Notice of Funding Opportunity (NOFO)

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

Funding Opportunity Title
Regional Toxicology Liaison Demonstration Project

Announcement Type
Initial Announcement

NHTSA NOFO Number
693JJ921R000022

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

Key Dates

NOFO Posted Date:	**June 29, 2021**
NOFO Questions Due Date:	**July 12, 2021**
Application Due Date:	**July 30, 2021**

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 Number
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

PROGRAM SUMMARY INFORMATION

A. FEDERAL AGENCY NAME

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

B. FUNDING OPPORTUNITY TITLE

Regional Toxicology Liaison Demonstration Project

C. ANNOUNCEMENT TYPE

Initial Announcement

D. FUNDING OPPORTUNITY NUMBER

693JJ921R000022

E. ASSISTANCE LISTING PROGRAM NUMBER (formerly CFDA)

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

F. KEY DATES

NOFO Posted Date:	**June 29, 2021**
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MISSION

The mission of the U.S. Department of Transportation (DOT) is "to ensure America has the safest, most efficient and modern transportation system in the world, which boosts our economic productivity and global competitiveness and enhances the quality of life in both rural and urban communities." 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 this Cooperative Agreement (CA or Agreement) is to establish a Toxicology Liaison Program to support toxicology in NHTSA regions 5, 7, and 9. To achieve this purpose and objective, the Recipient will establish three (3) liaisons to accomplish the following to:

- develop an understanding of the scope and prevalence of drug-impaired driving problems through improved data collection and toxicology testing;
- find common ground among testing laboratories across jurisdictions;
- improve drug-impaired driving toxicology data collection and reporting; and
- increase coordination and communication among toxicology labs and drug-impaired driving partners with the state.

Performance goals and indicators of success will include a better understanding of the prevalence of drug-impaired driving problems through toxicology testing and data collection. The indicators for these outcomes will include, but are not limited to, the completion of reports, assessments, the number of outreach and technical support events including, webinars, seminars and meetings. NHTSA successful past projects include Regional Judicial Outreach Liaisons through the American Bar Association who work with the criminal justice system within states to coordinate communications, sharing of information and data, knowledge on evidenced base sanctioning and improve data collection and reporting and Law Enforcement Liaisons through the Governors Highway Safety Association who conduct outreach and coordinate communications with state and local law enforcement agencies.

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(b)(2)).

A.3 ASSISTANCE LISTING NUMBER

20.614 National Highway Traffic Safety Administration (NHTSA) Discretionary Safety Grants and Cooperative Agreements

A.4 BACKGROUND

For decades, the National Highway Traffic Safety Administration (NHTSA) has conducted research and developed programs and resources to reduce alcohol- and drug-impaired driving. It is refining problem identification, improving enforcement strategies, and developing countermeasures. However, knowledge and practice on drug-impaired driving is many years behind alcohol-impaired driving.

Matters such as the national opioid epidemic, States legalizing marijuana to varying degrees, and the widespread use of prescription medications are leading to a growing concern with drug use and driving. NHTSA's *2013-2014 National Roadside Survey of Alcohol and Drug Use by Drivers*[1] reported that 20.1% of all drivers surveyed on weekend nights tested positive for some drug, legal and/or illegal, other than alcohol, a statistically significant increase from the 16.3% of drug-positive drivers found in 2007. The survey also found tetrahydrocannabinol (THC) presence increased from 8.7% of drivers in 2007 to 12.7% in 2013-2014. A study by Washington State[2] reported that 39.1% of drivers admitted to driving within 3 hours of using marijuana at least once in the previous year, and the biological results from the survey indicated that the presence of marijuana in drivers surveyed had doubled, from approximately 10% to 20% of all drivers, after the state's implementation of retail marijuana sales. A NHTSA roadside survey in Washington State[3] found similar results, with 7.8% of drivers testing positive for presence of marijuana before legalization in the state, with 18.4% testing positive for presence of marijuana six months after legalization and 18.9% testing positive for marijuana one year after legalization.

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[1] Kelley-Baker, T., Berning, A., Ramirez, A., Lacey, J., Carr, K., Waeher, G., Moore, C. Pell, K., Yao, J., and Compton, R. 2017. 2013-2014 National Roadside Survey of Alcohol and Drug Use by Drivers: Drug Results. DOT HS 812 411. National Highway Traffic Safety Administration. Washington, DC. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13013-nrs_drug_092917_v6_tag.pdf

[2] Grondel, D., Hoff, S., and Doane, D. Marijuana Use, Alcohol Use and Driving in Washington State. 2018.Washington Traffic Safety Commission. http://wtsc.wa.gov/wp-content/uploads/dlm_uploads/2018/05/Marijuana-and-Alcohol-Involvement-in-Fatal-Crashes-in-WA_FINAL.pdf

[3] Ramirez, A., Berning, A., Carr, K., Schere, M., Lacey, J., Kelley-Baker, T., and Fisher, D. 2016. Marijuana, Other Drugs, and Alcohol Use by Drivers in Washington State. DOT HS 812 299. National Highway Traffic Safety Administration. Washington, DC. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/812299-washingtonstatedrugstudy.pdf

There is clear evidence of increases in the number of drivers with drugs present in their system. The many inconsistencies in the biological evidence collected, tested, and reported across jurisdictions greatly impedes our ability to understand the magnitude and scope of drug-impaired driving. There are also inconsistencies across the country regarding which drivers are tested for drug use, what specimens are collected for testing, what drugs are tested for, and what cutoff levels are used for drug tests. Toxicology programs vary across the States from comprehensive coordinated efforts, to ad-hoc testing or the need to send samples out of State for analysis. In a number of States, toxicology programs vary between jurisdictions in the state.

This demonstration project aims to benefit State toxicology programs through increased personnel resources that will improve communications, criminal justice system coordination, processing time of toxicology samples and data reporting. The project will support the establishment of a Toxicology Liaison that support States in NHTSA regions 5, 7, and 9, to assist with training, collaboration and the standardization of testing across State labs and the reporting of data to better understand the scope of the drug-impaired driving problem. Toxicology Liaisons will work with stakeholders to strengthen programs to increase testing for drug-impaired driving, identify drug-impaired drivers, and generate more high-quality data on the problem. Toxicology Liaisons will work with State labs and Fatality Analysis Reporting System (FARS) analysts to ensure comprehensive and consistent toxicological data is collected to better inform the public and public policy on this growing public health problem.

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 **$675,000.00** to fund up to one (1) discretionary Cooperative Agreement is subject to the availability of funds. 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 under the Cooperative Agreement, including preparation, submission, review, and acceptance of the final reports, shall be completed within thirty-six (36) months of the effective date of the Cooperative Agreement. NHTSA currently anticipates the start date for new Federal awards to be **September 30, 2021**

B.5 ACRONYMS

The acronyms listed below are used during the performance of this 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 (AA)	Alternate Contracting Officer Representative Assistant Agreement
CA	Cooperative Agreement
CO	Contracting Officer
CS	Contract Specialist
COR (AA)	Contracting Officer Representative Assistant Agreement
Day	Unless specified otherwise, the term “day” refers to calendar day
DOT	Department of Transportation
NHTSA	National Highway Traffic Safety Administration
PM	Project Manager
RCAM	Recipient’s Cooperative Agreement Manager

As used in this NOFO:

“**COR (AA)**” means “Contracting Officer’s Representative (Assistance 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 this 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) (AA), 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 (AA);

3. Provide liaison with NHTSA Regional offices staff and others (Federal, state, and local), interested in reducing impaired driving injuries and fatalities and promoting activities of the Recipient.

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

5. Review and provide feedback on materials and planned activities produced under this Cooperative Agreement.

B. **Under the Cooperative Agreement, the Recipient will agree to meet the following conditions:**

1. Carry out the project as described in the Recipient's technical proposal and detailed final work plan, as coordinated with the COR (AA);

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

3. Improve overall understanding of the scope and prevalence of the drug-impaired driving problem through improved data collection and toxicology testing.

4. Support drug-impaired driving toxicology testing across jurisdictions.

5. Improve drug-impaired driving toxicology data collection and reporting.

6. Increase coordination and communication among toxicology labs and drug-impaired driving partners within the state.

7. Adhere to the procedures or objectives specified in this Cooperative Agreement unless logical and feasible deviations are submitted to the COR (AA) and approved in writing by the Contracting Officer (CO); and

8. 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. **Conditions for this Cooperative Agreement**

As a condition of the Cooperative Agreement, the Recipient will meet the following conditions:

Condition 1: Kick-off Meeting

Within ***one (1) month*** of Cooperative Agreement award, the Recipient will meet with NHTSA's Contracting Officer (CO), COR (AA), 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; 2) the Assistance Agreement objectives, planned course of action, schedule, milestones and deliverables; and 3) to begin finalizing the work plan for the project and the liaison selection criteria. This meeting will serve as a forum to resolve any variances between NHTSA and the Recipient's approach.

During the kick-off meeting, the Recipient will first conduct a short briefing describing the Recipient's planned approach to support this Project. After the Recipient's prepared briefing the Recipient, COR (AA) and other NHTSA personnel will discuss specific details of the project to resolve any differences in approach and/or expected goals.

Condition 2: Work Plan

Within ***two (2) weeks*** after completion of the kick-off meeting, the Recipient will submit the Work plan which may be based off the work plan provided in the Recipient's proposal and that reflects discussion and agreements reached during the initial meeting with the COR (AA) and other NHTSA personnel at the Kick off meeting. The plan shall include specific (step-by-step) tasks, the roles of the staff and a proposed timeline for projects. The Recipient will include in the final work plan details associated with meeting project objectives, including how the project will address equity, project conditions, and timelines. The work plan will include the Recipient's

selection criteria for selecting the three (3) Regional Toxicology Liaisons. The Recipient will submit the final work plan to the COR (AA) for review.

Within ***one (1) week*** of receipt, the COR (AA) will review the Final Work Plan and provide questions and/or comments to the Recipient for consideration.

Condition 3: Regional Toxicology Liaisons

The Recipient will select three (3) Regional Toxicology Liaisons within ***four (4) months*** of award.

In collaboration with the COR (AA), the Recipient will use the selection criteria and solicit applications for the Regional Toxicology Liaisons for NHTSA's Regions 5, 7 and 9. The Recipient will review applications for assurance that the applicant meets the needs of the toxicology community, selection criteria and evaluation criteria. The Recipient will forward applications to the COR (AA) for review and comments for consideration. The applications will be solicited through agreed upon channels and applicants will be evaluated using the selection criteria provided with the Recipient's application and refined during the Kickoff meeting and discussions with the COR (AA).

The Recipient will manage travel conducted by the Liaisons to and from varying outreach activities, trainings, toxicology labs, meetings and briefings.

Condition 4: Assess the drug-impaired driving toxicology program, identify program gaps and capacity limitations

Within ***six (6) months*** of award and annually thereafter, the Recipient will work in conjunction with the COR (AA), NHTSA regional representatives and Toxicology Liaisons to conduct an assessment of the drug-impaired driving toxicology program in each State in the Region that identifies gaps and data and capacity limitations that impact the state's program. This assessment should include an assessment of equity impacts and data.

Condition 5: Provide outreach and technical support through webinars, seminars, and/or meetings

The Recipient's Regional Toxicology Liaisons will provide outreach and technical support related to State toxicology programs through meetings, webinars and laboratory visits that may include but are not limited to the following goals:

- To provide an understanding of the roles of the State Highway Safety Offices and Toxicology Labs and how they can benefit from each other to reduce impaired driving fatalities, injuries, and crashes;
- To coordinate communication among State and local agencies involved in drug-impaired driving enforcement and related drug testing (e.g., the Drug Evaluation and Classification Program, State Drug Recognition Expert Coordinator and Traffic Safety Resource Prosecutors);
- To provide an understanding of chemical testing, including laboratories, which

provide evidence for driving under the influence (DUI) and drug-impaired driving prosecutions;
- To provide an understanding and limitations on the effects of drugs on human performance;
- To improve coordination of data collection and reporting;
- To provide training and education for prosecutors and toxicology lab technicians to strengthen their testimony in impaired driving court cases; and
- To encourage toxicologists to be more active in Strategic Highway Safety Plans and task forces; including identifying considerations and opportunities to improve equity.

Condition 6: Develop and provide communication, presentations, and outreach

The Recipient's Regional Toxicology Liaisons will develop and provide communications, presentations and outreach, that may include but are not limited to:

- Actively participating in the toxicology community to advance knowledge and training on drug-impaired driving by attending annual meetings, association meetings, and conferences attended by toxicologists, and other professionals, such as law enforcement, prosecutors, and judges;
- Writing articles for trade publications, e.g., newsletters in the chemical testing and medical communities; and
- Developing materials, conducting presentations, reaching out to peers, e.g., State lab technicians, pharmacologists, forensic toxicologists including considerations and opportunities to improve equity.

Condition 7: Support the improvement of testing and reporting of toxicology drug-testing results

The Recipient's Regional Toxicology Liaisons will participate in activities to support the improvement of the testing and reporting of toxicology drug testing results, including identifying considerations and opportunities to improve equity, through such activities as:

- Assisting in increasing the testing for drugs for motor vehicle drivers and motorcycle operators suspected of being impaired, in support of having every driver/motorcycle operator suspected of being impaired tested for drugs in a timely manner using standardized testing protocol and procedures to identify all drugs present;
- Assisting laboratories in reducing the average turnaround time it takes to conduct drug screening and confirmation tests;
- Assisting laboratories to establish policies to automatically confirm the presence of drugs upon a positive screen;
- Providing guidance and assistance to laboratories as they develop validation methods and protocols for the testing of new drugs;
- Assisting in identifying and implementing ways to resolve barriers to toxicology testing efficiency and effectiveness;
- Promoting the benefits of standardized testing methodologies including which drugs to test for and testing cutoff levels;
- Promoting continuity and consistency on other issues relating to toxicology on a Regional basis;

- Coordinating with Fatality Analysis Reporting System (FARS) analysts to improve data collection by increasing the timeliness and completeness of data from toxicology results and death certificate information; and
- Providing technical assistance to States on the establishment of new toxicology labs when needed.

Condition 8: Assessment

The Recipient will perform an annual and final assessment of this demonstration project. The Recipient will include this assessment in the Annual Report and Final Report. The assessment at a minimum will include a description of the activities conducted, and if in print form, a copy, of participant assessment and feedback of the activity/document, the number and type of participant (i.e., toxicologist, prosecutor, law enforcement officer, etc.), the benefits or disadvantages of each activity, and any conclusions. The assessment should include any data that the Recipient relied upon to assess the effectiveness of each activity of the liaisons.

Condition 9: Conference Calls

The Recipient will conduct conference calls or web meetings with the Regional Toxicology Liaisons, COR (AA) and other NHTSA personnel Quarterly to discuss activities, outcomes, promising practices, challenges and potential solutions.

Condition 10: Final Briefing

The Recipient will organize a final briefing in Washington, DC or via virtual meeting with the COR (AA) no later than ***thirty-six (36) months*** after award, to discuss the resulting project deliverables, challenges and issued encountered, and effectiveness of the activities conducted under the Agreement. In preparation for this meeting, the Recipient will prepare a presentation that summarizes the Recipient's accomplishments. The final briefing shall last no longer than sixty (60) minutes.

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 must be in electronic format and printable, with the exception of those required in hard copy.

ITEM NO.	COND NO.	MILESTONE (M) / DELIVERABLE (D)	DUE DATE
1	1	Kick-off Meeting (M)	Within 1 month of award

ITEM NO.	COND NO.	MILESTONE (M) / DELIVERABLE (D)	DUE DATE
2	2	Submit Work Plan (D)	Within 2 weeks of completion of the Kick-off meeting
3	2	COR (AA) Review and Provide Feedback (M)	Within 1 week of receipt
4	3	Solicit and select Regional Toxicology Liaisons (M)	Within 4 months of award
5	4	Conduct Assessment of the Drug-Impaired Driving Toxicology Program (M)	Within 6 Months of award
6	5	Provide Outreach, Education, Training, and Technical Support (M)	Ongoing
7	6	Develop and Provide Communication, Presentations, and Outreach (M)	Ongoing
8	7	Improve the Testing and Reporting of Toxicology Drug-Testing Results (M)	Ongoing
9	8	Assessment of Toxicology Liaisons (M)	Ongoing
10	9	Conduct Conference calls with Toxicology Liaisons, NHTSA COR and NHTSA Regional personnel (M)	Quarterly
11	F.3.1	Submit Quarterly Reports (D)	15th of the month following the end of the quarter
12	F.3.1	COR (AA) Review Quarterly Reports (M)	Within 2 weeks of receipt
13	F.3.2	Submit Annual Report (D)	Annually during the 10th month
14	F.3.2	COR (AA) Review Annual Report (M)	Within 2 weeks of receipt
15	F.3.3	Submit Final Report (D)	Within 35 months of Award
16	F.3.3	COR (AA) Review Final Report (M)	Within 2 weeks of receipt
17	10	Final Briefing (M)	Within 36 months of award
18	F.3.4	Submit Federal Financial Report (SF425) (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, 11, 13, 15 & 18	**Department of Transportation** National Highway Traffic Safety Administration Office of Impaired Driving (NPD-110) 1200 New Jersey Avenue, SE (W46-XXX) Washington, DC 20590 Attn: **TBD** Email: **TBD** Telephone: **TBD**
11 & 18	**Department of Transportation** National Highway Traffic Safety Administration Office of Acquisition Management (NFO-300 1200 New Jersey Avenue, SE 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 infrastructure in place, as well as the necessary staff and support to carry out the responsibilities of administering, coordinating, and implementing the conditions of this NOFO. Only organizations capable of fulfilling the criteria listed within this NOFO will be considered for an award. Applicant must have the existence of an organizational infra-structure that will allow staff time necessary to handle the day-to-day logistical needs for this project.

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/proposals.

SECTION D - APPLICATION AND SUBMISSION INFORMATION

D.1 ADDRESS TO REQUEST APPLICATION PACKAGE

A copy of this NOFO, including all application forms, are included in this posting.

- Keyword(s): Regional Toxicology Liaison Demonstration Project
- Opportunity Number: 693JJ921R000022
- CFDA 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 twenty **(20) 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 **693JJ921R000022**, and date. Within, include the following sections:
  - Table of Contents including page number references and method identifying major sections;
  - Technical Approach, Work Plan and Timeline;
  - Past Project Experience and Performance; and
  - Qualifications of Project Personnel and Experience.

- Resumes are limited to two (2) pages each and provide 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; 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 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 Communities Through the Federal Government, NHTSA encourages applicants to describe how activities in their application would address equity.

- Technical Application: The application/proposal 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 conditions.

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

1. **Factor 1: Technical Approach, Work Plan and Timeline:**

   The Applicant shall demonstrate its understanding of the project's overall objectives and scope of work. Within the technical proposal, 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.

   This section should include the following:
   - Objective – Clearly identify how the strategy advances the goals and objectives of the project;
   - Project Management Plan – that includes a detailed breakdown structure that is aligned to the project's goals and objectives; a detailed, step-by-step approach for achieving the specific conditions described. The strategy should be comprehensive, logical, and include a clear description of how:
     - Each condition will be implemented and completed,
     - a plan for monitoring/managing quality control processes,
     - Where appropriate 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 conditions, activities.
   - Regional Liaison Selection Criteria
     - Provide the recommended selection plan for selecting three (3) regional liaisons.
     - Criteria for the regional liaison selection.

2. **Factor 2: Past Project Experience and Performance**

   Provide a list of previously funded projects (grants, cooperative agreements, or contracts) with 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:
   - Applicant has more than five (5) years of professional and/or corporate organizational experience relating to toxicology;
   - Applicant's experience providing toxicology support;

- Identify key staff/personnel, partnerships, stakeholders, contractors, or consultants who will play a role in the implementation of the project;
- Experience organizing and facilitating opportunities to bring together key stakeholders within this community;
- 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
- Ability to support the development and deployment of plans designed to support liaison activities.

For Past Performance, the Applicant shall provide a list of at least three (3) 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, 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.

3. Factor 3: Qualifications of Project Personnel and Experience:

The Applicant shall demonstrate experience and capacity to carry out the proposed activities outlined in the overall objectives, as well as the specific conditions 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 experience and qualifications of each regional liaison as it relates to toxicology;
- Demonstrate that the proposed staff has a level of experience, knowledge, and skills that ensures the ability to successfully complete the work outlined in the Statement of Work Sections C. The 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;
- Identify partnerships or stakeholders, contractors or consultants who shall play a role in the implementation of the project the specific subject matter expertise they bring and their responsibilities; and
- The Applicant will provide the resume for the proposed project manager and any other personnel that the Applicant deems is key personnel for this project.

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 support or buy-in indicating what the organization will provide to the Applicant.

- Additional 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 an 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 Eastern Time, on July 30, 2021.**

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 proposals 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 Eastern Time on July 12, 2021**

D.5 FUNDING RESTRICTIONS

- Funds awarded under this 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 conditions in the cooperative 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 this 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 this Agreement and until the Contractor receives notice of such availability, to be confirmed in writing by the Contracting Officer.

- Funds awarded under this 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 should include:

- The NHTSA NOFO Number: 693JJ921R000022.

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 Eastern Time, on July 30, 2021**

Important: NHTSA recommends that when transmitting hardcopy or digital storage media applications methods other than U.S. Mail be used (i.e. Federal Express delivery, UPS).

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 cooperative agreement 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 Approach, Work Plan and Timeline

The Applicant will be evaluated on its technical approach, work plan and timeline to meeting the requirements and the deliverable schedule associated with the requirements. The Applicant's technical approach, work plan and timeline 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 plan and approach that is aligned to the project's goals and objectives; a detailed, step-by-step approach for achieving the specific conditions described. The strategy should be comprehensive, logical, and include a clear description of how:
    - The applicant's goals are clearly articulated, and the objectives are time-phased, specific, action-oriented and achievable;
    - The applicant has identified potential barriers to the project and the provided plans for mitigating or eradicating those barriers;
    - The applicant intends to achieve the milestones and deliverables outlined in the request for proposal, including a proposed timeline;
    - The applicant includes considerations and opportunities to improve equity; and
    - The applicant's plan to assess the project.
- The selection criteria for regional toxicology liaisons.

B. EVALUATION FACTOR 2: Past Project Experience and Performance

The Applicant will be evaluated on its ability to conduct 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 solicitation and that require, at a minimum, the following:

- The degree to which the applicant describes their technical capability and experience in managing projects;

- The applicant's satisfactory history of grantor/Recipient relationships, as demonstrated by on-time completion of past efforts, and reports indicating a high level of satisfaction from government agencies and other organizations; and
- For previous Recipients of federal funding, the extent to which the applicant has a good record of financial responsibility and accountability as it relates to the use of federal funding, and a demonstrated history of compliance with regulations that apply to federal assistance agreements.

C. EVALUATION FACTOR 3: Qualifications of Project Personnel and Experience

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 proposal through the Project Management Plan and work breakdown structure and includes personnel's resumes/curriculum vitae. The Applicant's proposal will be evaluated on the following:

- A Project Manager (PM) to serve as a liaison to coordinate and to manage all aspects of the project;
- The extent to which the proposed personnel have clearly described roles and appropriately assigned positions, and the proper level of education and experience to carry out the project;
- The extent to which the applicant has demonstrated their ability to provide leadership, technical assistance and the resources to accomplish the milestones and deliverables of this project;
- The soundness of the applicant's organization and designated areas of expertise;
- 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;
- Resumes or curriculum vitae that highlight qualifications, areas of expertise, and cites work-related experience for key personnel; and
- Qualifications and expertise with cited work-related experience in the following areas: project management, organizing and supporting communication and outreach efforts.

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.

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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 professionally 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; excellent approach for accomplishing program objectives. The application is fully responsive to every aspect of the NOFO, with capability for excellent or productive results in one or more major areas covered by 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 30, 2021. 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 a cooperative agreement to the responsible and eligible applicant whose application is 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 and the Uniform Administration Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Parts 1200 and 1201).

The Cooperative 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 this action;
  - Total Amount of Federal Funds Obligated;
  - Total Amount of the Cooperative Agreement Award;
  - Budget Approved by NHTSA;
  - Total Approved Cost Sharing or Matching, where applicable;
  - Cooperative Agreement 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 cooperative agreement.

- General Terms and Conditions as applicable including:
  - Cooperative Agreement Administrative Requirements;
  - National Policy Requirements; and
  - Recipient integrity and performance matters.

- Cooperative Agreement Performance Goals

F.2 ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. This Assistance Agreement shall be subject, as applicable, to the administrative requirements contained in the following regulation which is incorporated by reference, with the same force and effect as if it was given 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 CFR Part 32 Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)

2. The Recipient shall 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.

F.3 REPORTING

The following reporting requirements will be required under this 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 NHTSA COR (AA) on the 15th of each month of the quarter beginning three (3) months after Agreement award. The quarterly report will provide a summary of the previous quarter's activities and accomplishments as well as the proposed activities for the upcoming quarter. The reports will include the following:

- Up-to-date summary of accomplishments by the Recipient;
- Obstacles and problems encountered and proposed solutions;
- Noteworthy activities, events to successes;
- Financial Statement of funds expended to date;
- Plans for accomplishments in the next reporting period;
- Problems or delays that the Recipient has experienced in the conduct of this agreement and suggestions to overcome the problems or delays;
- Specific action the Recipient would like NHTSA to undertake to alleviate any issues or problems;
- Planned travel for the upcoming quarter; and
- A detailed accounting of the activities from the previous quarter, including travel.

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 Annual Report

The Recipient will prepare and submit an Annual report to the COR (AA) annual in the ***tenth (10) month*** of the current year, starting at ten (10) months after the award date. The submission of the Annual Report will be in electronic format. At minimum, the Annual report will document and summarize the results of the project activities, including key outcomes of the project. The report will include an outline of anticipated travel and a timeline of activities to be completed in the next twelve (12) months including any recommendations of activities that will enhance the project. At thirty-five (35) months, the Recipient will submit a Final Report instead of the Annual Report.

Within ***two (2) weeks of receipt,*** the COR (AA) will review the Annual Report and may provide any questions and/or comments for the Recipient for consideration.

F.3.3 Final Report

Within ***thirty-five (35) months*** of Cooperative Agreement award, the Recipient will submit a draft final report to the COR (AA). At a minimum, the final report will include a narrative description of the following items:

- Summary of activities, milestones, and deliverables accomplished;
- Description of activities conducted and any notable feedback;
- An assessment of the effectiveness of each activity and conclusions based upon the assessment consistent with the assessment required under Section B. 6, Condition 8; and
- Summary of results, trends, conclusions, and other items of information that the Recipient believes is critical to the results of the project.

Within ***two (2) weeks after receipt,*** the COR (AA) will review the final report and may provide comments to the Recipient for consideration.

F.3.4 Financial Status Report

The Recipient will prepare and submit federal financial reports (SF-425) to the NHTSA COR (AA) 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
Phone: (202) 366-3998
Email: NHTSAOAM@dot.gov with a copy to 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 this 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 this 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 this 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 this effort, until made public by the Government, except to authorize Government personnel or upon the written approval of NHTSA. The Recipient shall not use, disclose, or reproduce proprietary data that bears a restrictive legend, other than as required in the performance of this 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 conditions under this 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 this 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 this cooperative agreement.

    b. Conduct initiatives in a manner commensurate with size of the Recipient, such as –
        1) Establishment of new rules and programs or review and assessment 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 Subrecipient, shall make public releases of information or any matter pertaining to this NOFO and the Cooperative Agreement, including, but not limited to, 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-agreements 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 proposal 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 proposal. 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 this 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 proposal 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 this 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.

[END OF NOTICE OF FUNDING OPPORTUNITY (NOFO)]