



MISSOURI DEPARTMENT OF NATURAL RESOURCES
Air Pollution Control Program
Volkswagen Trust Electric Vehicle Charging Infrastructure Program Requirements

I. Program Requirements

This document sets forth the requirements pertinent to Volkswagen (VW) Trust Awards (Award) made by the Missouri Department of Natural Resources (Department), Air Pollution Control Program (APCP).

By submitting a complete application for an Award, the applicant agrees to comply with these requirements in addition to any other governmental, regulatory, or statutory provision that may be applicable.

A. Use and Award of VW Trust Monies

1. All Awards shall be used for the installation of electric vehicle charging infrastructure, also known as charging stations. Direct current fast charge (DCFC) chargers are installed to meet the goal of creating a minimum practical highway travel network. Applicants may choose to install Level 2 chargers to supplement the DCFC chargers, but no Level 2 chargers will be installed without accompanying DCFC.
 - a) Eligible costs include those necessary for, and directly connected to, the acquisition, installation, operation and maintenance of electric vehicle charging equipment. These costs may include, but are not limited to:
 - Electric vehicle service equipment including electrical service box(es);
 - Shipping cost for equipment;
 - Installation site design;
 - Site permits;
 - Site preparation, including labor;
 - Concrete or asphalt repair after equipment installation, plus parking stops, curbs or bollards;
 - Paint striping;
 - Conduit, cables and wiring;
 - Signage;
 - Upgrade for utility connections and equipment;
 - Equipment installation;
 - Renewable energy generation and storage, including the cost of purchasing and installing solar arrays and battery storage solutions;
 - 5-year warranty;
 - 5-year EV infrastructure maintenance costs (up to \$2,500 per year but not more than a maximum of \$10,000 within the 5-year period).
 - b) No award may be used to purchase or rent real estate, cover capital costs (construction of buildings or parking facilities), or to perform general maintenance (other than maintenance of the charging equipment). Ineligible expenses include, but are not limited to:
 - Purchase, rent, or lease of real estate;
 - Capital construction of buildings or parking facilities, with the exception of parking pavement repair after equipment installation and parking stops, curbs or bollards;
 - General maintenance of the parking area;
 - Expenses incurred before applicant accepts award;
 - Purchase of electricity;
 - Cost of renewable energy credits;
 - Feasibility studies;
 - Research projects;

- Interest surveys;
 - Vehicle or equipment demonstrations;
 - Bad debts;
 - Late payment fees;
 - Finance charges;
 - Attorney fees, lobbying, or political contributions;
 - Mark-upon equipment purchases;
 - Administrative costs.
2. Applicants may be any public or private individual or entity.
3. Documentation Requirements
- a) **Notification of Award.**
- Within fifteen (15) calendar days of notification of the award, the applicant must formally accept the award.
 - Within sixty (60) calendar days of notification of the award, the applicant must provide site host agreement(s).
 - Within sixty (60) calendar days of notification of the award, the applicant must provide a letter of commitment from any other entities providing funding for the project.
 - Within thirty (30) calendar days of site host agreement, the applicant must get utility confirmation of electric service availability at the site location.
 - Within ninety (90) calendar days of site host agreement, the applicant must provide a purchase order for the electric vehicle charging equipment.
 - After award notification, semi-annual progress reports on installation and commissioning are due beginning 14 calendar days after the end of the reporting periods ending on June 30 and December 31.
- b) **Delivery of DCFC equipment.** Within sixty (60) calendar days of delivery and acceptance of the charging equipment, the applicant must provide the following documentation:
- Progress report on utility service installation, parking facility preparation, warranty, network connection, and tentative timeline to commissioning of charging station for public use.
- c) **Commissioning.** Within fourteen (14) calendar days of commissioning the site location, including all DCFC and/or Level 2 chargers, the applicant will report completion of the project and request any remaining project reimbursement. Completion report will include copy of warranty agreement, photos of the charging station and all charging equipment installed, photos of the parking space signage, proof of network connectivity for DCFC, and copy of the purchase agreement for the renewable energy credits, if applicable.
- d) **Quarterly Charging Station Metric Reports.** After commissioning of the charging station, reports on station metrics are due 14 calendar days after the end of the quarter dates of March 31, June 30, August 31 and December 31. Reports will cover 5 calendar years after charging station commissioning. Only DCFC reporting is required, but Level 2 reporting is encouraged. Charging station metrics in the report include:
- Number of charging sessions completed
 - Number of charging sessions with errors or incomplection
 - Total energy per charging session
 - Fees collected per session
 - Connect and disconnect times
 - Charging start and end times
 - Date stamp
 - Unique station identifier
 - Number of charges by type (DCFC CCS, DCFC CHAdeMO, Level 2)
 - Charging station downtime report

4. Electric Vehicle Charger Requirements

- a. Two DCFC charging stations must be installed per site location.
 - o The two DCFC must be able to charge two vehicles simultaneously at a minimum of 50kW. Any 100kW or greater charging station must have the ability to be powered down to 50kW to be backward compatible with all EVs that can accept DCFC.
 - o Each DCFC must provide one each plug type CCS1 J1772 Combo and CHAdeMO connectors.
 - o Each DCFC must be connected to a network with capabilities such as remote management, access control, diagnostics, and remote start.
 - o The DCFC shall have dedicated concrete or asphalt parking spaces.
 - o The DCFC will be Open Charge Point Protocol (OCPP) compliant.
- b. Optional but recommended to install one dual-cord Level 2 charger per site location.
 - o The charging station must be capable of charging two vehicles at 7kW AC output each.
 - o The Level 2 charging station does not have to be connected to a network.
 - o Level 2 charging stations do not require dedicated parking spaces and are not required to be adjacent to the DCFC charging stations.
- c. Must show evidence that the site location is future proofed. This includes the capability to upgrade the initial DCFC stations installed under this RFA to 150kW charging stations. The service box should be of adequate size and disconnect capacity to allow additional cable to be run for future expansion of either two additional 50kW charging stations or an additional single 150kW or higher power charging station.
- d. Payment system must not require a network membership, and must allow at least two payment methods, one of which is payment by telephone. Other payment methods may include, but are not limited to, credit and debit cards, smart cards, subscription services, and app-based payment systems. If there is no fee to charge at the DCFC, full points will be awarded in the scoring process for this criteria.
- e. Real-time pricing and fee information shall be displayed on the charging station equipment or payment screen. Applicants may charge an idle fee for users remaining connected to the charger after the charging session is completed if the fee is disclosed in advance with the displayed fee information.
- f. Customer assistance for chargers is available 24 hours per day 365 days per year via a toll-free phone number posted on or near the charging station.
- g. The equipment will be installed with adequate protective equipment, including but not limited to bollards, concrete curbs, or parking stops, to protect the chargers from accidental impact.
- h. Applicants will secure all local electrical permits, any other building permits, and complete environmental impact reports as needed.
- i. Applicants should make efforts to ensure that charging equipment is American with Disability Act (ADA) compliant, ADA compliant parking spaces are only required in accordance with local requirements. Guidance on equipment specifications like installation reach, accessible controls, and payment systems is available from US Department Of Energy ADA workplace charger guides at https://afdc.energy.gov/files/u/publication/WPCC_complyingwithADArequirements_1114.pdf and https://afdc.energy.gov/files/u/publication/pev_workplace_charging_hosts.pdf

5. Site Location Requirements

- a. Site location will be one from the list in Table 1 of the Request for Applications.
- b. Site location is publicly accessible 24 hours a day, 365 days a year.
- c. Site location must have safety and security including dusk to dawn lighting, cell

- d. phone service, and timely snow and ice removal.
- d. Driver amenities including restrooms, food, and beverage should be located on-site or be adjacent. Other nearby, walkable amenities may include retail, entertainment, or tourist destinations.
- e. Signage: On-site signage consistent with Manual on Uniform Traffic Control Devices https://mutcd.fhwa.dot.gov/resources/interim_approval/ial3/index.htm. Also, parking spaces should be striped to indicate “EV parking only” for DCFC.
- f. The applicant will notify the Department approximately two (2) weeks prior to charging station commissioning such that Department representatives may observe the site location. If Department representatives elect not to visit before commissioning, the commissioning may proceed as planned.

6. Award Amounts

- a. There is no maximum dollar amount of funding an eligible entity may apply for, and there is no maximum dollar amount of funding per proposed site location. Provided, however, the maximum award an applicant may receive is 80% of the project cost per site location.
- b. The application will include a detailed budget estimate.
- c. Applicants will receive award monies to cover the maximum funding percentages or the amount of funds requested in the application for the site location, whichever is less.
- d. This is a reimbursement program. Applicants must pay costs up front and be reimbursed after Department approval. Applications should identify the sources of funding used to cover the remaining portion of project costs not reimbursed by the VW Trust. If combining multiple funding sources, only an informal letter of intent is needed at application time to indicate potential contribution amounts by entity or funding source. After a project is awarded, a letter of commitment will be required for other entities providing funding for the project.

B. Restrictions on the Use of Awards

- 1. Any monies awarded and disbursed to an applicant that are not expended for the purpose for which the monies were awarded will be repaid by the applicant.
- 2. *Reserved.*
- 3. The Award is not, and shall not be, transferrable to any person or entity.
- 4. Applicants may not use award monies from this program to cover any portion of the following costs:
 - Required cost share for projects partially funded by any other funding assistance program, unless the grant or program allows participants to use these funds to cover a portion of the participant’s cost share obligations.

II. Financial Requirements

A. Method of Payment

- 1. The applicant shall not purchase any equipment or materials before the award date. The award date is the date the Department officially offers funds to the applicant to complete the project(s).
- 2. The applicant shall submit documentation in compliance with paragraph I.A.3 prior to receiving reimbursement from the Department.

3. By submitting a reimbursement request, the applicant certifies to the best of their knowledge and belief the information submitted is correct, and all outlays were made in accordance with this document, and that payment is due and has not been previously requested.

4. Award Payments to the Applicants

a. Proof of Payment Invoices (for the project) must be submitted within thirty (30) calendar days of invoice date.

Invoices must include the following:

- i. applicant's name, address, the amount paid by applicant for project, and total cost of the project;
- ii. include as attachments, copies of paid receipt(s) from the vendor(s) proving total cost of the project and copies of check(s) or wire transfer(s) used to pay for the project for which the applicant is requesting reimbursement; and

b. If the applicant fails to follow these Program Requirements, the Department may still make reimbursement, in the Department's discretion, upon a finding that the applicant has presented good cause or special circumstances.

5. For monies withheld or repaid as a result of an enforcement action in subsection III.C. of this document, the APCP may make these monies available to other eligible applicants.

B. Retention and Custodial Requirements For Records

1. The applicant shall retain financial records, supporting documents, and other records pertinent to the Award for a period of five (5) years after the close of the project. The close of the project is the end of the five-year operation period required under the Request for Applications.

2. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the five (5)-year period, the applicant shall retain records until completion of the action and resolution of all issues, which arise from it, or until the end of the regular five (5)-year period, whichever is later.

3. The rights to access such records must not be limited to the required retention period but shall last as long as the records are retained.

4. Any representative of the Department shall have the right to visit the project site(s) at any time until the project is closed.

5. The APCP and the Missouri State Auditor's Office or any of their authorized representatives shall have the right of access to any pertinent books, documents, papers, or other records of the applicant, which are pertinent to the award, in order to make audits, examinations, excerpts, and transcripts. Any records required to be maintained by these Program Requirements may be kept in either a paper or electronic format.

6. The applicant's records shall be maintained as public records pursuant to Chapter 610, RSMo.

C. Financial Management and Reporting

1. Financial Reporting. The applicant shall retain accurate, current, and complete project funding records.

2. Accounting Records. The applicant shall maintain records, which adequately identify the source and application of monies provided for the project.
3. Internal Control. The internal control structure provides reasonable assurance that assets are safeguarded and must assure that assets are used solely for authorized purposes.
4. Source Documentation. Accounting records must be supported by such source documentation as canceled checks and paid invoices. Appropriate electronic verification of cleared checks may also be considered source documentation in lieu of actual canceled checks. The documentation must be made available by the applicant at the APCP's request.

III. Dispute Resolution and Termination

A. Dispute Resolution

1. The applicant and the APCP shall attempt to resolve disagreements concerning the project performance including reporting requirements by informal discussions and negotiations.
2. If an agreement cannot be reached within sixty (60) calendar days of the issuance of the notice of noncompliance, the Department's APCP Director will provide a written decision. Such decision of the APCP Director shall be final unless a request for review is submitted to the Department's Division of Environmental Quality (DEQ) Director within fifteen (15) calendar days of the receipt of the APCP Director's decision. The DEQ Director shall provide a final decision within thirty (30) calendar days of the receipt of the applicant's request. Such requests shall include:
 - a. A copy of the APCP Director's written decision;
 - b. A statement of the amount in dispute;
 - c. A brief description of the issue(s) involved; and
 - d. A concise statement of the objections to the final decision.
3. A decision by the DEQ Director shall constitute final Department action.

B. Termination

1. Termination for Cause.

By the Department:

- a. The Department may terminate any award, in whole or in part, at any time before the date of completion whenever it is determined that the applicant has failed to comply with the requirements of this program.
 - b. The Department shall promptly notify the applicant in writing of such a determination and the reasons for the termination, together with the effective date.
2. Termination for Convenience.

The Department or the applicant may terminate the award, in whole or in part, when the parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of monies.

C. Enforcement: Remedies for Noncompliance

If an applicant falsifies any award document, fails to maintain records or submit reports, refuses the APCP access to records, or materially fails to comply with any term of an award, then the APCP may take one or more of the following actions, as appropriate:

1. Suspend or terminate, in whole or part, the award of current or future monies;
2. Temporarily withhold payments pending applicant's correction of the deficiency;
3. Withhold further Awards from the applicant;
4. Compel the repayment of monies provided to the applicant pursuant to the award;
5. Order the applicant not to transfer ownership of assets purchased with award monies without prior APCP approval; or
6. Pursue any other remedies that may be legally available, including cost recovery, breach of contract, and suspension or debarment with respect to the applicant.

IV. Indemnification and Hold Harmless

By awarding any funds from the VW Trust Fund, overseeing compliance with these Performance Requirements and the operation of a charging station, neither the Department, State of Missouri, the VW Trust Fund, nor any of their officers, directors, employees, agents, or consultants shall not be deemed responsible for the actions and liabilities of the applicant. Moreover, the Applicant agrees to hold harmless and indemnify the aforementioned individuals and entities from any third party claims or litigation related to an award under these Performance Requirements or the operation of a charging station.

V. Applicant's Signature

To be eligible to receive VW Trust monies, the applicant's signature on the application form signifies the applicant's agreement to all of the requirements of the award, including the application and the documents incorporated therein.