



U.S. Department of Transportation
Federal Highway Administration

**Notice of Funding Opportunity for Fiscal Year 2024 Highway Construction Training
Program Grants – Amendment 1, dated 4/25/2024**

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AGENCY: U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA)

ACTION: Notice of Funding Opportunity (NOFO) for the Highway Construction Training Program

FUNDING OPPORTUNITY NUMBER: 693JJ324NF00019

ASSISTANCE LISTING NUMBER: 20.215 Training and Education

TOTAL AMOUNT AVAILABLE: This Notice of Funding Opportunity (NOFO) will result in the distribution of up to \$4,226,871. Individual awards will not exceed \$300,000.

DEADLINE FOR APPLICATIONS: Applications must be submitted electronically through Grants.gov no later than 11:59 p.m., Eastern Time, on June 17, 2024.

The FHWA will conduct an Informational Webinar regarding Highway Construction Training Program applications on **May 2, 2024, at ~~TBD~~ from 2:00PM – 3:00PM Eastern Time.** To join the Webinar, ~~follow the instructions posted on:~~ The audio portion of the Webinar can be accessed from this teleconference line: 1-669-254-5252; Participant ID: 628417; Passcode 568842 please use the following link:

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<https://usdot.zoomgov.com/j/1612256897?pwd=bGZmMHJEU2dUTWFleFkzTG5LQmRMdz09>

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—The Webinar will be recorded and posted on FHWA's Website at:

<https://usdot.zoomgov.com/j/1612256897?pwd=bGZmMHJEU2dUTWFleFkzTG5LQmRMdz09>
https://fhwa.dot.gov/innovativeprograms/centers/workforce_dev/hcwp/.

A Telephone Device for the Deaf (TDD) is available for individuals who are deaf or hard of hearing at (202) 366-3993.

SUBMIT APPLICATIONS TO: FHWA uses www.grants.gov for receipt of all applications. Applicants must register and use the system to submit applications electronically. Applicants are encouraged to register in advance of the submission deadline and to register to receive notifications of updates/amendments to this Notice. Approval of user registrations for the site may take multiple weeks. It is the Applicant's responsibility to monitor for any updates to this Notice.

This Notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, 424C, 424 D, 425, and SF-LLL has been approved by the Office of Management and Budget (OMB) under 2105-0520. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

FHWA POINTS OF CONTACT:

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Each section of this Notice contains information and instructions relevant to the application process. Applicants should read this Notice in its entirety so that they have the information they need to submit eligible and competitive applications.

FHWA will not review applications in advance of the deadline for applications, but FHWA staff are available for technical questions and assistance. In addition, FHWA will post answers to questions and requests for clarifications at Grants.gov under this NOFO's page.

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SECTION A - PROGRAM DESCRIPTION

1. STATEMENT OF PURPOSE

The purpose of this NOFO is to solicit applications for the Highway Construction Training Program (HCTP) to award highway construction workforce development grants. The NOFO will result in the distribution of up to \$4,226,871.

2. LEGISLATIVE AUTHORITY

The legislative authority for this program is Section 504(f) of Title 23, United States Code (U.S.C.), as amended by Section 13007(b) of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (P.L. 117–58).

3. BACKGROUND

The demand for highway construction, maintenance, and operations workers is growing, while at the same time, emerging technologies require these workers to have new skills. According to a 2022 national survey by the Associated General Contractors of America (AGC), more than 70 percent of construction firms reported difficulty finding qualified trade and craft workers and 90 percent reported difficulty filling salaried positions.¹ Government agencies, trade organizations, private agencies, and local and Tribal communities nationwide need new, collaborative approaches to meeting this challenge.

The predecessor to the HCTP, the Transportation Education Development Program, was originally established as a pilot program in 2005 by the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (P.L. 109-59) to provide grants to institutions of higher education to enhance transportation education and workforce development through “partnership[s] with industry and State departments of transportation (State DOT).” Now codified at 23 U.S.C. 504(f), amendments in BIL changed the program name to Transportation Education and Training Development and Deployment Program, expanded the type of entities eligible for grants and the activities that can be funded, and for the first time made State DOTs eligible grant recipients. The program will now be known as HCTP.

In 2016, FHWA collaborated with the American Association of State Highway and Transportation Officials, AGC, the American Road & Transportation Builders Association, and the U.S. Department of Labor’s Employment and Training Administration to establish the Highway Construction Workforce Partnership (HCWP) Pilot Program. The 2-year HCWP Pilot Program brought together working groups of highway, education, and workforce system

¹ Further information the survey is available at:

https://www.agc.org/sites/default/files/users/user22633/2022_AG_C_Workforce_Survey_Analysis.pdf (Survey Analysis) and [https://www.agc.org/sites/default/files/users/user21902/2022_Workforce_Survey_National_Autodesk_M%20\(2\).pdf](https://www.agc.org/sites/default/files/users/user21902/2022_Workforce_Survey_National_Autodesk_M%20(2).pdf) (Survey Data).

representatives in six cities and six States to recruit, train, and place individuals into highway occupations.

In 2021, HCWP was selected as a focus program for the FHWA's Every Day Counts-6 Program (EDC-6), a State-based model to identify and rapidly deploy proven, yet under-used innovations. The program was renamed the Strategic Workforce Development (SWD) Initiative and continues to be a focus program in EDC-7. The SWD has been adopted by 43 States. These programs developed valuable resources for workforce development stakeholders, which can be found in the SWD Toolkit available at https://www.fhwa.dot.gov/innovativeprograms/centers/workforce_dev/hcwp/toolkit/. The HCTP grants will continue to build on the lessons learned through the HCWP and the SWD Initiative.

4. PROGRAM GOALS

The purposes of the HCTP as described in 23 U.S.C. 504(f) are to:

- 1) Develop, test, and review new curricula and education programs to train individuals at all levels of the transportation workforce; and
- 2) To implement the new curricula and education programs to provide for hands-on career opportunities to meet current and future needs.

As further described in 23 U.S.C. 504(f)(2), in making grants, FHWA may consider the extent to which the project will:

- A) Develop new curricula or education program to meet the specific current or future needs of a segment of the transportation industry, States, or regions.
- B) Provide for practical experience and on-the-job training.
- C) Be oriented toward practitioners in the field rather than the support and growth of the research community.
- D) Provide for new curricula or programs that will provide training in areas other than engineering, such as grants as business administration, economics, information technology, environmental science, and law.
- E) Provide programs or curricula that train professionals for work in the transportation field, such as construction materials, information technology, environmental science, urban planning, and industrial or emerging technology.
- F) Demonstrate the commitment of industry or a State DOT to the program.

5. AGENCY AND ADMINISTRATION PRIORITIES

As noted above, contractors report continuing significant shortages of qualified construction workers. Without a skilled workforce, FHWA, the States, and highway contractors cannot effectively deliver a safe and reliable highway system. In line with the goals described in 23 U.S.C. 504(f), FHWA seeks to fund activities under the HCTP that focus on highway construction workforce development.

To address this industry workforce challenge more effectively, FHWA seeks to fund activities under the HCTP that build upon lessons learned in HCWP/SWD Program.

This includes activities that:

- Engage relevant stakeholders in HCWP/SWD Working Groups.
- Leverage existing programs to identify, train, hire, and retain workers in highway construction jobs.
- Use innovative approaches to improve and enhance highway industry workforce development programs and activities.
- Provide opportunities for groups that are underrepresented in the field of highway construction, and
- Use funds from other sources not provided through this grant program, including other eligible Federal and State funding, to develop or sustain HCWP/SWD Program.²

FHWA also seeks to fund workforce development activities under this NOFO that advance the following Administration priorities, where applicable.

Safety. DOT supports activities that promote an understanding of the importance of advancing safe and efficient transportation including in the HCTP.

Climate Change and Sustainability. DOT supports activities under the HCTP that promote an understanding of the importance of reducing greenhouse gas emissions in the transportation sector, incorporate evidence-based climate resilience measures and features, reduce the lifecycle greenhouse gas emissions from the project materials, and avoid adverse environmental impacts to air or water quality, wetlands, and endangered species, and address the disproportionate negative environmental impacts of transportation on disadvantaged communities, consistent with Executive Order (E.O.)14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).

Equity. DOT seeks to award projects under the HCTP that will create proportional impacts to all populations in a project area, remove transportation related disparities to all populations in a project area, and increase equitable access to project benefits, consistent with E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009).

Workforce Development, Job Quality, and Wealth Creation. DOT intends to use the HCTP to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships consistent with E.O. 14025, Worker Organizing and Empowerment (86 FR 22829), and E.O. 14052, Implementation of BIL (86 FR 64335). DOT also intends to use the HCTP to support wealth creation, consistent with DOT's Equity Action Plan through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of disadvantaged business enterprises, minority-owned businesses, women-owned businesses, or 8(a) firms.

²For example, 23 U.S.C. 504(e) authorizes State DOTs to use certain Federal-aid highway program funds for surface transportation workforce development, training, and education activities, including pre-apprenticeships, apprenticeships, and career opportunities for on-the-job training. Funds from other Federal and State agencies may also be available for these purposes. See Section C.2 below for information on cost sharing requirements for HCTP.

6. REQUIRED SUBMITTALS OR MILESTONES

Eligible Applicants can apply for an HCTP grant to support projects that will be implemented (1) in coordination with an existing HCWP/SWD Program established under EDC-6 or EDC-7 or (2) in coordination with a new HCWP/SWD Program that will be established as part of the funded activities, in partnership with State DOTs, FHWA divisions offices in the States, educational institutions, highway contractor organizations, workforce development boards, local agencies, Tribal governments, and other highway construction workforce development stakeholders.

Deliverables:

1. **Program Report:** At the conclusion of the project, the Applicant will submit a 5 to 10 page report that describes:
 - a. The specific activity funded and how it relates to the broader HCWP/SWD Program.
 - b. The scope and status of the specific program or activity before the funded activity was initiated, including data or details that can be considered in determining a baseline to evaluate program/activity improvement.
 - c. The actions taken by the Recipient to develop or enhance the program or activity, including the involvement, support for, and benefit realized by transportation, education, and workforce organizations associated with the project.
 - d. The results of the funded activities on those pursuing highway construction jobs or on incumbent highway workers.
 - e. Results of the Performance Measures, as described in the Recipient's application, for the project.
 - f. If applicable, next steps for the activity or program, an evaluation of the value, if any, of expanding or improving the program further and the resources needed for future expansion or improvements.
 - g. The challenges the Recipient encountered while implementing the project, how they were addressed, and the lessons learned.
2. **Program Case Study:** At the conclusion of the project, the Recipient will submit a 5 to 10 page Program Case Study that documents the funded activities in a step-by-step approach that others may use as a guide to replicate the program improvement/enhancement. The Case Study will include a:
 - a. Description of the program/activity in the context of the broader HCWP/SWD Program.
 - b. The partner organizations involved with the effort and their role and contribution, including any in-kind services provided.
 - c. A step-by-step description of the actions taken to improve or enhance the program or activity to serve as a guide to others to replicate the program or activity.
 - d. The results of the funded activities, including the metrics associated with the Performance Measures as described in the Recipient's application and any metrics related to outreach efforts.
 - e. The challenges the Recipient encountered on the project, how they were addressed, and lessons learned.

Note: HCWP/SWD background and resources are available at the HCWP/SWD Website at: https://www.fhwa.dot.gov/innovativeprograms/centers/workforce_dev/hcwp/. The HCWP/SWD Website includes the HCWP Playbook as a description to establish and implement the HCWP/SWD Program.

SECTION B – FEDERAL AWARD INFORMATION

1. FUNDING

The total amount of funding available for awards under this NOFO is up to \$4,226,781. This includes up to \$726,871 in funds provided in BIL and up to \$3.5 million in funds provided to carry out 23 U.S.C. 504, as authorized in the Fixing America's Surface Transportation Act.

2. AWARD SIZE

Individual awards under this NOFO will not exceed \$300,000 per award.

3. ANTICIPATED NUMBER OF AWARDS

The Government anticipates awarding a minimum of 14 awards under this NOFO.

4. TYPE OF AWARD

The planned award type is a cost reimbursement grant with cost sharing (see Section C.2 below for additional details on cost sharing). If the award Recipient is a State DOT, funds will be awarded upon the execution of a project agreement, which is a type of grant agreement for the administration of funds to a State DOT using the Current Bill Module of the DOT Payment System referred to as the Fiscal Management Information System (FMIS). If the award Recipient is an educational institution, funds will be awarded upon the execution of a grant agreement with FHWA. FHWA will reimburse Recipients only after a grant agreement or award has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted by the Recipient.

Note that this NOFO is subject to the availability of funding. The Government's obligation under any resulting award is contingent upon the availability of funding. No legal liability on the part of the Government for any payment may arise until funds are available and obligated to an award. The Government reserves the right to make no awards under this NOFO.

5. PERIOD OF PERFORMANCE

The award period of performance is anticipated to be 1 to 2 years from the execution of a grant agreement with the FHWA. If the award Recipient is a State DOT, the start of the period of performance will begin on the date funds are obligated in FMIS and end on the project end date in FMIS. If the award Recipient is an educational institution, the period of performance will be defined in the award agreement and will utilize the Delphi eInvoicing System.

SECTION C – ELIGIBILITY INFORMATION

1. ELIGIBLE APPLICANTS

In accordance with 23 U.S.C. 504(f), eligible Applicants are educational institutions and State DOTs.

For the purposes of the HCTP, “educational institutions” means any public or private secondary school, or any institution of vocational, professional, or higher education operated or directly supported by the United States; operated or directly supported by any State or local government or by a political subdivision of any State or local government; or approved by a State agency or subdivision of the State, or accredited by a State-recognized or nationally recognized accrediting body.

The term “State DOT” means the “department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.” 23 U.S.C. 101(31).

2. COST SHARING OR MATCHING

Cost sharing or matching is required for awards under this program. In accordance with Section 11101(c)(3) of BIL, the Federal share of the cost of a project carried out with HCTP funding shall be 80 percent of the total project costs. Therefore, 20 percent of the total project costs must come from non-Federal sources.

“Cost sharing or matching” means the portion of project costs not paid by Federal funds. For a more complete definition, please see the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 Code of Federal Regulations (CFR), Part 200, including Section 200.306 on Cost sharing or matching. Other Federal funds using their appropriate matching share may be leveraged for the project but cannot be considered matching funds under an application for HCTP funds unless supported by statute. FHWA will not consider costs incurred prior to the effective date of the award or funds expended or otherwise encumbered prior to award towards the matching requirement for any project. Matching funds are subject to the same Federal requirements as awarded funds.

3. OTHER

Eligible Applicants may submit one application in response to this NOFO.

SECTION D - APPLICATION AND SUBMISSION INFORMATION

1. ADDRESS TO REQUEST APPLICATION PACKAGE

Applicants may obtain application forms at Grants.gov under the NOFO Number cited herein. All application materials may be found on Grants.gov at <http://www.grants.gov>.

If potential Applicants are unable to download the application package from the internet, they may send a written request via email for a paper copy to the below address. Requests should be sent to:

Ryan Buck, Agreement Officer
Office of Acquisition and Grants Management
Federal Highway Administration
Email: hctp@dot.gov

Or

Robin Hobbs, Team Leader
Office of Acquisition and Grants Management
Federal Highway Administration
Email: hctp@dot.gov

A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993.

2. CONTENT AND FORM OF APPLICATION SUBMISSION

a. Application Overview

All applications must be submitted electronically through www.grants.gov and include the following parts. Forms are available for download at:
<https://www.grants.gov/web/grants/forms/sf-424-family.html>.

1. Standard Form (SF)-424, Application for Federal Assistance

Note: A number of separate PDF flat files must be attached in Item 15 to provide required project information that is not included in the body of the SF-424.

Instructions for adding Item 15 Attachments:

- Click on “Add Attachments” in Item 15 to open the first pop-up window.
- Click “Add Attachment” and a second pop-up File Explorer/Directory window will appear, from which you can choose files to attach. Attachments can be added one at a time or all at once by holding down the CTRL key and selecting multiple files. Select “Open” to add the selected files as attachments.
- Click “Done” to finalize the attachments.

- Click “View Attachments” to see a list of files that have been added as attachments.

Required attachments: the following files must be added as Attachments to Item 15 of the SF-424:

- I. **Volume 1 Technical Application/Project Narrative**, as described in detail below
- II. **Volume 2 Budget Application**, as described in detail below

2. SF-424A, Budget Information for Non-Construction Programs

3. SF-LLL, Disclosure of Lobbying Activities

Application Format

- Applications must be formatted for 8½ x 11-inch paper. Pages that exceed this size, such as foldouts, are not allowable.
- Narrative text must be printed using a font size no less than 12-point font.
- Tables are permitted. Text in tables may be smaller than 12-point font but must be legible.
- Page margins must be a minimum of 1-inch top, bottom, and each side.
- Page numbers may be located within the 1-inch margin.
- A Header or Footer identifying the Applicant/Team and the Volume or Part, may be located within the 1-inch margins.
- **PAGE LIMITS:** Volume 1 Technical Application/Project Narrative must be limited to 20 pages total. The page limit includes all narratives, figures, tables, appendices, and all other ancillary materials except for the items listed below. Pages exceeding the page limitation will be removed from the application and will not be considered during the evaluation. Volume 2 has no page limit.
- **EXCEPTION ON PAGE LIMITS:** The following items do NOT count against the page limitation.
 - Document covers;
 - Cover letters;
 - Title pages;
 - Divider pages;
 - Table of contents;
 - Lists of acronyms;
 - Letters of intent to participate from proposed subcontractors, consultants, partners and proposed new hires; and
 - Resumes. (**NOTE:** resumes shall not exceed one page each).

Sharing of Application Information

DOT may share application information within the Agency or with other Federal Agencies if DOT determines that sharing is relevant to the respective program's objectives.

b. Application Content – Detailed Instructions

Volume 1 Technical Application / Project Narrative

- A. **Project Abstract:** Summarize the scope of work that would be completed under the award, including project goals and outcomes anticipated.
- B. **Project Description:**
1. Include a detailed description of the proposed project and scope of work, including specific milestones, and the expected results. Provide a technical and project management plan describing in detail how the Applicant proposes to carry out the work.
 2. Describe how the Applicant proposes to meet one or more of the program goals listed in NOFO Section A.4 and, where applicable, the Agency and Administration priorities listed in NOFO Section A.5.
 3. Describe how your proposed project will coordinate with HCWP/SWD partner organizations:
 - i. For an Applicant that intends to coordinate with an existing HCWP/SWD Program to implement its proposed project, describe how the Applicant intends to coordinate, develop, and implement the proposed project with the existing HCWP/SWD Program. Identify any current shortcomings or deficiencies of that program (including any related data or details demonstrating this), potential for improvements, and the Applicant's plan to enhance or improve the existing program or activity.
 - ii. For an Applicant that intends to establish a new HCWP/SWD Program, describe the scope and scale of the program to be developed, how it will improve highway construction workforce development, and how the proposed project will coordinate with HCWP/SWD partner organizations.
 4. Identify project risks and how the Applicant proposes to address these risks.
- C. **Project Performance Measures:** Identify proposed project Performance Measures, describe how the data will be collected, and describe how the Applicant will evaluate the effectiveness of their proposed project using the proposed Performance Measures. The Performance Measures must include:
1. The number of individuals who entered into a highway construction skill development/training program(s) as a result of the funded activities, noting the number of: (a) women; (b) minorities; (c) individuals who are former offenders (as defined in 29 U.S.C. 3102); (d) individuals with a disability (as defined in 42 U.S.C. 12102); and (e) individuals that represent populations that are traditionally underrepresented in the highway construction workforce, as defined and explained by the Applicant based on the specific context of the proposed project.

2. The number of individuals successfully completing the program(s) and/or achieving an applicable credential(s), noting the number of individuals in categories (a)-(e) described in paragraph 1 above.
 3. The number of program participants trained and placed in highway construction jobs and/or advanced incumbent workers, noting the number of individuals in categories (a)-(e) described in paragraph 1 above.
 4. The median wages of program participants placed in a highway construction job or transportation jobs (e.g., maintenance) on the date of placement.
 5. The number of program participants retained in a highway construction job or transportation job (e.g., maintenance) after 180 days, noting the number of individuals in categories (a)-(e) described in paragraph 1 above.
 6. The median wages of program participants retained in a highway construction job or transportation job (e.g., maintenance) after 180 days.
 7. If an educational institution, the number of program participants enrolled in a highway construction related education program or expanded/new curriculum.
 8. If an educational institution, the number of program participants that obtain a recognized postsecondary credential or a secondary school diploma (or a recognized equivalent) during participation in the program or by not later than 1 year after exiting the program.
 9. If a postsecondary educational institution, the number of program participants that, during a program year:
 - i. Are in an education or training program that leads to a recognized postsecondary credential or employment; and
 - ii. Are achieving measurable skill gains toward such a credential or employment.
- D. Project Team Information: Include detailed information about the proposed Applicant team, including labor unions or other worker centered organizations, community colleges, registered partnership sponsors, or other partnerships to deliver the project. The information should specifically describe the role of each entity in delivering the project. Provide a staffing plan to perform the work, including names and positions of key personnel. Provide an organizational chart identifying proposed staff members assigned to this effort. The chart must be supported with narrative text to include the title and a brief description of each position's responsibilities, as well as the proposed level of effort and allocation of time (percent in relation to their other duties) for each position on a yearly basis and in summary format. The level of effort may be displayed (single spaced) in a table format. One table can be presented if the level of effort will be constant over all years, and the table is annotated as such. The hours in this table must be consistent with the information presented in the Budget Volume.
- E. Project Schedule: Include detailed information about the project schedule that identifies all major project milestones and required submittals.
- F. Applicant Experience: Provide a description of completed projects and ongoing projects that demonstrate organizational, and staff experience relevant to the scope and complexity of the proposed project. Provide specific information on past or present

projects to include title, work description, value, dates, sponsor/customer point of contact (POC), role of Applicant in the project, and an explanation of why or how the project is considered relevant or similar to the project being proposed.

- G. Resumes: Provide resumes of key personnel from both the prime Applicant and team members/sub-awardees as necessary. Note: resumes shall not exceed one page each.
- H. Letters of Intent to Participate: Provide a letter of intent or commitment from each proposed sub-recipient/contractor. This includes any sub-recipient/contractor that will be included in the Federal share, the non-Federal share, or in a non-paid (volunteer) capacity. Provide a letter of intent to participate from significant team members as the Applicant deems necessary. Include letters of commitment/participation from each participating HCWP/SWD Working Group organization from both existing HCWP/SWD Program and proposed new HCWP/SWD Program.

Volume 2 Budget Application

NOTE: If needed, the FHWA may request additional budget information to clarify an application. FHWA encourages Applicants to submit the most relevant and complete information they can provide.

- A. Budget Tables: Provide a separate detailed budget table for each year and summarize the information for all years for all activities. Clearly show Federal share; Non-Federal share; and Total. Spreadsheets can be formatted similarly to the format in DOT Form 4220.44, located at: [4220.44.xls \(dot.gov\)](https://www.dot.gov/sites/dotgov/files/4220.44.xls). **NOTE: Profit/fee is not allowable for the prime Recipient.**

Grant Funds, Sources and Uses of Project Funds

Project budgets should show how different funding sources will share in each activity and present those data in dollars and percentages. The budget should identify other Federal funds the Applicant is applying for or has been awarded, if any, that the Applicant intends to use. Funding sources should be grouped into three categories: non-Federal, HCTP, and other Federal with specific amounts from each funding source.

Budget tables must include the following cost elements as applicable to the project:

Labor Rates: Direct labor-by-labor categories to include hours, rates, and escalation. The labor rates and annual direct labor escalations rate and its basis must be in accordance with 2 CFR 200.430.

Indirect Rates: Provide your organization's signed current approved indirect cost rate from the cognizant Federal Agency or letter of request to the cognizant agency for rate establishment or adjustment. Indirect costs rates must be established according to 2 CFR 200.414. **NOTE:** Per 2 CFR 200.414(f), Indirect Costs (facilities and administration), any Applicant that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in 2 CFR Part 200, appendix VII, paragraph D.1.b, may elect to propose a *de minimis* indirect rate of 10 percent of modified total direct costs.

Other Direct Costs: Applicants must provide a breakout and justification of Other Direct Costs by Category (travel, equipment, etc.). Direct costs must be in accordance with 2 CFR Part 200 Subpart E (Cost Principles).

- B. Sub-recipients/Contractors: If sub-recipients/contractors (lower-tiered organizations and/or individual consultants) will be used in carrying out this project, the following minimum information concerning such, must be furnished:
- 1) Name and address of the organization or consultant.
 - 2) Description of the portion of work to be conducted by the organization or consultant.
 - 3) Cost details for that portion of work.
 - 4) Applicant's cost/price analysis of each sub-recipient/contractor(s) showing how their price is fair and reasonable (this includes any sub-recipient/contractor(s) that will be included in the Federal share or the non-Federal share).
 - 5) Provide detail and support for cost share as part of the overall project budget.
 - 6) Clearly delineate cost share match versus Federal share.
- C. Other Business Information: Provide the following information relative to the PRIME APPLICANT.
- 1) Identify any exceptions to the anticipated award terms and conditions as contained in Section F, Federal Award Administration Information.
 - 2) Identify any preexisting intellectual property that the Applicant anticipates using during award performance, and the Applicant's position on its data rights during and after the award period of performance.
 - 3) Applicant SAM Unique Entity Identifier (UEI).
 - 4) A statement to indicate whether the Applicant has previously completed an A-133 Single Audit and, if so, the date that the last A-133 Single Audit was completed.
 - 5) A statement regarding Conflicts of Interest. The Applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present or planned organizational, contractual, or other interest(s), which may affect the Applicant's ability to perform the proposed contract in an impartial and objective manner. Actual or potential conflicts of interest may include but are not limited to any past, present or planned contractual, financial, or other relationships, obligations, commitments or responsibilities, which may bias the Applicant or affect the Applicant's ability to perform the project in an impartial and objective manner. The FHWA will review the statement(s) and may require additional relevant information from the Applicant. All such information, and any other relevant information known to FHWA, will be used to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, FHWA may (a)

disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the Government to contract with the Applicant and include appropriate provisions to mitigate or avoid such conflict in the award pursuant to 2 CFR 200.112.

- 6) A statement to indicate whether a Federal or State organization has audited or reviewed the Applicant's accounting system, purchasing system, and/or property control system. If such systems have been reviewed, provide summary information of the audit/review results to include as applicable summary letter or agreement, date of audit/review, Federal or State POC for such review.
- 7) Terminated Contracts. List any contract/agreement that was awarded to the prime Applicant then later terminated for convenience of the Government within the past 3 years, and any contract/agreement that was terminated for default within the past 5 years. Briefly explain the circumstances in each instance.
- 8) Describe how the Applicant will obtain the necessary resources to fund and fulfill the proposed cost share, as applicable.
- 9) The Applicant is directed to review Title 2 CFR Part 170 (http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl), dated November 12, 2020, and Appendix A thereto, and acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully comply with the reporting described in the term if it receives funding resulting from this NOFO. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this NOFO's Section F, Federal Award Administration Information.
- 10) Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 entitled Remedies for Noncompliance, including suspension or debarment. (See also 2 CFR Part 180 and 31 U.S.C. 3321).
- 11) If a nonprofit or not-for-profit status, please provide evidence of this status preferably from the Internal Revenue Service.
- 12) DOT is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. The DOT also recognizes that Applicants may be seeking grant program funding from multiple DOT grant programs and opportunities. An Applicant may seek the same award amounts from multiple DOT grant program opportunities or seek a combination of funding from multiple DOT opportunities. In those cases, the Applicant must indicate, within the Federal funding description, details as to what other potential DOT grant programs and opportunities they are currently applying for or intend to apply for and what award amounts they will be seeking. This information will be reviewed by DOT to ensure that a single project, or its sub-elements, is not awarded Federal funding under multiple DOT grant programs. DOT reserves the right to contact Applicants to obtain

additional information concerning those scopes of work to discuss any possible or actual overlap in scope.

- 13) Acknowledgement of acceptance of the NOFO terms and acknowledgement and acceptance of any Amendments issued to this NOFO. List Amendment numbers and issue dates, if any.

4. UNIQUE ENTITY IDENTIFIER AND SYSTEM FOR AWARD (SAM)

Each Applicant is required to:

- a. Have an active registration in SAM.gov at the time the Applicant applies.
- b. Provide a valid UEI in their application; and
- c. Continue to maintain an active SAM registration with current information at all times during which the Applicant has an active Federal award or an application or plan under consideration by a Federal Awarding Agency.

FHWA may not make a Federal award to an Applicant until the Applicant has complied with all applicable UEI and SAM requirements. If an Applicant has not fully complied with the requirements by the time the Federal Awarding Agency is ready to make a Federal award, the Federal Awarding Agency may determine that the Applicant is not eligible to receive a Federal award and use that determination as a basis for making a Federal award to another Applicant.

NOTE TO APPLICANTS: The SAM requires the registrant to provide a UEI number to complete the registration. These processes can take several weeks to complete so should be started well before the application deadline.

5. SUBMISSION DATES AND TIMES

Applications must be submitted electronically through Grants.gov no later than 11:59 p.m., Eastern Time on June 17, 2024. The due date/time is the date and time by which FHWA must receive the full and completed application, including all required sections.

For the submitted application package, FHWA suggests that pictures, graphics, and other large files be reduced in number and quality to keep the size of the files of the application manageable and in line with the Grants.gov maximum size of 200 megabytes for the entire grant application package.

A late application will not be reviewed or considered unless the Agreement Officer (AO) determines that doing so is in FHWA's best interest. The FHWA will not consider late applications that are the result of failure to register or comply with Grants.gov Applicant requirements in a timely manner. If Applicants are unable to use the system due to verifiable technical difficulties, Applicants must email complete applications directly to the FHWA POC listed in the NOFO Section G no later than the NOFO application deadline cited herein, with explanation of the technical issue experienced and supporting documents regarding the

nature of the technical difficulties, such as a screen capture. If you are experiencing difficulties with your submission, it is best to contact the Grants.gov Support Center and get a ticket number. Provide the Grants.gov Help Desk Tracking Number, which will assist FHWA with tracking your issue and understanding background information on the system issue in the event of a late application. If the reported technical issues cannot be validated, late applications may be rejected as untimely.

GRANTS.GOV: Applicants must follow the instructions on Grants.gov to successfully use the website to submit an application. Use of Grants.gov may entail the following steps for those setting up new accounts or first-time users.

- a. Register with SAM at www.SAM.gov,
- b. Obtain a valid UEI,
- c. Create a *Grants.gov* account; and
- d. Respond to the registration email sent to the E-Business POC from Grants.gov, and login at Grants.gov to authorize the Applicant as the Authorized Organization Representative. Please note that there can be more than one Authorized Organization Representative for an organization.

****Please note that the Grants.gov registration process may take 2 to 4 weeks.**

GRANTS.GOV HELP: For Grants.gov training resources, including video tutorials, refer to: [Home | GRANTS.GOV](#). For assistance with Grants.gov registration and application submittal, refer to the Grants.gov Support Center: [Support | GRANTS.GOV](#).

6. INTERGOVERNMENTAL REVIEW

An application under this Notice of Funding Opportunity is not subject to the State review under E.O. 12372.

7. FUNDING RESTRICTIONS

The FHWA will not reimburse any pre-award costs, as defined in 2 C.F.R. 200.458, or application preparation costs under this proposed award.

SECTION E - APPLICATION REVIEW INFORMATION

1. CRITERIA FOR SELECTION OF HCTP AWARDS

MERIT CRITERIA

The Government will evaluate applications based on following Merit Criteria. These criteria are distinct from eligibility criteria (see NOFO Section C) that are addressed before an application is accepted for review:

1. The extent and level of detail the Application provides describing the proposed project and the degree to which the proposed project aligns with the Program Goals as described in NOFO Section A.4.
2. The extent and level of detail the Application provides describing how the proposed project will be coordinated with an existing HCWP/SWD Program or a new HCWP/SWD Program proposed to be developed by the Applicant.
3. For an Applicant that intends to coordinate with an existing HCWP/SWD Program to implement its proposed project, the extent and level of detail the Application provides on the scope and status of the existing program or activity, the current shortcomings or deficiencies, potential for improvements, and how the Applicant intends to enhance the program or activity.
4. For an Applicant that intends to establish a new HCWP/SWD Program, the extent and level of detail the Application provides on the scope and scale of the program to be developed, how it will improve highway construction workforce development, and how the Applicant's proposed project will coordinate with the HCWP/SWD partner organizations.
5. The extent and level of detail the Application provides regarding Performance Measures for the proposed project, including, as applicable, the Performance Measures defined in NOFO Section D.2.b. Volume 1.C, how the data will be collected, and how the Applicant will evaluate the effectiveness of their proposed project using the proposed Performance Measures.
6. The degree to which the Application includes a program/project management structure or organization and staffing plan that will successfully implement the proposed project and appropriately engage with an existing or new HCWP/SWD Program.

7. The degree to which the proposed project aligns with the Administration Priorities of Equity and Workforce Development, Job Quality, and Wealth Creation, as described in NOFO Section A.5:
 - a. Equity
 - i. Proposed project identifies, trains, and places in highway construction jobs or transportation jobs (e.g., maintenance) women, minorities, individuals who are former offenders (as defined in 29 U.S.C. 3102), individuals with a disability (as defined in 42 U.S.C. 12102), and individuals that represent populations that are traditionally underrepresented in the highway construction workforce. One way to engage with individuals that are traditionally underrepresented is through potential partnerships with Historically Black Colleges and Universities or other Minority Serving Institutions (MSIs).
 - b. Workforce Development, Job Quality, and Wealth Creation
 - i. Include high-quality workforce development programs with supportive services (examples may include services like childcare and transportation assistance, if they are necessary and reasonable for the proposed project) to help train, place, and retain people in good-paying jobs, including but not limited to union jobs, or registered apprenticeship.
 - ii. Track and publish aggregate workforce data, including information on demonstrating that employment opportunities are available to historically underserved workers in their communities.
 - iii. No discrimination in the use of criminal background screens and taking affirmative steps to recruit and include those with prior convictions, in accordance with the Fair Chance Act and equal opportunity requirements.
8. Cost: the degree to which budget application represents costs that are realistic, reasonable, and commensurate with the Applicant's Technical Application, as well as the degree to which they conform to applicable cost principles. Note: this evaluation factor will not be rated but will be considered in the award selection.

ADDITIONAL SELECTION CONSIDERATIONS

After completing the merit review, among projects of similar merit, FHWA will prioritize projects that address one or more of the Agency Priorities described in NOFO Section A.5.

2. REVIEW AND SELECTION PROCESS

The FHWA will evaluate HCTP applications in accordance with the evaluation process discussed below. The FHWA will conduct an application intake and eligibility review by providing an initial eligibility screening based on the criteria in Section C of this NOFO. Any ineligible applications, as determined by lateness, incompleteness, duplication, or other deficit of eligibility, will not proceed forward in the evaluation process. The FHWA will conduct a merit review of all remaining eligible applications.

The HCTP application selection process consists of a technical evaluation phase and senior review. During the technical evaluation phase, a Technical Evaluation Panel made up of experts will review all eligible applications in accordance with the criteria for selection in Section E.1 of this NOFO. The Technical Evaluation Panel members will document their individual assessments by assigning strengths and weaknesses based on the application's alignment with the criteria for selection in Section E.1 of this NOFO. The Technical Evaluation Panel will then meet as a group to assign a consensus rating for each: Highly Recommended, Recommended, or Not Recommended. An evaluation report documenting the consensus ratings and a summary of each application, and its strengths and weaknesses will be prepared.

The Senior Review Team will consist of senior FHWA officials who have been requested to serve by the FHWA Administrator. The Senior Review Team, using the evaluation report prepared by the Technical Evaluation Panel, including the technical evaluators' feedback, ratings, and summary information prepared by the program office about the eligible applications, the Senior Review Team will consider the applications and the prior technical evaluations to determine which projects to advance to the FHWA Administrator for consideration. The Senior Review Team will document its recommendations.

NOTE: Award recommendations will consider the best use of the funds, given program and Administration goals. Award recommendations may consist of a group of projects that collectively represent the most advantageous use of funds to achieve a combination of program and Administration goals. Funding availability will also be considered in the award decision.

As determined necessary to support the evaluation and selection process, FHWA may conduct discussions with Applicants to clarify elements of the technical and budget applications and request additional detailed and itemized cost information.

The selection official responsible for final award decisions is the FHWA Administrator.

The Government is not obligated to make any award as a result of this Notice.

Risk Assessment: Prior to award, each selected Applicant will be subject to a risk assessment required by 2 CFR 200.205. If the Federal Awarding Agency determines that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award.

This Risk Assessment will include evaluation of some or all the following items relative to the Applicant and sub-applicants as applicable:

- 1) Applicant's financial stability.
- 2) Applicant's quality of management systems and ability to meet the management standards prescribed in 2 CFR Part 200.
- 3) Applicant's history of performance.

Note: History of performance includes the Applicant's record in managing Federal awards, if it is a prior Recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards. The Government will evaluate the relevant merits of the Applicant's history of performance based on its reputation and record with its current and former customers with respect to quality, timeliness, and cost control. The history of performance will be reviewed to assure that the Applicant has relevant and successful experience and will be considered in the risk assessment. In evaluating history of performance, the Government may consider both written information provided in the application, as well as any other information available to the Government through outside sources.

- 4) Applicant's audit reports and findings from audits performed on the Applicant pursuant to 2 CFR Part 200 Subpart F - Audit Requirements or the reports and findings of any other available audits.
- 5) Applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.
- 6) Applicant's potential for conflict of interest if applicable.
Note: FHWA will review information provided by the Applicant, and any other relevant information known to FHWA, to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, FHWA may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the United States to award to the Applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.
- 7) Applicant's eligibility to receive Federal funding. Per the guidelines on governmentwide suspension and debarment in 2 CFR Part 180, the Government will confirm that the Applicant and any named sub-applicants are not debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities.

NOTE: If an Applicant is determined to be high-risk, additional reporting requirements or other special conditions may apply to the resulting award to mitigate risks.

3. ADDITIONAL INFORMATION

Pursuant to 2 CFR Part 200.205, prior to making a Federal award, the Federal Awarding Agency is required to review information available through any OMB designated repositories of governmentwide eligibility qualification or financial integrity information, such as information available via Dun & Bradstreet, and SAM.gov. The Government's review of this information will occur as part of the risk assessment. An Applicant may review information in SAM.gov and comment on any information about itself. FHWA will consider comments by the Applicant, in addition to other information in SAM.gov, in making a judgment about the Applicant's integrity, business ethics, and record of performance under Federal awards when completing the risk

assessment. FHWA reserves the right to deny an award based on the results of the risk assessment.

4. ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

FHWA anticipates, but does not guarantee, announcing selections on or about July 2024.

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

1. FEDERAL AWARD NOTICES

Following the evaluation outlined in Section E, FHWA will notify the selected Applicants and announce the selected projects. Notice that an Applicant has been selected for an award does not constitute approval of the application as submitted. Before the award, FHWA may contact the Applicant's POC listed in the SF-424 to initiate negotiation of a project-specific agreement, if applicable. If the negotiations do not result in an acceptable submittal, FHWA reserves the right to terminate the negotiation and decline to fund the Applicant. Only the AO or other authorized representative can commit FHWA and bind the Federal Government to the expenditure of funds.

Recipients of awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, FHWA will reimburse Recipients only after a project agreement or award has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted by the Recipient.

2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. Applicable Federal laws, rules, and regulations set forth in 23 U.S.C. and 23 CFR and 49 CFR also apply.

GENERAL CLAUSES

The online clauses entitled "General Terms and Conditions for Assistance Award" apply to the resulting award, and are available in full text online at:

https://www.fhwa.dot.gov/cfo/contractor_recip/gtandc_after2023aug07.cfm.

SPECIAL CLAUSES

In addition to the General Clauses cited above, the following Special Clauses will apply to the resulting award:

A. PUBLIC ACCESS TO DOCUMENTS

The Applicant agrees that the resulting deliverables/documentation submitted to FHWA under this Agreement may be posted online for public access and/or shared by FHWA with other interested parties. FHWA anticipates the documents cited herein may be posted on an FHWA Website or another appropriate Website.

B. INDIRECT COSTS

Indirect costs are allowable under this Agreement in accordance with the Recipient's federally Negotiated Indirect Cost Rates as documented in writing and approved by the Recipient's cognizant Government agency, in accordance with 2 C.F.R. Part 200 Subpart E. In the absence of such Government-approved indirect rates, the following rates are hereby approved for use under this agreement as shown below:

Type*	Indirect Rate	Period	Rate (%)	Base

*Types of Rates: Pred – Predetermined; Fixed – Fixed; Final – Final; Prov: Provisional/billing; or *de minimis*.

In the event the Recipient determines the need to adjust the above listed rates, the Recipient will notify the AO of the planned adjustment and provide rationale for such adjustment. In the event such adjustment rates have not been audited by a Federal Agency, the adjustment of rates must be pre-approved in writing by the AO.

This Indirect Cost provision does not operate to waive the limitations on Federal funding provided in this document. The Recipient's audited final indirect costs are allowable only insofar as they do not cause the Recipient to exceed the total obligated funding.

C. DATA RIGHTS

The Recipient must make available to FHWA copies of all work developed in performance of this Agreement, including but not limited to software and data. Data rights under this agreement shall be in accordance with 2 CFR 200.315, Intangible property.

D. PERSONALLY IDENTIFIABLE INFORMATION (PII)

Personally Identifiable Information (PII) as defined at 2 CFR Part 200.1 will not be requested unless necessary and only with prior written approval of the AO with concurrence from the Agreement Officer's Representative (AOR).

E. AVAILABLE FUNDING

The total estimated amount of Federal funding that may be provided under this Agreement is \$_____ (to be filled in at award) for the entire period of performance, subject to the limitations shown below:

(1) Currently, Federal funds identified on page 1 of the award document, are obligated to this Agreement.

(2) Subject to availability of funds, and an executed document by the AO, the difference between the current funding and the total estimated amount of Federal funding may be obligated to this Agreement.

(3) FHWA's liability to make payments to the Recipient is limited to those funds obligated under this Agreement as indicated above and any subsequent amendments.

F. KEY PERSONNEL

Pursuant to 2 CFR 200.308(c)(2), the Recipient must request prior written approval from the AO for any change in Key Personnel specified in the award. The following person(s) are/have been identified as Key Personnel:

1) [Insert Name Title/Position]

G. PROGRAM INCOME

Pursuant to 2 CFR 200.307, Program income earned during the Agreement period must be added to the Federal award and used for the purposes and under the conditions of the Federal award, unless otherwise approved by the AO. Program income must not be used to offset the Federal or Recipient contribution to this project.

H. SUBAWARDS

Unless described in the application and funded in the approved award, the Recipient must obtain prior written approval from the AO, or other cognizant FHWA Division Office personnel if the Recipient is a State DOT, for the subaward, transfer, or contracting out of any work under this award. This provision does not apply to the acquisition of supplies, material, equipment, or general support services.

The following subawards are currently approved under the Agreement:

(*** to be filled in at award ***)

Approval of each subaward is contingent upon a fair and reasonable price determination, and approval by the AO for each proposed subcontractor/sub-recipient. Consent to enter into subawards agreements will be issued through a formal amendment to the Agreement.

I. ORDER OF PRECEDENCE

The Recipient's technical and budget application volumes are accepted, approved, and incorporated herein as Attachments 1 and 2. In the event of any conflict between this Agreement document and the Recipient's application, this Agreement document shall prevail.

J. DESIGNATION AS RESEARCH OR NON-RESEARCH AGREEMENT

This agreement is designated as: NON-RESEARCH.

K. CONFERENCE SUPPORT RESTRICTIONS

The Recipient must obtain written approval from the AOR prior to incurring any costs for conference support. See the definition of conference as contained in 2 CFR 200.432.

Food and beverage costs are not allowable conference expenses for reimbursement under this Agreement.

Note: Costs of meals are allowable as a travel per diem expense for individuals on travel status and pursuant to the Travel clause of this Agreement (see Section F.2.N below).

L. DISPUTES

The parties to this Agreement will communicate with one another in good faith and in a timely and cooperative manner when raising issues under this provision. Any dispute, which for the purposes of this provision includes any disagreement or claim, between FHWA and the Recipient concerning questions of fact or law arising from or in connection with this Agreement, and whether or not involving alleged breach of this Agreement, may be raised only under this Disputes provision.

Whenever a dispute arises, the parties will attempt to resolve the issues involved by discussion and mutual agreement as soon as practical. In no event will a dispute that arose more than 3 months prior to the notification made under the following paragraph of this provision constitute the basis for relief under this article unless FHWA waives this requirement.

Failing resolution by mutual agreement, the aggrieved party will document the dispute by notifying the other party in writing of the relevant facts, identify unresolved issues and specify the clarification or remedy sought. The AO, or other cognizant FHWA Division Office personnel if the Recipient is a State DOT, will conduct a review of the matters in dispute and render a decision in writing within 30 calendar days of receipt of such written request. Any decision of the AO is final and binding unless a party will, within 30 calendar days, request further review as provided below.

Upon written request to the FHWA Director, Office of Acquisition and Grants Management or designee, made within 30 calendar days after the AO's written decision or upon unavailability of a decision within the stated time frame under the preceding paragraph, the dispute will be further reviewed. This review will be conducted by the Director, Office of Acquisition and Grants Management. Following the review, the Director, Office of Acquisition and Grants Management, will resolve the issues and notify the parties in writing. Such resolution is not subject to further administrative review and to the extent permitted by law, will be final and binding. Nothing in this Agreement is intended to prevent the parties from pursuing disputes in a U.S. Federal court of competent jurisdiction.

M. CLOSEOUT OF AGREEMENT FILE

The Government will initiate the administrative closeout of the cooperative agreement after receiving evidence that all technical work and administrative requirements have been completed. The Recipient shall furnish all required documents in support of the closeout of the cooperative agreement within the timeframes requested by the Government. The Government anticipates the timeframe to complete administrative closeout of the cooperative agreement will not exceed 1 year.

N. TRAVEL

Travel and per diem authorized under the cooperative agreement will be reimbursed in accordance with the travel costs section of 2 CFR 200.475.

O. PROGRAM REQUIREMENTS

In connection with any program or activity conducted with or benefiting from funds awarded under this Notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of DOT; and applicable Federal financial assistance and contracting principles promulgated by OMB. In complying with these requirements, recipients must ensure that no concession agreements are denied, or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Administrative and National Policy Priorities:

1. Critical Infrastructure Security, Cybersecurity, and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber risks, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience, and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Each applicant selected for Federal funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds.

2. Domestic Preference Requirements

As expressed in E.O. 14005, Ensuring the Future Is Made in All of America by All of America's Workers (86 FR 7475), the Executive Branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this Notice are subject to the domestic preference requirement at 23 U.S.C. 313, 23 CFR 635.410, and 2 CFR 200.322. DOT expects all applicants to comply with that requirement.

3. Civil Rights and Title VI

As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR Part 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI Plan, a completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. FHWA's Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

4. Federal Contract Compliance

As a condition of grant award and consistent with E.O. 11246, Equal Employment Opportunity (30 FR 12319, and as amended), all federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for work being performed by people of color. Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent of workers with disabilities.

5. Performance and Program Evaluation

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. DOT may require Applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor or DOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients are also encouraged to incorporate program evaluation, including associated data collection activities, from the outset of their program design

and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Pub. L. No. 115-435, 2019) urges Federal Awarding Agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” (5 U.S.C. § 311). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR Part 200)

3. REPORTING

ADDRESSES FOR SUBMITTAL OF REPORTS AND DOCUMENTS

The Recipient shall submit all required reports and documents, under transmittal letter referencing the award number, as follows:

Submit an electronic copy to the AO, Ryan Buck at ryan.buck@dot.gov.

Submit an electronic copy to the AOR, Clark Martin at clark.martin@dot.gov.

A. QUARTERLY PROGRESS REPORTS

The Recipient must submit an electronic copy of the SF-425, Federal Financial Report, to the AO and the AOR for each quarter on or before the 30th of the month following the calendar quarter being reported.

For each quarterly report, attach the following in Section 12 of the SF-425:

- a. A Performance Narrative that includes the following:
 - Work performed for the current quarter.
 - Work planned for the upcoming quarter.
 - Description of any problem encountered or anticipated that will affect the completion of the work within the time and fiscal constraints as set forth in the Agreement, together with recommended solutions to such problems; or a statement that no problems were encountered.
 - A tabulation, clearly delineated by Federal share, cost share and total, of the current and cumulative costs expended by quarter versus budgeted costs.
- b. The SF-425A, Federal Financial Report Attachment, if applicable.

Calendar quarters are defined as:

1st: January – March

Reports due on or before:

April 30th

2nd:	April – June	July 30th
3rd:	July – September	October 30th
4th:	October – December	January 30th

B. FINAL REPORT

A final SF-425 is due within 90 days after the end of the Agreement period of performance.

C. ANNUAL BUDGET REVIEW AND PROGRAM PLAN

For grant programs with a period of performance of more than 1 year, the Recipient must submit an electronic copy of the Annual Budget Review and Program Plan as an attachment to the first SF-425 quarterly progress report due following the anniversary date of the Agreement annually. The Annual Budget Review and Program Plan must include the required certification pursuant to 2 CFR 200.415.

The Annual Budget Review and Program Plan must provide a detailed schedule of activities, estimate of specific performance objectives, include forecasted expenditures, and schedule of milestones for the upcoming year. If there are no proposed deviations from the Approved Project Budget, the Annual Budget Review must contain a statement stating such.

The Recipient must meet via teleconference or Web conference with FHWA to discuss the Annual Budget Review and Program Plan. Work proposed under the Annual Budget Review and Program Plan must not commence until the AO's written approval is received.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Address any questions to:

Ryan Buck, Agreement Specialist
Office of Acquisition and Grants Management
Federal Highway Administration
Email: hctp@dot.gov
202-366-4229

Secondary POC is:

Robin Hobbs, Team Leader
Office of Acquisition and Grants Management
Federal Highway Administration
Email: hctp@dot.gov
202-366-3705

SECTION H – OTHER INFORMATION

1. PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information you consider to be a trade secret or confidential commercial or financial information, the Applicant should do the following: (1) Note on the front cover that the submission “Contains Confidential Business Information (CBI),” (2) mark each affected page “CBI,” and (3) highlight or otherwise denote the CBI portions.

2. PUBLICATION/SHARING OF APPLICATION INFORMATION.

Following the completion of the selection process and announcement of awards, FHWA intends to publish a list of all applications received along with the names of the Applicant organizations and funding amounts requested.