

**DOCKETED**

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*Comment Received From: Acumen Building Enterprise, Inc.  
Submitted On: 9/28/2022  
Docket Number: 22-EVI-05*

**Written Comments from Acumen Building Enterprise, Inc**

*Additional submitted attachment is included below.*

September 20, 2022

Submitted via: <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=22-EVI-05>

Dear Energy Commission:

1. Please provide contact information for prime EV supply companies that are planning to submit applications. The SBE/DBE cannot wait until the proposals are released in the first quarter of 2023, unless you are planning to push selection back a month or two. It will be too late, as there are a lot of teaming issues, and details to work through when submitting a proposal and not meeting the federal requirements will delay the overall NEVI program implementation.
  - If contact information cannot be provided, recommend that the Energy Commission establish pre-qualification criteria for prime EV supply companies so they can be identified. Also, it is recommended there be no deadline set for getting pre-qualified. This will allow other local organizations to put teams or join ventures together later in the procurement process rollout.
  - If there are only a few prime EV supply companies that select or can meet the requirements, there should be a rotating selection process.
  - The Energy Commission needs to ensure there is a match making effort between prime and local California small businesses. Put something on the agenda; get the word out in the communities. See who shows up? How many EV supply companies and SBE/DBE attended the two day meeting about the California NEVI program held earlier this month?
2. Please ensure that there are procedures to follow, should primes not meet federal SBE/DBE commitments described in their awarded proposals. For example: A prime commits to meet a 50% SBE/DBE equity level in their submitted and awarded proposal, but at the end of the project, the prime actually only meets a 15% threshold. There should be some mechanisms that will trigger financial penalty at the 25% or 40% project phase. Should the prime reach the end of the project and the SBE/DBE commitment is not achieved, the prime should not be allowed to participate in additional phases of the NEVI project.
3. There is a procurement payment program in Caltrans and many public sector programs, called "Prompt Payment" or 'pay when paid'. I'm not an attorney, but I think, 'pay when paid' is illegal in California or at least other states. These "Prompt Payments" programs do not work for SBE/DBE firms. The simplest example is that if a prime does not submit an invoice for 60 days, then the local transit agency requires 60 days to process an invoice, the SBE/DBE subcontractor does not receive payment until 135 days after submitting an invoice. At this point, the SBE/DBE subcontractor that is financially disadvantaged has another three invoices in the system and is floating three months of payroll, taxes, benefits, materials, and rent.

4. Please allow Veteran Business Enterprises to meet the Disabled Veteran Business Enterprises participation levels should (DVBE) not be available or good faith effort is achieved.
5. Please consider adopting a professional services apprentice and workforce development program. Caltrans and unions have apprentice training programs for contractors, but there also needs to be a professional services program for young or recently graduated engineers. I would be more there happy to have further discussions about the need, lack of resources in the transportation area and models to be successful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter E. Allen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Walter E. Allen  
President & CEO