

MAKAH INDIAN TRIBE

REQUEST FOR PROPOSALS

Washington Electric Vehicle Charging Program (WAEVCP)
Level 2 EV Charging Infrastructure - Six Public Sites

RFP Number	1
Issuing Organization	Makah Indian Tribe of the Makah Indian Reservation
Project Location	Neah Bay, Washington
Contract / Grant	WAEVCP Contract No. 24-92802-051, as amended
Proposal Due Date	11.12.26
Anticipated Award	11.23.26

1. Invitation and Project Overview

The Makah Indian Tribe of the Makah Indian Reservation (the Tribe) invites qualified firms to submit proposals to furnish, install, activate, test, commission, and support Level 2 electric vehicle (EV) charging infrastructure at six public locations in Neah Bay, Washington. The project is funded through the Washington State Department of Commerce Washington Electric Vehicle Charging Program (WAEVCP), Contract No. 24-92802-051, as amended.

The Tribe seeks a qualified contractor capable of delivering a turnkey project, including EV charging equipment, electrical and site work, required permits and inspections, networking and activation, commissioning, closeout documentation, and warranty/service support. The successful proposer must comply with all applicable grant, Tribal, state, and federal requirements incorporated into the resulting contract.

The amended WAEVCP project retains all six public charging locations and is now an L2-only charging project. The current grant contract amount is \$124,686. Proposers should provide competitive pricing and a clear site-by-site cost breakdown. The Tribe reserves the right to negotiate scope and pricing consistent with available grant funding and procurement requirements.

2. Project Schedule

The Makah Indian Tribe anticipates the following schedule for the WAEVCP Level 2 EV Charging Infrastructure Project:

Milestone	Date
RFP Issued	October 15, 2026
Proposals Due	November 12, 2026
Anticipated Notice of Award	November 23, 2026
Contract Execution / Notice to Proceed	Following Tribal approval
All Equipment Installed and Operational	April 30, 2027
Grant Contract End / Final Closeout	May 31, 2027

The Makah Indian Tribe reserves the right to modify the anticipated project schedule as necessary, subject to applicable Tribal procurement requirements and approval by the Washington State Department of Commerce where required.

The successful contractor shall provide a detailed implementation schedule demonstrating the ability to complete all installations, testing, commissioning, and operational activation within the required project timeline.

3. Site Schedule and Required Charging Infrastructure

The contractor shall provide two Level 2 chargers and two Level 2 charging ports at each of the six public sites. The contractor shall also complete the required future-charging stub-outs shown below. No DC fast chargers are included in this solicitation.

Site	Address	Parcel ID	L2 Chargers	L2 Ports	Total Required Stub-outs
1	1880 Bayview Avenue	153311RES117	2	2	1
2	1394 Bayview Avenue	153311RES297	2	2	3
3	1321 Bayview Avenue	153311RES297	2	2	1
4	100 Wellness Way	153313RES673	2	2	1
5	151 Sail River Heights	153320RES916	2	2	1
6	2726 Makah Passage	153320RES916	2	2	1

Note: The amended Commerce site list also identifies future Level 2 stub-outs by site. The successful contractor shall verify the required stub-out configuration during preconstruction and complete all grant-required infrastructure. Any conflict between this RFP and the executed Commerce contract shall be brought to the Tribe's attention before work proceeds.

4. Scope of Work

The successful contractor shall provide all labor, materials, equipment, supervision, coordination, and documentation necessary to deliver a complete, fully operational Level 2 electric vehicle charging project at the six designated locations, including, at minimum:

- Review all six project sites and verify existing electrical service, available capacity, proposed charger locations, conduit routes, accessibility considerations, communications/network availability, and other site conditions. Any necessary electrical service upgrades or unforeseen infrastructure requirements shall be identified and communicated to the Tribe before construction.
- Coordinate with the Tribe, serving electric utility, equipment suppliers, permitting authorities, inspectors, and other project participants as necessary.
- Provide final equipment selections, manufacturer specifications, product certifications, network requirements, warranty information, and installation details for Tribal approval before procurement.
- Procure and deliver all approved Level 2 EV charging equipment and associated mounting hardware, pedestals, bollards or protective equipment, conduit, conductors, panels, breakers, disconnects, signage, striping, and ancillary materials required for complete installation.
- Perform all necessary electrical and site construction, including trenching, conduit installation, wiring, concrete or mounting work, surface restoration, and the eight required stub-outs identified in Section 3 and the approved Commerce scope of work.
- Obtain and coordinate all required permits, inspections, utility approvals, and electrical approvals unless specifically identified by the Tribe as owner-provided.
- Install, connect, activate, test, and commission all 12 Level 2 charging ports.
- Configure network connectivity, remote monitoring, diagnostics, utilization tracking, and payment capabilities as required by the applicable grant agreement and the Tribe's approved operating plan.
- Provide all startup, commissioning, and testing records and demonstrate that all 12 charging ports are fully operational before final project acceptance by the Tribe.
- Provide training for designated Tribal staff covering normal operation, network portal access, basic troubleshooting, warranty and service procedures, and required reporting.
- Provide complete project closeout documentation, including photographs of each completed installation, equipment serial numbers, warranties, operating manuals, as-built information where applicable, permits and inspection approvals, commissioning records, and other documentation required by the Tribe or Washington State Department of Commerce.

Any proposed changes to the approved project scope, equipment specifications, or installation requirements shall receive prior written approval from the Tribe and, when required, the Washington State Department of Commerce.

5. Level 2 Charger Minimum Technical Requirements

Each proposed Level 2 charger shall meet or exceed the applicable WAEVCP requirements, including:

- Network connectivity through Wi-Fi, cellular (4G or above), or Ethernet.
- Minimum charging capability of 7.2 kW per output.
- If payment is required, a mobile payment device physically located on each charger dispenser or a kiosk serving the charger dispensers. This requirement applies to publicly available chargers and not residential or fleet/workplace installations.
- Capability to use Open Charge Point Protocol (OCPP) 1.6 or later.
- Capability to use Open Charge Point Interface (OCPI) version 2.1.1 or 2.2 standards.
- ENERGY STAR certification and inclusion in the ENERGY STAR product database. Certification by a nationally recognized testing laboratory to UL 2594.
- Remote-start capability, including at minimum payment via a toll-free number where applicable.
- No membership requirement for use.
- At least 33% of Level 2 connectors at each project site shall be SAE J1772 connectors, consistent with the WAEVCP contract. The proposer shall clearly identify connector type(s) offered.

- Commercial-grade equipment suitable for public outdoor installation and the environmental conditions of Neah Bay.

6. Networking, Operations, Warranty, and Support

The Tribe is responsible under the WAEVCP for continued operation and reporting following installation. Accordingly, proposals shall clearly describe the networking and long-term support solution offered.

- Network platform, connectivity method, software/service fees, and term of included network service.
- Remote monitoring, charger status, diagnostics, utilization data, session data, and report/export capabilities.
- Process for reporting and responding to charger outages and malfunctions.
- Manufacturer and installer warranty terms, including parts and labor.
- Preventive maintenance options and recommended service intervals.
- Technical support availability and escalation procedures.
- Ability to support the Tribe's obligation to maintain reliable Level 2 charging operations for at least four years following installation and commissioning, consistent with WAEVCP requirements.
- Ability to support the WAEVCP uptime requirement of no fewer than 97 percent of each charging site's standard hours of operation, measured by uptime percentage rate.
- Ability to provide data needed for Commerce utilization and reliability reporting, including charger operational duration, hours connected to vehicles, kWh dispensed, uptime, downtime events, maintenance, repairs, and network monitoring/service documentation.

7. Labor, PLA, Apprenticeship, and MWBE Requirements

The WAEVCP site commitments applicable to this project include 25% apprenticeship labor, use of a Project Labor Agreement (PLA), and a commitment to contract with Minority and Women-Owned Business Enterprises (MWBE). Proposers must demonstrate their ability to comply with these commitments and all applicable contract requirements.

- Electrical apprentices shall be enrolled in an apprenticeship program registered with the Washington State Department of Labor & Industries and counted in accordance with WAEVCP requirements.
- The proposer shall provide a plan for achieving the 25% apprenticeship labor commitment and shall track and provide labor-hour documentation required for Commerce reporting.
- The successful contractor shall comply with the applicable Project Labor Agreement requirement. No construction work subject to the PLA shall begin until required agreement(s) are in place.
- The proposer shall describe its approach to meeting the project's MWBE commitment, including proposed certified subcontractors or a good-faith outreach/participation plan consistent with applicable requirements.
- The successful contractor shall provide documentation reasonably requested by the Tribe to demonstrate compliance with labor, apprenticeship, PLA, MWBE, and other grant requirements.

8. Permitting, Codes, Safety, and Site Standards

- All work shall comply with applicable Tribal requirements, Washington State electrical and construction requirements, utility standards, manufacturer's installation instructions, and all other applicable laws, codes, and regulations.
- The contractor shall maintain a safe work site and coordinate work to minimize disruption to Tribal operations and public access.
- Charger placement, parking configuration, signage, protection, and access shall comply with applicable accessibility and safety requirements.
- The contractor shall restore disturbed surfaces and areas to an equal or better condition following installation.
- The contractor shall immediately notify the Tribe of unforeseen site conditions or conditions that may materially affect cost, schedule, or compliance before performing additional work.

9. Required Proposal Content

Proposals should be concise but sufficiently detailed for the Tribe to evaluate the firm's ability to successfully complete the project. Include the following:

Cover Letter: Identify the firm, primary contact, legal business name, address, telephone, and email. Proposals shall remain valid for a minimum of 60 calendar days following the proposal submission deadline.

Firm Qualifications: Describe relevant EV charging, electrical construction, public infrastructure, Tribal/community, and grant-funded project experience.

Project Team: Identify the project manager, electrical contractor, key personnel, and major subcontractors. Include licenses/certifications and relevant experience.

Technical Approach: Describe proposed charger make/model, mounting configuration, network platform, communications method, software, payment approach if applicable, and how the equipment meets Section 5.

Site and Construction Approach: Describe site verification, utility coordination, permitting, installation, restoration, activation, commissioning, and closeout.

Schedule: Provide a detailed project implementation schedule demonstrating completion and operation of all charging ports no later than April 30, 2027. The schedule shall identify anticipated equipment procurement lead times, major project milestones, and potential risks to timely completion.

Labor Compliance Plan: Describe compliance with apprenticeship, PLA, and MWBE commitments.

Operations / Warranty / Support: Provide warranty, network service, uptime support, maintenance, response-time, training, and data-reporting information.

References: Provide at least three references for comparable projects, preferably including public-sector, Tribal, rural, or grant-funded EV charging work.

Price Proposal: Complete the site-by-site pricing schedule in Section 11 and identify all recurring network/software/service costs separately.

Exceptions: Clearly identify any requested exceptions, assumptions, exclusions, or proposed substitutions.

10. Evaluation and Selection

The Tribe intends to select the proposal determined to provide the best overall value and ability to complete the project in compliance with the WAEVCP requirements and schedule. Proposals will be evaluated using the following criteria:

Evaluation Factor	Weight
Relevant qualifications and comparable project experience	20%
Technical approach and equipment compliance	20%
Project management, schedule, and ability to meet April 30, 2027 deadline	20%
Labor / PLA / apprenticeship / MWBE compliance approach	15%
Warranty, networking, maintenance, and long-term support	10%
Price and overall value	15%

The Tribe reserves the right to request clarifications, conduct interviews, negotiate with one or more proposers, reject any or all proposals, waive minor irregularities, and make an award in the best interest of the Tribe, subject to applicable procurement requirements.

11. Price Proposal Form

Proposers shall provide a firm, fixed turnkey price for the complete installation, testing, commissioning, and activation of all 12 Level 2 charging ports and eight required stub-outs across the six designated project sites.

The proposed price shall include all equipment, labor, materials, electrical work, permitting, installation, networking activation, site restoration, and other costs necessary to deliver a complete and operational project.

Site	Address	Total Price
1	1880 Bayview Avenue	\$
2	1394 Bayview Avenue	\$
3	1321 Bayview Avenue	\$
4	100 Wellness Way	\$
5	151 Sail River Heights	\$
6	2726 Makah Passage	\$
TOTAL	TURNKEY PROJECT PRICE	\$

Proposers shall separately identify any recurring annual costs for network services, software, monitoring, maintenance, or technical support, including the estimated total cost for four years of operation.

Any exclusions, assumptions, or proposed additional charges must be clearly identified in the proposal.

12. Contract and Grant Requirements

- The selected proposer will be required to enter into a contract acceptable to the Makah Indian Tribe and comply with all applicable Tribal contracting and procurement requirements.
- The Washington State Department of Commerce WAEVCP contract, as amended, and applicable grant requirements will be incorporated by reference or flowed down as appropriate.
- No work outside the authorized scope shall be performed without prior written approval by the Tribe. Grant-related scope changes may require Commerce approval before work proceeds.
- The contractor shall maintain appropriate licenses, insurance, bonds, permits, and other requirements applicable to the work and as required by the final Tribal contract.
- Payment will be based on accepted work and required documentation. The Tribe may withhold payment for incomplete, noncompliant, or undocumented work.
- The contractor shall cooperate with the Tribe in providing information required for grant reporting, audits, inspections, and project closeout.

13. Questions, Site Access, and Proposal Submission

All questions regarding this RFP shall be submitted in writing to:

Benjamin Maxson
Economic Planner II
Makah Tribe Planning Department
Email: Benjamin.Maxson@makah.com

Questions may be submitted by email throughout the solicitation period. The Tribe reserves the right to issue written clarifications or addenda when necessary. Any clarification or modification that materially affects the RFP will be made available to all prospective bidders to ensure a fair and competitive procurement process.

Site visits and requests for additional project information shall also be coordinated through the Makah Tribe Planning Department.

Proposals may be submitted either in hard copy or by email. Please add Submission "WAEVCP". Regardless of the submission method, all proposals must be received by the Makah Indian Tribe no later than 3:00 p.m. Pacific Time on November 12, 2026. Hard-copy proposals must be delivered to: Makah Indian Tribe, Attn: Lulu Venske, P.O. Box 115, Neah Bay, WA 98357. Emailed proposals must be sent to Lulu.Venske@makah.com, with copies to Bud.Denney@makah.com and Benjamin.Maxson@makah.com. Late proposals may be rejected in accordance with Tribal procurement procedures.

14. Reservation of Rights

Issuance of this RFP does not obligate the Tribe to award a contract or reimburse any proposer for costs incurred in preparing a proposal. The Tribe reserves all rights available under its procurement policies and applicable law, including the right to amend or cancel this solicitation, reject any or all proposals, request additional information, and negotiate final scope, schedule, and price.

Appendix A - Bidder Compliance Checklist

- ☐ Two L2 chargers / two L2 ports at each of six sites
- ☐ Required grant stub-outs included
- ☐ Minimum 7.2 kW per output
- ☐ Wi-Fi, 4G+ cellular, or Ethernet networking
- ☐ OCPP 1.6 or later and OCPI 2.1.1 or 2.2 capability
- ☐ ENERGY STAR certified and UL 2594 certified
- ☐ Remote-start capability; no membership required
- ☐ At least 33% SAE J1772 connectors at each site addressed
- ☐ April 30, 2027 installation/operational deadline accepted
- ☐ 25% apprenticeship labor commitment addressed
- ☐ Project Labor Agreement requirement addressed
- ☐ MWBE commitment addressed
- ☐ Warranty and maintenance/support provided
- ☐ Network/data reporting capabilities described
- ☐ Site-by-site pricing completed
- ☐ Recurring fees separately identified
- ☐ Exceptions/assumptions clearly identified

Attachment A: Scope of Work

Terms used in Attachment A: Scope of Work (Scope of Work) shall have the same meaning as in section **1. DEFINITIONS** in the **GENERAL TERMS AND CONDITIONS**.

1. Project overview

1.1 Purpose

The purpose of this contract is as described on the Face Sheet of this contract.

1.2 Partners

The Tribe or Nation shall include an updated list of project partners in the project management report and all subsequent quarterly report updates.

1.3 Site list

The Tribe or Nation shall complete installations for the sites, chargers, ports, connectors, and stub-outs as detailed in **Attachment C: Site List**. The Tribe or Nation may request changes to sites and equipment consistent with the change order process as detailed in subsection 2.3 of the Scope of Work.

2. Project management

2.1 Project kickoff

The Tribe or Nation shall identify a primary point of contact to COMMERCE, including name, email address, and phone number, and attend a “kickoff” webinar or meeting with COMMERCE within 30 days of contract execution to discuss contract requirements and Tribe or Nation expectations.

2.2 Project management report

The Tribe or Nation shall submit a project management report to COMMERCE within 60 days of contract execution, using a template provided by COMMERCE, to describe planned project activities and milestones broken out by site. The report shall align with **Attachment B: Budget** and describe any changes to expected costs and funds following contract execution. The report will also describe plans to comply with funding requirements and state and federal laws and regulations, including but not limited to the Americans with Disabilities Act (ADA).

The Tribe or Nation shall issue updates to the project management report on a quarterly basis to COMMERCE, starting no later than four months following contract execution and until all sites are fully installed and a final report has been submitted and approved. The quarterly report shall be submitted no later than 15 days after the end of each quarter, using the reporting template provided by COMMERCE.

2.2.1 Project activities and milestones

The Tribe or Nation shall include project activities and milestones achieved to date and anticipated in the next quarter, and any changes to the project management report, project partner list, risks and issues mitigated, and lessons learned. Activities and milestones must include:

- Information received from the electric utility serving each project site on expected electrical make-ready (on both the utility and customer sides of point of service delivery) and interconnection activities, costs, and timing.
- Expected permitting activities, costs, and timing.

2.2.2 Project expenditures

The Tribe or Nation shall include an updated milestone/invoicing schedule with invoices completed to date and anticipated milestone completion dates for the duration of the grant. While Commerce does not anticipate requiring more detailed expenditure information as part of quarterly reporting, Tribe or Nation shall maintain project fiscal records in alignment with Generally Accepted Accounting Principles (GAAP) and in sufficient detail to show that a) grant funding has been spent only on eligible costs as outlined in **Attachment D: Sample Application Manual**, and b) grant funds have not been comingled with any non-grant (match) funds.

2.3 Change orders

Changes to **Attachment A: Scope of Work** and/or **Attachment C: Site List** may be requested by the Tribe or Nation using the change order request template provided by COMMERCE. Within the limits defined in Subsections 2.3.1-2.3.4 of **Attachment A: Scope of Work**, Commerce may consider and accept such changes. For change order forms affecting only information contained in **Attachment A: Scope of Work** and/or **Attachment C: Site List**, a change order will be considered to be accepted by COMMERCE once the applicable COMMERCE representative has signed the form. Change orders affecting contract information outside of **Attachment A: Scope of Work** and/or **Attachment C: Site List** (including but not limited to: grant amount, start date, or end date) require a formal contract amendment.

2.3.1 Grant amounts

Change orders may be accepted by COMMERCE if such orders change the scope of work in a way that requires a lower or same COMMERCE grant amount as the current contract. Commerce will not consider change order requests if the scope of work changes such that projects can only be successfully completed with a higher grant amount than the original contract.

Change orders that remove sites, reduce the quantity of charging ports, or result in removed adders must also reduce the maximum grant amount in this contract consistent with the award process as detailed in the **Attachment D: Sample Application Manual**.

2.3.2 Site changes

The Tribe or Nation may request changes to one or multiple sites, including site removal, following contract execution for consideration by COMMERCE. COMMERCE may choose to accept or reject requests for any reason.

COMMERCE will only consider site change requests if they meet one or more of the following conditions:

- The Tribe or Nation has exhausted all reasonable options to make the original site work and COMMERCE has determined that project success is either impossible or unlikely to occur;
- Ownership of the original site changes, or site owner no longer agrees to host chargers on their property;
- Conditions of the original site change such that a charger installation on the site can no longer satisfy all requirements of the contract; or
- Previously anticipated non-program funding is no longer available to support the site.

COMMERCE will only consider site change requests that move grant funding from one or multiple sites to new one or multiple sites if new identified sites have the same or higher score on the site-related scoring criteria (as described in **Attachment D: Sample Application Manual**), as described in the application manual, as the lowest score receiving an award.

The Tribe or Nation may request site changes in any combination as long as the new project sites can be completed with costs eligible for reimbursement within the current grant amount as outlined in **Attachment D: Sample Application Manual**.

2.3.3 Charging port quantity changes

The Tribe or Nation may request changes to the quantity of equipment to be installed, including Level 2 charging ports, DCFC charging ports, and stub-outs, in one or multiple sites following contract execution for consideration by COMMERCE. COMMERCE may choose to accept or reject requests for any reason.

COMMERCE will only consider equipment quantity change requests if:

- New information learned by the Tribe or Nation following contract execution indicates site conditions will add cost or otherwise add risk to project success if contract implementation moves forward unchanged;
- The requested new quantity of Level 2 charging ports, DCFC charging ports, and combination of Level 2 and DCFC charging ports at each affected site does not exceed limits as described by the application manual; and
- The project site score for all affected sites continues to be the same or higher on the site-related scoring criteria (as described in **Attachment D: Sample Application Manual**) as the lowest score receiving an award.

2.3.4 Scope of Work requirement exemptions

The Tribe or Nation may request exemptions to equipment, installation, and operations and maintenance requirements in **Attachment A: Scope of Work** following contract execution for consideration by COMMERCE. COMMERCE may choose to accept or reject requests for any reason.

2.4 Progress meetings

The Tribe or Nation shall participate in any progress calls requested by COMMERCE, to be scheduled within a month of the request.

2.5 Project final report

The Tribe or Nation shall submit a final report to COMMERCE that:

- Describes the project's purpose, approach, activities performed, results; and
- Includes the project's maintenance and operations service contract or plan.

3. Equipment requirements

3.1 Chargers

3.1.2 Level 2 chargers

All Level 2 chargers installed at covered project sites shall:

- Be networked through Wi-Fi, cellular (4G and above), or Ethernet;
- Be capable of at least a 7.2 kW power output;
- If requiring payment, have a mobile payment device physically located on each charger dispenser or on a kiosk serving the charger dispensers. This requirement only applies to publicly available chargers, not residential or fleet/workplace, unless those projects will be publicly available in addition to their residential/work purpose
- Be capable of using OCPP 1.6 or later;
- Be capable of using OCPI version 2.1.1 or 2.2 standards;

- Be ENERGY STAR certified in the ENERGY STAR product database;
- Be certified by a nationally recognized testing laboratory to UL 2594; and
- Comply with all relevant state laws and rules in effect, including but not limited to Department of Agriculture rules in WAC 16-662-200, WAC 16-662-210, WAC 16-662-215, and WAC 16-662-220.

All public site (as defined in **Attachment D: Sample Application Manual**) Level 2 chargers installed at covered project sites shall:

- Support remote start capabilities for, at minimum, payment via a toll-free number; and
- Not require a membership for use.

3.1.2 DCFC chargers

All DCFC chargers installed at covered project sites shall:

- Be networked through Wi-Fi, cellular (4G and above), or Ethernet;
- Be capable of at least a 100 kW power output;
- Support remote start capabilities for, at minimum, payment via a toll-free number;
- If requiring payment, have a mobile payment device physically located on each charger dispenser or on a kiosk serving the charger dispensers;
- Not require a membership for payment.
- Be capable of using OCPP 1.6 or later;
- Be capable of using OCPI version 2.1.1 or 2.2 standards;
- Be certified by a nationally recognized testing laboratory to UL 2202 or UL 9741; and
- Comply with all relevant state laws and rules in effect, including but not limited to Department of Agriculture rules in WAC 16-662-200, WAC 16-662-210, WAC 16-662-215, and WAC 16-662-220.

3.2 Connectors

At least 33% of Level 2 connectors at each project site must be SAE J1772 connectors, and at least 33% of DCFC connectors at each project site must be CCS1 connectors. Connector types other than SAE J1772, CCS1, and NACS may be installed at project sites, but are not factored into the grant award amount.

3.3 Stub-outs

The Tribe or Nation shall only receive reimbursement for costs on up to three stub-outs per site as listed in **Attachment C: Site List**. To qualify for the future proofing adder, Level 2 installations must either meet the definition above or install a Level 2 receptacle. DCFC stub-out installations must meet the definition of "Stub Out" in subsection **1. DEFINITIONS** in the **GENERAL TERMS AND CONDITIONS** of this contract.

3.4 Emergency disconnects

Each DCFC charger must contain disconnecting means of emergency power shutoff (also known as "e-stop" equipment). Emergency shutoff devices or electrical disconnects must be installed no fewer than 20 feet or more than 100 feet from chargers. The emergency shutoff must be installed in a readily accessible location in sight from the chargers and labeled.

4. Installation requirements

4.1 Labor requirements

4.1.1 Prevailing wage

The Tribe or Nation shall comply with prevailing wage requirements as detailed in this agreement, and/or as required by law.

4.1.2 Electrical apprenticeship utilization rate

The Tribe or Nation shall meet or exceed an electrical apprenticeship utilization rate specified for each site in **Attachment C: Site List**. This requirement shall be waived by COMMERCE if the Tribe or Nation demonstrates that one electrician is sufficient to complete all work required by the contract.

Electrical apprentices must be enrolled in an apprenticeship program registered with the Department of Labor and Industries to count towards the utilization rate. The utilization rate shall be calculated as a percent of the total labor hours performed by electrical apprentices divided by the total labor hours performed by all electrical workers, including apprentice and journey level workers, employed upon all project sites covered in the contract.

Tribe or Nation shall submit, on a site-by-site basis, total labor hours by all electrical contractor workers, total labor hours by electrical apprentices, and apprentice identification for all electrical apprentices working on the grant project to COMMERCE in quarterly reports as required in Section 4 of **Attachment A: Scope of Work**.

4.1.3 Project labor agreement

If the Tribe or Nation committed to using project labor agreements in their application, the Tribe or Nation shall submit to COMMERCE a project labor agreement or agreements covering project sites for which such a commitment was made. All project labor agreements must have been made with at least one labor union, regional council, or association affiliated with the Washington State Building and Construction Trades Council. For any sites covered by a project labor agreement, neither site preparation nor construction work may begin until a project labor agreement is in place.

4.1.4 Office of Minority and Women's Business Enterprises certified contractor

If, in their grant application, the Tribe or Nation committed to contracting with Office of Minority and Women's Business Enterprises (OWMBE)-certified contractor(s), the Tribe or Nation shall hire one or more contractors to complete work on the covered project sites that are certified as small businesses owned and controlled by minority, women, and socially and economically disadvantaged persons by the Office of Minority and Women's Business Enterprises. The Tribe or Nation shall note such contractors on their project management report and quarterly report updates.

4.2 Installation deadlines

The Tribe or Nation shall complete installation and begin operations of all charging ports on each project site according to the required timelines:

- Level 2 charging ports only: within 270 days following contract execution;
- DCFC charging ports only: 580 days following contract execution; and
- Combination of at least one Level 2 charging port and at least one DCFC charging port: within 580 days following contract execution.

The Tribe or Nation may request extensions and COMMERCE may grant extensions consistent with Section 2.4 of **Attachment A: Scope of Work**.

5. Operations and maintenance requirements

5.1 Operations and maintenance service agreements

The Tribe or Nation shall enter into an operations and maintenance service contract, including a Service Level Agreement (SLA), with a qualified partner to meet requirements of this section of the scope of work.

COMMERCE may waive this requirement if the Tribe or Nation demonstrates qualifications and a plan to perform this task without contracting with an external partner.

5.2 Operations requirements

5.2.1 Operations duration

The Tribe or Nation shall maintain reliable operations of all Level 2 charging ports during all typical project site operational hours for at least four years, and all DCFC charging ports for at least six years, following their first day of operations.

5.2.2 Uptime

The Tribe or Nation shall ensure all charging ports installed are operational no fewer than 97 percent of the charging site's standard hours of operation, as measured by uptime percentage rate, throughout the each charging port's required operations duration.

Uptime percentage rate shall be calculated as $U = \frac{T-D+E}{T} * 100\%$, with:

- U = Uptime reporting percentage for the reporting period.
- T = Total time of project site operational hours during the reporting period.
- D = Total downtime during the reporting period, including excluded downtime.
- E = Excluded downtime during the reporting period.

Downtime shall be measured as any period of time within the standard hours of operation in which a charger is not operational, including:

- A period in which the charging port's response to the central system's request for notification of operative status indicates that the connector or charging port is in an inoperative state; and
- A period in which maintenance logs show initial notice of a physical or otherwise non-networked issue that results in a non-operational status prior until maintenance logs show repairs have returned the charging port to an operational status.

Excluded downtime shall be defined as a period of downtime caused by any of the following reasons:

- Downtime before initial installation;
- Electric grid power loss that cuts off power supply to the charging port;
- Any failure to charge due to the fault of the vehicle;
- Preventive maintenance, up to 24 hours per year;
- Physical damage to hardware caused by a third party, including vandalism or theft, up to five days for each event;
- Telecommunication network outages beyond the control of the Tribe or Nation; and
- Extraordinary events, including natural disasters that are unforeseeable and impossible to plan for in advance.

5.3 Maintenance requirements

The Tribe or Nation shall:

- Perform regular preventive maintenance, including visual inspection, performance testing, functional validation, and reporting;
- Monitor network performance;
- Dispatch maintenance technicians in a timely manner and address malfunctions and repairs within 48 hours of initial notice; and
- Provide charging station users with call center service at all times of operation that will assist users with any technical issues encountered at the stations.

5.4 Distribution of educational materials

The Tribe or Nation shall work with site owners to ensure residents of multifamily buildings and/or employees at commercial buildings served by multifamily and workplace project sites (as defined in **Attachment D: Sample Application Manual**) under this contract are aware of the opportunity to use chargers. To satisfy this requirement, the Tribe or Nation shall ensure partner site owners distribute educational materials to residents and/or employees and offer timely responses to questions on use of chargers.

The Tribe or Nation shall ensure any educational materials distributed to residents of multifamily buildings and/or employees at commercial buildings meet requirements detailed in **the term “Acknowledgement of Climate Commitment Act Funding”** of this agreement.

This requirement does not apply if the contract does not include any multifamily or workplace project sites.

5.5 Utilization and reliability reporting requirements

Following submission of the final report, the Tribe or Nation shall submit an operations report with data on each charger once every six months until the end of the operational duration. The Tribe or Nation shall submit the report no later than 15 days after the end of each six-month period with the following data for the quarter and cumulatively over total operations:

- Average hours per day the charger drew power.
- Average hours per day the charger was connected to an electric vehicle.
- Average kWh per day the charger port dispensed.
- Uptime percentage rate per charger, with all data needed to verify calculations including an itemized summary of the date, duration, and category all excluded downtime being claimed for a reporting period.
- The percentage of successful charging sessions to the total number of charge attempts for each charger.
- All instances of preventative maintenance.
- Time log with information on reported charger malfunctions and corresponding repairs.
- Proof of network monitoring and call center service.

6. Scope of work violations

Nothing in subsections 6.1-6.3 shall be interpreted to limit, alter, or supersede Commerce's rights under the **GENERAL TERMS AND CONDITIONS, SPECIAL TERMS AND CONDITIONS**, and the **PROGRAM SPECIFIC TERMS AND CONDITIONS** of this agreement.

6.1 Failure to submit reports or attend meetings

Failure to submit required reports or attend required meetings will be treated as a default, which left uncured, may result in COMMERCE's right to recapture disbursed funds and terminate any obligation to disburse additional funds.

6.2 Violation of equipment and installation requirements

Costs incurred on any activity subject to this contract that result in a violation of requirements, including variances from project information in the scope of work, shall be considered disallowed costs and treated as a default, which left uncured, may result in COMMERCE's right to recoup disbursed funds and terminate any obligation to disburse additional funds for the site(s) for which the violation occurred.

6.3 Violation of operations and maintenance requirements

The first failure to meet operations and maintenance requirements will result in a warning and required improvement plan explaining how improvement will be made in future reporting periods. Repeat violations will result in COMMERCE's right to recoup up to ten percent of disbursed project costs.