



U.S. Department of Transportation

Notice of Funding Opportunity Number 693JJ322NF00010

*“Advanced Transportation Technologies and
Innovative Mobility Deployment (ATTIMD) Program”*

also known as

“Advanced Transportation Technology and Innovation (ATTAIN) Program”

Issue Date: 9/19/2022

Application Due Date: 11/18/2022

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The Federal Highway Administration (FHWA) is using www.Grants.gov for the issuance of this Notice of Funding Opportunity (NOFO). Applicants must register at Grants.gov under the NOFO number to receive notifications of updates/amendments to this NOFO. It is the Applicant's responsibility to monitor the Grants.gov site for any updates/amendments to this NOFO.

Summary Information

Funding Opportunity Summary:	Up to \$60 million in Federal funding to provide grants to eligible entities to deploy, install, and operate advanced transportation technologies to improve safety, mobility, efficiency, system performance, intermodal connectivity, and infrastructure return on investment.
Federal Agency Name:	U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) Office of Operations 1200 New Jersey Avenue, SE Mail Drop: E86-205 Washington, DC 20590 Attn: David Harris
Funding Opportunity Title:	<i>Advanced Transportation Technologies and Innovative Mobility Deployment (ATTIMD) Program</i> also known as <i>Advanced Transportation Technology and Innovation (ATTAIN) Program</i>
Announcement Type:	This is the initial announcement of this funding opportunity. This is not a follow-on notice. Note, FHWA previously issued six NOFOs for the Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) Grant Program before the program was amended and renamed to the Advanced Transportation Technologies and Innovative Mobility Deployment Program by Section 13006 of the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “Bipartisan Infrastructure Law” (BIL)).
Funding Opportunity Number:	693JJ322NF00010
Type of Award:	Cooperative Agreements or Allocations to State departments of transportation
Catalog of Federal Domestic Assistance (CFDA) Number:	20.200 Highway Research & Development
Application Due Date:	Submission Deadline: Applications are due by 11/18/2022 at 11:59 PM Eastern Time through www.Grants.gov
Questions:	Submit Questions to: ATTAIN@dot.gov

Funding Opportunity Informational Webinar

The Federal Highway Administration (FHWA) will host an Informational Session regarding this funding opportunity focused on the ATTAIN Program. This session will be conducted as a virtual forum and will focus on specific topics to help potential Applicants gather additional information and ask specific questions.

Participation in this session is not mandatory to submit an application under this NOFO. However, we encourage potential Applicants to take advantage of this opportunity to gather information regarding this specific funding opportunity.

INFORMATIONAL SESSION: ATTAIN PROGRAM

SESSION: Virtual Webcast: Background and Application Information for the ATTAIN Program

DATE: 10/12/2022

TIME: 1:00 *pm* Eastern Time

INFORMATION AND REGISTRATION: To Be Determined

Note: FHWA will also consider conducting additional virtual and/or in-person workshops regarding the ATTAIN Program funding opportunity.

Substantive Changes from Fiscal Year 2021 ATCMTD NOFO

Note: Applicants are responsible for familiarizing themselves with the entire NOFO. This page is only guidance to identify significant changes and does not identify all changes.

The Program Description, beginning on page 5, has been revised.

The Focus Areas, beginning on page 10, have been revised.

The table identifying which of the technologies, DOT goals, and focus areas are addressed in the application, beginning on page 30, has been revised.

Project Outcome Criteria, beginning on page 33, have been added.

Additional Review Criteria, beginning on page 48, have been added.

SECTION A – PROGRAM DESCRIPTION

The Advanced Transportation Technologies and Innovative Mobility Deployment Program (ATTIMD), established in Section 503(c)(4) of title 23, United States Code (U.S.C.), also known as the Advanced Transportation Technology and Innovation (ATTAIN) Program, directs FHWA to award grants to eligible entities to deploy, install, and operate advanced transportation technologies to improve safety, mobility, efficiency, system performance, intermodal connectivity, and infrastructure return on investment. FHWA intends for these model technology deployments to help demonstrate how emerging transportation technologies, data, and their applications can be effectively deployed and integrated with existing systems to provide access to essential services and other destinations. This also includes efforts to increase connectivity to employment, education, services, and other opportunities; support workforce development; or contribute to increased mobility, particularly for persons with visible and hidden disabilities and elderly individuals. The Assistance Listing Number for this opportunity is 20.200 – Highway Research and Development.

FHWA anticipates making not less than 5 and no more than 10 awards of up to \$12 million individually.

NOTE: The program referenced above for this funding opportunity will hereby be referred to as “ATTAIN” for the remainder of this document.

FHWA seeks to fund projects that reduce greenhouse gas (GHG) emissions and are designed with specific elements to address climate change impacts. Section E provides more information on the specific measures a project may undertake to support these goals.

FHWA also seeks to award projects that address environmental justice, particularly for communities (including rural communities) that may disproportionately experience consequences from climate change and other pollutants. Environmental justice, as defined by the U.S. Environmental Protection Agency, is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As part of the Department's implementation of Executive Order (E.O.) 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), the Department seeks to fund projects that, to the extent possible, target at least 40 percent of resources and benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened communities. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds for construction. See Section F.2 of this NOFO for program requirements.

FHWA also seeks to award projects that proactively address equity and barriers to opportunity, including automobile dependence as a form of barrier, or redress prior inequities and barriers to opportunity. Section E describes equity considerations that an Applicant can undertake, and the Department will consider during the review of applications. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds for construction. All projects must comply with Federal civil rights requirements. See Section F.2 of this NOFO for program requirements.

In addition, FHWA intends to use this NOFO opportunity to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and workforce programs, in particular registered apprenticeships, labor management partnerships and Local Hire agreements,¹ in project planning stages and program delivery. Projects that incorporate such planning considerations are expected to support a strong economy and labor market. Section E describes job creation and labor considerations an Applicant can undertake and that the

¹ Contracts awarded with geographic hiring preferences are eligible for assistance under most Department financial assistance programs.

Department will consider during the review of applications. Projects that have not sufficiently considered job creation and labor considerations in their planning, as determined by the Department, will be required to do so to the full extent possible under the law before receiving funds for construction. See Section F.2 of this NOFO for program requirements.

Section E of this NOFO describes the process for selecting projects that further these goals programs. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria.

Consistent with DOT's Rural Opportunities to Use Transportation for Economic Success (ROUTES) Initiative, FHWA seeks to award funding to rural projects that address deteriorating conditions and disproportionately high fatality rates and transportation costs in rural communities.

1. STATEMENT OF PURPOSE

FHWA hereby requests applications to result in awards to eligible entities to deploy, install, and operate advanced transportation technologies to improve safety, mobility, efficiency, system performance, intermodal connectivity, and infrastructure return on investment. These model deployments are expected to provide benefits in the form of:

- reduced traffic-related fatalities and injuries;
- reduced traffic congestion and improved travel time reliability;
- reduced transportation-related emissions;
- optimized multimodal system performance;
- improved access to transportation alternatives, including for underserved populations;
- improved integration of payment systems;
- public access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;
- cost savings to transportation agencies, businesses, and the traveling public; or
- other benefits to transportation users and the general public.

(23 U.S.C. § 503(c)(4))

This competitive ATTAIN Program will promote the use of innovative transportation solutions. The deployment of these technologies will provide Congress and FHWA with valuable real-life data and feedback to inform future decision-making.

2. LEGISLATIVE AUTHORITY

Specific statutory authority for conducting this effort is found in 23 U.S.C. § 503(c)(4), which authorizes the Secretary of Transportation to “... provide grants to eligible entities to deploy, install, and operate advanced transportation technologies to improve safety, mobility, efficiency, system performance, intermodal connectivity, and infrastructure return on investment.”

Per 23 U.S.C. §503(c)(4)(I)(i), funding for this effort is expected to be made available from amounts authorized under 23 U.S.C. §§ 512 through 518, as well as § 503(b), and § 503(c). The Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021) amended 23 U.S.C. 503(c)(4), creating the ATTAIN Program.

The authority to enter into an assistance agreement for this effort is found under 23 U.S.C. §502 - Surface Transportation Research, Development, and Technology, paragraphs (a)(1) and (b)(3)(C), which state:

(a) Basic Principles Governing Research and Technology Investments.-

(1) Applicability.-The research, development, and technology provisions of this section shall apply throughout this chapter.

(b) General Authority.—

(3) **cooperation, grants, and contracts.** — The Secretary may carry out research, development, and technology transfer activities related to transportation—

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

(C) by making grants to or entering into contracts and cooperative agreements with one or more of the following: the National Academy of Sciences, the American Association of State Highway and Transportation Officials, any Federal laboratory, Federal Agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or any other person.

3. BACKGROUND

Projects funded under this program will deploy advanced transportation and congestion management technologies, which could include:

- i. **Advanced traveler information systems** – Systems that provide real-time, predicted, and individualized information about travel choices based on data from sensors (traffic, weather), mobile sources (personal portable devices, connected vehicles), and other information systems (public transportation, shared-use mobility, traffic incident management, construction, parking, congestion pricing/tolls or other costs) to allow travelers and shippers to make informed decisions regarding destinations, when to travel, routes, or modes. This information should be publicly accessible and not limited to users with smartphones;
- ii. **Advanced transportation management technologies** – Technologies that assist transportation system operators in managing and controlling the performance of their systems to provide optimal services or respond to dynamic conditions, including inter-jurisdictional and intermodal coordination; technologies may include traffic signal equipment, advanced data collection and processing (from sensors, connected vehicles, and other mobile sources, other information systems), dynamic lane controls/configurations, and cooperative transportation management algorithms including pricing strategies across jurisdictions/agencies/facilities/modes;
- iii. **Advanced transportation technologies to improve emergency evacuation and response by Federal, State, and local authorities** – Technologies and systems that assist transportation system operators, emergency management agencies, and public safety agencies in the facilitation of evacuation (including contraflow and emergency shoulder use), post-incident re-entry, or other emergency response activities (including search and rescue activities and delivering life-saving or life-sustaining commodities) to respond to an incident that occurs with or without advance notice; technologies and systems may include closed-circuit television and other video surveillance, traffic counters, remote sensing and detection devices, mobile communication units, permanent or portable changeable message signs, ramp gates, third party traffic data, real-time traveler information systems, and highway advisory radio;
- iv. **Infrastructure maintenance, monitoring, and condition assessment** – Technologies and systems that monitor the behavior or assess the condition of transportation infrastructure to allow agencies to better manage their transportation assets through optimizing resource allocation, preventative maintenance processes, and responses to critical conditions;
- v. **Advanced public transportation systems** – Technologies that assist public transportation system operators or other shared mobility entities in managing and optimizing the provision of public transportation and mobility services;

- technologies may include remote fleet monitoring systems, coordinated communication systems, algorithms, and applications to enable better transit connections for users, advanced data collection and processing (from sensors, mobile/connected sources, other information systems) to provide dynamic, responsive transit services, and communication and data systems that enable shared mobility services;
- vi. **Transportation system performance data collection, analysis, and dissemination systems** – Technologies and systems that actively monitor the performance of and interactions between transportation systems and permit agencies and other interested entities to conduct analyses and research and explore innovative, value-added products and services;
 - vii. **Advanced safety systems, including vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) communications, technologies associated with automated vehicles, and other collision avoidance technologies, including systems using cellular technology** – Deployment of technology-based safety systems such as described at Safer Car (<http://www.safercar.gov/>) or at the Intelligent Transportation Systems (ITS) Program <https://www.its.dot.gov/index.htm>, or other applicable safety technologies;
 - viii. **Integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems** – Technologies that link information from ITS and other transportation systems with information from Smart Grid and other energy distribution and charging systems to provide users with better information related to opportunities for recharging electric vehicles, and to provide energy distribution agencies with better information related to potential transportation-user demand;
 - ix. **Integrated corridor management systems** – Integrated Corridor Management (ICM) is the coordination of individual transportation network partners (stakeholders) and the coordinated operation of their supportive facilities across all local, county, regional, and State agencies, such that “the whole” creates a unified, interconnected, and multimodal response during severe, prolonged, or exceptional atypical events that shut down trunk freeways or require a holistic regional response. Through an ICM approach, transportation agencies manage the corridor as a multimodal system and make operational and safety decisions for the benefit of the corridor as a whole facility. FHWA is interested in increasing the deployment of ICM;
 - x. **Advanced parking reservation or variable pricing systems** – Technologies and systems designed to significantly reduce search time and cruising for parking for either personal vehicles or for trucks, including using pricing to manage and shift parking demand for personal vehicles to reflect

- the available supply of both parking and roadway capacity, and technologies and systems designed to guide truck or other drivers directly to available parking;
- xi. **Electronic pricing, toll collection, and payment systems** – Technologies that permit users to electronically conduct financial transactions for mobility services across jurisdictions and agencies, such as unified fare collection, payment, and tolling systems across transportation modes;
 - xii. **Technology that enhances high occupancy vehicle toll lanes, cordon pricing, or congestion pricing** – High Occupancy Toll (HOT) lanes and cordon pricing are both types of congestion pricing. Congestion Pricing involves the imposition of fees or tolls that vary based on the level of demand for travel on a highway facility, geographic area, or parking facilities. The fees may vary according to a fixed schedule or in real-time based on actual travel conditions. While pricing generates revenue, this strategy has a primary focus of managing congestion, environmental impacts, and other external costs. FHWA is seeking innovative and accurate methods of informing, monitoring, and applying any, or all, of these tenets;
 - xiii. **Integration of transportation service payment systems** – Technologies and processes for facilitating transactions and payment across multimodal and/or multiagency transportation organizations. Integration of payment systems across municipalities and regions can facilitate seamless travel across a variety of modes, improving mobility and convenience, and creating mutually beneficial relationships between modes that improve overall system performance and flexibility. Open, account-based architectures are being implemented that make it easier for these payment methods to be adapted to meet differing local needs, built around coordination and collaboration among various entities – from mobility service providers to payment processors to technology suppliers;
 - xiv. **Advanced mobility access and on-demand transportation service technologies, such as dynamic ridesharing and other shared-use mobility applications and information systems to support human services for elderly and disabled individuals** – Technologies, applications, and information systems that leverage data and communications systems to allow public agencies and human service organizations to provide improved demand-responsive, coordinated, and/or seamless mobility services to at-risk users such as the elderly, disabled, or other individuals that require transportation assistance. Also of interest are dynamic ridesharing and other shared-use mobility applications being made available more broadly to the general public with a particular emphasis on highly innovative services (measured in improved user/system experience rather than technology for its

- own sake) or new approaches leading to step-change increases in system performance and/or service scale;
- xv. **Dedicated Short-Range Communications** – Retrofitting dedicated short-range communications (DSRC) technology deployed as part of an existing pilot program to cellular vehicle-to-everything (C–V2X) technology, subject to the condition that the retrofitted technology operates only within the existing spectrum allocations for connected vehicle systems; or
 - xvi. **Advanced transportation technologies** – Advanced transportation technologies, in accordance with the research areas described in section 6503 of title 49.

4. VISION, GOALS, AND FOCUS AREAS

FHWA recognizes that each location has unique attributes, and each location's proposed deployment will be tailored to its vision and goals. Applications may be submitted for deploying any eligible technology. However, this section provides a framework for Applicants to consider in the development of a proposed deployment by presenting DOT's vision, goals, and focus areas.

The FHWA's vision for the ATTAIN Program is the deployment of advanced technologies and related strategies to address issues and challenges in safety, mobility, sustainability, economic vitality, equity, and air quality that are confronted by transportation systems owners and operators. The advanced technologies are integrated into the routine functions of the location or jurisdiction and play a critical role in helping agencies and the public address their challenges. Management systems within transportation and across other sectors (e.g., human services, energy, and logistics) share information and data to communicate between agencies and with the public. These management systems provide benefits by maximizing efficiencies based on the intelligent management of assets and the sharing of information using integrated technology solutions. The advanced technology solutions and the lessons learned from their deployment are used in other locations, scaled in scope and size to increase successful deployments and provide widespread benefits to the public and agencies.

Goals for the ATTAIN Program include:

- Improve the mobility of people and goods;
- Improve the durability and extend the life of transportation infrastructure;
- Reduced costs and improved return on investments, including through optimization of existing transportation capacity;
- Protect the environment and deliver environmental benefits that alleviate congestion, reduce transportation-related emissions, and streamline traffic flow;

- Measurement and improvement of the operational performance of the applicable transportation networks;
- Reduction in the number and severity of traffic crashes and an increase in driver, passenger, and pedestrian safety;
- Collection, dissemination, and use of real-time traffic-related information including, but not limited to work zone, weather, transit, paratransit and parking, to improve mobility, reduce congestion, and provide for more efficient and accessible, and integrated transportation services, including access to safe, reliable, and affordable connections to employment, education, healthcare, freight facilities, and other services;
- Facilitate account-based payments for transportation access and services and integrate payment systems across modes;
- Monitoring transportation assets to improve infrastructure management, reduce maintenance costs, prioritize investment decisions, and ensure a state of good repair;
- Delivery of economic benefits by reducing delays, improving system performance and throughput, and providing for the safe, efficient and reliable movement of people, goods, and services;
- Accelerated deployment of V2V, V2I, vehicle-to-pedestrian, and technologies associated with automated vehicles and other advanced technologies;
- Integration of advanced technologies into transportation system management and operations;
- Demonstration, quantification, and evaluation of the impact of these advanced technologies, strategies, and applications towards improved safety, efficiency, equity, and sustainable movement of people and goods;
- Reproducibility of successful systems and services for technology and knowledge transfer to other locations facing similar challenges; and
- Incentivize travelers—
 - (I) to share trips during periods in which travel demand exceeds system capacity; or
 - (II) to shift trips to periods in which travel demand does not exceed system capacity.

Although proposals are not limited to DOT priorities, FHWA is particularly interested in deployment programs and projects in the following DOT Focus Areas:

State of Good Repair:

The FHWA will assess whether and to what extent the project (1) is consistent with relevant plans to maintain transportation facilities or systems in a state of

good repair, including DOT-required asset management; and (2) addresses current and projected vulnerabilities that, if left unimproved, will threaten future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth. The FHWA will also consider whether the project includes a plan to maintain the transportation infrastructure built with grant funds in a state of good repair. The FHWA will prioritize projects that ensure the good condition of transportation infrastructure, including rural transportation infrastructure, and support commerce and economic growth. Projects that represent routine or deferred maintenance will be less competitive in this criterion. Per FHWA's published *Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America*², the Department encourages Applicants to improve the condition and safety of existing state and locally-owned transportation infrastructure within the right-of-way before proposing projects that add new general purpose travel lanes serving single occupancy vehicles.

Integration of Intelligent Transportation Systems with the Smart Grid and other energy distribution and charging systems:

Technologies that link information from ITS and other transportation systems with information from Smart Grid and other energy distribution and charging systems to provide users with better information related to opportunities for recharging personal, commercial and/or transit electric vehicles and provide energy distribution agencies with better information related to potential transportation-user demand.

Advanced public transportation systems:

Technologies that assist public transportation system operators or other shared mobility entities in managing and optimizing the provision of public transportation and mobility services; technologies may include remote fleet monitoring systems, coordinated communication systems, algorithms, and applications to enable better transit connections for users, advanced data collection and processing (from sensors, mobile/connected sources, other information systems) to provide dynamic, responsive transit services, and communication and data systems that enable shared mobility services.

² https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/building_a_better_america-policy_framework.pdf

Efficiency of Freight Movement:

Technologies that improve supply chain efficiency or improve the efficiency of freight movement. For example, a Freight Community System (sometimes called Port Community System) is an electronic platform that connects the multiple systems operated by a variety of organizations that make up a freight transportation community, including seaports, airports, rail yards/inland ports, and distribution centers. It is shared in the sense that it is set up, organized, and used by firms in the same sector – in this case, a freight community – to provide a neutral and open electronic platform enabling an intelligent and secure exchange of information between public and private stakeholders in order to improve the efficiency and competitive position of the ports' community(ies). It optimizes, manages, and automates smooth port and logistics processes through a single submission of data by connecting transport and logistics chains. This focus area is important to FHWA goal of integrating freight infrastructure within the surface transportation system, particularly maritime ports, while at the same time providing a platform to reduce the impacts of national freight movement on local communities.

ROUTES Initiative:

A strong transportation network is critical to the functioning and growth of the American economy. The Nation's industry depends on the transportation network to move the goods that it produces and facilitate the movements of the workers who are responsible for that production. When the Nation's highways, railways, and ports function well, that infrastructure connects people to jobs, increases the efficiency of delivering goods, and thereby cuts the costs of doing business, reduces the burden of commuting, and improves economic well-being. Rural transportation networks play a vital role in supporting our national economic vitality. Addressing the deteriorating conditions and disproportionately high fatality rates on our rural transportation infrastructure is of critical interest to FHWA, as rural transportation networks face unique challenges in safety, infrastructure condition, and passenger and freight usage. Consistent with the ROUTES Initiative, FHWA will consider how the project will address the challenges faced by rural areas. Example technologies include improved access to transportation services, corridor freight platooning, mobile work zone alerts, improved roadway weather management, improved emergency response services and traffic incident management, curve warning systems, or animal intrusion detection and warning.

Complete Trip Program:

The Complete Trip Program (https://its.dot.gov/factsheets/pdf/ITS4US_Factsheet.pdf) is a FHWA Initiative that explores emerging technologies to enhance travel that includes opportunities for people with mobility challenges by providing travel opportunities that are seamlessly integrated into their daily lives. The lack of transportation options for all travelers, including travelers with disabilities, travelers from rural areas, and lower-income travelers, is a persistent challenge for access to jobs, education, healthcare, and other activities. The Complete Trip Program will: Engage stakeholders to assess the impacts and effectiveness of accessible technologies, define complete trip and what it means and what is missing; advance technological innovation for accessible transportation through foundational research, prototype development, and technology transfer programs; improve transportation systems integration including pedestrian and built environments; coordinate with key partners, within the Federal Government, the research community, stakeholder organizations, and private industry; and, demonstrate, deploy, evaluate and provide guidance for accessible transportation technologies. FHWA is interested in emerging technologies that support the Complete Trip Program.

Data Availability:

Although not required, FHWA encourages applications that include a commitment to make relevant data available to FHWA and the public to further advance the objectives of this program. For example, in addition to providing the report to the Secretary required by 23 U.S.C. 503(c)(4), projects may provide FHWA access to the underlying data used to determine the costs and benefits described in this report. Please note that data availability is not part of the technical merit criteria detailed in Section E.1.

5. DELIVERABLES

The selected ATTAIN awardees shall provide a schedule for the project deliverables that includes, at a minimum, the following items.

Deliverable	Approximate Due Date	Section 508 Compliant?
Preliminary Kick-off Meeting – Conduct a preliminary kick-off meeting with FHWA at a mutually agreed-upon location.	Within 6 weeks after the announcement of project selection.	No
Draft Cooperative Agreement completed. The cooperative agreement shall include a Project Management Plan. The Project Management Plan shall include, at a minimum: a) Project Description with a description of Tasks and Sub-Tasks by which the project work activities will be organized, executed, and monitored. b) A Project Schedule (Gantt Chart or equivalent) displaying start and end times for each Task and Sub-Task, plus achievement of Project Milestones. c) A description of major Project Milestones, including key reports, the start of operations of important systems or subsystems, and other important deliverables or events. d) A Staffing Table, which identifies a single Project Manager, plus project staff and/or consultants that will lead and support each Task (or Sub-Task if appropriate). e) A Project Budget, displaying planned expenditures for each Task, with a further breakdown by Cost Element for each Task and by the Federal share vs. non-Federal share.	Within 6 weeks after the preliminary kick-off meeting.	No
Fully-Executed Cooperative Agreement	Within 6 weeks after completion of the draft agreement.	No
Kick-off Meeting – Conduct a kick-off meeting with FHWA at a mutually agreed-upon location.	Within 4 weeks after the execution of the cooperative agreement.	No
Quarterly Progress Reports – Submit progress reports to document activities performed, anticipated activities, and any changes to the schedule or anticipated issues.	Quarterly	No
Systems Engineering Documents – In accordance	As applicable	No

with 23 CFR 940.11, the Recipient shall submit electronic copies of the Milestone Systems Engineering documents applicable to this project for approval by FHWA. This shall include, at a minimum: a) Systems Engineering Review Form b) Concept of Operations c) Systems Engineering Management Plan.		
Project Evaluation Plan – The Recipient shall submit to FHWA for approval an Evaluation Plan, which shall include, at a minimum: a) Statement of Project Objectives, b) List of Evaluation Criteria (e.g., quantitative performance metrics and/or qualitative assessments) tailored to the Project Objectives, c) Description of Data-Collection procedures tailored to these criteria, which could include, for example, before/after data, surveys, interviews, system-monitoring data, or other data needed to report on the achievement of project objectives. d) Outline of Evaluation Report (1-page <u>draft</u> list of topics to be addressed)	Within 90 days after the project is obligated.	No
Data Management Plan (DMP) – The Recipient shall submit to FHWA for approval a DMP that provides a preliminary overview of data that may be collected or created through the project, which shall include, at a minimum: a) Data description b) Data access policies c) Data storage and retention approach The Recipient shall then update the DMP throughout the project with more details on the data that is collected or created, including information on data rights and standards. Additional information on DMPs can be found at: https://ntl.bts.gov/ntl/public-access/creating-data-management-plans-extramural-research.	Within 90 days after the project is obligated, to be updated throughout the project.	No
Report to the Secretary – Submit a report describing: the deployment and operational costs of the project compared to the benefits and savings the project provides; how the project has met the original expectations projected in the deployment plan submitted with the application, such as (I) data on how	Annually beginning 1 year after the project is obligated.	Yes

the project has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems; (II) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies; (III) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public to make informed travel decisions; and (IV) lessons learned and recommendations for future deployment strategies to optimize transportation mobility, efficiency, multimodal system performance, and payment system performance.		
Annual Budget Review and Program Plan Reporting – Submit the Annual Budget Review and Program Plan Report. The report should describe: (1) Overview and schedule of tasks, activities, milestones, and deliverables for the upcoming year, to include: - the latest deliverables table or project management schedule; and - a discussion of whether the current approved Technical Application attached to the award needs to be updated or not. If an update is warranted, propose the updates. (2) Overview and forecast budget for the upcoming year, including a discussion of whether the current approved Budget Application attached to the award needs to be updated or not. If an update is warranted, propose the updates.	60 days prior to the anniversary date of the award	No
Final Report - The Recipient shall provide a final report within 90 days after the termination or expiration of this agreement. The FHWA Authorized Organizational Representative (AOR), in consultation with the Recipient, will determine the final design and scope of the evaluation and report. Submit an electronic copy of all reports to the ATTAIn mailbox at ATTAIN@dot.gov <i>(Additional deliverables to be identified in separate rows by the Applicant)</i>	Within 90 days after the termination or expiration of this agreement.	Yes

Note: Section 508 requirements are included in NOFO Section F's General Terms and Conditions available online at: <http://www.fhwa.dot.gov/aaa/generaltermsconditions.cfm>.

SECTION B – FEDERAL AWARD INFORMATION

1. FUNDING AND NUMBER OF AWARDS

For Fiscal Year (FY) 2022, up to \$60 million is available for the ATTAIN Program. That amount is reduced based on the imposition of the statutory obligation limitation for FY 2022 and subject to a set aside of up to \$2 million for FHWA administrative expenses each fiscal year. A single grant recipient may not receive more than \$12 million in one fiscal year. FHWA anticipates making not less than 5 and not more than 10 awards each fiscal year. The FHWA previously issued six NOFOs for the ATCMTD Grant Program before the program was amended and renamed to the ATTIMD (or “ATTAIN”) Program by Section 13006 of the Infrastructure Investment and Jobs Act (Public Law 117-58, also known as the “Bipartisan Infrastructure Law” (BIL)).

2. TYPE OF AWARD

The planned award type is a cost-reimbursable cooperative agreement.³

3. PERIOD OF PERFORMANCE

The estimated period of performance is between two and four years. For the purposes of this program, the period of performance is considered to have begun upon full execution of a cooperative agreement, and subsequent obligation of funding and/or provision of an allocation memorandum.

4. DEGREE OF FEDERAL INVOLVEMENT

FHWA anticipates substantial Federal involvement with the ATTAIN recipients during the course of these projects. The anticipated Federal involvement will include: technical assistance and guidance to the Recipient; participation in status meetings, including a kick-off meeting and project reviews; review and comment on draft documents, as appropriate; performance reporting and financial reporting to ensure that the objectives and the terms and conditions of the agreement are met; and monitoring of performance.

³ The definition of “cooperative agreement” can be found at 2 CFR 200.1.

SECTION C – ELIGIBILITY INFORMATION

1. ELIGIBLE APPLICANTS

Eligible Applicants are State or local governments, transit agencies, metropolitan planning organizations (MPOs), or other political subdivisions of a State or local government (such as publicly owned toll or port authorities), or a multijurisdictional group or consortia of research institutions or academic institutions. Partnership with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders, and as discussed in Section D.2 of this NOFO, Applicants are required to include a partnership plan in the technical application.

Typically, a consortium is a meaningful arrangement with all members involved in planning the overall direction of the group's activities and participating in most aspects of the group; the consortium is a long-term relationship intended to last the full life of the grant. Any application submitted by a sole research or academic institution that is not part of a consortium will not be considered for selection.

Note: A multijurisdictional group is any combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State for which each member of the group has signed a written agreement to implement the ATTAIN Program across jurisdictional boundaries and is an eligible entity under this paragraph.

2. COST SHARING OR MATCHING

Cost-sharing or matching is required, with the maximum Federal share being 80 percent; hence, this NOFO requires a minimum non-Federal cost share of 20 percent. Cost sharing or matching means the portion of project costs not paid by Federal funds. For a more complete definition, please see the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200, including section 200.306 on Cost Sharing or matching. Other Federal funds using their appropriate matching share may be leveraged for the deployment but cannot be considered as part of the ATTAIN matching funds unless otherwise supported by statute.

3. OTHER INFORMATION

ATTAIN recipients may use not more than 5 percent of the funds awarded each fiscal year to carry out planning and reporting requirements for the project.

FHWA encourages Applicants to identify any project components that have independent utility and separately detail the costs and requested ATTAIN funding for each component in their applications. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses the selection criteria and produces benefits on its own, and describe how the full proposal, of which the independent component is a part, addresses the selection criteria.

RURAL SET-ASIDE: Not less than 20 percent of the amounts made available under this opportunity shall be reserved for projects serving rural areas. In this notice, a rural area is defined as an area with a population of less than 50,000, using 2010 Census data.

SECTION D – APPLICATION AND SUBMISSION INFORMATION

1. ADDRESS TO REQUEST APPLICATION PACKAGE

Applicants may access application packages and must submit their applications via [Grants.gov](https://www.Grants.gov) under the NOFO number cited herein. Applications must be submitted through the Grants.gov workspace.

The Applicant must complete and submit all Office of Management and Budget (OMB)-approved forms included in the application package for this notice as contained at www.Grants.gov.

For a Telephone Device for the Deaf, please call (202) 366-3993. If potential Applicants are unable to download the application package from the internet, they may send a written request for a paper copy to the below address. Requests should be sent to:

Ryan Buck
202-366-4229
Ryan.Buck@dot.gov

2. CONTENT AND FORM OF APPLICATION SUBMISSION

Applicants shall submit an application consisting of the following application volumes and sections:

NOTE: There is no mandatory format or template for information required under this NOFO that falls outside of the aforementioned OMB-approved forms. However, while there is no prescribed template or format for that information, the information itself must be provided in some form in each application for that application to be considered responsive to this NOFO.

Table D.2 – Application Volumes

Volume	Section	Page Limitations
Volume I. Technical Application	I - Cover Page	One (1) file, 30-page limit
	II - Project Narrative	
	III – Management Structure	
	IV - Staffing Description and Résumés	
	Appendix – Résumés	No page limit
Volume II. Budget Application	I - Application Standard Forms	One (1) file, no page limit
	II – Summary Budget Information	
	III – Cost Share Information	
	IV - Organizational Information	

Note: Applicants shall provide résumés in Volume 1 of the application. Résumés will not count against the page limit. Applicants shall provide letters of commitment in Volume 2.

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

The FHWA recommends that Applicants use a file naming format of:

Applicant_organization-2022-ATTAIN-fileID (e.g., Vol-1, Vol-2) where

“Applicant_organization” reflects the Applicant’s legal name, abbreviated as appropriate.

If an organization is submitting multiple applications, project names or identifiers may be added to the workspace title in parentheses after the Applicant organization. For example, a workspace in Grants.gov may be titled “Applicant_organization(Project 1)-2022-ATTAIN.” If necessary, the workspace title can be edited per the instructions on Grants.gov.

FHWA is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. FHWA also recognizes that Applicants may be seeking grant program funding from multiple FHWA grant programs and opportunities. An Applicant may seek the same award amounts from multiple FHWA grant programs opportunities or seek a combination of funding from multiple FHWA opportunities. In those cases, the Applicant must indicate, within the Federal funding description, details as to what other potential FHWA grant programs and opportunities they are currently applying for or intend to apply for and what award amounts they will be seeking. This information will be reviewed by FHWA to ensure that a single project, or its sub-elements, is not awarded Federal funding under multiple FHWA grant programs. FHWA reserves the right to contact Applicants to obtain additional information concerning those scopes of work to discuss any possible or actual overlap in scope.

VOLUME 1 – TECHNICAL APPLICATION

a) Section I - Cover Page

For the **Cover Page**, the following format, or any format with consistent data points to what is listed below, may be used to convey this information:

Project Name	
Eligible Entity Applying to Receive Federal Funding	
Total Project Cost (from all sources)	\$
ATTAIN Request	\$
Are matching funds restricted to a specific project component? If so, which one?	Yes/No
State(s) in which the project is located	
Is the project currently programmed in the: • Transportation Improvement Program • Statewide Transportation Improvement Program • MPO Long Range Transportation Plan	Yes/No – <i>please specify in which plans the project is currently programmed</i>

• State Long Range Transportation Plan	
Technologies Proposed to Be Deployed (briefly list)	
Will the project use connected vehicle technologies? If so, which technologies will be used—for instance, will the project use: • DSRC/5.9 GHz spectrum? • Cellular/4G/5G communications? • Another connectivity technology? (please specify - e.g., “Wi-Fi,” “Bluetooth,” “RFID,” etc.) If the connectivity technology has yet to be determined, please specify “TBD.”	Yes/No – <i>please specify which technology(ies) will be used</i>
Will the project use automated driving system technologies?	Yes/No
Rural Considerations: a) Is the project serving a rural area(s)? A rural area is an area with a population of less than 50,000 residents (according to the 2010 Census). b) If yes, how much ATTAIN funding is being requested to be put toward serving the rural area(s)?	Yes/No \$

b) Section II - Project Narrative

The Project Narrative must include all the necessary information required for FHWA to determine that the project satisfies the ATTAIN Program requirements described in Sections A, B, and C, and for FHWA to evaluate the project in relation to the selection criteria specified in Section E.1. To the extent practicable, Applicants should provide data and evidence of project merits in a form that is verifiable or publicly available. FHWA expects applications to be complete upon submission.

FHWA recommends that the project narrative, at a minimum, provide the following information: table of contents, detailed Statement of Work (SOW), detailed project schedules, staffing description, and any appropriate exhibits or attachments that will aid in the review and assessment of the application. All exhibits and attachments must clearly identify what technical area of the project narrative the document

supports. At a minimum, the Project Narrative should address the following content:

1. A short (50-70 words) summary of the proposed project at the beginning of the Project Narrative section.
2. An introduction that provides a clear, concise description of the project and the proposed technology deployment(s).
3. A description of the geographic area or jurisdiction the deployment will service, including whether or not the area in question is considered rural.
4. A description of the real-world issues and challenges to be addressed by the proposed technology deployments. Applicants should discuss how the proposed technology deployments address the goals of the program and any applicable technology focus area.
5. A description of transportation systems and services to be included in the project.
6. A deployment plan that includes providing long-term operation and maintenance of advanced transportation and congestion management technologies to achieve implementation goals.
7. A description of any challenges in the regulatory, legislative, or institutional environments or other obstacles to deployment.
8. Quantifiable system performance improvements, such as:
 - a) reducing traffic-related crashes, congestion, and costs;
 - b) optimizing system efficiency;
 - c) improving access to transportation services; and
 - d) facilitating payment for transportation services.
9. Quantifiable safety, mobility, and environmental benefit projections such as data-driven estimates of how the project will improve mobility for people and goods.
10. Vision, goals, and objectives of the Applicant for the technology deployment, including any future related deployments; the vision of the organization and goals, objectives, and activities to be pursued in addressing the identified issues and challenges.
11. A plan to leverage and optimize existing local and regional advanced transportation technology investments.
12. A detailed schedule for conducting the technology deployment and for completion of all proposed activities, to include achievable timeframes for successful execution of project milestones
13. A brief description of how climate change and environmental justice were or will be considered in the project development and implementation stage. Describe how the project reduces GHG emissions and supports State or local Climate Action Plans or how environmental justice screening tools were employed. If either were not considered in the planning stage, the application

- should provide a statement as to why consideration is not applicable at this time.
14. A description of how the project enhances racial equity and eliminates barriers to opportunity.
 - a) Applications should clearly address and explain if the proposed project will or may require exemption from the FMVSS, FMCSR, or any other regulation and, if so, your plan for applying for any necessary exemptions.
 - b) Applications should clearly address and explain if the proposed project can comply with the Buy America Act.
 15. Any support or leveraging of the ITS Program or innovative technology initiatives (The DOT ITS initiatives are described online at <http://www.its.dot.gov>.)
 16. A table (or other summary) that clearly identifies which of the technologies in Section A.3 and DOT goals and focus areas in Section A.4 will be implemented and/or addressed by the proposal.

The following format, or any format with consistent data points to what is listed below, may be used to convey this information:

Technologies	Implemented/Addressed by Application (Check all that apply)
1. Advanced traveler information systems	
2. Advanced transportation management technologies	
3. Advanced transportation technologies to improve emergency evacuation and response by Federal, State, and local authorities	
4. Infrastructure maintenance, monitoring, and condition assessment	
5. Advanced public transportation systems	
6. Transportation system performance data collection, analysis, and dissemination systems	
7. Advanced safety systems, including V2V and V2I communications, technologies associated with automated vehicles, and other collision avoidance technologies, including systems using cellular technology	
8. Integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems	
9. Integrated corridor management systems	
10. Advanced parking reservation or variable pricing system or system to assist trucks locate available truck parking	
11. Electronic pricing, toll collection, and payment systems	
12. Technology that enhances high occupancy vehicle toll lanes, cordon pricing, or congestion pricing	
13. Integration of transportation service payment systems	

14. Advanced mobility and access technologies, such as dynamic ridesharing and information systems to support human services for elderly and disabled individuals	
15. Retrofitting DSRC technology deployed as part of an existing pilot program to C-V2X technology, subject to the condition that the retrofitted technology operates only within the existing spectrum allocations for connected vehicle systems	
16. Advanced transportation technologies, in accordance with the research areas described in section 6503 of title 49	
ATTAIN Goals	Implemented/Addressed by Application (Check all that apply)
1. Improvement in the mobility of people and goods;	
2. Improvement in the durability and extension of the life of transportation infrastructure	
3. Reduced costs and improved return on investments, including through the enhanced use of existing transportation capacity	
4. Protection of the environment and delivery of environmental benefits that alleviate congestion and streamline traffic flow	
5. Measurement and improvement of the operational performance of the applicable transportation networks	
6. Reduction in the number and severity of traffic crashes and an increase in driver, passenger, and pedestrian safety	
7. Collection, dissemination, and use of real-time transportation-related information including, but not limited to work zone, weather, transit, and paratransit, to improve mobility, reduce congestion, and provide for more efficient and accessible, and integrated transportation, including access to safe, reliable, and affordable connections to employment, education, healthcare, freight facilities, and other services	
8. Facilitating account-based payments for transportation access and services and integrate payment systems across modes	
9. Monitoring transportation assets to improve infrastructure management, reduce maintenance costs, prioritize investment decisions, and ensure a state of good repair	
10. Delivery of economic benefits by reducing delays, improving system performance and throughput, and providing for the efficient and reliable movement of people, goods, and services	
11. Accelerated deployment of V2V, V2I, vehicle-to-pedestrian, and technologies associated with automated vehicle applications and other advanced technologies	
12. Integration of advanced technologies into transportation system management and operations	
13. Demonstration, quantification, and evaluation of the impact of these advanced technologies, strategies, and applications towards improved safety, efficiency, equity, and sustainable movement of people and goods	
14. Reproducibility of successful systems and services for technology and knowledge transfer to other locations facing similar challenges	

15. Incentivizing travelers— (I) to share trips during periods in which travel demand exceeds system capacity; or (II) to shift trips to periods in which travel demand does not exceed system capacity.	
Focus Areas	Implemented/Addressed by Application (Check all that apply)
1. State of Good Repair	
2. Integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems	
3. Advanced public transportation systems	
4. Freight (or Port) Community Systems	
5. ROUTES Initiative	
6. Complete Trip Program	
7. Data Availability	

In addition, if an Applicant is proposing to deploy automated vehicles or other innovative motor vehicle technology, the application should demonstrate how all vehicles will comply with applicable safety requirements, including those administered by the National Highway Traffic Safety Administration (NHTSA), the Federal Transit Administration (FTA), and the Federal Motor Carrier Safety Administration (FMCSA). Specifically, the application should show that vehicles acquired for the proposed project will comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR). If the vehicles may not comply, the application should either (1) show that the vehicles and their proposed operations are within the scope of an exemption or waiver that has already been granted by NHTSA, FMCSA, or both agencies or (2) directly address whether the project will require exemptions or waivers from the FMVSS, FMCSR, or any other regulation and, if the project will require exemptions or waivers, present a plan for obtaining them. If an Applicant is proposing to deploy automated vehicles or other innovative motor vehicle technology, the application should demonstrate how all vehicles will comply with applicable Buy America requirements, 23 U.S.C. 313 and 23 CFR 635.410. In addition, the application should describe whether the deployment of automated technologies will affect the transportation workforce and, if so, include measures to mitigate any negative effects.

FHWA is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. FHWA also recognizes that Applicants may be seeking grant program funding from multiple FHWA grant programs and opportunities. An Applicant may seek the same award amounts from multiple FHWA grant program opportunities or seek a combination of funding from

multiple FHWA opportunities. In those cases, the Applicant must indicate, within the Federal funding description, details as to what other potential FHWA grant programs and opportunities they are currently applying for or intend to apply for and what award amounts they will be seeking. This information will be reviewed by FHWA to ensure that a single project, or its sub-elements, is not awarded Federal funding under multiple FHWA grant programs. FHWA reserves the right to contact Applicants to obtain additional information concerning those scopes of work to discuss any possible or actual overlap in scope.

c) Section III – Project Outcome Criteria

FHWA encourages Applicants to address each criterion as it applies to the funding programs to which they are applying or else to expressly state that the project does not address the criterion. Insufficient information to assess any criterion will negatively impact the project rating. Applicants are not required to follow a specific format, but the following organization, which addresses each criterion separately, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, FHWA encourages Applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

Criterion #1: Economic Impacts, Freight Movement, and Job Creation

This section of the application should describe how the project will contribute to at least one of the following outcomes: (a) decrease transportation costs and improve access, for example, through reliable and timely access, to employment centers and job opportunities and freight destinations; (b) result in high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union in project construction and in on-going operations and maintenance, and incorporate strong labor standards, such as through the use of project labor agreements, registered apprenticeship programs, and other joint labor-management training programs⁴; (c) result in workforce opportunities for historically underrepresented groups, such as through the use of local hire provisions or other workforce strategies targeted at or jointly developed with historically underrepresented groups, to support project development; (d) foster economic growth and development while creating long-term high-quality jobs, while addressing acute challenges, such as energy sector job

⁴ <https://www.apprenticeship.gov>

losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of E.O. 14008⁵.

Criterion #2: Climate Change, Resiliency, and the Environment

This section of the application should describe how the project will incorporate considerations of climate change and environmental justice in the planning stage and in project delivery, such as through the incorporation of specific design elements that address climate change impacts. The application should describe the degree to which the project is expected to reduce transportation-related pollution such as air pollution and GHG emissions, increase the use of lower-carbon travel modes such as transit and active transportation, improve the resiliency of at-risk infrastructure, incorporate lower-carbon pavement and construction materials, or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. The application should explain to what extent the project will prevent stormwater runoff that would be a detriment to aquatic species. The application should describe whether the project will promote energy efficiencies, support fiscally responsible land use and transportation efficient design that reduces GHG emissions, improve public health and increase the use of lower-carbon travel modes such as transit, active transportation and multimodal freight, incorporate electrification or zero emission vehicle infrastructure, increase resilience to all hazards, and recycle or redevelop brownfield sites, particularly in communities that disproportionately experience climate-change-related consequences. The application should describe if projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard in E.O. 14030, Climate-Related Financial Risk (86 FR 27967) and 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (80 FR 6425.)

Criterion #3: Equity, Multimodal Options, and Quality of Life

This section of the application should describe how the project will proactively address equity and barriers to opportunity, improve the quality of life in rural areas or urbanized areas, and benefit Historically Disadvantaged Communities or populations, or Areas of Persistent Poverty. This may include increasing affordable transportation choices, especially for transportation disadvantaged communities. It should also describe how the project has or will meaningfully engage communities

⁵ https://netl.doe.gov/sites/default/files/2021-04/Initial%20Report%20on%20Energy%20Communities_Apr2021.pdf

affected by the project, with effective public participation that is accessible to all persons regardless of race, color, national origin, disability, age, and sex. Equity considerations should be integrated into planning, development, and implementation of transportation investments, including the utilization of Disadvantaged Business Enterprises, when appropriate. The application should describe any public involvement plan or targeted outreach, demonstrating engagement of diverse input such as community-based organizations during project planning and consideration of such input in the decisionmaking. The project application should describe planning and engagement in the project design phase to mitigate and, to the greatest extent possible, prevent physical and economic displacement.

d) Section IV – Management Structure

The Applicant shall provide a description of the proposed management structure that will oversee the implementation of the project and provide administration of the agreement. The Applicant shall include all the following information to describe their proposed Management Structure:

1. A description of the Applicant's organization that will be designated as the recipient entering the agreement (i.e., receiving Federal funding) with FHWA, including:
 - a) membership of any partnership or entity proposed to carry out the deployment; and
 - b) a description of how the entity will manage the program, including management of project funding.
2. A plan for partnering with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders.
3. Designation of all proposed sub-recipients and their role in delivering the project. See 2 CFR § 200.331 for the definition and distinction between a sub-recipient and a sub-contractor.
4. A diagram or flow chart depicting the organizational structure of the project team. Organizations that are designated as sub-recipients or sub-contractors should be clearly identified.
5. Applicants that are multijurisdictional groups or consortia of research or

academic institutions do not necessarily have to be an existing organization or coalition but should show evidence that a cooperative agreement, memorandum of understanding, or other organizational mechanism can be executed in a reasonable timeframe after selection.

Note: A multijurisdictional group is any combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State for which each member of the group has signed a written agreement to implement the advanced transportation technologies deployment program across jurisdictional boundaries and is an eligible entity under this paragraph.

e) Section V – Staffing Description

Applicants shall provide a staffing description that includes the following information:

1. A description of the organization of staffing to manage and conduct the project, including identification of key personnel with résumés, organization, role, and responsibility. Applicants shall also identify the expected level of involvement for each designated Key Personnel (e.g., percent of work time to be committed to the project during the period of performance).
2. A primary point of contact (POC) and provide complete contact information for this individual.

f) Appendix – Résumés for Key Personnel

Résumés: Applicants shall provide the résumés for all designated Key Personnel. The Applicant shall designate no more than five (5) Key Personnel.

g) Formatting

The FHWA recommends that Volume 1 be prepared with standard formatting preferences: a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins on 8.5 by 11-inch paper. (Applications may include appropriately sized pages for conveying detailed information important for the technical review, such as maps.) All application pages shall be consecutively numbered.

h) Page Limitations

Sections I through IV shall not exceed 30 pages in length, excluding cover pages, the table of contents, and exhibits and attachments. Exhibits and attachments shall not exceed 30 pages in length and shall be limited to documents that support the assertions or conclusions made in the 30-page limitation of Sections I through IV.

The staffing description shall not exceed 5 pages in length (inclusive of the 30-page limitation). There is no overall page limitation for résumés of Key Personnel in the appendix; however, individual resumes shall not exceed four pages in length and shall only contain relevant experience pertinent to the subject matter of this NOFO.

VOLUME 2 – BUDGET APPLICATION

a) Section I - Application Standard Forms (SFs)

Volume 2 of the application must include Standard Form 424 (Application for Federal Assistance), Standard Form 424A (Budget Information for Non-Construction Programs), and the Grants.gov Lobbying Form. Standard Form 424B (Assurances for Non-Construction Programs) is required if the Applicant does not have an updated SAM.gov Registration as of 02/01/2019. Standard Forms (SF) are available online at <http://www.grants.gov/web/grants/forms/sf-424-family.html>.

On the SF-424, the information in block 8a (Applicant's "Legal Name") must be the same as entered for registration in www.SAM.gov and for the Applicant's System for Award Management (SAM) Universal Entity Identifier (UEI) number. The title for an Applicant's workspace on www.Grants.gov is limited to 240 characters and may be different than the SAM UEI.

For applications under this NOFO, the breakdown of the applicable sections of standard form 424A is:

- **Section A:** Since this is an initial application, only columns (a) through (d) and (g) need to be completed. The Applicant should enter the proposed project as one program or function; however, as an option, the Applicant may subdivide this entry into partial programs (e.g., Phase I and Phase II).
- **Section B:** is a summary of the entire project budget across all years.
- **Section C:** is the source of the non-Federal matching share.
- **Section D:** is the forecasted funding needs for year one (1).

- **Section E:** is the forecasted funding needs for years two (2) and after (i.e., it does not include the first year's funding).

b) Section II - Summary Budget Narrative

The Applicant shall provide a summary budget narrative that describes all of the planned project costs (i.e., direct labor, travel, equipment, supplies, contractual, construction, & other) and how these planned costs are connected to the project scope. The summary budget narrative must be sufficiently clear, concise, and detailed to describe how funds will be spent under the project. The Applicant shall also provide a summary budget table that provides estimated costs across project components or tasks, and across all years of the project. The summary budget should represent the total cost of the project, inclusive of both the Federal share and the required matching non-Federal cost share. An example of a summary level budget table is provided below:

Table 2. Example of Summary Budget Figures

	Year 1 Costs	Year 2 Costs	Year 3 Costs	Year 4 Costs
Description of Project Component or Task				
Description of Project Component or Task				
Description of Project Component or Task				
Description of Project Component or Task				
Total Federal Share =				
Total Non-Federal Share =				

c) Section III - Cost Share Information

The Applicant should show evidence that funding has been identified for the project that will cover the 20 percent non-Federal cost-share requirement. The Applicant should include letters of commitment from organizations that will provide a portion of the cost-share and identify the source of those funds (e.g., general treasury funds, revolving loan fund, capital budget, in-kind labor, in-kind equipment, etc.).

Note: The maximum amount of funding requested from the ATTAIN Program cannot exceed \$12 million per year nor exceed 80 percent of the total cost of the

activities proposed to be funded. The maximum amount that will be awarded will depend on the number of awards, the reduction in ATTAIN funds due to the imposition of the Federal-aid highways obligation limitation, and the amount reserved for FHWA administrative expenses. The selection of an application to receive grant funding in one fiscal year is not a commitment of any future funding. Applications will be solicited annually for competitively selecting grant recipients for that funding year.

d) Section IV - Organizational Information

In addition to the forms and budget information noted above, provide the following organizational information in a pdf format:

- a. Identify any exceptions to the anticipated award terms and conditions as contained in Section F, Federal Award Administration Information. Identify any preexisting intellectual property that you anticipate using during award performance and your position on its data rights during and after the award period of performance.
- b. The use of a SAM UEI is required on all applications for Federal grants or cooperative agreements. Please provide your organization's SAM UEI number in your budget application.
- c. A statement to indicate whether your organization has previously completed an A-133 Single Audit and, if so, the date that the last A-133 Single Audit was completed.
- d. A statement regarding Conflicts of Interest. The Applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present, or planned organizational, contractual, or other interest(s), which may affect the Applicant's ability to perform the proposed project in an impartial and objective manner. Actual or potential conflicts of interest may include but are not limited to any past, present, or planned contractual, financial, or other relationships, obligations, commitments, or responsibilities, which may bias the Applicant or affect the Applicant's ability to perform the agreement in an impartial and objective manner. The Agreement Officer (AO) will review the statement(s) and may require additional relevant information from the Applicant. All such information, and any other relevant information known to DOT, will be used to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the AO may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the United States to contract with the

Applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.

- e. A statement to indicate whether a Federal or State organization has audited or reviewed the Applicant's accounting system, purchasing system, and/or property control system. If such systems have been reviewed, provide summary information of the audit/review results to include as applicable summary letter or agreement, date of audit/review, and Federal or State POC for such review.
- f. Terminated Contracts - List any contract/agreement that was terminated for the convenience of the Government within the past 3 years and any contract/agreement that was terminated for default within the past 5 years. Briefly explain the circumstances in each instance.
- g. The Applicant is directed to review title 2 CFR §170 (CFR: 2 CFR Part 170 -- Reporting Subaward and Executive Compensation Information) dated September 14, 2010, and Appendix A thereto, and acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully comply with the reporting described in the term if it receives funding resulting from this notice. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this notice's Section F, Federal Award Administration Information.
- h. Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 entitled Remedies for Noncompliance, including suspension or debarment. (See also 2 CFR Part 180 and 31 U.S.C. 3321).

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

Effective April 4, 2022, the Data Universal Numbering System (DUNS) number was no longer a valid UEI for entities doing business with the Federal Government and was replaced by the SAM UEI. As of that date, Applicants needed to use a UEI created in SAM.gov. Active registrants in SAM.gov have had their SAM UEI automatically assigned, and it is currently viewable within SAM.gov; there was no action for registered entities to take at this time to obtain their SAM UEI. Other Applicants needed to go into SAM.gov to obtain a SAM UEI.

Each Applicant is required to:

- a. Be registered in SAM before submitting their application;
- b. Provide a valid UEI in their application; and

- c. Continue to maintain an active SAM registration with current information at all times during which the Applicant has an active Federal award or an application or plan under consideration by a Federal awarding agency.

Please see <https://www.grants.gov/web/grants/applicants/applicant-faqs.html#UEI> for more information on the transition from DUNS to SAM UEI, including what UEI to enter into the UEI field on grants.gov and on application package forms.

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

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

4. SUBMISSION DATES AND TIMES

Applications must be submitted through www.grants.gov by the submission deadline of 11/18/2022 at 11:59 PM ET.

Notification of Intent to Submit Application

Applicants interested in applying are encouraged, but not required, to email ATTAIN@dot.gov no later than 30 days prior to the submission deadline with the Applicant's name, the State in which the project is located, approximate total project cost, amount of the ATTAIn grant request, and a two-to three-sentence project description. This early notification of an Applicant's interest in and intent to submit an application in response to this opportunity is not a requirement for submission of that application. The FHWA seeks this early notification of interest to inform its allocation of resources for application evaluations and to facilitate timely and efficient awards. Not submitting this information will not impact an application's consideration.

Late Applications

The Grants.gov registration process usually takes 2–4 weeks to complete. Late applications that are the result of failure to register or comply with Grants.gov Applicant

requirements in a timely manner will not be considered. Only Applicants who comply with the submission deadline described in this notice and submit applications through the Grants.gov Workspace will be eligible for an award. Applicants are strongly encouraged to make submissions in advance of the deadline.

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties with Grants.gov that are beyond the Applicant's control. In those instances, the Applicant must contact the Grants.gov help desk prior to the application deadline with the username of the registrant and details of the technical issue experienced.

Please note: Applicants must obtain a Grants.gov Help Desk Tracking Number if they are experiencing technical difficulties. After the submission deadline, the Applicant must contact the ATTAIN@dot.gov email address and provide the following information:

- a. Details of the technical issue experienced;
- b. Screen capture(s) of the technical issues experienced along with corresponding Grants.gov grant tracking number;
- c. The legal business name for the Applicant that was provided in the SF-424;
- d. The AOR name submitted in the SF-424;
- e. The SAM UEI number associated with the application; and
- f. The Grants.gov Help Desk Tracking Number.

After FHWA staff review all information submitted and contact the Grants.gov Help Desk to validate reported technical issues, FHWA staff will contact late Applicants to approve or deny a request to submit a late application through Grants.gov. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

5. INTERGOVERNMENTAL REVIEW

An application under this NOFO is not subject to the State review under E.O. 12372.

6. FUNDING RESTRICTIONS

The FHWA will not reimburse any pre-award costs or application preparation costs.

7. OTHER SUBMISSION REQUIREMENTS

a. HOW TO REGISTER TO APPLY THROUGH GRANTS.GOV

- i. *Instructions:* Read the instructions below about registering to apply for FHWA funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to 4 weeks to complete. Therefore, registration should be done timely to ensure it does not impact your ability to meet required application submission deadlines.

Organization Applicants can find complete instructions here:
<https://www.grants.gov/web/grants/applicants/organization-registration.html>

- 1) *Obtain a SAM UEI:* All entities applying for funding, including renewal funding, must have a SAM UEI number from SAM.gov. Applicants must enter the SAM UEI number in the data entry field labeled "UEI" on the SF-424 form.

For more detailed instructions for obtaining a SAM UEI, refer to:
[Applicant FAQs | GRANTS.GOV](#)

- 2) *Register with SAM:* In addition to having a SAM UEI, organizations applying online through Grants.gov must register with SAM. All organizations must register with SAM in order to apply online. Failure to register with SAM will prevent your organization from applying through Grants.gov.

For more detailed instructions for registering with SAM, refer to:
<https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>

- 3) *Create a Grants.gov Account:* The next step in the registration process is to create an account with Grants.gov. Applicants must know their organization's SAM UEI number to complete this process. Completing this process automatically triggers an email request for Applicant roles to the organization's E-Business (EBiz) POC for review. The EBiz POC is a representative from your organization who is the contact listed for SAM. To apply for grants on behalf of your organization, you will need the AOR role.

For more detailed instructions about creating a profile on Grants.gov, refer to:

<https://www.grants.gov/web/grants/applicants/registration.html>

- 4) *Authorize Grants.gov Roles*: After creating an account on Grants.gov, the EBiz POC receives an email notifying them of your registration and request for roles. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been approved as an AOR.

For more detailed instructions about creating a profile on Grants.gov, refer to:

<https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html>

- 5) *Track Role Status*: To track your role request, refer to:
<https://www.grants.gov/web/grants/applicants/registration/track-role-status.html>

- ii. *Electronic Signature*: When applications are submitted through Grants.gov, the name of the organization's AOR that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC **must** authorize individuals who are able to make legally binding commitments on behalf of the organization as an AOR; **this step is often missed, and it is crucial for valid and timely submissions.**

b. How to Submit an Application to FHWA via Grants.gov

Grants.gov Applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different Webforms within an application. For each funding opportunity announcement, you can create individual instances of a Workspace.

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to:

<https://www.grants.gov/web/grants/applicants/apply-for-grants.html>

- 1) *Create a Workspace*: Creating a Workspace allows you to complete it online and route it through your organization for review before submitting.
- 2) *Complete a Workspace*: Add participants to the Workspace, complete all the required forms, and check for errors before submission.

a. *Adobe Reader*: If you decide not to apply by filling out Webforms, you can download individual PDF forms in Workspace so that they will appear similar to other Standard or FHWA forms. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at:
<https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>

b. *Mandatory Fields in Forms*: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

c. *Complete SF-424 Fields First*: The forms are designed to fill in commonly required fields across other forms, such as the Applicant name, address, and SAM UEI number. To trigger this feature, an Applicant must complete the SF-424 information first. Once it is completed, the information will transfer to the other forms.

- 3) *Submit a Workspace*: An application may be submitted through Workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.
- 4) *Track a Workspace*: After successfully submitting a Workspace package, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the package. The number will be listed on the Confirmation page that is generated after submission.

For additional training resources, including video tutorials, refer to:
<https://www.grants.gov/web/grants/applicants/applicant-training.html>

- 5) *Applicant Support:* Grants.gov provides Applicants 24/7 support via the toll-free number 1-800-518-4726 and email at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist FHWA with tracking your issue and understanding background information on the issue.

SECTION E – APPLICATION REVIEW INFORMATION

1. CRITERIA FOR SELECTION OF ATTAIN AWARDS

The FHWA will evaluate applications based on the following criteria and sub-criteria, which are of equal importance.

TECHNICAL MERIT:

- Degree that the proposed technology deployment aligns with program requirements, including the deployment of technologies listed in section A.3 of this notice, and aligns with DOT's vision, goals, and focus areas, as listed in Section A.4 of this notice.
- Readiness of the proposed technology(ies) to be deployed and the likelihood of success of the Applicant to deploy and sustain the proposed technology(ies). This includes whether the Applicant has clearly articulated achievable timeframes for completion of its project development, including regulatory requirements such as compliance with the National Environmental Policy Act and other required permitting as applicable, and achievable timeframes for project implementation post award.
- Degree to which the application addresses how climate change and environmental justice were or will be considered in the project development and implementation stage, or why consideration is not applicable at this time. This includes how the project reduces GHG emissions and supports State or local Climate Action Plans or how environmental justice screening tools were employed.
- Degree to which the application addresses how the project enhances racial equity and eliminates barriers to opportunity.
 - Applications should clearly address and explain if the proposed project will or may require exemption from the FMVSS, FMCSR, or any other

regulation and, if so, your plan for applying for any necessary exemptions.

- Applications should clearly address and explain if the proposed project can comply with the Buy America Act.
- Scalability or portability of the proposed technology deployment to other jurisdictions.
- Commitment to evaluate the effectiveness (i.e., cost-benefit) of activities proposed.

STAFFING:

- Degree that the application includes a program/project management structure or organization that will successfully oversee the proposed technology deployment.
- Expertise and qualifications of key personnel for managing or conducting appropriate aspects of the proposed technology deployment through the period of performance, as well as the expected level of involvement for each designated Key Personnel (e.g., percent of work time to be committed to the project during the period of performance).

COST:

- Cost will be considered in the award decision. The cost information will be analyzed to assess cost reasonableness and conformance to applicable cost principles. Applicants must provide the required matching funds and supporting detail for these funds, including the Applicant's activities to maximize the non-Federal share of the project funding.
- Funding availability will also be considered in the award decision. This evaluation factor will not be rated but will be considered in the award selection.

In addition to Technical Merit, Staffing, and Cost, FHWA will consider the extent to which the project addresses the following project outcome criteria, which are explained in greater detail below:

Criterion #1: Economic Impacts, Freight Movement, and Job Creation

FHWA will assess the degree to which the project contributes to one or more of the following outcomes: (a) decrease transportation costs and improve access, for example, through reliable and timely access, to employment centers job opportunities and freight destinations; (b) result in high quality job creation by supporting good-paying jobs with a free and fair choice to join a union, in project construction and in on-going operations and maintenance, and incorporate

strong labor standards, such as through the use of project labor agreements, registered apprenticeship programs, and other joint labor-management training programs⁶; (c) result in workforce opportunities for historically underrepresented groups, such as through the use of local hire provisions or other workforce strategies targeted at or jointly developed with historically underrepresented groups, to support project development; (d) foster economic growth and development while creating long-term high quality jobs, while addressing acute challenges, such as energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of E.O. 14008.

Criterion #2: Climate Change, Resiliency, and the Environment

FHWA will consider the extent to which the project incorporates considerations of climate change and environmental justice in the planning stage and in project delivery, such as through the incorporation of specific design elements that address climate change impacts. FHWA will evaluate the degree to which the project is expected to reduce transportation-related pollution such as air pollution and GHG emissions, increase the use of lower-carbon travel modes such as transit and active transportation, improve the resilience of at-risk infrastructure to climate change and other natural hazards, incorporate lower-carbon pavement and construction materials, or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. FHWA will evaluate the extent to which the project prevents stormwater runoff that would be a detriment to aquatic species. FHWA will also consider whether the project will promote energy efficiency, support fiscally responsible land use and transportation efficient design, facilitate the production or preservation of location-efficient affordable housing, incorporate electrification or zero emission vehicle infrastructure, increase resiliency and recycle or redevelop brownfield sites, particularly in communities that disproportionately experience climate-change-related consequences. FHWA will consider whether projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in E.O. 14030 *Climate-Related Financial Risk* (86 FR 27967) and E.O. 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (80 FR 6425).

⁶ <https://www.apprenticeship.gov/>

FHWA will assess whether the project has addressed environmental sustainability, including but not limited to consideration of the following examples:

- (1) The degree of project results in GHG emissions reductions relative to a no-action baseline;
- (2) A Local/Regional/State Climate Action Plan that results in lower GHG emissions has been prepared and the project directly supports that Climate Action Plan;
- (3) The regional transportation improvement program or statewide transportation improvement program is based on integrated land use and transportation planning and design that increases low-carbon mode travel, reduction of GHGs and vehicle miles traveled or multimodal transportation choices and/or incorporates electrification or zero emission vehicle infrastructure.
- (4) The project sponsor has used environmental justice tools such as the EJSCREEN to minimize adverse impacts to environmental justice communities (<https://ejscreen.epa.gov/mapper/>);
- (5) A Local/Regional/State Energy Baseline Study has been prepared and the project directly supports that study;
- (6) The project supports a modal shift in freight (e.g., from highway to rail) or passenger movement (e.g., from driving to transit, walking, and/or cycling) to reduce emissions. The project utilizes demand management strategies to reduce congestion, induced travel demand, and GHG emissions;
- (7) The project incorporates electrification infrastructure for personal, commercial and/or transit vehicles (e.g., installation of electric vehicle charging stations, zero-emission vehicle infrastructure, or both);
- (8) The project promotes energy efficiency;
- (9) The project serves the renewable energy supply chains;
- (10) The project improves disaster preparedness and resilience to all hazards;
- (11) The project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through a reduction in Clean Air Act criteria pollutants and GHGs, improved stormwater management, or improved habitat connectivity;
- (12) The project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm (e.g., brownfield redevelopment);

- (13) The project supports or incorporates the construction of energy- and location-efficient buildings, including residential or mixed-use development; or
- (14) The project proposes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both.

Criterion #3: Equity, Multimodal Options, and Quality of Life

FHWA will consider the extent to which the project improves the quality of life in rural areas or urbanized areas. This may include projects that:

- (1) Increase affordable and accessible transportation choices and equity for individuals, including disadvantaged communities;
- (2) Improve access to emergency care, essential services, healthcare providers, or drug and alcohol treatment and rehabilitation centers;
- (3) Reduce transportation and housing cost burdens, including through public and private investments to support greater commercial and mixed-income residential development near public transportation, along rural main streets, or in walkable neighborhoods;
- (4) Increase the walkability and accessibility for pedestrians and encourage thriving communities for individuals to work, live, and play by creating transportation choices for individuals to move freely with or without a car;
- (5) Enhance the unique characteristics of the community;
- (6) Proactively address equity⁷ or other disparities and barriers to opportunity, through the planning process or through the incorporation of design elements;
- (7) Have engaged, or will engage, diverse people and communities and demonstrate that equity considerations and community input and ownership, particularly among disadvantaged communities, are meaningfully integrated into the planning, development, and implementation of transportation investments. Competitive applications should demonstrate strong collaboration and support among a broad range of stakeholders, including community-based organizations, other public or private entities, and labor unions; or
- (8) Support a Local/Regional/State Equitable Development Plan.

⁷ Definitions for “equity” and “underserved communities” are found in E.O. 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, Sections 2 (a) and (b).

The Department will consider the extent to which the project benefits a historically disadvantaged community or population or areas of persistent poverty.

(a) In this context, Areas of Persistent Poverty means: (1) any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period preceding November 15, 2021, as measured by the 1990 and 2000⁸ decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the Census⁹; (2) any census tract with a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Bureau of the Census¹⁰; or (3) any territory or possession of the United States. A county satisfies this definition only if 20 percent of its population was living in poverty in all three of the listed datasets: (a) the 1990 decennial census; (b) the 2000 decennial census; and (c) the 2020 Small Area Income Poverty Estimates. This definition is the same as the definition used for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program. The Department lists all counties and census tracts that meet this definition for Areas of Persistent Poverty at <https://datahub.transportation.gov/stories/s/tsyd-k6ij>.

(b) Historically Disadvantaged Communities – The Department has developed a definition of Historically Disadvantaged Communities as part of its implementation of the Justice40 Initiative and will use that definition for the purpose of this NOFO. Consistent with OMB's Interim Guidance for the Justice40 Initiative,¹¹ Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. This definition is the same as the definition used for the RAISE Program. The Department is providing a list of census tracts that meet the

⁸ See <https://www.census.gov/data/tables/time-series/dec/census-poverty.html> for county dataset.

⁹ See <https://www.census.gov/data/datasets/2020/demo/saipe/2020-state-and-county.html> for December 2020 Small Area Income Poverty Dataset

¹⁰ See <https://data.census.gov/cedsci/table?q=ACSST1Y2018.S1701&tid=ACSST5Y2018.S1701&hidePreview=f> also for 2014-2018 five year data series from the American Community Survey

¹¹ <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

definition of Historically Disadvantaged Communities, as well as a mapping tool to assist Applicants in identifying whether a project is located in a Historically Disadvantaged Community, available at https://datahub.transportation.gov/stories/s/tsyd-k6ij_

FHWA will assess whether the project proactively addresses equity and barriers to opportunity, including but not limited to the following examples:

- (1) An equity impact analysis has been completed for the project;
- (2) The project sponsor has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure equity in the overall project delivery and implementation;
- (3) The project includes comprehensive planning and policies to promote the hiring of underrepresented populations, including local and economic hiring preferences and investments in high-quality workforce development programs with supportive services, including labor-management programs, to help train, place, and retain people in good-paying jobs or registered apprenticeship;
- (4) The project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation;
- (5) The project includes new or improved walking and bicycling infrastructure, reduces automobile dependence, improves access for people with disabilities, and proactively incorporates Universal Design¹²;
- (6) The project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities; or
- (7) The project addresses automobile dependence as a form of barrier to opportunity.

¹² "Universal design" is a concept in which products and environments are designed to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. For more information: <https://www.section508.gov/develop/universal-design/>

FHWA will also consider the extent to which the project benefits a Historically Disadvantaged Community or population, or Areas of Persistent Poverty, as defined in Section C of this Notice.

2. REVIEW AND SELECTION PROCESS

The FHWA will utilize a three-phased approach for the review, selection, and award of eligible applications. During Phase I, FHWA will conduct an initial eligibility review. During Phase II, FHWA will use a merit review process to evaluate applications and make selections for an award. In Phase III, FHWA will conduct award discussions with selected Applicants to determine the method of the award, clarify and request additional budgetary information, and obtain a project SOW.

a) Phase I - Eligibility Review

Upon receipt of applications resulting from the NOFO, FHWA Office of Acquisition and Grants Management (HCFA) will review each application for compliance with the NOFO and forward the necessary copies to the relevant panel members. Applications will be reviewed for page limitations. Pages exceeding the page limitation will be removed from the application before distribution to the panels and will not be considered in the evaluation.

b) Phase II - Application Review and Selection

FHWA will review all eligible applications. The ATTAIN process consists of a technical evaluation phase and senior review. In the technical evaluation phase, teams of technical experts from a cross-section of FHWA modal administrations will determine whether each project satisfies statutory requirements and rate how well it addresses selection criteria. The senior review team will consider the applications and the technical evaluations to determine which projects to advance to FHWA Administrator for consideration. Evaluations in both the technical evaluation and senior review phases will place all eligible projects into one of three rating categories; Highly Recommended, Recommended, and Not Recommended. The evaluations will not assign numerical scores, nor will there be any sorting or rankings within each of the three subcategories. In summary, any project slotted into each category will have the same weight of recommendation in that category. The FHWA Administrator will select the projects for award. FHWA reserves the right to use outside expertise or contractor support to perform application evaluation. A panel of Agency experts will conduct a risk assessment of the Applicant prior to award.

The adjectival rating categories to be used during the review and selection process, as described in the paragraph above, are defined as follows:

Highly Recommended:

- Application and proposed technology deployment align extremely well with the objectives of the ATTAIN Program.
- Application meets NOFO requirements, demonstrates excellent technical merit as defined by the evaluation criteria, and has salient features that significantly align with the Government's vision and goals for safety, innovation, and opportunity.
- Application represents a low to moderate risk of unsuccessful deployment.

Recommended:

- Applicant and proposed technology deployment substantially align with the objectives of the selection criteria under consideration.
- Application meets NOFO requirements, demonstrates sound technical merit as defined by the evaluation criteria, and has salient features that align with the Government's vision and goals for safety, innovation, and opportunity.
- Application represents a low to moderate risk of unsuccessful deployment.

Not Recommended:

- Application and proposed technology deployment do not substantially align with the objectives of the selection criteria under consideration;
- Application does not demonstrate sufficient technical merit as defined by the evaluation criteria;
- Application does not offer sufficient salient features that align with the Government's vision and goals; and/or
- Application includes risk factors that contribute to moderate to high risk of unsuccessful deployment.

FHWA will award the applications that are considered the most advantageous to FHWA using the criteria cited above and subject to the results of an Applicant risk assessment, and subject to funding availability. In addition, per 23 U.S.C. 503(c)(4)(D)(i) - (iii), FHWA shall ensure, to the extent practicable, that grant recipients represent diverse

geographic areas of the United States, including urban and rural areas,¹³ and that grant recipients represent diverse technology solutions.

In all cases, the ratings assigned by the teams of technical experts, the decisions for advancing applications by the senior review team, and final selection decisions by the FHWA Administrator will be made in accordance with the criteria established in Section E of this opportunity and that best address the ATTAIN program goals, statutory selection criteria, project outcome criteria and FHWA Priority Considerations, and ensure the effective use of Federal funding

The FHWA Administrator is the official responsible for final award selections. FHWA is not obligated to make any award as a result of this notice.

c) Phase III – Post-Selection Discussions and Method of Award

In Phase III, FHWA and the Applicant will reach an agreement on the method for the award. There are two possible options for award: award through an allocation to the State department of transportation or a direct award from FHWA. FHWA will also conduct discussions with the selected Applicant to clarify and refine elements of the Applicant's technical and budget applications.¹⁴ Discussions may include a request for detailed and itemized cost information, including: direct labor categories, hours and rates, fringe benefit rates, travel, equipment, supplies, sub-recipient, contractor and consultant costs and supporting documentation, construction costs, other direct costs, indirect cost rates, and additional supporting budget narrative. The selected Applicant will also be required to provide a project description.

3. RISK ASSESSMENT

Prior to award, each selected Applicant will be subject to a risk assessment required by 2 CFR 200.206. If the Federal awarding agency determines that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award. FHWA must review and consider any information about the Applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information

¹³ Rural Set-Aside: Not less than 20 percent of the amounts made available to under this opportunity shall be reserved for projects serving rural areas.

¹⁴ Any proposed revisions to a Selectee's technical or budget applications that occur during these discussions that would interfere with applicable statutory or legislative requirements being met cannot be considered, inclusive of but not limited to cost share requirements.

System (FAPIS)). An Applicant may review information in FAPIS and comment on any information about itself. FHWA will consider comments by the Applicant, in addition to other information in FAPIS, in making a judgment about the Applicant's integrity, business ethics, and record of performance under Federal awards when completing the risk assessment. FHWA reserves the right to deny an award based on the results of the risk assessment.

FHWA will assess the risks posed by an Applicant before they receive an award. If the Federal awarding agency determines that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award. This Risk Assessment will include an evaluation of some or all the following items relative to the Applicant and/or sub-Applicants as applicable:

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

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

- (4) Applicant's audit reports and findings from audits performed on the Applicant pursuant to 2 CFR Part 200 Subpart F – Audit Requirements or the reports and findings of any other available audits;
- (5) Applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities;
- (6) Applicant's potential for conflict of interest if applicable; and

Note: In accordance with 2 CFR 200.112, FHWA will review the information provided by the Applicant, and any other relevant information known to FHWA, to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, FHWA may (a)

disqualify the Applicant or (b) determine that it is otherwise in the best interest of the United States to award to the Applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.213.

(7) Applicant's eligibility to receive Federal funding. Per the guidelines on governmentwide suspension and debarment in 2 CFR Part 180, the Government will confirm that the Applicant and any named sub-Applicants are not debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities.

Pursuant to 2 CFR Part 200.206, prior to making a Federal award, the Federal awarding agency is required to review information available through any OMB-designated repositories of governmentwide eligibility qualification or financial integrity information, such as FAPIIS, Dun & Bradstreet, and Sam.gov. The Government's review of this information will occur as part of the risk assessment.

4. ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

FHWA anticipates, but does not guarantee awarding funds for ATTAIN by February 2023.

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

1. FEDERAL AWARD NOTICES

Following the evaluation outlined in Section E, FHWA will notify the selected Applicants and announce the selected projects. Notice that an Applicant has been selected as a recipient does not constitute approval of the application as submitted. Before the award, FHWA will contact the POC listed in the SF 424 to initiate the negotiation of a project-specific agreement. If the negotiations do not result in an acceptable submittal, FHWA reserves the right to terminate the negotiation and decline to fund the Applicant.

2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found in 2 CFR 200, as adopted by FHWA at 2 CFR 1201. For a list of the applicable laws, rules, regulations, executive orders, policies, guidelines, and requirements related to ATTAIN projects, please see <http://www.fhwa.dot.gov/aaa/generaltermsconditions.cfm>. Applicable Federal laws, rules, and regulations set forth in 23 U.S.C., 23 CFR, and 49 CFR also apply.

Any cooperative agreements awarded as a result of this opportunity are anticipated to be subject to the following special terms and conditions:

a. INDIRECT COSTS

Indirect costs are allowable under the cooperative agreements in accordance with the Recipient's Federally Negotiated Indirect Cost Rates as documented in writing and approved by the Recipient's cognizant Government agency. In accordance with 2 CFR 200.414(f), any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in 2 CFR Part 200, appendix VII, paragraph D.1.b, may elect to charge a de minimis rate of 10 percent of modified total direct costs which may be used indefinitely. No documentation is required to justify the 10-percent de minimis indirect cost rate.

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

b. DATA RIGHTS

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

c. PERSONALLY IDENTIFIABLE INFORMATION (PII)

PII as defined at 2 CFR 200.1 will not be requested unless necessary and only with prior written approval of the AO with concurrence from the AOR.

d. AVAILABLE FUNDING

The total estimated amount of Federal funding that may be provided under the cooperative agreement is up to **[to be filled in upon award]** for the entire period of performance, subject to the limitations shown below:

Currently, Federal funds in the amount of **[to be filled in upon award]**, are obligated to this cooperative agreement.

Subject to availability of funds, and an executed document by the AO, the difference between the current funding and the total estimated amount of Federal funding may be obligated to the cooperative agreements.

The Government's liability to make payments to the Recipient is limited to those funds obligated under the cooperative agreements as indicated above and any subsequent amendments.

e. KEY PERSONNEL

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

Name	Title/Position
(*** to be filled in at award ***)	

f. PROGRAM INCOME

Pursuant to 2 CFR 200.307, program income earned during the cooperative agreements period must be added to the Federal award and used for the purposes and under the conditions of the Federal award, unless otherwise approved by the AO.

Program income must not be used to offset the Federal or Recipient contribution to this project.

g. SUBAWARDS

Recipients must have a procurement system in compliance with 2 CFR 200.318 through 200.327.

h. ORDER OF PRECEDENCE

Upon award, the Recipient's technical and budget applications will have been accepted, approved, and incorporated therein as Attachments. In the event of any conflict between the cooperative agreement document and the Recipient's proposal and/or application, the cooperative agreement document shall prevail.

i. DESIGNATION AS RESEARCH OR NON-RESEARCH AGREEMENT

The cooperative agreement will be designated as: *RESEARCH & DEVELOPMENT*.

j. CONFERENCE SUPPORT RESTRICTIONS

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

Food and beverage costs are not allowable conference expenses for reimbursement under the cooperative agreements.

NOTES: Costs of meals are allowable as a travel per diem expense for individuals on travel status and pursuant to the Travel clause of the cooperative agreements.

k. DISPUTES

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

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

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

Upon written request to the FHWA Director, Office of Acquisition and Grants Management or designee, made within 30 calendar days after the AO's written decision or upon unavailability of a decision within the stated time frame under the preceding paragraph, the dispute will be further reviewed. This review will be

conducted by the Director, Office of Acquisition and Grants Management or designee. Following the review, the Director, Office of Acquisition and Grants Management or designee, will resolve the issues and notify the parties in writing. Such resolution is not subject to further administrative review and to the extent permitted by law, will be final and binding. Nothing in this agreement is intended to prevent the parties from pursuing disputes in a U.S. Federal Court of competent jurisdiction.

I. CLOSEOUT OF AGREEMENT FILE

The Government will initiate the administrative closeout of the cooperative agreements after receiving evidence that all technical work and administrative requirements have been completed. The Recipient shall furnish all required documents in support of the closeout of the cooperative agreements within the timeframes requested by the Government. The Government anticipates the timeframe to complete administrative closeout of the cooperative agreements will not exceed 6 months.

m. ANNUAL BUDGET REVIEW AND PROGRAM PLAN

The Recipient must submit an electronic copy of the Annual Budget Review and Program Plan to the AO and the AOR 60 calendar days prior to the anniversary date of the cooperative agreements. The Annual Budget Review and Program Plan must include the required certification pursuant to 2 CFR 200.415. The Annual Budget Review and Program Plan must provide a detailed schedule of activities, estimate of specific performance objectives, include forecasted expenditures, and schedule of milestones for the upcoming year. If there are no proposed deviations from the Approved Project Budget, the Annual Budget Review must contain a statement stating such. The Recipient must meet via teleconference or Web conference with FHWA to discuss the Annual Budget Review and Program Plan. Work proposed under the Annual Budget Review and Program Plan must not commence until AO's written approval is received.

n. TRAVEL

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

o. PROGRAM REQUIREMENTS

(a) Climate Change and Environmental Justice Impact Consideration

Each Applicant selected for ATTAIN grant funding must demonstrate an effort to consider climate change and environmental justice impacts as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by FHWA, will be required to do so before receiving funds for construction, consistent with E.O. 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).¹⁵

(b) Equity and Barriers to Opportunity

Each Applicant selected for ATTAIN grant funding must demonstrate an effort to improve equity and reduce barriers to opportunity as described in Section A. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by FHWA, will be required to do so before receiving funds for construction, consistent with E.O. 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).¹⁶

(c) Labor and Work

Each Applicant selected for ATTAIN grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards as described in Section A. To the extent that Applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the U.S. Department of Labor (DOL), the Applicants will be required to do so before receiving funds for construction, consistent with E.O. 14025, *Worker Organizing and Empowerment* (86 FR 22829), and E.O. 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335).

As expressed in section A, equal employment opportunity is an important priority. The FHWA wants to ensure that project sponsors have the support they need to meet requirements under E.O. 11246, *Equal Employment Opportunity* (30 FR 12319, and as amended). All federally assisted contractors are required to make good faith efforts to meet the goals of 6.9

¹⁵ An illustrative example of how these requirements are applied to recipients can be found here: <https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions>

¹⁶ An illustrative example of how these requirements are applied to recipients can be found here: <https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions>

percent of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color.¹⁷ The DOL Office of Federal Contract Compliance Programs (OFCCP) has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Through the program, OFCCP offers contractors and subcontractors extensive compliance assistance, conducts compliance evaluations, and helps to build partnerships between the project sponsor, prime contractor, subcontractors, and relevant stakeholders. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. The FHWA will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their FHWA award. Under that partnership, OFCCP will ask these project sponsors to make clear to prime contractors in the pre-bid phase that the project sponsor's award terms will require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under "Scheduling" on the DOL website: <https://www.dol.gov/agencies/ofccp/faqs/construction-compliance>.

(d) Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each Applicant selected for ATTAIN grant funding must demonstrate, prior to the signing of the grant agreement, an effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by FHWA and the U.S. Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with *Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security*

¹⁷ <https://www.dol.gov/sites/dolgov/files/ofccp/ParticipationGoals.pdf>

Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems.

(e) Other Administrative and Policy Requirements

As expressed in E.O. 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. The ATTAIN Program is subject to the Build America, Buy America Act (Pub. L. No 117-58, div. G §§ 70901–70927). The FHWA expects all recipients to be able to complete their project without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

The applicability of Federal requirements to a project may be affected by the scope of the National Environmental Policy Act (NEPA) reviews for that project. For example, under 23 U.S.C. § 313(g), Buy America requirements apply to all contracts that are eligible for assistance under title 23 and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with title 23 funds. As another example, Americans with Disabilities Act (ADA) regulations apply to all projects funded under this Notice.

Recipients of Federal transportation funding will be required to comply fully with the ADA, title VI of the Civil Rights Act of 1964, and all other civil rights requirements. The FHWA and the applicable Operating Administrations' Office of Civil Rights may work with awarded projects to ensure full compliance with Federal civil rights requirements.

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

with applicable Federal requirements, FHWA may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

ATTAIN projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSRs), or vehicles that are exempt from FMVSS or FMCSRs in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

3. REPORTING

a. Progress Reporting on Grant Activity. Each Applicant selected for an ATTAIN grant must submit the Federal Financial Report (SF-425) on the financial condition of the project, its progress, and an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the ATTAIN Program.

b. Reporting of Matters Related to Integrity and Performance. In accordance with Appendix XII to Part 200 of 2 CFR, Section A.1, General Reporting Requirement, states the following: If the total value of a selected Applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10 million at any time during the period of performance, then the Applicant must maintain the currency of information reported to the SAM and made available in the FAPIIS about civil, criminal, or administrative proceedings as described in the terms and conditions of any resultant award. This is a statutory requirement under Section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by Section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

c. Reporting to the Secretary. Per 23 U.S.C. 503(c)(4)(F), not later than 1 year after receiving an ATTAIN grant, and each year thereafter, the recipient shall submit a report to the Secretary that describes:

- i. Deployment and operational costs of the project compared to the benefits and savings the project provides; and
- ii. How the project has met the original expectations projected in the deployment plan submitted with the application, such as:

- a. data on how the project has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;
- b. data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;
- c. the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public to make informed travel decisions; and
- d. lessons learned and recommendations for future deployment strategies to optimize transportation mobility, efficiency, multimodal system performance, and payment system performance.

The Agency will offer a standard template to format the annual reports to FHWA.

NOTE: INTENT TO RELEASE APPLICATIONS AND NAMES OF APPLICANT

In order to expand public awareness of ATTAIN technologies, concepts, and ideas, FHWA may post publicly or release publicly all Volume 1 Technical Applications after award. Applications do not need to be Section 508 compliant upon submission. In the event that FHWA intends to post or release these materials publicly, FHWA reserves the right to coordinate with the Applicant to ensure all applicable requirements are met, as they pertain to 508 compliance.

By submitting an application in response to this NOFO, the Applicant provides FHWA permission to:

- Release publicly the names of all Applicants after selection of the ATTAIN awardees; and
- Release publicly Volume 1 Technical Application document (without the résumés of key personnel) after selection of the ATTAIN awardees.

If the application includes information you consider to be a trade secret or confidential commercial or financial information, the Applicant should do the following: (1) Note on the front cover that the submission "Contains Confidential Business Information (CBI)," (2) mark each affected page "CBI," and (3) highlight or otherwise denote the CBI portions."

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Address any questions to:

ATTAIN@dot.gov

and

Ryan Buck

202-366-4229

Ryan.Buck@dot.gov

SECTION H – OTHER INFORMATION

1. Protection of Confidential Business Information

Protection of Confidential Business Information. All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the Applicant submits information that the Applicant considers to be a trade secret or confidential commercial or financial information, the Applicant must provide that information in a separate document, which the Applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the Applicant must do the following: (1) State on the cover of that document that it “Contains Confidential Business Information (CBI)”; (2) mark each page that contains confidential information with “CBI”; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. The FHWA will protect confidential information complying with these requirements to the extent required under applicable law. If FHWA receives a Freedom of Information Act (FOIA) request for the information that the Applicant has marked in accordance with this section, FHWA will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

2. Publication of Application Information

Publication/Sharing of Application Information. Following the completion of the selection process and announcement of awards, FHWA intends to publish a list of all applications received, along with the names of the Applicant organizations and the funding amounts requested. Except for the information properly marked as described in Section H.1, FHWA may make application narratives publicly available or share application information within FHWA or with other Federal agencies if FHWA determines that sharing is relevant to the respective program’s objectives.

3. Department Feedback on Applications

The FHWA Feedback on Applications Debriefs by ATTAIn staff are available to Applicants not selected for award to receive information about the ATTAIn project’s evaluation.

4. Prohibition on Use of Funds to Support or Oppose Union Organizing

ATTAIN funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.