

CHARGING AND FUELING INFRASTRUCTURE (CFI) DISCRETIONARY GRANT
GRANT AGREEMENT TEMPLATE: FOR DIRECT AWARDS TO NON-STATE DOT RECIPIENTS
NOT INTENDED FOR EXECUTION WITHOUT MODIFICATION
VERSION DATE: AUGUST 28, 2024

- | | | |
|---|--|---|
| <p>1. Award No.
<i>[FHWA HQ to enter]</i></p> | <p>2. Effective Date
See No. 17 Below</p> | <p>3. Assistance Listings No.
20.205</p> |
| <p>4. Award To

City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062
Unique Entity Id.: Y5RPGGDM3LD8
TIN No.: 93-6002269</p> | <p>5. Sponsoring Office
U.S. Department of Transportation
Federal Highway Administration
Office of Acquisition & Grants Management
1200 New Jersey Avenue, SE
HCFA-43, Mail Drop E62-204
Washington, DC 20590</p> | |
| <p>6. Period of Performance
From: Effective Date of Award
To: <i>5 years, 0 months</i></p> | <p>7. Total Amount
Federal Share: \$15,000,000
Recipient Share: \$3,800,000
Total: \$18,800,00</p> | |
| <p>8. Type of Agreement
Grant</p> | <p>9. Authority
Infrastructure Investment and Jobs Act (IIJA)
(Pub. L. 117-58, § 11401 November 15, 2021)
codified at 23 U.S.C. 151</p> | |
| <p>10. Procurement Request No.
<i>[FHWA HQ to enter]</i></p> | <p>11. Federal Funds Obligated
<i>[FHWA HQ to enter]</i></p> | |
| <p>12. Submit Payment Requests To
See Article 13 of the General Terms and Conditions.</p> | <p>13. Payment Office
See Article 13 of the General Terms and Conditions.</p> | |
| <p>14. Accounting and Appropriations Data by Fiscal Year (FY)
<i>[FHWA HQ to fill in]</i></p> | | |
| <p>15. Title of Project
Tualatin and Neighbors Charging Up (TANC-UP)</p> | | |

RECIPIENT

16. Signature of Person Authorized to Sign

FEDERAL HIGHWAY ADMINISTRATION

17. Signature of Agreement Officer

 Signature Date
 Name:
 Title:

 Signature Date
 Name: *[FHWA HQ to fill in]*
 Title: Agreement Officer

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FEDERAL HIGHWAY ADMINISTRATION

GRANT AGREEMENT UNDER THE
FISCAL YEAR 2022 and FISCAL YEAR 2023 CHARGING AND FUELING
INFRASTRUCTURE GRANT PROGRAM

This agreement is between the Federal Highway Administration (the “**FHWA**”) and the City of Tualatin (the “**Recipient**”).

This agreement reflects the selection of the Recipient to receive a Charging and Fueling Infrastructure (“**CFI**”) Grant for the following project: Tualatin and Neighbors Charging Up (TANC-UP).

If schedule A to this agreement identifies a Designated Subrecipient, that Designated Subrecipient is also a party to this agreement, and the parties want the Designated Subrecipient to carry out the project with the Recipient’s assistance and oversight.

The parties therefore agree to the following:

ARTICLE 1
GENERAL TERMS AND CONDITIONS.

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under the Fiscal Year 2022 and Fiscal Year 2023 Charging and Fueling Infrastructure (CFI) Grant Program” dated March 1, 2024, which is available at <https://www.fhwa.dot.gov/environment/cfi/resources/fy2022-2023-cfi-terms-conditions.pdf>. The General Terms and Conditions reference the information contained in the schedules A – K to this agreement. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action which may include but is not limited to terminating the CFI grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the CFI Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

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ARTICLE 2
SPECIAL TERMS AND CONDITIONS.

- 2.1** The Recipient acknowledges that the Project must be performed in compliance with the National Electric Vehicle Infrastructure Standards and Requirements under 23 CFR part 680 including but not limited to the data reporting requirements under 23 CFR 680.112.
- 2.2** The Recipient acknowledges the requirements, including the non-Federal cost share requirements applicable to contracting with Private Entity, in the FY 2022-2023 CFI Terms and Conditions document under section Article 12 titled Contracting and Subawards in section 12.8: Requirement to Contract with a Private Entity.

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SCHEDULE A
ADMINISTRATIVE INFORMATION

1. Application.

Application Title: Tualatin and Neighbors Charging Up (TANC-UP)

Application Date: 6/9/2023

2. Recipient's Unique Entity Identifier.

See Page 1, Block 4.

3. Recipient Contact(s).

Name: Nic Westendorf

Title: Deputy Public Works Director

Agency: City of Tualatin, Ore

Mailing Address: 10699 SW Herman Rd., Tualatin, Ore. 97062

Phone Number: 503-691-3673

Email Address: nwestendorf@tualating.gov

4. Recipient Key Personnel.

Name	Title or Position
Nic Westendorf	Deputy Public Works Director
Rachel Sykes	Public Works Director

5. FHWA Project Contact(s).

Sarah Tarpgaard, Agreement Officer (AO)

US DOT / FHWA Office of Acquisition and Grants Management

HCFA-43, Mail Stop E62-310

1200 New Jersey Avenue, S.E.

Washington, DC 20590

(202) 493-3225; sarah.tarpgaard@dot.gov

Agreement Officer Representative (AOR):

FHWA Division Administrator

FHWA Oregon Division Office

530 Center Street NE, Suite 420

Salem, OR 97301

(503)-399-5749; Oregon.FHWA@dot.gov

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FHWA's CFI Grant Point of Contact (POC):
Nick Fortey, Safety, Operations, and ITS Engineer
FHWA Oregon Division Office
530 Center Street NE, Suite 420
Salem, OR 97301
(503) 316-2565; nick.fortey@dot.gov

6. Payment System.

USDOT Payment System: DELPHI eInvoicing

7. Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

8. Federal Award Identification Number.

See Page 1, Block 1.

9. Designated Subrecipient.

Designated Subrecipient: None

10. Subawards and Contracts.

Note: See 2 CFR 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the AO are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.327.

- (a) Unless described in the application and funded in the approved award, or otherwise exempted by the AO in writing, the Recipient must obtain prior written approval from the Agreement Officer (the "AO") for the subaward, transfer, or contracting out of any non-construction CFI Grant work under this agreement above the Simplified Acquisition Threshold. This provision does not apply to the acquisition of supplies, material, equipment, or general support services.
- (b) Approval of each subaward or contract is contingent upon the Recipient's submittal of a written fair and reasonable price determination, and approval by the AO for each proposed contractor/sub-recipient. Consent to enter into subawards or contracts will be issued through written notification from the AO or a formal amendment to the Agreement.

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- (c) The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

The recipient's proposed subawards and contracts included in the recipient's application as cited in schedule A, section 1, as amended by schedule E, are hereby considered approved.

Forth Mobility - \$13,713,984.00

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SCHEDULE B
PROJECT ACTIVITIES

1. General Project Description.

Refer to the application title and date identified in schedule A section 1, which is incorporated by reference to this agreement. See schedule E for changes to the project described in the application.

[Recipient, do not add further text here. Leave as is.]

2. Statement of Work.

Refer to the application title and date identified in schedule A section 1, which is incorporated by reference to this agreement. See schedule E for changes to the project described in the application.

[Recipient, do not add further text here. Leave as is.]

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SCHEDULE C
AWARD DATES AND PROJECT SCHEDULE

1. Award Dates.

Budget Period End Date: See Page 1, Block 6.

Period of Performance End Date: See Page 1, Block 6.

2. Estimated Project Schedule.

Milestone	Estimated Date
Planned Construction Substantial Completion and Open to Traffic Date:	[(5 years, 0 months) after effective date of the award]

3. Special Milestone Deadlines.

None.

Milestone	Estimated Date
Actions related to the Project to improve racial equity and reduce barriers to opportunity (per Schedule I comment from FHWA)	October 1, 2025

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SCHEDULE D
AWARD AND PROJECT FINANCIAL INFORMATION

1. Federal Award Amount.

CFI Grant Amount: \$15,000,000

2. Federal Obligation Information.

Federal Obligation Type: Multiple

Obligation Condition Table (for use in awards with Multiple Phases to be obligated separately)		
	Federal Share Amount of CFI Grant	Obligation Condition
Phase 1: Pre-Construction	\$6,850,503	N/A – funded upon award
Phase 2: Construction and Operations	\$8,149,497	FHWA Division Office confirms the Recipient has met all the applicable Federal, and local requirements including NEPA approval.
Total Federal Share	\$15,000,000	

3. Approved Project Budget.

Eligible Project Costs

	[Phase 1]	Phase 2	Total
Federal Share:	\$6,850,503	\$8,149,497	\$15,000,000
Non-Federal Share:	\$150,000	\$3,650,000	\$3,800,000
Total:	\$7,000,503	\$11,799,497	\$18,800,000

4. Approved Pre-award Costs

None. The FHWA has not approved under this award any pre-award costs under 2 C.F.R. 200.458.

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SCHEDULE E
CHANGES FROM APPLICATION

Scope: No Changes

Schedule: No Changes

Budget: No Changes

Other: No Changes

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SCHEDULE F
CFI PROGRAM DESIGNATIONS

1. Corridor or Community Designation.

Corridor-Community Designation: Community

2. Funding Source.

Funding Source: Highway Trust Funds (Infrastructure Investment and Jobs Act (Pub. L. 117–58, § 11101(b)(1)(A) November 15, 2021)

3. Security Risk Designation.

Security Risk Designation: Low

4. Funding Act.

Infrastructure Investment and Jobs Act (Pub. L. 117–58, § 11401 and Title VIII of Division J, November 15, 2021).

5. Funds Obligation.

Base Award: The amount of Federal funds obligated to the base award are listed on Page 1, Block 11. These funds are considered obligated upon FHWA signature on Page 1.

Amendments: If not fully funded by the base award, additional funding may be obligated to the award by FHWA’s execution of an agreement amendment. Each amendment will list the amount of Federal funds obligated by the amendment. These funds are considered obligated upon FHWA signature on the amendment.

All awards of FY 2024 CFI Program funding are available for obligation through September 30, 2027. Once funds are obligated, CFI Program funds are available until expended. NEVI 10 funds are available until expended.

*For phased awards using multiple obligations as described in Schedule D, the Recipient must satisfy the Phase 2 Obligation Condition listed in Schedule D, Obligation Condition Table, by August 1, 2027, to allow FHWA sufficient time to obligate CFI FY 2024 funds prior to the obligation deadline of September 30, 2027.

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SCHEDULE G
CFI PERFORMANCE MEASUREMENT INFORMATION

Study Area: Tualatin and Neighbors Charging Up (TANC-UP)

Baseline Measurement Date: 3 months after the effective date of award

Baseline Report Date: To be submitted with the recipient’s first Quarterly Project Progress Report.

NOTE: FHWA anticipates the CFI baseline measurement to be zero operational EV charging ports and/or hydrogen dispensers. The recipient may note the baseline measurement of “zero operational” in their first Quarterly Project Progress Report in order to satisfy the Baseline Report.

Quarterly Project Progress Report: The recipient must submit Quarterly Project Progress Reports to FHWA per Article 7 of the General Terms & Conditions, and in accordance with the format and content listed in Exhibit C, Quarterly Project Progress Reports.

After the CFI grant-funded EV charging ports and/or hydrogen dispensers become operational, the recipient must include the following performance measure in their Quarterly Project Progress Reports: “Number of EV charging ports and/or Hydrogen dispenser (operational).” Submittal of the EV ChART information will satisfy the quarterly measurement required below for the performance standard.

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency
Number of CFI grant-funded EV charging ports and/or Hydrogen dispenser (operational)	Number of EV charging ports and/or Hydrogen dispenser that are operational (open for use by the public) as part of the grant project. For EV chargers, report by type, e.g., DCFC and level 2.	Quarterly – submit with Quarterly Project Performance Report
23 CFR 680.112 Reporting (EV Charging only)	Data reporting after each EV charging port is operational, as required by 23 CFR 680.112. Reporting using EV-ChART is required. Electric Vehicle Charging Analytics and Reporting Tool (EV-ChART) · Joint Office of Energy and Transportation (driveelectric.gov)	One Time, Quarterly, and Annually Refer to EV ChART Guidance.

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SCHEDULE H
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

Consideration of Climate Change and Environmental Justice Impacts.

The Recipient states that rows marked with “X” in the following table are accurate:

X	The Project directly supports a Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Project directly supports a Local/Regional/State Equitable Development Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Project directly supports a Local/Regional/State Energy Baseline Study that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Recipient or a project partner used environmental justice tools, such as the EJSCREEN, to minimize adverse impacts of the Project on environmental justice communities. <i>(Identify the tool(s) in the supporting narrative below.)</i>
	The Project supports a modal shift in freight or passenger movement to reduce emissions or reduce induced travel demand. <i>(Describe that shift in the supporting narrative below.)</i>
	The Project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions. <i>(Describe those strategies in the supporting narrative below.)</i>
X	The Project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both. <i>(Describe the incorporated infrastructure in the supporting narrative below.)</i>
X	The Project supports the installation of electric vehicle charging stations. <i>(Describe that support in the supporting narrative below.)</i>
	The Project promotes energy efficiency. <i>(Describe how in the supporting narrative below.)</i>
	The Project serves the renewable energy supply chain. <i>(Describe how in the supporting narrative below.)</i>

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	The Project improves disaster preparedness and resiliency <i>(Describe how in the supporting narrative below.)</i>
	The Project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity. <i>(Describe how in the supporting narrative below.)</i>
	The Project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm. <i>(Describe that infrastructure in the supporting narrative below.)</i>
	The Project supports or incorporates the construction of energy- and location-efficient buildings. <i>(Describe how in the supporting narrative below.)</i>
	The Project includes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both. <i>(Describe the materials in the supporting narrative below.)</i>
X	The Recipient has taken other actions to consider climate change and environmental justice impacts of the Project. <i>(Describe those actions in the supporting narrative below.)</i>
	The Recipient has not yet taken actions to consider climate change and environmental justice impacts of the Project but, before beginning construction of the Project, will take relevant actions described in schedule B. <i>(Identify the relevant actions from schedule B in the supporting narrative below.)</i>
	The Recipient has not taken actions to consider climate change and environmental justice impacts of the Project and will not take those actions under this award.

Supporting Narrative.

(6). This project directly supports actions in the City of Tualatin’s Climate Action Plan as well as actions in Climate Action Plans for Beaverton, Gresham, Lake Oswego, Salem, Tigard, and Milwaukie. This project also supports adopted transportation emission reduction goals for the Cities of Hillsboro and Portland. This project also supports climate action and emissions reduction goals held by the Metro Regional Government, project area Counties, and the State of Oregon.

(12)(13). This project directly supports the installation of 1,000 level 2 electric vehicle charging ports available to low-moderate income resident throughout the project area.

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(21). Approximately half of the Level 2 chargers are expected to be installed in publicly accessible parking lots at affordable multifamily housing locations. For project purposes, we define “affordable” to mean that households earning up to 80% of Area Median Income in the region would pay no more than 30% of their gross household income for rent and utilities. Multifamily chargers will be located at rental properties in Justice40 census tracts or at affordable housing properties in other parts of the cities. The people we intend to serve, as well as community-based organizations serving low- to moderate-income people, will be integral parts of the site selection process through engagement described in more detail in the Readiness section. All sites, as well as information and communication technology, will be accessible to people with disabilities in accordance with the Architectural Barriers Act (ABA) Additional planning and engagement work will be undertaken to understand and be responsive to environmental justice impacts of this project.

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SCHEDULE I
EQUITY AND BARRIERS TO OPPORTUNITY

Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with “X” in the following table are accurate:

	A racial equity impact analysis has been completed for the Project. <i>(Identify a report on that analysis or, if no report was produced, describe the analysis and its results in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure racial equity in the overall delivery and implementation of the Project. <i>(Identify the relevant programs, plans, or policies in the supporting narrative below.)</i>
	The Project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation. <i>(Identify the relevant investments in the supporting narrative below.)</i>
	The Project includes new or improved walking, biking, and rolling access for individuals with disabilities, especially access that reverses the disproportional impacts of crashes on people of color and mitigates neighborhood bifurcation. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity. <i>(Describe those actions in the supporting narrative below.)</i>
X	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but, before beginning construction of the Project, will take relevant actions described in schedule B. <i>(Identify the relevant actions from schedule B in the supporting narrative below.)</i>

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	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.
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Supporting Narrative.

(30). Project team will conduct an equity analysis during the project planning / site selection phase of the project to evaluate the proportional impacts and guiding value of removing transportation related disparities. Our project includes all Justice40 census tracts in the Northern Willamette Valley. In project communities without Justice40 census tracts, we will focus on placing charging at affordable multifamily housing and public community facilities. To ensure benefits to Justice40 communities and historically underserved populations, this project moves beyond a hardware-focused “if you build it, they will come” model. Instead, this project includes ongoing EV education to lower the barriers of entry and encourage residents to adopt EVs and increase use of on-site chargers. All programmatic elements will be designed for, and with, the low- and moderate-income drivers who we aim to serve.

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SCHEDULE J
LABOR AND WORK

Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with “X” in the following table are accurate:

	The Recipient or a project partner has adopted the use of project labor agreements in the overall delivery and implementation of the Project. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted the use of local and economic hiring preferences in the overall delivery and implementation of the Project, subject to all applicable State and local laws, policies, and procedures. <i>(Describe the relevant provisions in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted the use of registered apprenticeships in the overall delivery and implementation of the Project. <i>(Describe the use of registered apprenticeship in the supporting narrative below.)</i>
	The Recipient or a project partner will provide training and placement programs for underrepresented workers in the overall delivery and implementation of the Project. <i>(Describe the training programs in the supporting narrative below.)</i>
X	The Recipient or a project partner will support free and fair choice to join a union in the overall delivery and implementation of the Project by investing in workforce development services offered by labor-management training partnerships or setting expectations for contractors to develop labor-management training programs. <i>(Describe the workforce development services offered by labor-management training partnerships in the supporting narrative below.)</i>
	The Recipient or a project partner will provide supportive services and cash assistance to address systemic barriers to employment to be able to participate and thrive in training and employment, including childcare, emergency cash assistance for items such as tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking. <i>(Describe the supportive services and/or cash assistance provided to trainees and employees in the supporting narrative below.)</i>

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	<p>The Recipient or a project partner has documented agreements or ordinances in place to hire from certain workforce programs that serve underrepresented groups. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i></p>
	<p>The Recipient or a project partner participates in a State/Regional/Local comprehensive plan to promote equal opportunity, including removing barriers to hire and preventing harassment on work sites, and that plan demonstrates action to create an inclusive environment with a commitment to equal opportunity, including:</p> <ul style="list-style-type: none"> a. affirmative efforts to remove barriers to equal employment opportunity above and beyond complying with Federal law; b. proactive partnerships with the U.S. Department of Labor’s Office of Federal Contract Compliance Programs to promote compliance with EO 11246 Equal Employment Opportunity requirements; c. no discriminatory use of criminal background screens and affirmative steps to recruit and include those with former justice involvement, in accordance with the Fair Chance Act and equal opportunity requirements; d. efforts to prevent harassment based on race, color, religion, sex, sexual orientation, gender identity, and national origin; e. training on anti-harassment and third-party reporting procedures covering employees and contractors; and f. maintaining robust anti-retaliation measures covering employees and contractors. <p><i>(Describe the equal opportunity plan in the supporting narrative below.)</i></p>
	<p>The Recipient has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i></p>
	<p>The Recipient has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the Project, will take relevant actions described in schedule B. <i>(Identify the relevant actions from schedule B in the supporting narrative below.)</i></p>
	<p>The Recipient has not taken actions related to the Project to improving good-paying jobs and strong labor standards and will not take those actions under this award.</p>

Supporting Narrative.

(36). The procurement process will require the selected EVSP to provide well-paid jobs and incorporate strong labor standards and diverse workforce programs. All work will be subject to

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Davis-Bacon rules and prevailing wage laws. The local electrical union, International Brotherhood of Electrical Workers, will be part of the Advisory Council and inform union requirements.

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SCHEDULE K
CIVIL RIGHTS AND TITLE VI

1. Recipient Type Designation.

Recipient Type Designation: New

2. Title VI Assessment Information.

Title VI Assessment Completion Date: See date of execution of this agreement and Exhibit B, Term B.1.