United States Department of Transportation
Federal Motor Carrier Safety Administration

Fiscal Year 2016 – Motor Carrier Safety Assistance Program Basic and Incentive Grant Notice of Funding Availability

Announcement Type:	Formula Grant
Catalog of Federal Domestic Assistance Number:	20.218
Program Purpose:	The MCSAP Basic and Incentive grant program is a Federal formula grant program that provides financial assistance to reduce the number and severity of crashes, injuries, and fatalities involving commercial motor vehicles.
Eligibility Information:	State MCSAP lead agencies, including the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of Northern Mariana Islands.
Application Due Date:	August 3, 2015 (11:59 P.M. Eastern Standard Time)

A. MCSAP Basic and Incentive Grant Program Description

The United States Department of Transportation's (USDOT) Federal Motor Carrier Safety Administration (FMCSA) announces the Fiscal Year (FY) 2016 Motor Carrier Safety Assistance Program (MCSAP) Basic and Incentive grant notice of funding availability (NOFA) opportunity. This NOFA document will assist you by providing important information about the MCSAP, FY 2016 MCSAP Basic and Incentive program priorities, and critical information related to preparing and submitting a grant application.

The MCSAP is authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. No. 109–59, §§ 4101(a), 4106 (2005), as amended by the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. No.112–141, §§ 32601, 32603(a) (2012), as extended by the Highway and Transportation Funding Act of 2014, Pub. L.

No. 113-159, § 1102 (2014). The MCSAP is governed by 49 United States Code (U.S.C.) §§ 31102-31104, and by 49 Code of Federal Regulations (C.F.R.) Part 350.

The MCSAP grant is a formula grant program that provides financial assistance to States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands to reduce the number and severity of crashes and hazardous material incidents involving commercial motor vehicles (CMVs). Specifically, only the State lead agency (as designated by the Governor) is eligible to apply for Basic and Incentive grant funding. Individuals and businesses are not eligible for awards. Unsolicited applications will not be accepted.

Under this grant opportunity, the grant period of performance shall be October 1, 2015 through September 30, 2017, inclusive. The FMCSA uses its contract authority for this program to make the effective date for this grant October 1, 2015; however, FMCSA is not responsible for any monies expended by the State lead agency outside the scope of the grant agreement as determined by the approved Commercial Vehicle Safety Plan (CVSP) or prior to the award period of performance start date.

All application materials must be submitted to FMCSA by 11:59 P.M. (Eastern Time) on **August 3, 2015**. State lead agencies who, for good cause, cannot submit their application by the deadline may request an extension in writing of no more than 30 calendar days from their FMCSA Division Administrator. The FMCSA strongly encourages submission of all application documents by **August 3, 2015** to ensure timely review of CVSP and expedite the award process.

Important Changes and Reminders —

The FMCSA uses an online Commercial Vehicle Safety Plan (CVSP) development tool (eCVSP) for the creation of CVSPs, to track the progress of CVSP development, and to create a PDF version of the CVSP that the State lead agency may use to administer the grant. The eCVSP system is also used to submit the CVSP to FMCSA for Agency review and negotiation with the State lead agency.

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New FY 2016 functionalities in the eCVSP include:

- Cost information entered into the budget narrative is automatically transferred into the line item budget, eliminating the need to duplicate expense information within the eCVSP.

- State lead agencies are able to upload documents in eCVSP for FMCSA review such as the Certification of MCSAP Conformance (State Certification), Certification of MCSAP Compatibility and copies of any new laws and regulations enacted within the past year.

- State lead agencies are able to complete a subgrantee budget narrative in eCVSP for FMCSA review and to assistance in the administration of the grant.

- The eCVSP is not designed to interface with Grants.gov and therefore does not include all required application forms. As a result, State lead agencies must upload certain documents separately into the Grants.gov application package. See Appendix A for the application package requirements.

Because MCSAP Basic and Incentive is a formula grant program, FMCSA encourages State lead agencies to coordinate with their respective FMCSA Division Offices in the development and review of draft CVSPs. While FMCSA personnel cannot author any component of the CVSP, they can provide technical, programmatic guidance on proposed goals and activities as well as provide a review of sections of the CVSP prior to submission.

The FMCSA will host a series of webinars for State lead agencies that will provide guidance to: 1) navigate/use the eCVSP system; 2) identify problem statements and best practices to aid in application development; and 3) prepare the budget narrative. See Appendix B for project and budget narrative guidance and information demonstrating how the FMCSA evaluates each application. See Appendix D for webinar information.

This NOFA includes several attachments that have changed since last year. These attachments are designed to help you develop and ensure a complete application package. Attachments include:

- Attachment A— Application Package Requirements
- Attachment B— Project and Budget Narrative Guidance and Evaluation Factors
- Attachment C— eCVSP Information
- Attachment D— Pre-Application Webinars
- Attachment E— Standard Title VI/Non-Discrimination Assurances

FY 2016 Program National Priorities—

There are five national program elements for the MCSAP outlined in 49 C.F.R. § 350.109. These include driver/vehicle inspections, traffic enforcement, compliance reviews (CSA Investigations), public education and awareness, and data collection. In addition to these core program elements, FMCSA establishes annual national priorities based on emerging or continuing issues.

1. Enforcement of Out of Service Orders at Roadside

Carriers that operate in violation of an out of service (OOS) order are ignoring safety regulations and consciously disregarding the law. The importance of catching carriers that are out of service due to a declaration of Imminent Hazard or determination that they are unfit to operate cannot be overstated. Simply put, these carriers pose an immediate danger to the safety of the traveling public. Every activity conducted as part of MCSAP (inspection, carrier investigations, traffic enforcement, data quality, and education and outreach) is undermined when these carriers continue to operate in violation of these orders and without consequences at roadside. As a result, for FY 2016, FMCSA encourages all States to look at ways to strengthen their ability to identify OOS carriers during roadside inspection activities. Specifically, checking a carrier's USDOT number to ensure that the carrier is not out of service is a critical component of all roadside enforcement activities and required by 49 C.F.R. § 350.211.

The FMCSA will continue to set as the goal for all States an OOS carrier "Catch Rate" of 85 percent. For the purpose of this rate, an OOS carrier is defined as those carriers with a current declaration of Imminent Hazard or those carriers FMCSA has determined to be Unsatisfactory and Unfit. If a State does not meet the 85% catch rate for these carriers, it must explain in the CVSP how it has or will implement policies, utilize appropriate technology to identify OOS carriers, and conduct quality assurance oversight to ensure that inspectors are using proper procedures to identify these high risk carriers and preventing them from continued operations.

As part of this requirement, FMCSA will provide to each State a report indicating its Catch Rate for the 12-month period preceding the report. This report will be the basis for a State's planning in this national priority area.

2. Enhanced Investigative Techniques

The FMCSA has developed and deployed Enhanced Investigative Techniques (EIT) training to its personnel. This training encourages investigators to pursue leads, verify records with additional sources, and invest the requisite time to ensure the safe on-road performance of the carrier being investigated. The training is taught by seasoned investigators and uses case studies to help the students apply the techniques. Since implementing the EIT program at FMCSA, the

Agency has significantly increased the enforcement rate for investigations and has issued 52 OOS orders against passenger motor carriers as a result.

Based on the success of the EIT-Federal training, FMCSA is offering the training to State MCSAP partners during FY 2016. We ask that States interested in participating in this training to allocate resources and funding for expenses in their CVSP budget. We also request that, after completing the EIT training, States utilize these techniques for all motor carriers of passengers and other high risk carriers. Finally, FMCSA asks that States continue to partner with FMCSA in conducting Enhanced Investigations and inspections at carrier locations.

3. CSA Phase III

The FMCSA is working to offer Compliance, Safety, Accountability (CSA) Phase III training to State personnel. This training will prepare investigators and managers to use the full array of CSA interventions through reinforcing the existing interventions and training staff on offsite investigations, serious violation follow-up investigations, and cooperative safety plans. CSA Phase III training will also teach investigators and managers to use new investigative software and improved IT systems built specifically to support CSA interventions and replace the CAPRI investigation software.

The FMCSA aims to have this training available in FY 2016 and asks that States consider allocating funding for expenses to attend this training in their CVSP budget. The target audience for this training includes both CSA 100 percent and non-100 percent States since a large component of the training will be on the new IT systems.

4. Oilfield Operations

The emergence of oilfield drilling operations in many States has resulted in an increase in CMV traffic to move drilling equipment and transport large quantities of supplies, such as water, sand, and chemicals to and from the well sites. As these drilling operations expand into States without a program in place to address oil and gas exploration operations, and the volume of commercial vehicle traffic has increased, State and local officials have reported a significant increase in safety problems.

States that have active oil and gas operations should look at data specific to their jurisdiction to determine if there has been a significant increase in crashes or crash risks due to vehicles associated with these operations. States are encouraged to identify strategies and allocate resources to address identified safety problems in these areas in their CVSP. As part of this, States are strongly encouraged to focus on enforcement of Hazardous Materials (HM) regulations, with particular emphasis on ensuring that carriers are transporting HM in appropriate vehicles, and that HM are properly classified and marked in accordance with HM regulations.

5. Traffic Enforcement

Due to the success of State inspection programs, data analysis tells us that driver behavior is the primary causation factor for the majority of traffic crashes. To ensure a comprehensive CMV enforcement program, FMCSA will continue in FY 2016 its emphasis on traffic enforcement activities. This includes:

- CMV traffic enforcement associated with an inspection;
- CMV traffic enforcement without an accompanying inspection resulting from an observed unsafe driver behavior; and
- Traffic enforcement of non-CMVs operating unsafely around CMVs, subject to the 5% statutory limit on spending for this effort. Please note that while there is a 5% limit on traffic enforcement of non-CMVs operating unsafely around CMVs, there is no statutory limitation on CMV traffic enforcement.

As a reminder, States must provide specific data in their quarterly reports detailing traffic enforcement activities not associated with a CMV inspection. This allows us to strengthen our traffic enforcement programs nationwide and enables better tracking of grant fund expenditures.

B. Award Information

For FY 2016, FMCSA anticipates awarding a total of $168,275,000 in MCSAP Basic grant funding to 56 States and Territories and $10,000,000 in MCSAP Incentive grant funding to States and the District of Columbia to support CMV safety activities from October 1, 2015, through September 30, 2017.

Distribution of MCSAP Basic and Incentive grants is formula-based. The FY 2016 Basic and Incentive funding amounts FMCSA expects to award is subject to the availability of funds and is based under existing authority from MAP-21, Pub. L. No. 112-141 (2012), as extended. The MAP-21 authorization extension expires on May 31, 2015. If Congress approves another MAP-21 extension for FY 2016, then the FY 2016 funding amounts are expected to remain similar to FY 2015. The FMCSA will inform State lead agencies if new authorizing legislation changes this grant NOFA for FY 2016.

Because of the variations in certain formula factors, including a State’s varying ratio in comparison to the entire country for a specific factor, funding amounts will change from year to year. The formula factors for MCSAP Basic grants, as set forth in 49 C.F.R. § 350.323, are:

1. 1997 road miles (all highways), as defined by the Federal Highway Administration (FHWA);
2. All vehicle miles traveled, as defined by FHWA;
3. Population – annual census estimates as issued by the U.S. Census Bureau; and
4. Special fuel consumption (net after reciprocity adjustment), as defined by FHWA.

MCSAP Basic funds are distributed proportionally to the States using the above-mentioned four, equally weighted (25 percent), factors. To achieve a balanced program and ensure that every State and U.S. Territory is afforded the opportunity to participate in MCSAP, the MCSAP Basic formula has been adjusted for minimum and maximum allocations. The minimum allocation (also known as “floor”) for the States and Puerto Rico is $350,000 or 0.44 percent, whichever is higher, of available MCSAP funding. The maximum allocation (also known as “ceiling”) is 4.944 percent of available MCSAP funding. Each Territory’s funding level is fixed at $350,000 annually.

The Federal Motor Carrier Safety Regulation (FMCSR) 49 C.F.R. § 350.327(b) sets forth five formula factors for MCSAP Incentive grant distribution. Each factor is worth a certain number of shares, and each State may earn a maximum of 15 shares from all factors. The five factors are the:

1. reduction in the number of large truck-involved fatal accidents (five shares);

2. reduction in the rate of large truck-involved fatal accidents (four shares) or, if the grantee showed no change in its fatal accident rate from the previous year, maintenance of a fatal accident rate in the lowest 10 percent among MCSAP grantees (three shares);

3. upload of CMV crash data in accordance with current FMCSA data quality policy guidelines (two shares);

4. verification of commercial driver licenses (CDLs) during all roadside inspections (two shares); and

5. upload of CMV inspection reports in accordance with current FMCSA data quality policy guidelines (two shares).

C. Cost Eligibility Information

The FMCSA will reimburse up to 80 percent of eligible costs incurred in the administration of an approved CVSP. All reimbursable items must be necessary, reasonable, allocable, and allowable to accomplish the goals of the program. Cost eligibility standards are described in the applicable cost principles and administrative requirements:

- 2 C.F.R. Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; and

- FMCSA's MCSAP Comprehensive Policy, as revised.

In-kind contributions are acceptable in meeting the State's matching share if they represent eligible costs as established by 2 C.F.R. Part 200 and Agency policy. The FMCSA Administrator waives the requirement for matching funds for the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

In accordance with the provisions of 49 U.S.C. § 31102(b) as amended by MAP-21, Pub. L. No. 112-141, § 32601 (2012), State lead agencies must spend at least a specified amount of State funds for Federal assistance program purposes (called maintenance of effort, or MOE). Under this provision, the State lead agency must:

1. demonstrate that the total expenditure of amounts by the State lead MCSAP agency will be maintained at a level at least equal to the average level of that expenditure for fiscal years 2004 and 2005.

2. demonstrate that the amount of the State's MOE does not include the following three things:

   (1) Federal funds received for support of motor carrier and hazardous materials safety enforcement from other grant programs.

   (2) State matching funds; and

   (3) State funds used for Federally sponsored demonstration or pilot CMV safety programs; and

3. limit costs requested for reimbursement to costs incurred during the grant's period of performance.

If a State lead agency accepts a grant awarded under this program, it is responsible for all project expenses that exceed the awarded amount. MCSAP-funded personnel, including subgrantees, conducting inspections must meet the minimum Federal standards set forth in 49 C.F.R. Part 385 Subpart C and must have access to FMCSA information systems to upload inspection reports.

In accordance with the provisions of 49 C.F.R. § 350.311, expenses eligible for reimbursement under the MCSAP program are included in Appendix B within this NOFA and located in the MCSAP Comprehensive Policy (Appendix A) in Grants.gov.

The FMCSA will not consider construction costs in the application. Additionally, FMCSA will not consider costs for land, buildings (facilities) or consider additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life. This does not include costs for ordinary repairs and maintenance.

The FMCSA will not approve pre-award costs. Pre-award expenditures are made at risk of the State lead agency. The incurrence of pre-award costs in anticipation of an award imposes no obligation on FMCSA either to make the award or to increase the amount of the approved budget.

Before FMCSA will pay any reimbursements for indirect costs, a current and approved indirect cost rate agreement must be in force. The FMCSA will not approve reimbursement requests for indirect costs if an approved indirect cost rate agreement is not in force for the period of time that the indirect cost expenses are incurred.

The eligibility of all items is subject to review by FMCSA. States are strongly encouraged to review the MCSAP Comprehensive Policy, especially the cost eligibility table in Appendix A of that policy, when preparing the FY 2016 CVSP. The MCSAP Comprehensive Policy is available from your respective Division Office.

D. Application and Submission Information

The FMCSA utilizes Grants.gov (*www.grants.gov*) for accepting application forms under this program. Unsolicited applications will not be accepted. Program documents, such as the CVSP, are submitted separately into the eCVSP. See Appendix A for a checklist to ensure your application package is complete and submitted correctly.

STEP #1: To apply, the State lead agency must first complete the Grants.gov registration process. Note that the new registration process can take as long as four weeks.

STEP #2: Every State lead agency must: 1) be registered in the System for Award Management (*www.SAM.gov*) before submitting the application; 2) provide a valid *Data Universal Numbering System* (DUNS)

How do I know that my application has been received by Grants.gov?

Once Grants.gov has received your submission, they will send email messages to advise you of the progress of your application through the system.

Over the next two business days, you should receive two emails: 1) confirms application receipt by the Grants.gov system; and 2) indicates that the application has either been successfully validated by Grants.gov prior to transmission to FMCSA or has been rejected due to errors. Click here for more information.

number in its application; and 3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by FMCSA.

The FMCSA may not make a Federal award to a State lead agency until the State lead agency has complied with all applicable DUNS and SAM requirements. A State lead agency is not qualified to receive an award if the State lead agency has not complied with DUNS and SAM requirements.

STEP #3: The State lead agency must download the grant application package from Grants.gov, complete it, and submit the completed application package with required attachments through Grants.gov and eCVSP on or before the **deadline of 11:59 P.M. (EST) on Monday, August 3, 2015.**

State lead agencies may contact their FMCSA Division Office for eCVSP access issues and eCVSP information. The FMCSA does not own or maintain Grants.gov and is therefore unable to provide Grants.gov technical assistance. Training on how to apply in the Grants.gov system is available at: http://www.grants.gov/applicants/apply-for-grants.html. All technical assistance issues should be directed to Grants.gov at:

For Grants.gov assistance, contact:	
Phone:	1-800-518-4726 (toll-free) or 606-545-5035
Business Hours:	24 hours a day, 7 days a week
	Closed on Federal holidays
Email:	support@grants.gov

Important Note: If a State lead agency expects that they will not submit their application package by the deadline, the State lead agency may submit a written request to their FMCSA Division Administrator to request an extension. The FMCSA Division Administrator may allow an extension for a period not to exceed 30 calendar days if the State lead agency can show good cause.

Content and Form of Application Submission—

The FMCSA will continue to utilize the online CVSP development tool (eCVSP) for the FY 2016 MCSAP grant application and process. While State lead agencies are not required to use the eCVSP, FMCSA strongly encourages that State lead agencies do so. Use of the eCVSP helps ensure that States satisfies the requirements in 49 C.F.R. 350.213, expedites FMCSA’s review of the document, facilitates the prompt returning of comments or requests for clarification, and allows the State to easily resubmit a revised document. If a State lead agency chooses not to use eCVSP, it must ensure that the information it provides is consistent with 49 C.F.R. 350.213 and addresses the priorities listed in this NOFA. The FMCSA will not release a standalone CVSP template for FY 2016.

The State lead agency may choose to add supplemental information in eCVSP that it believes will support the proposal. However, the State lead agency should limit the information provided to FMCSA to what is needed to evaluate the proposed projects. Documents should not exceed 3 – 4 pages in length unless they involve the most complicated of issues (there is a 5MB per document size limit in eCVSP). Budgets and other information in charts or spreadsheets should be pre-formatted for printing on standard size copy paper.

Application Package Requirements—

1. **SF-424 – Application for Federal Assistance:** Standard application form for all Federal assistance requests available in the Grants.gov application kit. This form is required and submitted by the State lead agency into Grants.gov.

2. **SF-424A – Budget Information for Non-Construction Programs:** Standard budget form for requests for Federal assistance available in the Grants.gov application kit. This form is required and submitted by the State lead agency into Grants.gov.

3. **SF-424B – Assurances for Non-Construction Programs:** Standard assurances form associated with accepting Federal assistance funds available in the Grants.gov application kit. This document indicates that the State lead agency is in substantial compliance with various programs, regulations, and Federal laws for a non-construction program. This form is required and submitted by the State lead agency into Grants.gov.

4. **Grants.Gov Lobbying Form:** Standard lobbying form available in the Grants.gov application kit for State lead agencies to indicate that they do/do not engage in lobbying activity. This form is required and submitted by the State lead agency into Grants.gov.

5. **SF-LLL – Disclosure of Lobbying Activities:** Standard form for State lead agencies to report their lobbying activities available in the Grants.gov application kit. Only applies to State lead agencies that have lobbying activities to disclose. This form is optional and submitted by the State lead agency into Grants.gov, if applicable.

6. **Key Contacts Form:** Form to include the individuals that will be responsible for a Federal award. It is available in the Grants.gov application kit. This form is required and submitted by the State lead agency into Grants.gov.

The FMCSA requires three points of contact: 1) Authorized Designated Official (ADO), 2) Principal Investigator or Program Director (PI/PD); and 3) Financial Official (FO). Annotate on the form if the same individual is responsible for multiple roles.

- **Authorized Designated Official** (Authorized Signer): This individual is authorized to sign a grant award on behalf of the organization. This individual is typically the head of the organization or a designee (e.g., Colonel, Director, Commissioner, etc.).

- **Principal Investigator or Program Director** (Program/Project Manager): This individual has daily program implementation oversight. This role is typically performed by a project/program manager (e.g., Unit Commander, Project Coordinator, etc.).

- **Financial Officer** (Grants Manager): This individual is responsible for monitoring grant program finances and providing clarification on financial information such as budget details, Single Audits, invoice support documentation, etc. This role is typically performed by a grant, finance, or administrative/program specialist.

7. **Attachment Form:** Supplemental, optional form to submit attachments. Available in the Grants.gov application kit.

8. **Indirect Cost Rate Information:** If the budget includes indirect costs, attach a copy of the fully executed, negotiated agreement. If the rate will not be approved by the application due date, attach the letter of renewal or letter of request that you sent to your cognizant agency to your application.

IMPORTANT!

Attachment file names must be limited to the following characters: A-Z, a-z, 0-9, underscore (_), hyphen (-), space, and period.

Using any other characters will cause the application to be rejected by Grants.gov!

9. **FMCSA Administrative Capability Questionnaire (ACQ):** This required self-certification questionnaire is used by FMCSA to assess your organization's administrative management systems, infrastructure, policies, and resources. This form is submitted by the State lead agency into Grants.gov. It is located within the Grants.gov "Full Announcement" tab.

10. **Standard Title VI/Non-Discrimination Assurances:** This self-certification assurance ensures that the State lead agency will comply with the appropriate acts, regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the State lead agency receives Federal financial assistance from FMCSA.

The Standard Title VI/Non-Discrimination Assurances is located in Appendix E and on Grants.gov in the "Full Announcement" tab. This form is required and submitted by the State lead agency into Grants.gov.

11. **CVSP:** The CVSP includes a narrative on the program structure, past performance data, performance goals, objectives, activities, strategies, performance measures, and information to support the budget. Completed and submitted by the State lead agency in the eCVSP system.

12. **Certification of MCSAP Conformance (State Certification):** Required by 49 C.F.R. § 350.213(n), as described in detail in 49 C.F.R. § 350.211, this document certifies that the State will meet all of the requirements of participation in the MCSAP and must be executed by the authorized State official who provides program assurances. It is located within the Grants.gov "Full Announcement" tab, for reference and use. It is attached by the State lead agency in the eCVSP system.

13. **Annual Certification of Compatibility:** Required by 49 49 C.F.R. § 350.213(l), this document must be executed by the State's Governor, Attorney General, or other State official specifically designated by the Governor stating that the annual review was performed and the result of the annual review (including information on variances previously approved by FMCSA and variances submitted to FMCSA consideration but not yet approved).

    The document must either indicate that State CMV laws remain compatible with the FMCSRs and Hazardous Material Regulations (HMRs) or identify any incompatibilities and include an explanation regarding the State's progress towards achieving compatibility and the date by which compatibility is expected to be achieved. It is located within the Grants.gov "Full Announcement" tab, for reference and use. It is attached by the State lead agency in the eCVSP system.

14. **New Laws and Regulations:** Required by 49 C.F.R. § 350.213(m), a copy of any new law, regulation, or policy affecting CMV safety that was adopted by the State since the last CVSP; these new laws and regulations should be referenced in the Results of the Regulatory Compatibility Review. If there have been no new laws, regulations or policy affecting CMV safety since the last CVSP, you must upload a statement certifying that fact. It is attached by the State lead agency in the eCVSP system.

E. Application Review Information

All applications received by the due date and time are subjected to an initial intake review. This intake review determines whether the State lead agency is eligible for an award and the information required by the NOFA has been submitted. Applications that pass the intake review will be subjected to a comprehensive evaluation. If FMCSA requests revisions to the CVSP, State lead agencies must submit a revised CVSP no later than 30 days after receiving the request for revision. The FMCSA strongly encourages State lead agencies to complete the necessary planning and resource deployment required for timely submission and revision, if requested, as soon as possible.

The FMCSA will notify the State, in writing, within 30 days of receipt of the CVSP whether the plan is approved or whether approval has been withheld because the CVSP does not meet the regulatory requirements and/or is not adequate to ensure effective enforcement of the Federal FMCSRs and HMRs and/or corresponding State laws and regulations. If approval is withheld, the State lead agency will have 30 days from the date of the notice to modify and resubmit the plan.

F. Award Administration Information

Awards will be made as soon as administratively practicable. The FMCSA may not award grants until the enactment of authorizing legislation (budget authority), an appropriations act, an apportionment from the Office of Management and Budget (OMB), and FMCSA Administrator approval. The FMCSA may not award grants or release information concerning application recommendations until approval is obtained. The FMCSA may, at its discretion, issue partial funding awards up to the level authorized provided that the above conditions are met. Additional information on the budget process may be found in OMB A-11: http://www.whitehouse.gov/omb/circulars_default/.

The FMCSA is not obligated to make any Federal award as a result of the announcement. Funding amounts made available for reimbursement may be impacted by limitations placed on the FMCSA's authorizing legislation (budget authority) and FY 2016 appropriations act. Pursuant to FMCSA's contract authority for this program the effective date for this grant October 1, 2015; however, FMCSA is not responsible for any monies expended by the State lead agency outside the scope of the approved CVSP or prior to the award period of performance start date.

The FMCSA notifies grant recipients of approval by issuing a Notice of Grant Award (NGA) to the recipient via GrantSolutions (www.grantsolutions.gov), the FMCSA grant management system. Attached to the NGA is the FMCSA Financial Assistance Agreement General Provisions and Assurances (grant terms and conditions). The State lead agency must agree to the terms and conditions before grant funds will be awarded. A copy of the FY 2015 terms and conditions is located within the Grants.gov "Full Announcement" tab. The FMCSA is updating these terms and conditions to comply with OMB requirements and will make them available on Grants.gov when updated.

The grant terms and conditions outline the reporting requirements that the State lead agency must meet after award. Reporting responsibilities include quarterly program performance status using the Performance Progress Report (SF-PPR) and quarterly financial status using the Federal Financial Report (SF-FFR). For FY 2016 FMCSA grant awards, recipients must use GrantSolutions to submit the SF-FFR. The recipient is required to submit the quarterly SF-PPR via email until the FMCSA has made the necessary GrantSolutions system modifications that will allow for electronic SF-PPR reporting. Additional quarterly report information and other required forms and templates are available at: http://www.fmcsa.dot.gov/mission/grants/grantee-resources

All FMCSA grant programs are cost reimbursable and all FMCSA recipients must request reimbursement at least on a quarterly basis. Reimbursement means that grant funded entities must first expend their own money for activities identified in the grant application. Entities will then be reimbursed by FMCSA for actual costs incurred. This request must include a signed Request for Advance or Reimbursement (SF-270) and a detailed expenditures worksheet with a written explanation of how the funds were used. All costs must be in line with the approved budget, OMB cost principles and FMCSA policies. Recipients must submit requests for reimbursement electronically through the Delphi eInvoicing System (iSupplier). Additional information is available at: http://www.dot.gov/cfo/delphi-einvoicing-system.

G. Agency Contact—

The MCSAP Basic and Incentive grant program is managed by the USDOT– FMCSA–Associate Administrator for Enforcement – Office of Safety Programs – State Programs Division.

For more information related to this announcement or application submission, the State lead agency may contact the FMCSA Field Office in its State.

H. Other Information—

This NOFA is only applicable to MCSAP Basic and Incentive funding. Applications for related grant programs (MCSAP High Priority, MCSAP New Entrant) will not be accepted. The FMCSA may make changes or additions to this NOFA. All changes will be communicated on Grants.gov. The Agency encourages you to sign up for Grants.gov emails so you may be notified of the changes.

This NOFA is intended for informational purposes and reflects current planning. If there is any inconsistency between the information contained herein and the terms of any resulting funding agreement, the terms of the NGA are controlling.

For applicant and grantee resources, please see the FMCSA Grant Programs Website, available at http://www.fmcsa.dot.gov/mission/grants/grantee-resources

Appendix A — Application Package Requirements

Below are the documents necessary to complete your application package. Use of this appendix is encouraged as it ensures your application will proceed forward for further review. The table below lists the document names, description, location, and submission information.

Document Name		Document Description and Location Information	Document Included	
1	SF-424 Application for Federal Assistance	Required standard application form for all requests for Federal assistance. Available in the Grants.gov application package. Attached by the State lead agency to the Grants.gov application package.	YES ☐	NO ☐
2	SF-424A Budget Information for Non-Construction Programs	Required standard budget form for requests for Federal assistance. Available in the Grants.gov application package. Attached by the State lead agency to the Grants.gov application package.	YES ☐	NO ☐
3	SF-424B Assurances for Non-Construction Programs	Required standard assurances form associated with accepting Federal assistance funds. This document indicates that the State lead agency is in substantial compliance with various programs, regulations, and Federal laws for a non-construction program. Available in the Grants.gov application package. Attached by the State lead agency to the Grants.gov application package.	YES ☐	NO ☐
4	Grants.Gov Lobbying Form	Required form that allows State lead agencies to indicate that they do not engage in lobbying activity. Available in the Grants.gov application package. Attached by the State lead agency to the Grants.gov application package.	YES ☐	NO ☐
5	SF-LLL Disclosure of Lobbying Activities (if applicable)	Standard form for State lead agencies to report their lobbying activities available in the Grants.gov application kit. Only applies to State lead agencies that have lobbying activities to disclose. Available in the Grants.gov application package. Attached by the State lead agency to the Grants.gov application package, if applicable.	YES ☐	NO ☐

Appendix A — Application Package Requirements				
Document Name		**Document Description and Location Information**	**Document Included**	
6	Key Contacts Form	Required form requests contact information for the: 1) Designated Authorized Designated Official (authorized signer), 2) Principal Investigator or Program Director (program/project manager); and 3) Financial Official (Grants Manager). Available in the Grants.gov application package. Attached by the State lead agency to the Grants.gov application package.	YES ☐	NO ☐
7	Attachment Form	Form used to submit supplemental attachments to support the grant application. Available in the Grants.gov application package. Attached by the State lead agency to the Grants.gov application package, if applicable.	YES ☐	NO ☐
8	Indirect Cost Rate Agreement	State lead agency's signed current approved indirect cost rate from the cognizant Federal agency or letter of request to cognizant agency for rate establishment or adjustment. Attached by the State lead agency to the Grants.gov application package, if indirect costs are included in the budget.	YES ☐	NO ☐
9	FMCSA Administrative Capability Questionnaire	Required self-certification for FMCSA to assess the adequacy of the State lead agency's administrative management systems. The questionnaire is located within the Grants.gov "Full Announcement" tab. Completed by the State lead agency and attached to the Grants.gov application package.	YES ☐	NO ☐

Appendix A — Application Package Requirements				
Document Name		**Document Description and Location Information**	**Document Included**	
10	Standard Title VI/Non-Discrimination Assurances	Required self-certification assurance ensures that the State lead agency will comply with the appropriate acts, regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination. The assurance is located within the Grants.gov "Full Announcement" tab. This form is submitted by the State lead agency into Grants.gov.	YES ☐	NO ☐
11	CVSP	Commercial Vehicle Safety Plan narrative which includes program structure, past performance data, performance goals, objectives, activities, strategies, performance measures, and budget documentation. Completed and submitted by the State lead agency in the eCVSP system.	YES ☐	NO ☐
12	Certification of MCSAP Conformance (State Certification)	Required by 49 C.F.R. § 350.213(n), as described in detail in 49 C.F.R. § 350.211, this document certifies that the State will meet all of the requirements of participation in the MCSAP and must be executed by the authorized State official for providing program assurances. The certification is located within the Grants.gov "Full Announcement" tab. Attached by the State lead agency in the eCVSP system.	YES ☐	NO ☐

Appendix A — Application Package Requirements				
Document Name		Document Description and Location Information	Document Included	
13	Annual Certification of Compatibility	Required by 49 C.F.R. § 350.213(l), this document must be executed by the State's Governor, Attorney General, or other State official specifically designated by the Governor stating that the annual review was performed and the result of the annual review (including information on variances previously approved by FMCSA and variances submitted to FMCSA consideration but not yet approved). The document must either indicate that State CMV laws remain compatible with the FMCSRs and HMRs or identify any incompatibilities and include an explanation regarding the State's progress towards achieving compatibility and the date by which compatibility is expected to be achieved. Document is created and attached by the State lead agency in the eCVSP system.	YES ☐	NO ☐
14	New Laws and Regulations	Required by 49 C.F.R. § 350.213(m), a copy of any new law, regulation, or policy affecting CMV safety that was adopted by the State since the last CVSP; these new laws and regulations should be referenced in the Results of the Regulatory Compatibility Review. If there have been no new laws, regulations or policy affecting CMV safety since the last CVSP, you must upload a statement certifying that fact. Attached by the State lead agency in the eCVSP system.	YES ☐	NO ☐

The FMCSA will continue to utilize the online CVSP development tool (eCVSP) for the FY 2016 process. While State lead agencies are not required to use the eCVSP, FMCSA strongly encourages that States do so. Use of eCVSP helps ensure that State lead agencies satisfy the requirements in 49 C.F.R. § 350.213, expedites FMCSA's review of the document, facilitates the prompt returning of comments or requests for clarification, and allows the State to easily resubmit a revised document. If a State lead agency chooses not to use eCVSP, it must ensure that the information it provides is consistent with 49 C.F.R. § 350.213 and addresses the priorities listed in this NOFA.

All project and budget narrative submissions outside of the eCVSP must be on 8.5" x 11" paper, using either the "Times New Roman" or "Arial" font type in 12 point. Page margins must be at least 0.5" overall. There is no specific page limitation. Include a description of the goal(s) of the application and the applicable program priority(ies) met by the application's projects. Include specific information about the outputs the application proposes to achieve. For each goal identified, the State lead agency must provide a problem statement, performance objective, program activity plan, and performance measurement plan.

<table>
<tr><th colspan="2">Sample Problem Statement</th></tr>
<tr><td colspan="2">Definition
Description of the State-identified problem. Include relevant details to identify the problem and to establish the baseline (include data source, how the State collects, maintains, and analyzes the data).</td></tr>
<tr><th>Sample #1</th><th>Sample #2</th></tr>
<tr><td>The State has identified 5 corridors of highway that alone account for 38.4% of all CMV-related fatalities in the State. State traffic records indicate that speeding, following too closely, and improper lane change account for 84% of the crash causation factors along these corridors.</td><td>The State has identified hours of service related issues as the single most often cited violation in both carrier investigations and during roadside inspections. The State suspects that driver fatigue, as evidenced by improper adherence to hours of service regulations, accounts for 25% of the crashes in the State.</td></tr>
<tr><td colspan="2">FMCSA Evaluation Criteria
The FMCSA will consider the extent to which the State lead agency has used available data to identify the cause of CMV crashes.</td></tr>
</table>

Sample Performance Objective	
Definition Description of the goal related to the problem statement. This can be measured in the number or percentage reduction of crashes, fatalities, injuries, and/or specified incidents) that will result by implementing specific strategies and activities.	
Sample #1	**Sample #2**
The State will conduct enforcement activities along the 5 identified corridors of highway using our most current data with the goal of reducing the crash rate along each by greater than 10% during the activity period.	The State will reduce the number of hours of service violations found in roadside inspections and during carrier investigations for domiciled carriers by 30% during the activity period.
Evaluation Criteria The FMCSA will consider the extent to which the State lead agency describes sound program goals and objectives that are specific, measurable, and can likely be achieved during the grant period of performance. The FMCSA will also consider the extent to which the State lead agency thoroughly explains why it selected the project goals and objectives to address the need(s) established in the Problem Statement.	

Sample Program Activity Plan	
Definition Description of the activities the State believes will help mitigate the problem. This section should only be a high-level description – detailed activities will be described later.	
Sample #1	**Sample #2**
The State will conduct high visibility traffic enforcement along the 5 identified corridors of highway during the activity period. The State will conduct at least 5 enforcement blitzes each month and will ensure that it increases the number of officers assigned to each corridor from X to Y during each of the 4-day periods. (See Driver/Vehicle inspection section for further information.)	The State will focus on conducting at least 40% of its total number of inspections as Level III. Further, the State will provide additional training to officers to detect hours of service violations. Finally, the State will engage in 12 free hours of service safety talks to motor carrier associations around the State during the performance period. (See respective sections for further information i.e., Outreach and Education.)
Evaluation Criteria The FMCSA will consider the extent to which the State lead agency describes tasks, activities, and timelines to achieve the project goals.	

Sample Performance Measurement Plan	
Definition Description of how the State will measure progress towards the performance objective goal, such as quantifiable and measurable outputs (hours, carrier contacts, inspections, etc.) and in terms of performance outcomes. The measure must include specific benchmarks that can be reported on in the quarterly progress report if practicable (if quarterly reporting is not practicable, explain how the annual outcome will be reported).	
Sample #1	**Sample #2**
The State, using its own crash data, will record the number of officer enforcement hours, stops made, citations issued, violation code of citations issued, and crashes reported along each corridor at the end of each quarter. Using this information, the State will adjust the officers assigned to future blitzes and provide each officer assigned with a specific focus area for enforcement. The State expects that number of crashes in each corridor will be 10% lower than the comparable period in 2014.	The State will evaluate the various levels of inspections each quarter to ensure that officers focus on Level III to meet the program-wide goal of at least 33% of all inspections. Further, the State will evaluate the violation types cited on inspections and carrier investigations for domiciled carriers to monitor the percentage of hours of service violations. Based on this, the State may shift resources to conduct additional safety talks or inspections.
Evaluation Criteria The FMCSA will consider the extent to which the State lead agency thoroughly outlines how it will monitor the effective implementation of the strategies and document the project outcomes.	

What is a Budget Narrative?

The budget narrative explains the “what, “how” and “why” of a line item cost to carry out grant project goals and objectives. A budget narrative is a narrative explanation of each budget component which supports the costs of the proposed work. The budget narrative should focus on how each budget item is required to achieve the proposed project goals and objectives. It should also justify how budget costs were calculated.

The budget narrative should be clear, specific, detailed, and mathematically correct.
The FMCSA reviews the budget narrative to confirm how costs are allowable, allocable, necessary, reasonable, and how it relates to the activities within the project plan. A well-developed budget narrative is also an effective management tool; a budget that doesn’t represent a project’s needs makes it difficult to recommend for funding and assess financial performance over the life of the project. The budget narrative serves a number of critical functions:

- Describes your need for or necessity of an expense;
- Documents how reasonable the request is, conveys your judgment as well as the feasibility of the project in context of available and proposed resources.
- Helps FMCSA review high-risk cost items to determine funding.

Use this budget narrative guidance to help develop your budget. Note that each budget narrative for the MCSAP Basic and Incentive program includes a break-out of the Federal and State matching share. The FMCSA evaluates costs based on the total project cost (Federal + State). The break-out is provided for State lead agency planning and tracking purposes. The total project costs (federal + match), by object class, in the final approved CVSP, shall be the final budget figures to be used during the project period.

What Different Costs are in a Budget Narrative?

Personnel: Personnel costs are employee salaries working directly on a grant project. Only include costs for personnel employed by your organization. Costs should be consistent with that paid for similar types of work within the organization. Individuals not employed by your organization will be classified as either a subgrant or contractor. See the contractual object class for additional information.

Below is a sample personnel budget narrative. The FMCSA evaluates the personnel budget narrative to determine whether the proposed number of personnel is appropriate and that there is sufficient staffing to meet the project objectives. The proposed effort should be consistent with the effort required by the work plan. The labor mix should be consistent with the caliber of effort –

professional/nonprofessional/clerical – required by the grant work plan. The FMCSA also reviews the personnel budget to determine if the salary ranges proposed are reasonable.

Sample Personnel Budget Narrative							
Salary Information							
Position(s)	**# of Staff**	**% of Time**	**Work Year Hours**	**Hourly Rate**	**Total Cost**	**80% Federal Share**	**20% State Match**
Supervisor	1	100	2080	$28	$58,240		
Trooper	1	50	1040	$19	$19,760		
Troopers	10	100	2080	$19	$395,200		
Sub-Total Salary					***$473,200***		
Total Personnel					***$473,200***	***$378,560***	***$94,640***
The Supervisor supervises activities of the project. She/he spends time implementing this project, supervising staff, and conducting activities to meet the objectives of this project. Activities include: supervising daily operation of projects and staff, providing staff training/technical assistance, coordinating staff work schedule/assignments, ensuring data entry, tracking and following-up on procedures to meet quality assurance, and tracking policy to ensure compliance.							

Fringe Benefits: Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans. The costs of fringe benefits are allowable provided that the benefits are reasonable and are required by law, non-Federal entity-employee agreement, or an established policy of the non-Federal entity. The FMCSA will only reimburse fringe costs for the personnel and only for the percentage of time they devote to the project. Some helpful tips:

- Include how the fringe benefit amount is calculated (e.g., actual fringe benefits, rate approved by the Health and Human Services State Wide Cost Allocation Plan or cognizant agency). Explain what is included in the benefit package. Due to various levels of support, such as health care and retirement, it is understood that these fringe percentages are averages among employees listed, and that the SF-270 will provide the specific fringe costs of employees for which the agency is seeking reimbursement. Do not combine the fringe benefit costs with direct salaries and wages in the personnel category.

- An agency who is on a cash basis shall not accrue leave expenses per 2 CFR 200.431(b)(3)(i-ii).

Below is a sample fringe budget narrative. Note that that the personnel in the personnel budget narrative should be reflected in the fringe benefits budget narrative. The level of personnel participation (full time or part time) must also correspond to the fringe charged. This way, we ensure that the correct fringe is attributed to the correct grant.

Sample Fringe Benefits Budget Narrative					
Position(s)	**Rate**	**Base Amount**	**Total Cost**	**80% Federal Share**	**20% State Match**
1 Trooper	16.72	100	$6,608		
10 Troopers (Part-Time)	16.72	50	$33,040		
Sub-Total Fringe Benefits			***$39,648***	***$31,718.40***	***$7,929.60***
Fringe benefits include cost of health insurance, retirement, workers' compensation and unemployment benefit plans. It is calculated at the average rate of 16.72 as recognized by the cognizant agency. This rate is applied to the average hourly rate of $19 per trooper, with a projected annual hours worked at 2,080 hours. The 10 part-time troopers average 50% per Trooper working on the program or an average of 1,040 hours.					

Travel: Travel costs include field work activities and travel to professional meetings. The FMCSA reviews the travel budget to ensure that amounts are reasonable based on the level of effort described in the project plan. Generally speaking, FMCSA will accept in-State travel costs for routine operations as reasonable unless there is a specific reason to question them. The FMCSA evaluates out-of-state travel to ensure the trips planned are necessary to complete the scope of work (usually training or meeting attendance), and that the number of travelers is consistent with the trip purpose. Some helpful tips:

- Include estimates for unforeseen travel such as possible FMCSA required meetings, with estimated costs of attendance.

- Explain the reason for travel expenses for project personnel (e.g., staff to training, field interviews, advisory group meeting, etc.) and, if known, identify the location/destination of travel.

- Do not include payroll, fringe, or other costs listed as part of the travel. For example, payroll/fringe is included in personnel and fuel costs are included in other.

Below is a sample travel budget narrative. Unexpected eligible conferences, such as with FMCSA, can be put into the budget without the need to breakout what the daily cost will be; however, when it is billed to the budget, it will be billed with actuals expenses, which are auditable. Expenses must be auditable (e.g. able to be backed up with actual days on the road, state per diem costs, hotel expenses, and any allowable miscellaneous costs).

Sample Travel Cost Budget Narrative					
Purpose	**# of Staff**	**Days**	**Total Cost**	**80% Federal Share**	**20% State Match**
Statewide Travel - Inspections	15		$300,000		
Certification Training	15		$27,000		
FMCSA Conference	10		$18,000		
Sub-Total Travel			***$345,000***	***$276,000***	***$69,000***

The history of this agency is that we plan to utilize 15 officers to complete 1500 inspections which will occur throughout the state. It has been found that the average costs are about $200/inspection. This includes the per diem, hotel, vehicle mileage, and related travel cost.

Certification Training is expected to be conducted during the year. Fifteen (15) staff members will be attending certification training. Our experience has shown that the average cost for this training, which includes, airfare, per diem, hotel, taxi, and related expenses has come to $1,800 per employee.

It is expected that the FMCSA will be holding an annual national MCSAP conference but its location and related costs cannot be determined at this time. We are budgeting based on last year's average cost at $1,800 per employee.

Equipment: Equipment costs are tangible, nonexpendable, personal property items that have a useful life of more than one year and an acquisition cost of $5,000 or more per unit. The FMCSA evaluates the need for the equipment (e.g., ratio of employees to equipment) in the budget narrative and how it supports project activities. The FMCSA also evaluates the extent to which the equipment is being used to support more than one FMCSA grant. If it does, FMCSA evaluates if the cost has been prorated accurately. Additionally, the FMCSA reviews past performance information to determine if the same equipment for the project/program was purchased in previous years. A sample equipment budget narrative is below. Some helpful tips:

- Indicate in the narrative if your equipment threshold is below $5,000 so FMCSA understands why lower costs items are included in this line. Otherwise, expenses under the threshold of $5,000 per item belong in supplies or other, depending on the item.

- Explain the purpose and use of each item of equipment. Prorate the costs, if applicable.

- Common purchases like a computer system (when purchased as a package - keyboard, monitor and hard drive, etc.) are considered equipment if the total cost exceeds the threshold. If these same items are purchased individually (and not as a package) and each unit is below the threshold, list them under supplies.

- When developing your budget analyze the cost benefits of purchasing versus leasing equipment, particularly high-cost items and those subject to rapid technical advances. List rented or leased equipment costs in the contractual or the other object class, depending upon your procurement method. See the guidance under the other object class for additional information.

Sample Equipment Cost Budget Narrative					
Item Name	**# of Items**	**Cost per Item**	**Total Cost**	**80% Federal Share**	**20% State Match**
Vehicles	12	$36,000	**$432,000**		
Sub-Total Equipment			***$432,000***	***$345,600***	***$86,400***
The state requests 12 new vehicles to complete motor carrier safety inspections that will replace vehicles that have reached their useful life by the state's vehicle replacement policy. These vehicles will only be used for grant eligible purposes and are needed to fulfill activities proposed in the application. The cost for purchasing a vehicle is based on the State's current procurement contract.					

Supplies: Supplies are tangible personal property other than equipment. The FMCSA evaluates supplies costs to ensure a sufficient level of detail that would allow an informed reader to understand that the standard office supplies are reasonable. For example, an applicant need not provide details on the number of paper clips that it will purchase. At the same time, FMCSA cannot accept an amount for office supplies that would equal, say, $8,000 a year per person without further clarification. Some helpful tips:

- A good way to document supplies is to indicate the approximate expenditure of the unit as a whole (e.g., office supplies cost $XX per month).

- Do remember to include a quantity and unit cost for larger cost supply items such as computers and printers.

Below is a sample supplies budget narrative.

Sample Supplies Cost Budget Narrative						
Item Name	**# of Units/Items**	**Unit of Measurement**	**Cost per Unit**	**Total Cost**	**80% Federal Share**	**20% State Match**
General Office Supplies	12	Month	$39	$468		
Mobile Printers	7	Item	$250	$1,750		
Laptop Computers	12	Item	$2,000	$24,000		
Sub-Total Supplies				***$26,218***	***$20,974.40***	***$5,243.60***
General office supplies are required for 26 officers in the program. Ten part-time troopers require new laptop computers and five full-time officers require new mobile printers to complete this grant's activities. These officers conduct roadside inspections to fulfill reporting requirements. The extra mobile printers and laptops are requested for replacement purposes.						

Contractual: Contractual object class costs include the cost of any contract or subgrant agreement between the applicant and another organization (for example a vendor or local government organization). Contractual costs can be categorized two ways: contract or subgrant.

The FMCSA reviews the contractual budget narrative to ensure it contains sufficient descriptive information about what specific costs (products and/or services) would be charged to the grant, a rationale for how those costs were derived, and the applicability and necessity of each to the grant.

A helpful tip: Include the name of the vendor/subgrantee, if known. If not, indicate that the selection is pending and an estimated timeframe when the vendor/subgrantee will be selected. In the application, the most important component of the contractual budget narrative is the purpose of the contract/subgrant and how the cost was estimated/derived.

Guidance for Contract Costs: A contract means a legal instrument by which a non-Federal entity purchases services needed to carry out the project or program under a Federal award. A contractor provides the goods and services within normal business operations; provides similar goods or services to many different purchasers; normally operates in a competitive environment; provides goods or services that are ancillary (but necessary) to the operation of the Federal program. A contractor is not subject to Federal compliance requirements as a result of the grant, though similar requirements may apply for other reasons.

For example, contractual costs could include training, maintenance contracts, or other service contracts except those which belong in different object classes such as equipment or supplies (depending upon your organization's policy). The term "procurement" is used to identify the process of acquiring goods and services from sources outside of the grantee organization. When procuring property and services under a Federal award, an organization must follow the same policies and procedures it uses for procurements for its non-Federal funds. Non-competitive procurements should only be used in limited circumstances and should be a last resort.

Guidance for Subgrant Costs: A subgrant means an award provided by the grantee (also known as a pass-through entity) to a subgrantee. A subgrantee has its performance measured in relation to whether objectives of a Federal program were met; has responsibility for programmatic decision making; is responsible for adherence to applicable Federal program requirements specified in the Federal award; and, in accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in the authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

A subgrant may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. Federal regulations require that all subgrantees obtain and maintain a Data Universal Numbering System (DUNS) number and continue to maintain an active System for Award Management registration at all times during an active Federal award.

Below is a sample contractual budget narrative for contractor costs. If you intend to provide funding to another organization as a subaward, provide a new object class budget narrative and line item budget for each subgrantee organization in the eCVSP. The eCVSP now allows for State lead agencies to submit a subgrantee budget narratives and line item budgets.

Sample Contractual Cost Budget Narrative			
Description of Services	**Total Cost**	**80% Federal Share**	**20% State Match**
Contract services for crash timeliness	$200,000		
Sub-Total Contractual	***$200,000***	***$160,000***	***$40,000***
Contract services for crash timeliness include an assessment of the timeliness and quality of our data systems and the contractor oversees the development of plans to implement improvements to the system that support the state's highway safety programs. The contractor will conduct analyses of crash, ticket, and inspection data used in the planning and development of the CVSP, evaluating program and legislative initiatives, and monitoring the performance of the program.			

Other: Other costs are costs that do not fit within any of the other object class categories. Typical costs in this category include rent for buildings used to conduct project activities, utilities, and printing costs. The FMCSA reviews other costs to determine whether these costs are consistent with the proposed work plan and are necessary to complete the approved work plan. The FMCSA also evaluates the costs to ensure that no unallowable costs, such as entertainment expenses, are included. Below is a sample other costs budget narrative. Some helpful tips:

- A lease is considered an Other cost when you are not the prime on the contract; rather, you are partnering with a different agency in your state or using a shared utility, facility or other services purchased through the state for one or more agencies. A lease is considered a contractual cost when you directly engage, and form a contract with, a vendor.

- Ensure that other costs such as professional services, audit, postage, printing, and facilities expenses are not already accounted for in either your indirect cost rate agreement or cost allocation plan.

Sample Other Cost Budget Narrative						
Item Name	**# of Unit/ Items**	**Unit of Measurement**	**Cost Per Unit**	**Total Cost**	**80% Federal Share**	**20% State Match**
Copy machine rental	12	Item	$50	$600		
Sub-Total Other				***$600***	***$480***	***$120***
The rental of the copy machine is shared with the administration. The machine is used on a daily basis to print inspection reports. A code is punched in whenever it is used for grant purposes. The cost is based on the average, prior grant year usage of the machine for grant activities.						

Indirect Costs: Indirect costs are costs incurred for common or joint objectives that benefit more than one project. They may be administrative and/or programmatic. The FMCSA reviews indirect cost rates to ensure the rate is valid, calculations are correct in the budget, and that the rate is applied to the appropriate base.

Remember to include your indirect cost rate agreement with your application in Grants.gov. If your rate will not be approved by the application due date, attach the letter of renewal or letter of request that you sent to your cognizant agency. This documentation is used as a placeholder until the rate is approved. Grantees may not receive reimbursement for indirect costs until the rate is approved.

Appendix C — eCVSP Information

Access to the eCVSP website is through FMCSA's MCSAP page of the Analysis and Information (A&I) online website: http://ai.fmcsa.dot.gov/StatePrograms/Home.aspx

Registration process:

The FMCSA will work directly with each State to develop a list of users that require access to the eCVSP website. States will have the option of identifying three types of user roles:

1. **View only –** users will only have the ability to view the information entered by the State or comments from FMCSA; these users will not be able to enter any information, make changes, or submit the documents on behalf of the State.

2. **Edit –** users will have the ability to enter information on behalf of the State, including responding to FMCSA comments; these users will not be able to submit the documents on behalf of the State.

3. **Submit** –users will have the ability to enter information on behalf of the State, including responding to FMCSA comments; these users will also have the ability to submit the documents on behalf of the State.

For issues or concerns related to registration of a State user in eCVSP, please contact your respective FMCSA Division Administrator.

Additional information regarding the use of the eCVSP system will be available during the webinar training sessions detailed in Appendix D.

Attachment D — Pre-Application Webinars

The FMCSA will host training webinars during May which will demonstrate the basics regarding how to use eCVSP and the system enhancements for FY 2016. Detailed information about the CVSP template and FMCSA's expectations for each section will be provided.

The FMCSA will distribute email invitations to register for the webinars through its Division Offices. Users may also register at the individual links provided below. To ensure maximum availability of the webinars for all users, time zones, and schedules, FMCSA will be offering webinars at the following dates and times:

Date	Time (Eastern)	eCVSP Webinar Registration
Tuesday, May 5, 2015	10 am – 12 pm	Registration link: https://connectdot.connectsolutions.com/admin/show-event-catalog?folder-id=1115610257
Thursday, May 7, 2015	2 pm – 4 pm	Registration link: https://connectdot.connectsolutions.com/admin/show-event-catalog?folder-id=1115610257
Tuesday, May 12, 2015	10 am – 12 pm	Registration link: https://connectdot.connectsolutions.com/admin/show-event-catalog?folder-id=1115610257

An additional webinar session will be provided to accommodate the time difference for the Territories operating in the FMCSA Western Service Center area. An email invitation will be distributed for this webinar through the FMCSA Hawaii Division Office.

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The (***Title of Recipient***) (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq*., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq*.), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq*.), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq*.), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq*.), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq*.), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. Part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995), entitled "Federal Actions to Address

Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm.;

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "*application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency*." When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's "*Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons,*" dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

> *"No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA."*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Motor Carrier Safety Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

   "*The **(Title of Recipient)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.*";

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

   a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

   b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, [Name of the recipient] also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. [Name of Recipient] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on [insert State], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

____

(Name of Recipient)

by____

(*Signature of Authorized Official*)

DATED______________________________

ASSURANCE APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:

   a. withholding payments to the contractor under the contract until the contractor complies; and/or
   b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the

Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

ASSURANCE APPENDIX B
CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the (***Title of Recipient***) will accept title to the lands and maintain the project constructed thereon in accordance with (***Name of Appropriate Legislative Authority***), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program,** and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (***Title of Recipient***) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto (***Title of Recipient***) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (***Title of Recipient***), its successors and assigns.

The (***Title of Recipient***), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the (***Title of Recipient***) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

ASSURANCE APPENDIX C
CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (***Title of Recipient***) pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:

    1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (***Title of Recipient***) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (***Title of Recipient***) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

ASSURANCE APPENDIX D
CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by (***Title of Recipient***) pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will there upon revert to and vest in and become the absolute property of (***Title of Recipient***) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

ASSURANCE APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq*., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 et seq. and 49 C.F.R. § 303;

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq*.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq*.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq*.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (102 Stat. 28.), ("*….which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964*.");
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq), as implemented by 49 C.F.R. § 25.1 et seq.