

Notice of Funding Opportunity (NOFO)

Federal Agency
United States Department of Transportation (U.S. DOT)
National Highway Traffic Safety Administration (NHTSA)

Funding Opportunity Title
Innovative Approaches to Advancing Traffic Safety and Enforcement

Announcement Type
Initial Announcement

NHTSA NOFO Number
693JJ921R000050

Assistance Listing Program Number (formerly CFDA)
20.614 - National Highway Traffic Safety Administration (NHTSA) Discretionary Safety Grants

Key Dates

NOFO Posted Date:	**February 23, 2022**
NOFO Questions Due Date:	**March 21, 2022**
Application Due Date:	**April 25, 2022**

TABLE OF CONTENTS

SECTION	TITLE
N/A	**PROGRAM SUMMARY INFORMATION**
	A. Federal Agency Name
	B. Funding Opportunity Title
	C. Announcement Type
	D. Funding Opportunity Number
	E. Assistance Listing Program Number (formerly CFDA)
	F. Key Dates
N/A	**MISSION**
A	**PROGRAM DESCRIPTION**
A.1	Purpose and Objective
A.2	Program Authority
A.3	Assistance Listing
A.4	Background
B	**FEDERAL AWARD INFORMATION**
B.1	Awarding Agency
B.2	Funding and Type of Award
B.3	Type of Applications
B.4	Period of Performance
B.5	Acronyms
B.6	Statement of Responsibilities
B.7	Deliverables (D) and Milestones (M)
B.8	Place of Delivery
C	**ELIGIBILITY INFORMATION**
C.1	Eligible Application
C.2	Cost Sharing or Matching
D	**APPLICATION AND SUBMISSION INFORMATION**
D.1	Address to Request Application Package
D.2	Content and Form of Application Submission
D.3	Unique Entity Identifier and System for Award Management (SAM)
D.4	Submission Dates and Times
D.5	Funding Restrictions
D.6	Other Submission Requirements
E	**APPLICATION REVIEW INFORMATION**
E.1	Criteria
E.2	Review and Selection Process
E.3	System for Award Management Review
E.4	Anticipated Announcement and Federal Award Dates
F	**FEDERAL AWARD ADMINISTRATION INFORMATION**
F.1	Federal Award Notices
F.2	Administrative and National Policy Requirements
F.3	Reporting
G	**FEDERAL AWARDING AGENCY CONTACTS**
H	**OTHER INFORMATION**

SECTION	TITLE
H.1	Disclosure of Information
H.2	Limited Use of Data
H.3	Payment for Unauthorized Work
H.4	Place of Performance
H.5	Seat Belt Use Policies and Programs
H.6	Protection of Human Subjects
H.7	Encouraging Policies to Ban Text Messages while Driving
H.8	NHTSA Review of Announcements or Publications
H.9	Conflict of Interest
H.10	Additional Information

PROGRAM SUMMARY INFORMATION

A. FEDERAL AGENCY NAME

U.S. Department of Transportation (DOT)
National Highway Traffic Safety Administration (NHTSA)

B. FUNDING OPPORTUNITY TITLE

Innovative Approaches to Advancing Traffic Safety and Enforcement

C. ANNOUNCEMENT TYPE

Initial Announcement

D. FUNDING OPPORTUNITY NUMBER

693JJ921R000050

E. ASSISTANCE LISTING PROGRAM NUMBER (formerly CFDA)

20.614 - National Highway Traffic Safety Administration (NHTSA) Discretionary Safety Grants

F. KEY DATES

NOFO Posted Date:	**February 23, 2022**
NOFO Questions Due Date:	**March 21, 2022**
Application Due Date:	**April 25, 2022**

MISSION

The Mission of the National Highway Traffic Safety Administration (NHTSA), an operating administration of DOT, is to save lives, prevent injuries and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement activity. To accomplish this, NHTSA awards grants to state and local governments, not-for-profit organizations, and other entities in support of motor vehicles and road traffic safety initiatives.

NHTSA is committed to addressing equity in traffic safety, with respect to development and implementation of programs and objectives described in this NOFO consistent with Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

SECTION A - PROGRAM DESCRIPTION

A.1 PURPOSE AND OBJECTIVE

The purpose of the Cooperative Agreement (CA or Agreement) is to advance traffic safety through the development, demonstration, and evaluation of innovative traffic safety countermeasure approaches and techniques, and innovative and measurable strategies and programs to affect law enforcement engagement. Traffic fatalities are increasing at a significant rate and new traffic safety countermeasures are required to address the rise in fatalities. The Recipient will first develop and demonstrate innovative traffic safety strategies and approaches consistent with existing legislation, that also support the fair and equitable application of countermeasures in communities of color, socio-economically disadvantaged, or locations where enforcement has been ineffective or lacking as a localized priority. The Recipient shall also demonstrate and evaluate approaches, strategies, and methods that enhance law enforcement engagement, as well as public engagement between law enforcement and the communities being served, ensuring that underserved communities are represented. The project will focus on the following:

1. Speed management and speeding enforcement.
2. Occupant protection, including seat belts and child restraint enforcement.
3. Impaired driving enforcement.
4. Effective engagement between Highway Safety Offices and law enforcement

A.2 PROGRAM AUTHORITY

NHTSA may enter into an assistance agreement with a State or local agency, authority, association, institution, or person to carry out activities authorized by the Highway Safety Act of 1966, P.L. 89-564, as amended (see 23 U.S.C. § 403).

A.3 ASSISTANCE LISTING PROGRAM NUMBER (formerly CFDA)

20.614 – National Highway Traffic Safety Administration (NHTSA) Discretionary Safety Grants

A.4 BACKGROUND

Since 2015, the Nation experienced a significant and sudden increase in the number of highway traffic fatalities after steadily declining to the lowest level in more than 65 years in 2014. In 2015, the Nation experienced a nearly 10 percent increase in traffic deaths and increased to a high point in 2020 at 38,680 fatalities. Improving safety on our Nation's roadways and preventing injuries and deaths in traffic crashes remains a top priority for NHTSA.

Pursuant to its authority, NHTSA provides highway traffic safety grants to states, territories and local communities, and supports research, demonstration projects, and countermeasure programs designed to prevent motor vehicle crashes and reduce their associated economic costs. The development of new approaches and strategies to influence action by law enforcement to undertake the action necessary to reduce crashes and fatalities has become evident. Existing programs and strategies are not having the desired effect in an environment where fatal crashes are increasing significantly, and societal expectations and changes have challenged law enforcement at the operational and philosophical level. Injuries due to speeding, occupant protection and impaired driving are key components in the surge of fatalities, as well as the disproportional impact on communities of color. To address the recent rise in traffic fatalities, NHTSA seeks innovative approaches to enforcement and community engagement to bring down the number of people killed on our roads and highways every year.

SECTION B - FEDERAL AWARD INFORMATION

B.1 AWARDING AGENCY:

Department of Transportation (DOT)
National Highway Traffic Safety Administration (NHTSA)

B.2 FUNDING AND TYPE OF AWARD

A total of **$5,572,961.00** is available to fund up to one (1) discretionary Cooperative Agreement. NHTSA will only accept one (1) application from each eligible applicant (see Section C.1). Submission of an application is **not** a guarantee of award.

B.3 TYPE OF APPLICATION

NHTSA will accept only new applications under this Notice of Funding Opportunity.

B.4 PERIOD OF PERFORMANCE

All work required hereunder including preparation, submission, review, and acceptance of the final reports shall be completed within sixty (60) months of the effective date of the Cooperative Agreement. NHTSA currently anticipates the start date for new Federal awards to be on or about September 2022.

B.5 ACRONYMS

The acronyms listed below are used during the performance of the project. If the Recipient is currently using or has used any of the acronyms listed below differently, the Recipient will use the acronym listed below as defined under the Assistance Agreement only.

ACOR (CA)	Alternate Contracting Officer Representative Cooperative Agreement
CA	Cooperative Agreement
CO	Contracting Officer
CS	Contract Specialist
COR (CA)	Contracting Officer Representative Cooperative Agreement
DOT	Department of Transportation
LEL	Law Enforcement Liaison
NHTSA	National Highway Traffic Safety Administration
PM	Project Manager
RCAM	Recipient’s Cooperative Agreement Manager
SHSO	State Highway Safety Office
SME	Subject Matter Expert
WP	Work Plan

As used in this NOFO:

"**COR (CA)**" means "Contracting Officer's Representative (Cooperative Agreements.)" This individual is assigned by the Contracting Officer and designated in writing to serve as the government's liaison with the recipient for technical and administrative matters regarding the Cooperative Agreement.

"Contracting Officer" refers to that federal government employee who possesses a warrant authorizing him/her to obligate the government financially. The Contracting Officer is the only individual who is authorized, on behalf of the federal government, to execute the Cooperative Agreement.

"RCAM" means the "Recipient's Cooperative Agreement Manager." This individual is identified as the Recipient's liaison with the federal government for technical and administrative matters concerning the Cooperative Agreement.

B.6 STATEMENT OF RESPONSIBILITIES

A. **Under the Cooperative Agreement NHTSA will:**

1. Designate a professionally qualified staff member, designated as the Contracting Officer's Representative (COR) (CA), to provide liaison and coordination between the Recipient and NHTSA;

2. Provide all essential background information and technical assistance from government sources, available resources as determined appropriate by the COR (CA);

3. Provide liaison with NHTSA Regional offices staff and others (Federal, state, and local), tasked with reducing traffic fatalities and promoting activities of the Recipient.

4. Maintain on-going contact with the Recipient regarding conduct of the Cooperative Agreement; and

5. Review and provide feedback, when requested, on materials and planned activities produced under the Cooperative Agreement.

B. **Under the Cooperative Agreement, the Recipient agrees to meet the following activities:**

1. Carry out the project as described in the Recipient's technical application and detailed project plan;

2. Advise the COR (CA) of any problems or issues involved in the implementation or progress of the Cooperative Agreement;

3. Assemble and collaborate with stakeholders, and subject matter experts (SME's) in the affiliated fields as needed;

4. Adhere to the activities and requirements specified in the Cooperative Agreement unless submitted to the COR (CA) and approved in writing by the Contracting Officer (CO) consistent with 2 C.F.R. § 200.308; and

5. For the period of performance set forth in *B.3, "Period of Performance,"* furnish personnel, equipment, and facilities and otherwise perform all things necessary to complete the work required to accomplish the Cooperative Agreement's objective as specified.

C. **Specific Activities for the Cooperative Agreement**

The Recipient shall perform the following activities:

Activity 1: Conduct Kick-off Meeting

Within one (1) month of Cooperative Agreement award, the Recipient will meet with NHTSA's Contracting Officer (CO), COR (CA), and other interested NHTSA personnel either in Washington, D.C. at NHTSA Headquarters or via teleconference to discuss: 1) the administration of the Assistance Agreement; and 2) the Cooperative Agreement objectives, planned course of action, schedule, milestones and deliverables.

Activity 2: Semi-annual Briefing

The Recipient will participate in a Semi-annual Briefing in person at NHTSA Headquarters in Washington, DC or virtually using Microsoft teams or other commercially available platform at least every six (6) months but prior to the end of the fourth quarter. The Semi-annual Briefing is to:

- discuss progress in meeting project deliverables and milestones;
- disclose obstacles and problems encountered, project delays and proposed solutions to alleviate such obstacles; and
- financial status or concerns to assure budget accurately reflects completed as well as planned work/activities.

Within one (1) week prior to the Semi-annual briefing the Recipient will submit an agenda for the Semi-annual Briefing. The briefing session will not exceed ninety (90) minutes. Within one (1) week after the completion of the Semi-annual briefing the Recipient will submit follow-up minutes to the COR (CA).

Activity 3: Demonstrate and Assess State LEL programs

The Recipient shall develop a demonstration program that measures the effectiveness of an LEL (law enforcement liaison) program to coordinate consistent traffic safety countermeasures and activities between local and State law enforcement and among

States. The recipient will coordinate with no more than three (3) States to establish an LEL program where none exists, or re-format existing programs to participate in the project. The demonstration should develop a process to measure the effectiveness of the LEL program at reducing motor vehicle crashes, injuries and fatalities.

The demonstration program shall include but is not limited to the following activities:

- Identify minimal program elements and develop program objectives;
- Develop requirements, and performance indicators to measure the effectiveness of LEL programs;
- Identify critical knowledge, skills, and abilities necessary for LELs to be effective;
- Develop new, or update an existing model position description applicable to the demonstration program;
- Develop evaluation criteria for the project;
- Identify and secure the participation of no more than three State LEL programs to participate in the demonstration project;
- Identify impediments that impact the ability of LELs to effectively coordinate traffic safety countermeasures to reduce crashes and fatalities and injuries;
- Assess the impact of professional development training and leadership methodologies of LEL programs and identify potential process and program improvements; and
- Draft a report of no more than 150 pages and make it publicly available.

Activity 4: Develop innovative approaches to speed management and speeding enforcement

The Recipient will develop and assess innovative approaches for law enforcement to conduct speed enforcement operations. The recipient shall identify innovative strategies, tactics, and approaches to speed management and enforcement, demonstrate and evaluate the application and outcomes of their approaches, and publish their finding. The effort will ideally include a multi-disciplinary approach and coordination at the local/State level to ensure educational, engineering, and enforcement strategies are aligned.

The demonstration program shall include but is not limited to the following activities:

- Identify and/or develop new and innovative strategies for conducting speed enforcement operations;
- Develop a process to evaluate the new speed enforcement operations' impact on motor vehicle crashes, fatalities and injuries;
- Coordinate with identified underserved or minority communities in the development of implementation strategies to ensure equity issues consistent with the National Road Safety Strategy[1] are integrated into the project;

[1] A copy of the National Road Safety Strategy may be obtained here: National Roadway Safety Strategy | US Department of Transportation.

- Demonstrate the strategies or approaches to speed management and enforcement in location(s) with speeding related crash history;
- Evaluate the effectiveness of the speed the speed enforcement demonstration on motor vehicle crashes, fatalities, injuries and the free flow of traffic; and
- Draft a report of no more than 150 pages and make it publicly available.

Activity 5: New Approaches to Seat Belt and Child Passenger Safety by Law Enforcement

Although the national seat belt use rate is near 90%, nearly half of all traffic fatalities involve a driver or passenger who was not restrained. Traditional enforcement efforts remain an effective approach, however research indicates a portion of the population that fail to wear a seat belt or fail to do so collateral to other unsafe driving behaviors, such as speeding of driving impaired.

The Recipient will identify and/or develop new countermeasures to enforce occupant protection laws (e.g. seat belt and child restraints). The Recipient will demonstrate the new countermeasures and assess the effectiveness of the initiatives. The initiatives should include but are not limited to: seat belt laws, occupant protection programs, and child passenger safety efforts through the demonstration and evaluation of innovative techniques that produce a model for use by state and local law enforcement. The Recipient's initiative shall include but is not limited to:

- Identify and/or develop new and innovative strategies for conducting seat belt enforcement operations,
- Identify new approaches to community outreach and develop methods to evaluate their impact,
- Develop a process to evaluate the new seat belt enforcement operations' impact on motor vehicle crashes, fatalities and injuries,
- Coordinate with identified underserved or minority communities in the development of implementation strategies to ensure equity issues are consistent with the National Road Safety Strategy are integrated into the project,
- Conduct demonstration efforts to apply the identified strategies or approaches and evaluate their effectiveness, and
- Draft a report of no more than 150 pages and make it publicly available.

Activity 6: Identify and Demonstrate Innovative Impaired Driving Enforcement Strategies

Impaired driving remains a major impacting factor in fatal traffic crashes despite more than a generation of programs and enforcement efforts to stem the behavior.

The Recipient shall identify and develop innovative approaches to established and accepted methods of combatting impaired driving and assess the viability of each method. The demonstration of innovative techniques and evaluation of their impact is critical to providing States with methods to improve impaired driving enforcement.

NHTSA seeks new and innovative efforts that do not include program development, training, certification, and program management activities. NHTSA sees activities that include but are not limited to:

- Identify and/or develop new and innovative strategies for conducting impaired driving enforcement operations;
- Identify new approaches to community outreach and develop methods to evaluate their impact;
- Develop criteria to evaluate the new enforcement operations' impact on motor vehicle crashes, fatalities and injuries;
- Coordinate with identified underserved or minority communities in the development of implementation strategies to ensure equity issues consistent with the National Road Safety Strategy are integrated into the project;
- Conduct demonstration efforts to apply the identified strategies or approaches and evaluate their effectiveness; and
- Draft a report of no more than 150 pages and make it publicly available.

Activity 7: Evaluation

The Recipient will perform an annual and final evaluation of this demonstration project, which will be included in the Annual Report and Final Report required in Section F. The evaluation at a minimum will include a description of the activities conducted, and if in print form, a copy, of participant evaluations of the activity/document, the number and type of participant, the benefits or disadvantages of each activity, and any recommendations. The evaluation should include any data that the Recipient relied upon to evaluate the impact and effectiveness of the activities conducted.

Activity 8: Conduct Final Project Briefing

The Recipient will conduct a Final Briefing with COR (CA) and NHTSA staff one (1) month prior to the end of the period of performance to provide information on overall project accomplishments and assessment of the impact of their efforts.

The briefing session shall not exceed 90 minutes in duration to include a presentation and question and answer session. The Recipient will provide a final agenda of items to be discussed, along with all materials to be provided at the briefing a minimum of one (1) week prior to the final briefing.

B.7 DELIVERABLES (D) AND MILESTONES (M)

The deliverables and milestones shall be established and defined within the Cooperative Agreement issued under the authority listed within Section A.2 of this NOFO.

The deliverable schedule and descriptions are provided below. With final deliverables, the Recipient will provide a table detailing how each Government comment was addressed.

Deliverables will be submitted in a replicable electronic format that is printable, unless specifically required for submission in hard copy form.

ITEM NO.	ACTIVITY NO.	MILESTONE (M) / DELIVERABLE (D)	DUE DATE
1	1	Conduct Kick-off Meeting (M)	Within 1 month of award
2	2	Submit Semi-Annual Brief agenda (D)	Within 1 week of Briefing
3	2	Semi-Annual Briefing (M)	Every 6-months through the completion of the project and prior to the end of the fourth quarter
4	2	Submit Semi-Annual Briefing Minutes (D)	Within 1 week after completion of the Briefing
5	3	Demonstrate/assess LEL Programs (M)	On-going
6	4	Identify/demonstrate innovative approaches to Speed Enforcement (M)	On-going
7	5	Identify/demonstrate innovative approaches to Occupant Protection Enforcement (M)	On-going
8	6	Identify/demonstrate innovative approaches to Impaired Driving Enforcement (M)	On-going
9	7	Submit the Evaluation of demonstration project (D)	Annual Report
10	8	Submit Final Briefing Materials (D)	1 week of prior to the Final Brief
11	8	Conduct Final Briefing (M)	1 month prior to the end of the period of performance.
12	F.3.1	Submit Quarterly Progress Reports (D)	Quarterly, 15th of the month following the end of the quarter
13	F.3.2	Submit Draft Final Report (D)	1 month prior to the end of the period of performance.
14	F.3.2	COR (CA) reviews Final Report (M)	Within 2 weeks of receipt
15	F.3.2	Submit Final Report (D)	Within 1 week prior to the end of the

ITEM NO.	ACTIVITY NO.	MILESTONE (M) / DELIVERABLE (D)	DUE DATE
			Cooperative Agreement
16	F.3.3	Submit Federal Financial Report (SF-425) (D)	Annually by October 1

B.8 PLACE OF DELIVERY

All items shall be delivered electronically to the following addresses specified below:

Item no.	Address
2, 4, 9, 10, 12, 13, 15 & 16	**DOT/NHTSA** 1200 New Jersey Avenue, SE (W46-XXX) Washington, DC 20590 Attn: **TBD** Email: **TBD** Telephone: **TBD**
13 & 16	**DOT/NHTSA** Office of Acquisition Management (NFO-300) 1200 New Jersey Avenue, SE (W53-411) Washington, DC 20590 Attn: David Larson Email: David.Larson@dot.gov Telephone: 202-366-4843

SECTION C - ELIGIBILITY INFORMATION

C.1 ELIGIBLE APPLICANTS

This NOFO is limited to organizations that demonstrate that they have the capacity, internal structures, technical ability, necessary qualified staff and subcontractors capable of meeting all of the responsibilities of administering, coordinating, and implementing the activities of this NOFO. The Cooperative Agreement may include the use of sub-contractors and the Recipient shall be responsible for recruiting and securing the assistance and support of organizations or individuals capable of meeting the activities outlined in the NOFO. Only those organizations and/or sub-contractors capable of fulfilling the criteria listed within this NOFO to include the management of all logistical and day-to-day operations will be considered for an award.

To be eligible to participate in the Cooperative Agreement, Recipients must meet all of the following requirements:

- Have personnel with the education, experience, and expertise required to successfully meet the activities of the Cooperative Agreement. Demonstrating familiarity and understanding of the topics identified in the activities for the Cooperative Agreement;
- Can demonstrate that the organization has sufficient professional and/or corporate organizational experience, structures, and capacity to meet the activities for the Cooperative Agreement.

Interested applicants are advised that no fee or profit will be allowed.

C.2 COST SHARING OR MATCHING

Cost-sharing or matching requirements are not required under this NOFO. While not mandatory, applicants are encouraged to seek funds from other Federal, State, local, and private sources to augment those Federal funds available under this NOFO. Preference may be given to applicants with cost sharing or in-kind contributions identified in their applications.

SECTION D - APPLICATION AND SUBMISSION INFORMATION

D.1 ADDRESS TO REQUEST APPLICATION PACKAGE

A copy of this NOFO, including all application forms, can be received by submitting an email request to NHTSAOAM@dot.gov using the following information:

- Keyword(s): **Innovative Approaches to Advancing Traffic Safety and Enforcement**
- Opportunity Number: **693JJ921R000050**
- Assistance Listing Number: **20.614**

D.2 CONTENT AND FORM OF APPLICATION SUBMISSION

Each application package must include the following required documents:

- The application shall not exceed thirty (**30) pages** (not including resumes or appendices). The application must be in English.

- Format with a cover page that clearly identifies the Applicant's name, NOFO number **693JJ921R000050**, and **date.** Within, include the following sections:
  - Table of Contents including page number references and method identifying major sections
  - Technical Approach and Understanding
  - Qualifications of Project Personnel
  - Corporate Experience/Past Performance

- Resumes are limited to two (2) pages each and provides evidence of the knowledge, skill, experience, and overall qualifications of proposed personnel Include each person's role and specific actions and responsibilities in a study or project; include dates for projects listed.
- No cost/price data shall be included in the Technical Application.
- Be written in electronic format (e.g., using MS Office) Use Times New Roman 12-point font, with pages that have at least one (1) inch margins.
- Adhere to the style detailed in the 7th edition, Publication Manual of the American Psychological Association (APA);
- Cost data shall be provided in excel format;
- **NHTSA cannot receive email messages containing a ZIP attachment. The file will be removed, as all ZIP files are blocked. Other file types (e.g. Word, PowerPoint, PDF, etc.) can be received.**
- If submitting the application in hardcopy or digital storage media format: OMB Standard Form (SF) 424 (including 424 "Application for Federal Assistance," 424A "Budget Information for Non-Construction Programs," and 424B "Assurances for Non-Construction Programs"), with the required information filled in and certified assurances signed. These forms can be accessed by going to https://www.grants.gov/web/grants/forms/forms-repository.html.

- The Recipient shall submit a statement and certify that it agrees to comply with the requirements in 49 CFR Part 32, subpart B.

- SFLLL: Disclosure of Lobbying Activities. The Applicant shall provide with its application signed certification forms covering the requirements in 49 CFR Part 20, U.S. Department of Transportation New Restrictions on Lobbying. This form can be accessed by going to https://www.gsa.gov/forms-library/disclosure-lobbying-activities.

- The Applicant must provide a detailed breakdown of the proposed costs, as well as any in-kind costs, by year. This cost breakdown shall not only identify cost categories but shall also identify specific sub-categories (and associated costs). For example, Labor Costs should include labor categories, associated levels of effort, and rates; Direct Materials costs including itemized equipment and supplies costs; Travel and transportation costs, including projected trips and number of people traveling; Subcontractor/ Sub-recipient costs with similar detail, if known; and overhead. The Applicant must also justify each proposed cost by explaining how each cost was calculated and determined to be fair and reasonable. Finally, the Applicant should also include copies of any supporting documentation it may have (i.e. indirect cost rate agreements, etc.) as part of the budget package.

- Non-Federal funding sources are encouraged. Since activities may be performed with a variety of financial resources, applicants need to fully identify all project costs and their funding sources in the proposed budget. The proposed budget must identify all funding sources in sufficient detail to demonstrate that the overall objectives of the project will be met. All other factors being equal, preference will be given to those that have proposed cost-sharing strategies and/or other proposed funding sources in addition to those in this announcement.

- Consistent with the Department's ROUTES Initiative (https://www.transportation.gov/rural), the Department encourages applicants to describe how activities proposed in their application would address the unique challenges facing rural transportation networks, regardless of the geographic location of those activities.

- Consistent with NHTSA's commitment to addressing equity in traffic safety, with respect to development and implementation of programs and consistent with Executive Order 13985: Advancing Racial Equity and Support for Underserved, NHTSA encourages applicants to describe how activities in their application would address equity and reduce barriers to opportunities.

- Technical Application: The application shall fully describe the scope of the project, providing a project plan detailing the activities and costs for which funding is being requested. ***The technical application shall be separated from the cost application – no cost information shall be included or referenced in the technical application***.

  The technical approach must be clearly written, complete, reasonable, and include a realistic timeframe for completing the activities.

Applications for the program must include the following information in the program narrative statement:

Factor 1: Technical Approach/Understanding: The Applicant shall demonstrate its understanding of the project's overall objectives and scope of work. Within the technical application, the Applicant shall indicate any assumptions made in conducting the effort. This section allows the Applicant to demonstrate familiarity and expertise with the area, including issues faced when work requires the Applicant to work jointly and cooperatively with other agencies to complete the Applicant work.

Acceptable submissions will address:

- Background –
- Objective – Clearly identify how the strategy advances the goals and objectives of the project;
- Project Plan – that includes a detailed work breakdown structure (WBS) that is aligned to the project's goals and objectives; a detailed, step-by-step approach for achieving the specific activities described. The pan should be comprehensive, logical, and include a clear description of how:
  - each activity will be implemented and completed,
  - a plan for monitoring/managing quality control processes,
  - where appropriate a plan to publish product(s) to the public and target audience(s),
  - a risk mitigation strategy to identify risks and methods for addressing, mitigate or eliminate problems, and
  - identifying necessary travel to complete the activities.
- Racial Equity and Barriers to Opportunity—detail how the Recipient will address racial equity and barriers to opportunity in the implementation and delivery of the project.

Factor 2: Qualifications of Project Personnel: The Applicant shall demonstrate experience and capacity to carry out the proposed activities outlined in the overall objectives, as well as the specific activities described in Section B.6.C.

- Identify a Project Manager (PM) to serve as a liaison to coordinate and manage all aspects of the project;
- Provide a detailed breakdown linking key personnel to clearly defined roles, activities, deliverables, and time commitments necessary to complete the project; it is not sufficient to merely state the person's title and describe the project in general terms;
- Demonstrate that staff and/or sub-contractors possess the experience and subject matter expertise, knowledge, and skills necessary to successfully perform and complete the work outlined in the Section B.6.C. Examples of qualifications that Applicants may use to demonstrate expertise include, but are not limited to, educational background, relevant experience on similar projects, published materials, and peer-reviewed publications;

- Identify partnerships or stakeholders, contractors or consultants who shall play a role in the implementation of the project and identify the specific subject matter expertise each entity will haveand its responsibilities under the project;
- Include resumes or curricula vitae that highlight qualifications, areas of expertise, and cites work-related experience for key personnel;
- Highlight qualifications and expertise with cited work-related experience in the following areas: project management, organizing and facilitating teams of subject matter experts , ability to synthesize results and build consensus, and supporting communication/outreach efforts.

Factor 3: Corporate Experience/Past Performance: The Applicant will provide descriptions of prior experience related to similar projects (grants, cooperative agreements, or contracts) to demonstrate capacity to meet the activities described in the NOFO. Information should contain a point of contact at the funding agency to demonstrate satisfactory efforts to complete the project, timeliness of deliverables, and financial accountability. The applicant shall describe its corporate experience, past performance, and any other relevant activities similar to the effort described in this notice, including, but not limited to:

- The Applicant and/or sub-contractors have sufficient professional and/or corporate organizational experience and a background in the field of human behavioral factors, their effect on highway and traffic safety and State laws.
- Is capable of exercising organization influence in managing relationships with aligned professional organizations in traffic safety to meet the objectives of the project;
- Identify key staff/personnel, partnerships, stakeholders, contractors, or consultants who will play a role in the implementation of the project; the specific subject matter expertise they will bring and their responsibilities; their education and experience in similar projects, and their understanding of traffic safety, traffic laws, and countermeasures;
- Experience organizing and facilitating productive meetings; coordinating communication among all project members (staff/personnel, key partners, stakeholders, contractors, consultants or others) using a variety of means including in-person and electronic communication networked meetings/discussions; facilitating processes to come to consensus; and summarizing and synthesizing the results of discussions; and
- Ability to support the development and deployment of plans designed to support communications, material concepts and outreach efforts to update and/or develop new materials to improve traffic safety, traffic laws, and countermeasures.

For Past Performance, the Applicant shall provide descriptions of at least two (2) recent projects conducted within the past three (3) years that includes:

- Project title;
- Dates on which the project began and was completed;
- Total dollar value of the contract (if applicable);
- Sponsor;

- Project manager's contact information (name and phone number);
- Brief synopsis of the project;
- Key deliverables, such as data collection plans, reports, along with the original scheduled due dates and submission date of the version of the deliverable that was approved by the sponsor; and
- The project's relevance to the current project.

If the Applicant has previous Contracts or Task Orders with NHTSA, this list shall include the Applicant's most recent projects with NHTSA. The Applicant also shall provide information regarding any contracts that were terminated for default or convenience of the Government within the past three (3) years, including an explanation of the circumstances.

In addition, the Applicant shall request past performance information from two (2) recent clients. The References should include: (1) name of agency or organization receiving the service; (2) name of reference's point of contact, phone number, and e-mail address; (3) dates services were provided; (4) applicable contract number; (5) title, and (6) brief description of services provided. Attachment J.4, Past Performance Questionnaire, shall be used for the three (3) recent projects. The Applicants shall instruct their references to submit the Past Performance Questionnaires to the Contract Specialist at NHTSAOAM@dot.gov and David.Larson@dot.gov.

- Commitment and Support: When other sources and organizations are required to complete the proposed effort, the Applicant shall provide proof of their commitment to the agreement effort. Such proof can be a letter of acceptance to participate as a sub-contractor supporting the Recipient (Applicant).

Cost Information

- The Government reserves the right to request, at any time after the receipt of applications and before award, additional cost or price information necessary to perform an analysis. Regular invoicing (monthly or quarterly) is required. Irregular invoicing could result in a reduction of available funding for subsequent years.
- Given that an award may be made without negotiations and without any discussion, each Applicant shall document and support the proposed costs so thoroughly that no additional information is needed by NHTSA.
- Applicants shall ensure that all proposed costs, including non-federal contributions and contributions from other federal sources, are reasonable, allowable, and allocable according to the cost principles stated in 2 CFR Parts 200 and 1201.

D.3 UNIQUE ENTITY IDENTIFIER AND SYSTEM FOR AWARD MANAGEMENT (SAM)

Each Applicant is required to:

- **Be registered in *SAM* before submitting its application;**

- Provide a valid unique entity identifier in its application (e.g., DUNS Number); and
- Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by NHTSA.

NHTSA may not make an award to an Applicant until the Applicant has complied with all applicable DUNS and SAM requirements. If an Applicant has not fully complied with the requirements by the time NHTSA is ready to make an award, NHTSA may determine that the Applicant is not qualified to receive an award and use that determination as a basis for making a grant award to another Applicant. **NHTSA will review an Applicant's registration status to make a responsibility determination and to ensure that the Applicant is responsible, current on all federal taxes, and is not on the list of parties excluded from federal awards.**

D.4 SUBMISSION DATES AND TIMES

Application Due Date and Time:

Applications must be submitted no later than **2:00 PM ET, on April 25, 2022.**

Only complete packages received on or before the published due date will be considered. Applications received after the due date will not be evaluated for consideration. Facsimile submission of applications will not be accepted. **NHTSA will only accept one (1) application from each Applicant.** NHTSA will provide acknowledgments of receipt of applications via email.

Questions Due Date and Time:

General administrative and programmatic questions must be directed to David Larson, Contract Specialist, at NHTSAOAM@dot.gov with a copy to David.Larson@dot.gov. To allow for sufficient time to address questions appropriately, all questions must be submitted via email no later than **2:00 PM ET on March 21, 2022**.

D.5 FUNDING RESTRICTIONS

- Funds awarded under the Cooperative Agreement cannot be used for any activity intended to or designed to lobby Congress or a State legislative body, or to urge a U.S., State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

- All NHTSA awards are subject to the terms and activities in the grant agreement and cost principles in 2 CFR Parts 200 and 1201.

- NHTSA will not reimburse Applicants for Pre-Award costs.

- The Government's obligation under the Cooperative Agreement is contingent upon the availability of appropriated funds from which payment for the Agreement purposes can

be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Contracting Officer for the Cooperative Agreement and until the Contractor receives notice of such availability, to be confirmed in writing by the Contracting Officer.

- Funds awarded under the Cooperative Agreement are subject to 23 U.S.C. § 313, Buy America, which prohibits the use of the Government's funds to purchase steel, iron, and manufactured products, unless they are produced in the United States.

D.6 OTHER SUBMISSION REQUIREMENTS

Each application must include:

- The NHTSA NOFO Number: 693JJ921R000050.

Application Submission:

Applications must be submitted to the attention of David Larson, Contract Specialist, via email at NHTSAOAM@dot.gov with a copy to David.Larson@dot.gov, no later than **2:00 PM ET, April 25, 2022.**

Important: The timely submission of application packages is the **sole responsibility of the Applicant**.

SECTION E - APPLICATION REVIEW INFORMATION

E.1 CRITERIA

NHTSA will evaluate the applications using the evaluation criteria below to score and select competing applications. Evaluation Factors 1 through 3 will be weighted, with Factor 1 being weighted the most, and Factor 3 being weighted the least. Evaluation Factor 4 will be evaluated but not scored.

Submission of an application is not a guarantee of award. NHTSA may, at its discretion, award a grant based on an application in its entirety, award only portions of an application, or not make an award.

For each factor, the agency will determine whether the Applicant has provided an acceptable explanation of its qualifications.

A. EVALUATION FACTOR 1: Technical Understanding/Approach

The Applicant will be evaluated on its technical approach to meeting the objectives, requirements, and the deliverable schedule associated with the scope of work. The Applicant's technical approach will be evaluated for:

- Objective – Clearly identifies how the strategy advances the goals and objectives of the project;
- Project Management Plan – Includes a detailed work breakdown structure (WBS) that is aligned to the project's goals and objectives; a detailed, step-by-step approach for achieving the specific activities described. The strategy will be evaluated on how comprehensive, logical, and how:
  - each activity will be implemented and completed,
  - the Applicant's plan for monitoring/managing quality control processes,
  - the Applicant provides a clear marketing plan for dissemination of product(s) to appropriate target audience(s),
  - a risk mitigation strategy to identify risks and methods for addressing, mitigate or eliminate problems, and
  - identifying necessary travel to complete the activities.
- Racial Equity and Barriers to Opportunity—Includes a detailed plan to address racial equity and barriers to opportunity during the implementation of the project. For example, the Recipient may include an equity and inclusion program/plan or equity-focused policy to ensure racial equity in the overall project delivery and implementation, or submit a plan to hold meaningful public engagement on the project to ensure that underserved communities are provided a full and equitable opportunity to have meaningful engagement on the project.

B. EVALUATION FACTOR 2: Qualifications of Project Personnel

The Applicant will be evaluated on the suitability and quality of its proposed staff. The Applicant's staffing plan is clearly described in the written application through the Project Management Plan and work breakdown structure and includes personnel's resumes/curriculum vitae.

The Applicant's application will be evaluated on the following:

- Identifies a Project Manager (PM) to serve as a liaison to coordinate and how the PM will manage all aspects of the project;
- Provides a detailed breakdown linking key personnel to clearly defined roles, activities, deliverables, and time commitments necessary to complete the project; it is not sufficient to merely state the person's title and describe the project in general terms;
- Demonstrates that staff in key positions have a level of experience and subject matter expertise, knowledge, and skills that ensures the ability to successfully complete the work outlined in the Activities Section B.6.C. Examples of qualifications that Applicants may use to demonstrate expertise include, but are not limited to, educational background, relevant research experience on similar projects, published materials, and peer-reviewed publications;
- Identifies key partnerships, stakeholders, contractors, or consultants who will play a role in the implementation of the project; the specific subject matter expertise they will bring and their responsibilities;
- Includes resumes or curriculum vitae that highlight qualifications, areas of expertise, and cites work-related experience for key personnel; and
- Highlights qualifications and expertise with cited work-related experience in the following areas: project management, organizing and facilitating teams of SME's, ability to synthesize results and come to team consensus, and supporting communication/outreach efforts.

C. EVALUATION FACTOR 3: Corporate Experience/Past Performance

The Applicant will be evaluated on its ability to perform the work required in this NOFO and its performance with similar efforts, including its corporate experience and past performance with other work similarly described in this NOFO and that require, at a minimum, the following:

- Applicant has sufficient professional and/or corporate organizational experience and a theoretical background in human behavioral factors, their effect on highway and traffic safety and State laws.
- Has established working relationships with aligned professional organizations also interested in human behavioral factors, their effect on highway and traffic safety and State laws to garner rapport and consensus to address project related objectives;
- Identifies key staff/personnel, partnerships, stakeholders, contractors, or consultants who will play a role in the implementation of the project; the specific subject matter expertise they will bring and their responsibilities; their education and experience in similar projects;

- Experience organizing and facilitating productive group/team discussions; coordinating communication among all project members (staff/personnel, key partners, stakeholders, contractors, consultants or others) using a variety of means including in-person and electronic communication networked meetings/discussions; facilitating processes to come to general consensus; and summarizing and synthesizing the results of discussions; and
- Has supported the development and deployment of plans designed to support communications, material concepts and outreach efforts to update and/or develop new materials to improve traffic safety, traffic laws, and countermeasures.

If the Applicant has previous Contracts, Cooperative Agreements or Task Orders with NHTSA, this list shall include the Applicant's most recent projects with NHTSA. The Applicant also shall provide information regarding any contracts that were terminated for default or convenience of the Government within the past three (3) years, including an explanation of the circumstances.

In addition, the Applicant shall request past performance information from three (3) recent clients. The References should include: (1) name of agency or organization receiving the service; (2) name of reference's point of contact, phone number, and e-mail address; (3) dates services were provided; (4) applicable contract number; (5) title, and (6) brief description of services provided. Attachment J.4, Past Performance Questionnaire, shall be used for the three (3) recent projects. The Applicants shall instruct their references to submit the Past Performance Questionnaires to the Contract Specialist at NHTSAOAM@dot.gov and David.Larson@dot.gov.

D. EVALUATION FACTOR 4: Cost/Budget Evaluation

The Applicant's proposed budget will be evaluated for accuracy and feasibility, based on the provisions of 2 CFR Parts 200 and 1201.

For equally acceptable applications, preference may be given to those that have proposed cost-sharing strategies and/or other proposed funding sources in addition to those in this NOFO.

Consistent with the Department's ROUTES Initiative (https://www.transportation.gov/rural), the Department recognizes that rural transportation networks face unique challenges. To the extent that those challenges are reflected in the merit criteria listed in this section, the Department will consider how the activities proposed in the application will address those challenges, regardless of the geographic location of those activities.

E.2 REVIEW AND SELECTION PROCESS

Each application package will be reviewed initially to confirm that the applicant meets the eligibility requirements as set forth in Section C.1, Eligible Applicants, and has included all of the items specified in Section D.2, Content and Form of Application Submission. A Technical Evaluation Committee (TEC) will then review each completed application that meets the eligibility requirements and provide recommendations for award.

The applicant's application, the TEC will rate the application using the following rating definitions:

Rating Definitions
Outstanding – The application demonstrates a highly detailed, superior approach for accomplishing program objectives. The application is fully responsive to every aspect of the NOFO, within most or all areas covered by the announcement. The application demonstrated a large capability for excellent or highly productive results.
Good – The application demonstrates a comprehensive and fully acceptable approach for accomplishing program objectives. The application is fully responsive to every aspect of the NOFO, with capability for highly productive results for the activities described in the announcement.
Acceptable – The application meets minimum requirements of the NOFO; is responsive to all major aspects of NOFO; and is capable of achieving desired program objectives.
Unacceptable – The application demonstrates an incomprehensible or unacceptable approach, methods, organization, or capabilities; provided little to no detail as to how the program would be accomplished. The application is not capable of being evaluated.

E.3 SYSTEM FOR ACQUISITION MANAGEMENT REVIEW

NHTSA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through the System for Acquisition Management (SAM), currently FAPIIS.

Each applicant may review information in the SAM and provide comment in its application about itself that a Federal awarding agency previously entered and is currently in SAM.

NHTSA will consider any comment submitted by the applicant, in addition to the other information in SAM when determining the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review under section D.3, Unique Entity Identifier and System for Award Management (SAM).

E.4 ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

It is anticipated that an award will be made on or before **September 2022.** HOWEVER, SUBMISSION OF AN APPLICATION DOES NOT GUARANTEE AN AWARD WILL BE MADE.

SECTION F - FEDERAL AWARD ADMINISTRATION INFORMATION

F.1 FEDERAL AWARD NOTICES

The NHTSA Contracting Officer will award grants to responsible and eligible applicants whose applications are judged most meritorious under the procedures set forth in this NOFO. All funds provided by NHTSA must be expended solely for the purpose for which the funds are awarded in accordance with the approved application and budget, the Uniform Administration Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Parts 1200 and 1201).

The Grant Agreement award will provide pertinent instructions and information including, at a minimum, the following:

- General Federal Award Information:
  - Recipient name;
  - Recipient's unique entity identifier;
  - Unique Federal Award Identification Number (FAIN) assigned by NHTSA;
  - Federal Award Date;
  - Period of Performance Start and End Date;
  - Amount of Federal Funds Obligated by the action;
  - Total Amount of Federal Funds Obligated;
  - Total Amount of the Grant Award;
  - Budget Approved by NHTSA;
  - Total Approved Cost Sharing or Matching, where applicable;
  - Grant project description;
  - Agency name and contact information for awarding official;
  - Assistance Listing Program Number (formerly CFDA) and Name;
  - Identification of whether the award is R&D; and
  - Indirect cost rate for the grant.

- General Terms and Activities as applicable including:
  - Grant Administrative Requirements;
  - National Policy Requirements; and
  - Recipient integrity and performance matters.

- Grant Performance Goals

F.2 ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. The Cooperative Agreement shall be subject, as applicable, to the administrative requirements contained in the following regulations which are incorporated by reference, with the same force and effect as if they were provided in full text:

a. Uniform Administration Requirements, Cost Principles and Audit Requirements for Federal Awards (2CFR Part s 1200 and 1201); and

b. 49 CFR Part 20 – Department of Transportation New Restrictions on Lobbying.

c. 49 C.F.R. Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of The Civil Rights Act of 1964.

d. 49 C.F.R. Part 25 - Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

e. 49 C.F.R. Part 27 - Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.

f. 49 CFR Part 32 Governmentwide Requirements For Drug-Free Workplace (Financial Assistance)

2. The Recipient will comply with subpart C of 2 CFR part 180, which restricts awards, sub-awards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

3. The Recipient will acknowledge in writing that no funds provided under the Assistance Agreement will used for lobbying activities as defined in 2 CFR § 200.450.

4. The Recipient will have procedures in place to respond to an unauthorized disclosure or breach of an individual's personally identifying information (PII). The Assistance Agreement Recipient will notify NHTSA within seven (7) days of an incident involving the unauthorized disclosure or breach of PII. In the event of an unauthorized disclosure or breach, the Assistance Agreement Recipient will cooperate and exchange information with NHTSA, as needed, to properly escalate, refer, and respond to the incident.

5. Under 2 C.F.R. 200.322, as appropriate and to the extent consistent with law, the Recipient should, to the greatest extent practicable under the award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. The Recipient will include the requirements of 2 C.F.R. 200.322 in all subawards including all contracts and purchase orders for work or products under the award.

6. The Recipient shall ensure access to Limited English Proficiency (LEP) persons in accordance with the U.S. Department of Transportation (DOT) LEP guidance, dated December 7, 2005 (74 Fed Reg, 74087), which will assist the Recipient in fulfilling its responsibilities pursuant to Title VI of the Civil Rights Act of 1964 and DOT's implementing regulations at 49 C.F.R. Part 21 (incorporated by reference above).

7. Pursuant to Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, dated January 20, 2021, the Recipient will comply with all guidance during the performance of the Cooperative Agreement.

F.3 REPORTING

The following reporting requirements will be required under the program. All reports will be submitted electronically, unless otherwise requested by NHTSA.

F.3.1 Quarterly Reports

The Recipient will submit quarterly reports to the COR (CA) no later than the 15th of each month of each quarter beginning three (3) months after Agreement award. The report shall include an up-to-date summary of accomplishments by the Recipient; obstacles and problems encountered and proposed solutions; noteworthy activities, events, or successes; and a Financial Statement of funds expended to date.
Quarterly Reports shall include the following details about the relevant Milestones and Deliverables:

- A detailed accounting of the activities from the previous quarter so that the COR (CA) can determine whether invoices should be approved or revised based upon the accomplishment(s) for which payment is sought;
- Problems or delays that the Recipient has experienced in the conduct of the agreement and suggestions to overcome the problems or delays;
- Noteworthy activities, events, or successes;
- Submit copies of any findings or created documents as a result of work conducted;
- Copies Technical Assistance Reports completed within 30-days of completing a technical assistance request;
- Details of travel, including activities performed/accomplished, meetings attended, persons contacted and other necessary details or points of interest related to completing the project activities;
- Financial Statement of funds expended to date and any proposed actions to correct budget concerns;
- Plans for accomplishments in the next reporting period; and
- Planned travel for the upcoming quarter.

Note: The Recipient will be permitted to submit an invoice for reimbursement each month, provided that the invoice includes the justification for each invoiced item for the period of time.

F.3.2 Final Report

The Recipient will submit a final report to the COR (CA) within one (1) month prior to the end of the period of performance.

The Final Report shall be no more than thirty (30) pages in length, and will summarize key findings, resulting activities/accomplishments, and barriers for each of the outlined objectives.

The Final Report shall contain at a minimum:

- An Executive Summary;
- Background;
- Resulting findings, activities/accomplishments, and barriers for each outlined objective and accountability of the milestones/deliverables;
- Recommendations for next steps and activities to be completed;
- Include the assessment of the effectiveness of each activity and overall project as required by Section B.6.C;
- Conclusion; and
- An Appendix and/or reference list that includes created materials/documentation created to support the work conducted.

The COR (CA) will review this report and return provide feedback within two (2) weeks of receipt for consideration by the Recipient. The Recipient will submit the Final Report within one (1) week prior to the completion of the Cooperative Agreement.

F.3.3 Financial Status Reports

The Recipient will prepare and submit federal financial reports (SF-425) to the NHTSA COR (CA) and the Contracting Officer (CO), annually, by October 1 of each year, to document the status of funds.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Primary NOFO Point of Contact

David Larson, Contract Specialist
Phone: (202) 366-4843
Email: NHTSAOAM@dot.gov with a copy to David.Larson@dot.gov

Secondary NOFO Point of Contact

Sherese Gray, Contracting Officer
Email: Sherese.Gray@dot.gov

SECTION H – OTHER INFORMATION

H.1 DISCLOSURE OF INFORMATION

Information made available to the Recipient or employee(s) of the Recipient by the Government for the performance or administration of the effort shall be used only for those purposes and shall not be used in any other way without NHTSA's express written approval.

The Recipient will assume responsibility for protecting the confidentiality of Government records, which are not public information. Each contractor or employee of the Recipient to whom information may be made available or disclosed shall be notified in writing by the Recipient that such information may be disclosed only for a purpose and to the extent authorized herein.

H.2 LIMITED USE OF DATA

Performance of the effort may require the Recipient to access and use data and information proprietary to a Government agency or Government contractor that is of such a nature that its dissemination or use, other than in performance of the effort, would be averse to the interests of the Government or others.

The Recipient and employee(s) of the Recipient will not divulge, or release data or information developed or obtained in performance of the effort, until made public by the Government, except to authorize Government personnel or upon the written approval of NHTSA. The Recipient will not use, disclose, or reproduce proprietary data that bears a restrictive legend, other than as required in the performance of the effort. Nothing herein shall preclude the use of any data independently acquired by the Recipient without such limitations or prohibit an agreement at no cost to the Government between the Recipient and the data owner which provides for greater rights to the Recipient.

H.3 PAYMENT FOR UNAUTHORIZED WORK

No payments will be made for any unauthorized supplies or services or for any unauthorized changes to the work specified herein. This includes any services performed by the Recipient of their own volition or at the request of an individual other than a duly appointed Contracting Officer. Only a duly appointed Contracting Officer is authorized to change the specifications, terms, and activities under the effort.

H.4 PLACE OF PERFORMANCE

TBD

H.5 SEAT BELT USE POLICIES AND PROGRAMS

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the contractor is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the *Buckle Up America* section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS are prepared to help with technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at www.trafficsafety.org Protection of Human Subjects

H.6 PROTECTION OF HUMAN SUBJECTS

The Recipient will comply fully with 49 C.F.R. Part 11, DOT's regulation governing Protection of Human Subjects, and with NHTSA Order 700-5, which sets forth the Agency's policies and procedures for the protection of human subjects participating in research supported directly or indirectly by NHTSA, including through contracts, grants and cooperative agreements.

The Recipient will obtain prior written authorization from NHTSA for all consent and release forms to be presented to human subjects participating in NHTSA conducted or funded research, including but not limited to informed consent and media releases.

H.7 ENCOURAGING POLICIES TO BAN TEXT MESSAGING WHILE DRIVING

1. As used in the Agreement; "Driving" –

    a. Means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, stop sign or otherwise

    b. Does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

    "Text messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, emailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include glancing at or listening to a navigational device that is secured in a

commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.

2. The Recipient is encouraged to –

   a. Adopt and enforce policies that ban text messaging while driving –
      1) Recipient-owned or rented vehicles or government-owned vehicles; or

      2) Privately-owned vehicles when on performing under the cooperative agreement.

   b. Conduct initiatives in a manner commensurate with size of the Recipient, such as –
      1) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

      2) Education, awareness, and other outreach to employees about the safety risks associated while texting while driving.

H.8 NHTSA REVIEW OF ANNOUNCEMENTS OR PUBLICATIONS

The Recipient agrees that neither the Recipient, nor any Sub-Recipient, shall make public releases of information or any matter pertaining to this NOFO and the Cooperative Agreement, including, but not limited to, media, advertising in any medium, or presentation before technical, scientific, or industry groups, without the prior written approval of the Contracting Officer. The provisions of this clause shall survive the expiration of the NOFO and Cooperative Agreement. The provisions of this clause shall be included in all sub-grants at any tier.

H.9 CONFLICT OF INTEREST

It is U.S. DOT policy to award Cooperative Agreements only to those Applicants whose objectivity is not impaired because of any related past, present, or planned interest, financial or otherwise, in organizations regulated by U.S. DOT, or in organizations whose interests may be substantially affected by Departmental activities and which is related to work specified in this Notice of Funding Opportunity (NOFO). Based on this policy, if, after award, the Recipient discovers a conflict of interest with respect to the Cooperative Agreement that could reasonably have been known prior to the award, an immediate and full disclosure shall be made in writing to the Contracting Officer. The disclosure shall include a full description of the conflict along with a description of the action the recipient has taken, or proposes to take, to avoid or mitigate such conflict.

(A) The Applicant shall provide a statement in its application which describes in a concise manner all past, present or planned organizational, financial, contractual or other interest(s) with an organization regulated by U.S. DOT, or with an organization whose interests may be affected substantially by Departmental activities, and which is related to the work under this Notice of Funding Opportunity (NOFO). The interest(s) described

shall include those of the Applicant, its affiliates, proposed consultants, proposed subcontractors and key personnel of any of the above. Past interest shall be limited to within one year of the date of the Applicant's technical application. Key personnel shall include any person owning more than 20% interest in the Applicant, and the Applicant's corporate officers, its senior managers and any employee who is responsible for making a decision or taking an action under the Cooperative Agreement where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

(B) The Applicant shall describe in detail why it believes, in light of the interest(s) identified in (a) above, that performance of the proposed Cooperative Agreement can be accomplished in an impartial and objective manner.

(C) In the absence of any relevant interest identified in (a) above, the Applicant shall submit in its application a statement certifying that to its best knowledge and belief no affiliation exists relevant to possible conflicts of interest. The Applicant must obtain the same information from potential subcontractors prior to award of a subcontract under the resultant Cooperative Agreement.

(D) The NHTSA Contracting Officer will review the statement submitted and may require additional relevant information from the Applicant. All such information, and any other relevant information known to U.S. DOT, will be used to determine whether an award to the Applicant may create a conflict of interest. If any such conflict of interest is found to exist, the NHTSA Contracting Officer may (1) disqualify the Applicant, or (2) determine that it is otherwise in the best interest of the agency to contract with the Applicant and include appropriate provisions to mitigate or avoid such conflict in the Cooperative Agreement awarded.

(E) The refusal to provide the disclosure or representation, or any additional information required, may result in disqualification of the Applicant for award. If nondisclosure or misrepresentation is discovered after award, the resulting Cooperative Agreement may be terminated. If after award, the Recipient discovers a conflict of interest with respect to the Cooperative Agreement awarded as a result of the Cooperative Agreement Announcement, which could not reasonably have been known prior to award, an immediate and full disclosure shall be made in writing to the NHTSA Contracting Officer. The disclosure shall include a full description of the conflict, a description of the action the Recipient has taken, or proposes to take, to avoid, or mitigate such conflict. The NHTSA Contracting Officer may, however, terminate the Cooperative Agreement for convenience if he or she deems that termination is in the best interest of the Government.

H.10 ADDITIONAL INFORMATION

User-friendly information and resources regarding DOT's discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at transportation.gov/rural

[END OF NOTICE OF FUNDING OPPORTUNITY (NOFO)]