

## BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary State of Louisiana

Lead Agency Authorized to Act on Behalf of the Beneficiary: Louisiana Dept. of Environmental Quality  
(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)

Action Title:	BREC – PARKS & RECREATION EVSE D-4
Beneficiary's Project ID:	204948
Funding Request No.	35
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> Advance <input type="checkbox"/> Other (specify):
Payment to be made to: (select one or more)	<input checked="" type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify):
Funding Request & Direction (Attachment A)	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

### SUMMARY

**Eligible Mitigation Action** ☒Appendix D-2 item (specify): Light duty zero emission vehicle supply equipment

**Action Type** ☐Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal):

#### **Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):**

The Volkswagen Environmental Mitigation Trust Agreement authorized each Beneficiary to use up to 15% of its allocation of Trust Funds on the costs necessary for, and directly connected to, the purchase, installation, and maintenance of new, light-duty zero emission electric vehicle supply equipment (EVSE) located in a public place, workplace, or multi-unit dwelling that is not consumer light-duty EVSE (i.e., not located at a private residential dwelling that is not a multi-unit dwelling). The Louisiana Department of Environmental Quality's (LDEQ) Beneficiary Mitigation Plan (BMP), first published in April 2018 and updated December 2018, proposed to budget up to 15% of its allocation of Trust Funds on the costs necessary for, and directly connected to, the purchase, installation, and maintenance of new light-duty zero emission EVSE for Eligible Mitigation Action projects. (See LDEQ Beneficiary Mitigation Plan, Section IV. Preferred Mitigation Projects.) The Trust Funds will be used in accordance with the VW Consent Decree, Attachment A, Appendix D-2 (Case 3:16-cv-00295-CRB Document 55-1 Filed 10/02/17, which provides EVSE funding eligibility and ineligibility award requirements. These EVSE funding conditions are also included in the cooperative endeavor agreement between the Lead Agency and the Beneficiary's EMA project awardee.

This funding request will provide approximately \$107,000 of Trust Funds to BREC – PARKS & RECREATION for the purchase, installation, and maintenance of two (2) Level 2 Chargers and one (1) DCFC.

**Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):**

The allocation of up to 15% of the Trust Funds on the costs necessary for the purchase, installation, and maintenance of new light-duty zero emission EVSE projects located in a public place, workplace, or multi-unit dwelling will reduce emissions from on-road light-duty vehicles. Plug-in, hybrid electric vehicles or all-electric vehicles produce lower or zero tailpipe emissions, respectively, compared to conventional vehicles. Specifically, greenhouse gas emissions are reduced in addition to products of combustion, such as nitrogen oxide (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOCs), particulate matter (PM), and hazardous air pollutants (HAPs). NO<sub>x</sub> is a criteria pollutant with a National Ambient Air Quality Standard (NAAQS) and a precursor for ozone formation and PM. Breathing air with a high concentration of NO<sub>x</sub> can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases, particularly asthma, leading to respiratory symptoms (such as coughing, wheezing or difficulty breathing), hospital admissions and visits to emergency rooms. Longer exposures to elevated concentrations of NO<sub>x</sub> may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma, as well as children and the elderly, are generally at greater risk for the health effects of NO<sub>x</sub>. By reducing the amount of NO<sub>x</sub> produced, there will be a decrease in potential lung irritation and respiratory ailments.

Along with emissions reductions, the purchase and installation of light-duty EVSE will expedite deployment of EVSE infrastructure to support adoption of zero emission and near-zero emission vehicles and engines, and stimulate the confidence of out-of-state travelers and residents within the state due to EVSE charging travel range guarantees. Light-duty EVSE funding priority will be given to project proposals for light-duty EVSE charging stations installed on college and university campuses, other public places, and along highways and interstates.

**Estimate of Anticipated NO<sub>x</sub> Reductions (5.2.3):**

22.6 lbs/yr

226 lbs/lifetime

*The anticipated NO<sub>x</sub> reductions were calculated using AFLEET 2019 Tool which added the Electric Vehicle Charging Calculator to estimate the benefits of utilizing public charging infrastructure.*

**Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):**

The Louisiana Department of Environmental Quality.

**Describe how the Beneficiary will make documentation publicly available (5.2.7.2).**

The Louisiana Department of Environmental Quality (LDEQ) is subject to Louisiana Public Records Laws and Louisiana Open Meetings Laws. As such, LDEQ has established a VW Settlement webpage, <http://deq.louisiana.gov/page/louisiana-volkswagen-environmental-mitigation-trust>. All public documents related to the VW Settlement are also placed on LDEQ's Electronic Document Management System (EDMS), the repository of official records and records that have been created or received by LDEQ. All LDEQ employees are responsible for ensuring official records are routinely submitted to the EDMS. Employees and members of the public can search and retrieve documents stored in the EDMS via this web application. All public records related to the VW Settlement can be found by searching for Agency Interest (AI) Number 204948.

**Describe any cost share requirement to be placed on each NO<sub>x</sub> source proposed to be mitigated (5.2.8).**

The Department will provide 100% of the cost to purchase, install, and maintain eligible light-duty EVSE that will be available to the public at Government Owned Property.

**Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).**

Notice to U.S. Government Agencies was emailed on August 23, 2018.

**If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).**

By providing Trust Funds for the purchase, installation, and maintenance of new light-duty zero emission EVSE, public charging infrastructure will be strategically placed throughout the state and the State of Louisiana can continue improvements of its ambient air quality and protect human health and the environment through reductions in the ground level exposure of vehicle exhaust.

**ATTACHMENTS**  
**(CHECK BOX IF ATTACHED)**

<input checked="" type="checkbox"/> Attachment A	<b>Funding Request and Direction.</b>
<input checked="" type="checkbox"/> Attachment B	<b>Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).</b>
<input checked="" type="checkbox"/> Attachment C	<b>Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).</b>
<input checked="" type="checkbox"/> Attachment D	<b>Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6).</b>  [Attach only if project involves vendor expenditures exceeding \$25,000.]
<input type="checkbox"/> Attachment E	<b>DERA Option (5.2.12). [Attach only if using DERA option.]</b>
<input type="checkbox"/> Attachment F	<b>Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13).</b>  [Attach only if this is a joint application involving multiple beneficiaries.]

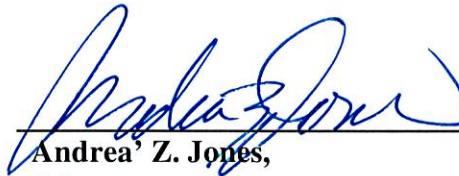
## CERTIFICATIONS

By submitting this application, the Lead Agency makes the following certifications:

1. This application is submitted on behalf of Beneficiary Louisiana Department of Environmental Quality, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED:

4/11/2023



Andrea Z. Jones,  
Attorney

La. Department of Environmental Quality

for

State of Louisiana

**ATTACHMENTS B & C**

# **Beneficiary Mitigation Plan**

*(Version 2)*

## **Volkswagen, Audi, and Porsche Environmental Mitigation Trust Agreement**

### **Clean Air Act Settlement**

**December 2018**



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## I. Introduction

On January 4, 2016, and as amended on October 7, 2016, the United States (U.S.) filed a complaint against the Volkswagen AG (VW) and certain subsidiaries alleging violations of the Clean Air Act (CAA) with regard to approximately 590,000 model year 2009 to 2016 diesel motor vehicles sold in the U.S. Specifically, the complaint alleges that each of these vehicles contains, as part of the engine control module, certain computer algorithms and calibrations that cause the emissions control system of those vehicles to perform differently during normal vehicle operation and use than during federal emissions tests. The complaint further alleges that these computer algorithms and calibrations are prohibited defeat devices under the CAA, and that during normal vehicle operation and use, the cars emit levels of NO<sub>x</sub> significantly in excess of the Environmental Protection Agency (EPA) compliant levels. NO<sub>x</sub> emissions contribute to the formation of ground level ozone and are a significant health concern.

On October 25, 2016, VW and the U.S. finalized a Partial Consent Decree which called for the establishment of an Environmental Mitigation Trust (Mitigation Trust). VW will provide funds to the Mitigation Trust, which will then provide funds to recognized Beneficiaries in order to implement projects to offset or mitigate excess emissions as a result of VW's actions.

The Mitigation Trust will be administered by Wilmington Trust, N.A., a trustee appointed by the court on March 15, 2017. The "Trust Effective Date" is the date when the U.S. files fully executed trust documents with the court. The Mitigation Trust provides a structure to allocate funds to Beneficiaries primarily based on the number of registered, non-compliant Volkswagen vehicles within the boundaries of the Beneficiary. Therefore, those Beneficiaries with more non-compliant cars will receive a larger allocation of trust funds.

Louisiana's initial share is approximately \$18 million. The Mitigation Trust will pay for defined eligible projects, also known as Eligible Mitigation Actions. These include projects to reduce NO<sub>x</sub> emissions from heavy duty diesel sources near population centers, such as large trucks, school buses, and transit buses. The goal of each Eligible Mitigation Action is to fully mitigate the total lifetime excess NO<sub>x</sub> emissions from the vehicles.

Pursuant to the Partial Consent Decree and Final Trust Documents, the States, Puerto Rico, and the District of Columbia may elect to become a Beneficiary by timely filing with the court a Certification for Beneficiary Status. Unless the U.S. timely files an objection, the state shall become Beneficiary eligible for Mitigation Trust funds for eligible projects. Prior to submitting a funding request, each Beneficiary must submit and make available a "Beneficiary Mitigation Plan" that summarizes how the Beneficiary plans to use the Mitigation Trust funds.



## II. Louisiana Timeline

The State of Louisiana has filed a Certification for Beneficiary Status under the Environmental Mitigation Trust Agreement (Appendix D-3), containing each of the certifications required by subparagraphs 4.2.1 through 4.2.9:

- A. The U.S. has not filed an Objection to the Certification by Louisiana.
- B. Louisiana is a “Beneficiary” pursuant to the agreement.

Louisiana has prepared this plan to provide notice of intended use of settlement funds, etc.:

- A. Louisiana will provide public notice & outreach on this plan.
- B. Louisiana will respond to any public comments received.

## III. Mitigation Plan

The Environmental Mitigation Trust Agreement for State Beneficiaries states: After being deemed a Beneficiary pursuant to subparagraph 4.0.2.1 hereof, each Beneficiary, not later than 30 Days prior to submitting its first funding request pursuant to Paragraph 5.2, shall submit and make publicly available a “Beneficiary Mitigation Plan” that summarizes how the Beneficiary plans to use the mitigation funds allocated to it under this Trust, addressing:

- A. the Beneficiary’s overall goal for the use of the funds;
- B. the categories of Eligible Mitigation Actions the Beneficiary anticipates will be appropriate to achieve the stated goals and the preliminary assessment of the percentages of funds anticipated to be used for each type of Eligible Mitigation Action;
- C. a description of how the Beneficiary will consider the potential beneficial impact of the selected Eligible Mitigation Actions on air quality in areas that bear a disproportionate share of the air pollution burden within its jurisdiction; and
- D. a general description of the expected ranges of emission benefits the Beneficiary estimates would be realized by implementation of the Eligible Mitigation Actions identified in the Beneficiary Mitigation Plan. The Beneficiary Mitigation Plan need only provide the level of detail reasonably ascertainable at the time of submission.

This Plan is intended to provide the public with insight into Louisiana’s s high-level vision for use of the Mitigation Trust funds and information about the specific uses for which funding is expected to be requested. Nothing in this provision is intended to make the Beneficiary Mitigation Plan binding on any Beneficiary, nor does it create any rights in any person to claim an entitlement of any kind. Beneficiaries may adjust their goals and specific spending plans at their discretion and, if they do so, shall provide the Trustee with updates to their Beneficiary Mitigation Plan. The Trustee has no duty to monitor or supervise

any Beneficiary's compliance with its Beneficiary Mitigation Plan. To the extent a Beneficiary intends to avail itself of the Diesel Emission Reduction Act (DERA)<sup>1</sup> Option described in Appendix D-2, that Beneficiary may use its Final Approved DERA Workplan as its Beneficiary Mitigation Plan as to those Eligible Mitigation Actions funded through the DERA Option. The Beneficiary Mitigation Plan shall explain the process by which the Beneficiary shall seek and consider public input on its Beneficiary Mitigation Plan.

Louisiana has previously solicited proposed projects for consideration by the Department of Environmental Quality (LDEQ), the Department of Natural Resources (LDNR), and the Department of Transportation and Development (LDOTD). Proposed projects will be reviewed (1) to determine qualification pursuant to Appendix D-2; and (2) in consideration of appropriate goals, priorities, costs and impacts from the projects.

**A. Louisiana's overall goals for the use of the funds:**

1. have a significant and permanent reduction in the emission of air pollutants, principally Nitrogen Oxides (NO<sub>x</sub>) by replacing or repowering older, less efficient and higher-polluting diesel engines;
2. have a significant reduction in the exposure to pollutants by achieving significant and sustained cost effective reductions in air pollutants, primarily NO<sub>x</sub>;
3. maximize the improvement of overall air quality, taking into consideration existing air quality, population, and geographic area;
4. encourage and expedite deployment and widespread adoption of zero emission and lower-emission vehicles and engines;
5. spur projects that promote improvements and/or transformation of infrastructure and other areas that will provide environmental, economic, social, and/or energy benefits for the state; and
6. prioritize proposed projects that will impact sensitive populations and create emissions reductions.

**B. Categories of Eligible Mitigation Actions**

Louisiana will consider all proposed projects that meet the Eligible Mitigation Actions identified in Appendix D-2. However, as discussed in Section IV. Preferred Mitigation Projects, Louisiana has established a priority for Eligible Mitigation Actions. To the extent that funds are available after allocations to preferred Eligible Mitigation Actions, Louisiana will consider projects within other Eligible Mitigation Action categories.

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<sup>1</sup> The Diesel Emissions Reduction Act (DERA) was created under the Energy Policy Act of 2005 to fund, through grants and rebates, a voluntary means to reduce diesel emissions from existing diesel engines that were not manufactured to meet more stringent emissions standards. Federal and state grants are allocated to rebuild diesel engines or install emission reduction systems to diesel vehicles to comply with state and federal emission requirements.

**C. Description of how the Beneficiary will consider the potential beneficial impact of the selected Eligible Mitigation Actions on air quality in areas that bear a disproportionate share of the air pollution burden within its jurisdiction**

The proposed projects anticipated by Louisiana will focus on NO<sub>x</sub> emission reductions. However, they will also achieve reductions in other emissions, including Sulfur Dioxide (SO<sub>2</sub>), Volatile Organic Compounds (VOCs), Particulate Matter (PM), and Hazardous Air Pollutants (HAPs). NO<sub>x</sub> is a criteria pollutant with a National Ambient Air Quality Standard (NAAQS) and NO<sub>x</sub> is also a precursor for ozone and PM formation.

All areas of Louisiana are currently designated as in attainment with all NAAQS, except St. Bernard Parish, which is designated as nonattainment for SO<sub>2</sub>. However, Louisiana has achieved significant reductions in SO<sub>2</sub> in St. Bernard Parish and monitors currently meet the SO<sub>2</sub> NAAQS standards.

By concentrating first on replacing school buses, Louisiana will provide significant emission reduction both for NO<sub>x</sub> and Toxic Air Pollutants (TAPs). Since these emissions occur at or near ground level, there is relatively little dispersion with maximum impact on the passengers and school children. Addressing school buses first provides the greatest improvement in local air quality for one of the most sensitive populations.

In addition, LDOTD owns and operates more than 5,500 pieces of equipment with an estimated replacement cost of more than \$200 million. Approximately 60 percent of the equipment is currently beyond its estimated ideal replacement cycle established by LDOTD. LDOTD's main goal is to reduce overall emissions by replacing some of its fleet with new diesel technology equipment with use of the available funds, resulting in improved operational efficiency of its fleet with increased reliability and reduced downtime of equipment.

**D. General description of the expected ranges of emission benefits the Beneficiary estimates would be realized by implementation of the Eligible Mitigation Actions identified in the Beneficiary Mitigation Plan**

Louisiana anticipates the replacement of approximately 300 buses, vehicles, or diesel powered equipment, which could result in emissions reductions of approximately 60 tons/year of NO<sub>x</sub> and a lifetime reduction of about 900 tons.

## **IV. Preferred Mitigation Projects**

At this time, Louisiana proposes to budget:

- A. Up to 15 percent of its allocation of Mitigation Trust funds for administrative expenses as provided by Appendix D-2. These funds will be used by the LDEQ to administer, implement, and enforce the terms and conditions of the Environmental Mitigation Trust Fund Agreement and provide necessary and appropriate assistance to entities to whom funds are provided by the trustee, oversight of project

implementation and the filing of any necessary forms, certification or other documents required by the Fund Agreement. These expenses include:

1. personnel costs, including costs of employee salaries and wages, but not consultants;
  2. fringe benefits costs, including costs of employee fringe benefits such as health insurance, FICA, retirement, life insurance, and payroll taxes;
  3. travel costs, including costs of Eligible Mitigation Action-related travel by program staff, but does not include consultant travel;
  4. supply costs, including tangible property purchased in support of the Eligible Mitigation Action that will be expensed on the Statement of Activities, such as educational publications, office supplies, etc. Identify general categories of supplies and their Eligible Mitigation Action costs;
  5. contractual costs, including all contracted services and goods, except for those charged under other categories such as supplies, construction, etc. Contracts for evaluation and consulting services and contracts with sub-recipient organizations are included;
  6. construction costs, including costs associated with ordinary or normal rearrangement and alteration of facilities; and
  7. other costs, including insurance, professional services, occupancy and equipment leases, printing and publication, training, indirect costs, and accounting.
- B. Up to 15 percent of its allocation of Mitigation Trust funds on the costs necessary for, and directly connected to, the acquisition, installation, operation and maintenance of new, light duty, zero emission vehicle supply equipment for projects as specified in C and D of this section. Provided, however, that Mitigation Trust funds shall not be made available or used to purchase or rent real estate, other capital costs (e.g., construction of buildings, parking facilities, etc.), or general maintenance (i.e., other than supply equipment maintenance).
- C. Between 23 percent and 33 percent of its allocation of Mitigation Trust funds to the replacement of LDOTD equipment in the categories of "Class 8 Local Freight Trucks & Port Drayage Trucks (Eligible Large Trucks)" and "Class 4-7 Local Freight Trucks (Medium Trucks)". More specifically, the preliminary plan is to replace equipment owned and operated by the LDOTD in the truck categories below. These categories may include: CY Dump Trucks, Y Dump Trucks, Truck Tractors, Stake Body Trucks, Wrecker Trucks, Derrick Digger Trucks, Sign Service Trucks, and Bucket Trucks. No more than a third of this amount may be applied to these projects during each of the first three years.
- D. The remaining  $\sim 37 - 66\frac{2}{3}$  percent of Louisiana's Mitigation Trust fund allocation for Eligible Mitigation Action projects submitted to LDEQ and LDNR for consideration.

1. First consideration will be given to replacement or repowering of school buses owned or used by Louisiana school districts with newer, cleaner vehicles, and/or new cleaner burning engines.
  - a. 25 percent of the cost of the bus will be apportioned from Louisiana's trust fund allocation for the replacement or repowering of eligible buses with newer, cleaner burning diesel.
  - b. 50 percent of the cost of the bus will be apportioned from Louisiana's trust fund allocation for the replacement of eligible buses with electric powered buses or alternate fuels powered buses, including, but not limited to, Liquefied Natural Gas (LNG), propane, etc.
2. Consideration will be given to projects already submitted by public entities that comply with terms and limitations provided in Appendix D-2.
3. The State may consider, in the future, requesting additional proposals from the community and using any remaining funds on proposed projects in accordance with priorities and standards established by this plan. This consideration shall include:
  - a. the degree of reduction in NO<sub>x</sub> emissions;
  - b. the achievement of significant and sustained improvement in ambient air quality, including:
    - i. consideration of the pollutants of concern; while NO<sub>x</sub> is itself a criteria pollutant, it is also a precursor for both ozone and particulate matter;
    - ii. consideration of areas where ambient air quality will improve; this will include possible:
      - a) nonattainment areas, maintenance areas, "near" nonattainment areas, areas with higher ambient concentrations, the geographic size of the area;
      - b) areas with "high" existing emissions (over areas with low existing emissions);
  - c. consideration of the entity proposing the project:
    - i. government and government associated entities (publicly owned sources) will be given priority over private sector;
    - ii. government and non-government entities with demonstrated experience and existing administrative and programmatic structure in place for implementing diesel reduction or offset projects will be given priority;

- iii. collaboration with other states or regional impact may also be given priority;
- d. consideration of the nature of the project:
  - i. higher NO<sub>x</sub> emission reductions for the dollar expended (tons of NO<sub>x</sub> reduction per dollar expended) will be given priority;
  - ii. “leveraged” projects (i.e., cost-sharing);
  - iii. guidance on exhaust emission standards for NO<sub>x</sub> from EPA’s Emission Standards Reference Guide for On-road and Non-road Vehicles and Engines (<https://www.epa.gov/emission-standards-reference-guide>); For instance:
    - a) the replacement of heavy duty highway vehicles may provide up to a 96 percent reduction in NO<sub>x</sub> emissions per vehicle, based on replacing a model year 1992 engine with a model year 2007 engine.
    - b) the replacement of non-road equipment, depending on the type of equipment and engine power rating, may provide between a 20 percent and 95 percent reduction in NO<sub>x</sub> emissions for each engine.
    - c) replace the oldest (Tier 0) locomotive engine with the newest (Tier 4) locomotive engine may provide up to an 89 percent NO<sub>x</sub> reduction per engine.
    - d) Upgrade or repower commercial marine vessels, such as a ferry or tug engine, which may provide up to an 80 percent NO<sub>x</sub> reduction for each vessel.
  - iv. projects with verified funding (i.e., for projects that require a cost-share) or leveraged funding;
  - v. schedule of implementation (which may result in earlier emission reductions);
  - vi. oversight costs; and
  - vii. “transformative projects” that can act as “seed” projects to promote further development of beneficial projects, policies or considerations;
- e. “Other” Considerations:
  - i. energy considerations;
  - ii. other environmental impacts (water, waste disposal, etc.);
  - iii. economics [i.e., areas with limited financial resources];

- iv. environmental justices; and
- v. toxic air pollution concerns.

## V. Public Notice

The Department also presented to various committees and councils, Clean Cities Coalitions and several interstate conferences with interest in the Volkswagen Settlement. The Department also collected additional input via the Department's Volkswagen Settlement webpage/email. Organizations and individuals with thoughts and ideas concerning the Volkswagen Environmental Mitigation Trust funds submitted those ideas via email. The Department received 30 comments from January 12, 2017 through February 1, 2018.

## **SCOPE OF SERVICES**

### **I. GOALS AND OBJECTIVES**

The Louisiana Department of Environmental Quality's (Department) overall goals for use of the Volkswagen Environmental Mitigation Trust Funds (VW Trust Funds) are to have a significant and permanent reduction in the emission of air pollutants, principally Nitrogen Oxides (NO<sub>x</sub>); to have a significant reduction in the exposure to pollutants by achieving significant and sustained cost effective reductions in air pollutants, primarily NO<sub>x</sub>; to maximize the improvement of overall air quality, taking into consideration existing air quality, population, and geographic area; to encourage and expedite deployment and widespread adoption of zero emission and lower-emission vehicles and engines; and, to spur projects that promote improvements and/or transformation of infrastructure and other areas that will provide environmental, economic, social, and/or energy benefits for the state.

The Department proposes to achieve these goals by providing matching funds for Eligible Mitigation Actions for the purchase, installation, and maintenance of new, light-duty zero emission electric vehicle supply equipment (EVSE) that is located in a public place, workplace, or multi-unit dwelling, and is not consumer light-duty EVSE (i.e. not located at a private residential dwelling that is not a multi-unit dwelling). The Department will provide either 60%, 80% or 100% of the maximum award amounts established for eligible EVSE:

1. Up to 100% of the cost to purchase, install, and maintain eligible light-duty EVSE that will be available to the public at a Government Owned Property;
2. Up to 80% of the cost to purchase, install, and maintain eligible light-duty EVSE that will be available to the public at a Non-Government Owned Property;
3. Up to 60% of the cost to purchase, install, and maintain eligible light-duty EVSE that is available at a workplace, but not to the general public; or
4. Up to 60% of the cost to purchase, install, and maintain eligible light-duty EVSE that is available at a multi-unit dwelling, but not to the general public.

### **II. CONTRACTOR TASKS**

The Contractor shall serve as an administrator for the purchase, installation, operation, maintenance and monitoring of eligible light-duty EVSE to be available for public use and used by the awardee. This project will be funded by VW Trust Funds. Contractor will oversee this project and will procure all necessary services. A more in-depth description of this program can be found on the Department's VW Mitigation Trust website at <http://deq.louisiana.gov/page/louisiana-volkswagen-environmental-mitigation-trust>.

Services provided by the Contractor may include, but are not limited to, the following tasks:



- (1) Purchasing, installing, operating, and maintaining the EVSE;
- (2) Adhering to all provisions contained in Section VII, 7.1, and 7.2;
- (3) Affixing a placard, provided by the Department, on the EVSE; and
- (4) Monitoring and submitting EVSE utilization data to the Department.

### **III. PROJECT SCHEDULE**

The schedule shall be determined jointly by the Contractor and the Department. However, all deliverables must be completed within the time frame specified.

### **IV. PROJECT MANAGEMENT**

The Contractor shall provide efficient management throughout the term of the contract to ensure the successful completion of the contract. The duties and responsibilities for project management shall continue throughout the term of the contract. The resources and methodology for project management activities shall be the responsibility of the Contractor.

Project management shall include, but not be limited to, the following activities:

- (1) Supervision of the Contractor's personnel;
- (2) Communication between the Contractor and the Department;
- (3) Contract administration:
  - (a) Resolving disputes between the Contractor and the Department; and
  - (b) Compliance by the Contractor with all contract clauses and conditions;
- (4) Meetings;
- (5) Record-keeping; and
- (6) Preparation and submission of submittals and deliverables, including but not limited to, the following:
  - (a) Proposed methodology and timeline; and
  - (b) Final report.

#### **4.1 REPORTING BY THE CONTRACTOR**

The Contractor shall submit a report to the Department annually for three (3) years after project completion, unless otherwise determined by the Department. This report shall, at a minimum, include:

- (1) The Contractor's name, address, and the name of the Project Manager;
- (2) The Department's contract number and project title;
- (3) The dates of the reporting period; and
- (4) The charging station utilization data (i.e. hours, days, number of users).

#### **4.2 DELIVERABLES**

The Contractor shall prepare and submit the following written deliverables to the Department's Project Manager:

- (1) Documentation of purchase and installation of eligible light-duty EVSE, including but not limited to:
  - (a) Legible copies of all invoices and/or receipts showing the purchase price and amount paid by the Contractor for the EVSE, the number of units purchased, and the serial number for each unit;
  - (b) Copies of canceled checks or credit card statements as proof of payment;
  - (c) Digital photograph(s) of the installed EVSE;
  - (d) A copy of the EVSE Installation Certification Form certifying the EVSE has been installed, is in working order, and is operating in accordance with local, state and federal laws;

#### **V. DEPARTMENT RESPONSIBILITIES**

As part of its responsibilities under the contract, the Department shall:

- (1) Provide points of contact (liaisons) for technical and contract activities (Project Manager and Contract Manager);
- (2) Provide the Department's materials (documents, reports, photographs, etc.) for the Contractor's work as necessary;
- (3) Monitor the Contractor's work through telephone communication and meetings;

- (4) Review, require revision as necessary, and accept deliverables and submittals; and
- (5) Require deliverables to be submitted within the time frame delineated by this Scope of Services.

The Department will be available for assistance to the Contractor in solving problems or answering questions that may arise. However, the Department shall not be responsible for the Contractor's performance of the work and reserves the right to reject deficient work.

## **VI. MONITORING AND METHODS TO MEASURE PERFORMANCE**

The Department's Project Manager will monitor the progress of the Contractor during the contract by:

- (1) Monitoring the Contractor's work through telephone communication and meetings; or meeting with the Contractor as necessary to provide guidance or answer questions;
- (2) Ensuring that deliverables are submitted within the time frame of the contract; and
- (3) Reviewing, requiring correction as necessary, and approving all deliverables and submittals;

## **VII. PROGRAMMATIC CONDITIONS**

The Contractor agrees to the following general Programmatic Conditions and acknowledges that the Department may terminate this contract, rescind the award, and reallocate the funds if these conditions are not timely completed:

- (1) Funds under this contract cannot be used for matching funds for other federal grants unless expressly authorized;
- (2) Funds under this contract may not be used for the purchase, installation, or maintenance of EVSE at private residential dwellings, other than multi-family unit dwellings, and cannot be used to purchase or rent real-estate, to pay for other capital costs (construction of buildings, parking facilities, etc.), electricity costs, general operation and maintenance, or administrative costs incurred by the Contractor;
- (3) Contractor agrees to obtain any and all required state and local permits;
- (4) The EVSE must be operated, maintained, and available year-round. Any necessary repairs must be completed within 72 hours, unless otherwise approved by the Department;
- (5) No subscription fee or membership fee can be charged to use the EVSE;

- (6) The EVSE must remain in operation for at least three (3) years, unless otherwise approved by the Department. Failure to keep the EVSE operational for the minimum time period may result in the Department seeking repayment of the Trust Funds;
- (7) Contractor will promptly notify the Project Manager of any problems, delays, or adverse conditions which may materially impair its ability to deliver on the outputs/outcomes specified in the work plan. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation. The Contractor agrees that it will also notify the Project Manager of any favorable developments which may enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned;
- (8) To provide evidence of appropriate purchase, installation, and maintenance, including, but not limited to, a signed Attachment 3, EVSE Installation Certification Form and digital photos of the light-duty EVSE (showing serial number for each piece of equipment). The Department reserves the right to inspect the light-duty EVSE in person to ensure all requirements of the contract, including the Scope of Services, have been met before any payment is issued. The EVSE Installation Certification Form shall list each light-duty EVSE;
- (9) To complete the purchase and installation of the EVSE within 6 months of the contract begin date;
- (10) To comply with any and all auditing, monitoring and reporting requirements, including scheduled site visits, as needed. The Contractor shall monitor and submit charging station utilization data (i.e. hours, days, number of users) to the Department annually for at least 3 years after project completion, unless otherwise determined by the Department. All required reporting shall be complete three years after completion of the contract. Such reports should be submitted to the Department at [vwsettlement@la.gov](mailto:vwsettlement@la.gov);
- (12) No changes in the number of chargers awarded, the type of EVSE (Level 2 or DCFC), or the charger's installation location may be made unless approved in writing by the Department;
- (13) If Contractor is not the landowner, then Contractor agrees to provide documentation from the landowner authorizing the installation of the EVSE on its property; and
- (14) To comply with applicable federal, state, local, and utility laws and requirements; including Louisiana procurement laws for the solicitation of bids and the selection of vendors.

## **7.1 SITE SPECIFIC PROGRAMMATIC CONDITIONS**

The Contractor agrees to the following Site Specific Programmatic Conditions:

- (1) The site must have nighttime illumination, unless waived by the Department;

- (2) The site must have a level and well-maintained surface with parking striping preferred;
- (3) The site must meet all Americans with Disabilities Act requirements;
- (4) The site must have EVSE service sign(s) and EVSE parking dwell-time management sign(s), such as “no parking except for electric vehicle charging,” installed in accordance with any state, federal or local ordinances and/or permit(s);
- (6) The project design of the site must allow vehicles to park front-to-back or back-to-front to accommodate charging port variations across different vehicles by providing cords that are long enough, unless waived by the Department;
- (7) All ground and wall-mounted equipment must be protected and placed in such a way to prevent physical damage to the control device (e.g. bollards and curbing);
- (8) All EVSE at the site must be located in such a way that charging cords do not cross roads, sidewalks or other pedestrian walkways that could create tripping hazards or blockages.

## **7.2 EVSE GENERAL REQUIREMENTS**

The Contractor agrees to the following EVSE general requirements:

- (1) Placement and interface for all publicly available EVSE must meet any and all Americans with Disabilities Act requirements, including having accessible buttons and components;
- (2) User interface must be legible in both daytime and nighttime conditions;
- (3) The EVSE must be certified by a nationally recognized testing laboratory for outdoor use, as well as be able to operate in extreme temperatures (-20 to +100 degrees F);
- (4) The EVSE and service facilities must be designed or located to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All EVSE must be installed by a licensed electrician in accordance with all current National Electric Codes;
- (6) At least two (2) plug connectors that service two (2) parking spaces must be provided, unless waived by the Department;
- (7) All EVSE must have network monitoring capability for status (e.g. in-use, malfunction, etc.), fault reporting, energy consumption, and usage patterns;
- (8) Level 2 EVSE must meet Society of Automotive Engineers standards for EV charging plug connector and operational requirements;
- (9) DCFC EVSE must have reasonably proximate 3-phase power available;

- (10) DCFC EVSE must be a dual-protocol charging station, compatible with CHAdeMO and SAE Combined Charging System (CCS) charging ports;
- (11) Level 2 EVSE must have modular field serviceable parts, particularly for cord and J1772 connector, including a minimum cord length of 18 feet and a cord management system to keep cords off the ground and comply with the National Electric Code (NEC);
- (12) Level 2 EVSE must have charging amperage from 10-20kW;
- (13) DCFC EVSE must provide charging unit(s) with a minimum of 30kW output with sizing and configuration of the electrical infrastructure capable of providing for potential future unit upgrades, unless otherwise approved by the Department; and
- (14) All EVSE must have a minimum one-year manufacturer's warranty.

## ATTACHMENT D

### SCHEDULE OF PRICES

Payment for the EVSE to be purchased under this contract shall use the unit rates provided in Table A, Unit Rates for EVSE. The total spent each fiscal year of this contract shall not exceed the amount listed in Table B, Total Expenditure for Each Fiscal Year.

**Table A**  
**Unit Rates for EVSE**

<b>Payment Item</b>	<b>Payment Unit</b>	<b>Department Amount (100%)</b>	<b>Contractor Amount</b>	<b>Total for each charger</b>
DCFC (Public)	Each	\$83,000	\$0	\$83,000
Level 2 Charger (Public)	Each	\$12,000	\$0	\$12,000

**Table B**  
**Total Expenditure for Fiscal Year**

<b>Fiscal Year</b>	<b>Department Total</b>	<b>Contractor Total</b>	<b>Fiscal Year Total</b>
FY 2022-2023	\$107,000	\$0	\$107,000

- The rates shall include all associated direct costs (labor, supplies, equipment, incidentals and expendables, duplication/copying, communications, postage, shipping and handling, transportation, taxes, etc.), all indirect costs (fringe, overhead, general and administrative costs), travel expenses associated with each line item and profit.
- The Department reserves the right to transfer among existing "schedule of prices" line items. The cumulative transfers cannot exceed 10% of the total contract amount. Supporting documentation must accompany each transfer request.