” 91-100	<ul style="list-style-type: none"> • SOQ greatly exceeds the specified RFQ requirements and offers significant advantages over the basic RFQ requirements. • Demonstrates unique or innovative methods of the Applicant’s approach to the Project and significantly exceeds the RFQ requirements and objectives. • This rating indicates an outstanding level of quality, with very high probability of success by the Applicant. • There are essentially no weaknesses or deficiencies.
“Very Good” 76-90	<ul style="list-style-type: none"> • SOQ meets all specified RFQ requirements and offers some advantages over the basic RFQ requirements. • Demonstrates unique or innovative methods of the Applicant’s approach to the Project, or strong understanding of the requirements. • This rating indicates a substantial level of quality, with high probability of success by the Applicant. • Weaknesses or deficiencies, if any, are minor.
“Acceptable” 61-75	<ul style="list-style-type: none"> • SOQ meets the minimum specified RFQ requirements but does not offer any advantages over the basic RFQ requirements. • Demonstrates an average understanding of the Applicant’s approach to the Project. • This rating indicates an acceptable level of quality, with reasonable probability of success by the Applicant. • Weaknesses or deficiencies exist but may be corrected.
“Unacceptable” SOQ is considered nonresponsive	<ul style="list-style-type: none"> • SOQ does not meet the minimum specified RFQ requirements, lacks essential information and/or is conflicting. • This rating indicates an unacceptable level of quality. • Deficiencies in the SOQ are of such magnitude that it would require a new approach or a major effort to rewrite. • Weaknesses or deficiencies are extensive and are not correctable.

RFQ.4.3 CONTACT WITH IAWG DURING SOQ EVALUATION

RFQ.4.3.1 COMMUNICATIONS WITH APPLICANTS

The Department may engage in communications with the Applicants after receipt of SOQs, allowing Applicants to provide clarifications to their SOQs. This process will be initiated by delivery of a written request from the Department to the Applicant identifying the information needed and a date and time

by which the information must be provided. The Applicant shall provide the requested information in writing by the date and time indicated. If the requested information is not received timely, the Applicant's ratings may be adversely affected and/or the SOQ may be declared nonresponsive.

RFQ.4.3.2 INTERVIEWS AND PRESENTATIONS

The Department does not anticipate conducting interviews during the RFQ phase but reserves the right to do so at the Department's sole discretion. If the Department elects to conduct interviews, the Applicants will be notified in writing.

Table 3 identifies a point value for interviews but will only include them in the overall score and increase the overall points available if interviews are actually conducted.

RFQ.4.3.3 DISCUSSION WITH APPLICANTS

The Department reserves the right to determine and announce the short-list without having discussions with Applicants.

The Department will disclose to all Applicants issues impacting the scope of the Project or submittal requirements that are relevant to the RFQ. The Department will not disclose information pertaining to another Applicant, other Applications, or technical concepts.

RFQ.5 DETERMINATION OF THE SHORT-LIST

The Department's intent is to establish a short-list of five (5) Applicants per Service Area (Pocatello, Bliss, and Lewiston). If fewer than two (2) Applicants respond to the RFQ for any given Service Area or remain on the short-list, the Department may issue a new RFQ or cancel the solicitation. To the full extent protected from disclosure by Idaho Code § 9-340D, the information contained in the SOQ will not be disclosed to the public or any Applicant until after the short-list is announced.

After scoring each SOQ for each Service Area, all SOQs will be ranked from highest to lowest according to overall score. Short-list positions will be assigned to Applicants beginning with the highest-ranking SOQ for each Service Area.

The Department reserves the right to short-list the same Applicant for multiple Service Areas if it is the best value to the State and otherwise meets the Program's objectives. Applicant availability to complete the Work for all Service Areas will be assessed and considered if Applicant is successful in the scoring/ranking of multiple Service Areas.

Each Applicant will be notified in writing whether or not it has been selected for the short-lists. Per Idaho Code § 40-904(17), the department shall provide to each design-build firm that submitted qualifications the summary of scores of all proposers and the Applicant's evaluation worksheets within three (3) business days following notification of the short-list. The confidentiality of the evaluation committee members and other design-build firms shall be maintained.

RFQ.6 NONRESPONSIVE DETERMINATIONS AND PROTESTS

If the Department determines an SOQ or Application to be nonresponsive, the following procedures shall apply. If the Applicant fails to follow these procedures, the Applicant shall waive all objections, challenges, or claims.

- A. **Nonresponsive Notification:** The Department will notify Applicant that the SOQ or Application is nonresponsive and indicate the reasons for the nonresponsive determination.
- B. **Notice of Dispute:** If the Applicant disagrees with the Department's determination, the Applicant shall submit a dispute letter within five (5) calendar days of the nonresponsive notification. Failure to provide this notice will waive all objections to nonresponsive notification.
 - i. The dispute letter shall include the following.

1. A factual narration that completely details the nature and circumstances of the dispute.
 2. A complete list of specific provisions from the Request for Qualifications (RFQ), Request for Applications (RFA) or laws supporting the dispute, and a statement explaining how these pertain to the dispute.
- ii. The Department may reverse the nonresponsive determination or proceed to Informal Disposition or offer a Contested Case Hearing.
- C. **Informal Disposition:** Per Idaho Code § 67-5241, the Applicant shall provide any additional written information or documentation that should be included as part of the dispute.
- At the Department’s discretion, an optional meeting may be scheduled to give both parties the opportunity to understand the respective positions and to ask pertinent questions. Both parties are to be notified at least two days before any meeting if legal counsel will participate in this meeting. The Department will issue a written summary of resolution or impasse.
- D. **Contested Case Hearing:** If resolution cannot be achieved through either subparts B or C, the dispute may be elevated to a Contested Case Hearing and shall follow the procedures found in chapter 52, title 67, Idaho Code.
- i. Notification: Notification requesting a Contested Case Hearing must be received within five (5) calendar days from receipt of the Department’s summary of resolution or impasse.
 - ii. Referral to the Office of Administrative Hearings (OAH): The Department will notify OAH and request referral to a Hearing Officer. The Hearing Officer will coordinate scheduling, submissions, and all components of any hearing. Hearing Officer: Per the referenced Idaho Code sections, the Department retains a Hearing Officer, who then sets date and venue for hearing.
 - iii. Recommended Order: Hearing Officer issues a Recommended Order.
 - iv. Final Agency Decision: the Department’s Engineer reviews the Recommended Order and issues the final written decision to the Applicant.
- E. **Protests:** Applicants that submit responsive SOQs but are not included on the short-list may challenge the Department’s determination in accordance with the procedures outlined in Idaho Code § 40-904(18). A challenge must be filed with the Department within seven (7) calendar days of the date the Department transmits the SOQ evaluation results. Any failure to comply with the statutory challenge notice requirements or procedures shall waive all objections, challenges, or claims.

RFQ.7 DEBRIEFINGS

After the short-list is announced and the protest period has passed, and upon written request, all unsuccessful Applicants will be afforded the opportunity for a debriefing. Debriefings shall be provided at the earliest feasible time after the short-list is announced. The debriefing shall be conducted by a solicitation representative familiar with the rationale for the selection decision.

The debriefing shall:

- A. Be limited to discussion of the unsuccessful Applicant’s SOQ and will not include specific discussion of a competing SOQ.
- B. Provide information on areas in which the SOQ had weaknesses or deficiencies.
- C. Maintain the confidentiality of evaluation committee members and other Applicants.

RFQ.8 STATE'S RIGHTS AND DISCLAIMERS

RFQ.8.1 STATE'S RIGHTS

The State may investigate the qualifications of any Applicant under consideration, may require confirmation of information furnished by an Applicant, and may require additional evidence of qualifications to perform the Work described in the RFQ. The Department reserves the right, in its sole and absolute discretion, to:

- A. Reject any or all SOQs, or any part of an SOQ.
- B. Issue a new RFQ.
- C. Cancel, modify, or withdraw the RFQ.
- D. Issue addenda, supplements and modifications to this RFQ.
- E. Modify the RFQ process (with appropriate notice to Applicants).
- F. Request revisions to SOQ from the Applicants.
- G. Appoint an evaluation committee to review SOQs and seek the assistance of outside experts in the SOQ evaluation.
- H. Approve or disapprove changes and/or substitutions of teams and Key Personnel.
- I. Revise and modify, at any time before the SOQ due date, the factors being considered in evaluating SOQs and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, the Department will issue an addendum setting forth the changes to the evaluation criteria or methodology. The Department may extend the SOQ due date if such changes are deemed by Department, in its sole discretion, to be material and substantive.
- J. Hold meetings and exchange correspondence with the Applicants responding to this RFQ to seek an improved understanding and evaluation of the SOQs.
- K. Seek or obtain information from any source that has the potential to improve the understanding and evaluation of the SOQs.
- L. Seek and receive clarifications to an SOQ.
- M. Waive weaknesses, informalities, and minor irregularities in SOQs.
- N. Disqualify any Applicant that changes its organization (as represented in its SOQ) without written approval from the Department.
- O. Disqualify any Applicant that alters documents or forms in Appendix RFQ-A, other than those approved in writing by the Department's designated point of contact.
- P. Disqualify any Applicant that changes its SOQ without written approval.
- Q. Refuse to accept or open an SOQ, once submitted, or reject an SOQ if such refusal or rejection includes the following:
 - 1. Failure on the part of a Major Participant to pay or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the State;
 - 2. Default on the part of a Major Participant under previous contracts with the Department (or State) within the last 7 calendar years;
 - 3. Uncompleted work or default on a contract for which the Applicant or a Major Participant is responsible that, in the judgment of the State, might reasonably be expected to hinder or prevent the prompt completion of additional contract work if awarded;

4. Default on a contract in another jurisdiction for which the Applicant or a Major Participant is responsible;
 5. Issuance of a notice of debarment or suspension under Federal regulations to the Applicant and/or a Major Participant;
 6. Submittal by the Applicant of more than one SOQ for the same Project under the Applicant's own name or under a different name;
 7. Evidence of an organizational conflict of interest or evidence of collusion in the preparation of an SOQ by the Applicant and/or Major Participant;
 8. Any other reason determined by the State that may affect the Applicant's ability to perform; and/or
 9. The Applicant is not otherwise qualified and eligible to receive an award of the Contract under applicable laws and regulations.
- R. Refrain from distributing short-listed SOQ's or Technical Applications until after a Contract has been awarded.
- S. Cancel the award of any Contract before execution without liability.

RFQ.8.2 STATE DISCLAIMERS

The execution and performance of a Contract pursuant to this RFQ and any subsequent RFA is contingent on sufficient appropriations and authorizations being made by the Legislature of Idaho, or the Congress of the United States, if federal funds are involved, for performance of a contract between the successful Applicant and the Department.

This RFQ does not commit the Department to enter into a Contract, nor does it obligate the Department to pay for any costs incurred in preparation and submission of an SOQ. By submitting an SOQ or Application, an Applicant disclaims any right to be paid for such costs

In no event shall the Department be bound by, or liable for, any obligations with respect to the Work or the Project until such time (if at all) as the Contract, in form and substance satisfactory to the Department, has been executed and authorized by the Department and approved by all required parties, and then only to the extent set forth therein.

The Department's decision on the short-list is final except as provided in RFQ.6. Parties participating in the RFQ phase of this solicitation have accepted this condition and the other requirements of this RFQ.

In submitting an SOQ in response to this RFQ, the Applicant is specifically acknowledging these disclaimers.