

NOTICE OF FUNDING OPPORTUNITY



DEPARTMENT OF WAR

WASHINGTON HEADQUARTERS SERVICES

ANNOUNCEMENT TYPE:	Amendment 0001 Announcement
FUNDING OPPORTUNITY NUMBER:	HQ003426NFOEFCD01
ASSISTANCE LISTING:	12.016 Transportation – Shuttle Services Route A90
ASSISTANCE TYPE:	Cooperative Agreement
KEY DATES:	Applications Due: 04 June 2026 , 4pm Eastern Award Date (Tentative): 26 June 2026

A. Program Description—Required.

1. PROGRAM SUMMARY

This program, administered by the Washington Headquarters Services (WHS) of the Department of War (DoW), seeks to fund a Contractor to provide comprehensive bus transportation services for DoW personnel. The primary focus of this funding opportunity is to establish and operate a continual express shuttle bus service, designated as Route A90, between the Pentagon Transit Center (PTC) and the Mark Center Station (MCS) facility.

The overarching goal of this program is to ensure reliable and efficient ground transportation for DoW employees in the National Capital Region. The key objectives include:

- Providing driver-operated shuttle bus services.
- Maintaining and inspecting all transportation vehicles to ensure safety and reliability.
- Adhering to all necessary license and security requirements.
- Securing appropriate vehicle insurance and liability coverage.
- Ensuring buses meet capacity (seating and standing) and accessibility requirements under federal standards.

Historically, the Pentagon Services Division (PSD), a component of the Executive Services Directorate (ESD) under WHS, has been responsible for providing transportation solutions to DoW employees. This NFO continues that mission by addressing the specific transportation needs created by the location of the Mark Center facility, which is not within walking distance of any mass transit facility.

2. CONTRIBUTION TO PROGRAM GOALS AND PERFORMANCE MEASUREMENT:

The awarded Contractor will contribute directly to the program's goals by providing the necessary personnel, equipment, and services to operate the Route A90 express bus service. This service is a key component of the DoW's Transportation Management Plan for the Mark Center.

The expected outcomes and performance goals for this program are as follows:

- **Mitigate Traffic Impact:** Reduce traffic congestion in the National Capital Region by providing an alternative to single-occupancy vehicles.
- **Reduce Reliance on Private Automobiles:** Encourage DoW employees to utilize public and provided transportation for their daily commutes.
- **Lessen Environmental and Safety Impacts:** Decrease the environmental footprint and safety risks associated with a high volume of private vehicle commutes.
- **Enhance Mass Transit Capabilities:** Strengthen the region's mass transit infrastructure by adding a reliable shuttle service.

Performance will be measured by the Contractor's ability to:

- Perform all services as defined in the attached Statement of Work (SOW).
- Maintain a continual, uninterrupted express service on Route A90 between the PTC and the MCT with no intermediate stops.
- Achieve and maintain status as a DoW-approved carrier for the duration of the cooperative agreement.
- Ensure all buses are properly maintained and that all drivers comply with federal, state, and local laws.
- Provide technical assistance to the DoW in the area of transportation management and planning to evaluate future improvements and efficiencies.

3. AUTHORIZING STATUTES AND REGULATIONS

The statutory authority for this funding opportunity is derived from the following:

- Title 31 of the United States Code, Section 1344(g) (31 U.S.C. § 1344(g)): This statute authorizes the DoD to use appropriated funds for the transportation of employees between designated places of employment and mass transit facilities for an official purpose.
- Public Law 109-59, the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” (SAFETEA-LU): Section 3049 of this act amended 31 U.S.C. § 1344(g) to explicitly include the transportation of an individual between their place of employment and a mass transit facility as transportation for an official purpose.
- 10 USC §2687, Defense Base Closure and Realignment Act (BRAC), as supplemented by P.L. 110-181, FY 08 NDAA § 2708, “Acquisition of real property, Fort Belvoir, Virginia, as part of the realignment of the installation”. This statute authorizes transportation services for BRAC facility 133 (Mark Center).
- 31 USC § 1344- Passenger Carrier Use: This statute authorizes funds to be expended by the Federal agency for the maintenance, operation, or repair of any passenger carrier only to the extent that such carrier is used to provide transportation for official purposes.
- The authorization to make awards under this NFO may be found via the Assistance Listing 12.016 at <https://sam.gov/workspace/assistance/fal/773ff408ebd04f5a9a20258911d7723f/view>

B. Federal Award Information—Required

1. TYPE OF INSTRUMENT

The Government intends to award a cooperative agreement. The anticipated substantial Government involvement includes collaboration, participation, or intervention in the program or activity to be performed under the award. The Government reserves the right to award other assistance instruments, if deemed in the best interests of the Government.

2. ESTIMATED PROGRAM FUNDING

The Federal Government (DoW) anticipates funding \$6,446,058.58 towards the agreement, distributed across fiscal years (basic award) and four, 1-year options (if exercised). The estimate accounts for a 5% escalation in price from the previous cooperative agreement plus FY24/25 ridership reports published by the Washington Metropolitan Area Transit Authority (WMATA). The anticipated federal program funding, broken out by Fiscal Year (FY), is:

Fiscal Year	FY26- FY27 (Base)	FY27- FY28 (Option 1)	Total Estimated Amount
Federal Contribution/ Funding	~\$1.16M	~\$1.22M	~\$2.38M

Subject to the availability of funds, the total value of this effort may also be augmented by Congress or by other federal Government agencies.

3. ANTICIPATED NUMBER OF AWARDS

The Government reserves the right to make a single or no award as a result of this NFO. Only one award is anticipated.

4. PERIOD OF PERFORMANCE

The services performed under this cooperative agreement are as follows:

Year	Period of Performance
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Base Period	1 July 2026 to 30 June 2027
Option Year One	1 July 2027 to 30 June 2028

C. Eligibility Information – Required

1. ELIGIBLE APPLICANT

The Government intends to make a sole source award under this NFO to WMATA as the only responsible source considering there are no other supplies, services or sources that will satisfy agency requirements. WMATA is the only public transit agency capable of maintaining a continual, uninterrupted express shuttle service with no intermediate stops between the PTC and the MCT. WMATA has historically operated shuttle bus services for the required A90 Route (formerly known as “7M”) that services the public and DoW employees. Since BRAC the DoW has been supporting WMATA in providing public transportation services that might not have continued after DoW facilities realignment which is a direct public benefit of this cooperative agreement. No other applicants will be reviewed or considered for award under this NFO.

2. COST SHARING OR MATCHING

Per 10 USC 4841, the Government will evaluate the extent to which that proposed transaction provides for the proposed recipient to share in the cost of the services. Services for which the Government receives an offer from only one offeror, the Contracting/Grants Officer shall negotiate the ratio of contract recipient cost to Government cost that represents the best value to the Government.

3. CONFLICT OF INTEREST

The organization must disclose any potential or actual scientific or nonscientific conflict of interest(s) and must also disclose any potential or actual conflict(s) of interest for any identified sub recipient included in the application. The Government may follow-up with questions.

Depending on the circumstances, the Government may request a conflict of interest mitigation plan. The plan must be approved by the Government. Conflicts of interest which are unable to be mitigated will deem the applicant ineligible for award.

D. Application and Submission Information - Required

1. GENERAL REQUIREMENTS

Proposals submitted shall be in accordance with this announcement. Offerors may submit only one proposal. The proposal must be valid for at least 120 days. All proposals must reference this announcement number. Offerors should be alert for any amendments to this NFO that may adjust submission dates or other submission requirements. All submissions must be unclassified. The Government will not reimburse any cost associated with participation in the proposal process.

The Government reminds offerors that only warranted Grants Officers could bind or otherwise commit contractually the Government. The cost of preparing proposals in response to this announcement is not an allowable direct charge to any resulting agreement (or any other federal award/contract).

2. SUBMISSION DATE AND TIME

The due date for application submission is 4:00pm EST, June 04, 2026

Applications will only be accepted if submitted through Grants.gov. The DoW will only accept applications submitted on or before the date specified in this NFO announcement. Read the instructions in <https://www.grants.gov/applicants/applicant-registration> about registering to apply for DoW funds. If the offeror experiences difficulties with their submission, [Grants.gov](https://www.grants.gov) provides support via the toll-free number 1-800-518-4726

and email at support@grants.gov. This ticket number will allow the DoW to verify the issue if it cannot be resolved by the application date.

The application package for this NFO is available on Grants.gov. Amendments to this NFO will be posted to the above website if and when they occur. Interested parties are encouraged to periodically check the above website for updates and amendments.

3. CONTENT AND FORM OF APPLICATION SUBMISSION

The entire submission shall use Times New Roman or another plain font that is easily decipherable and, at minimum, a 11-point font size for text and a 10-point font size for tables and graphics. The narrative portion of the application will be submitted in .pdf format. Supporting cost data should be provided in MS Excel format to facilitate verification of calculations. All pages shall include page numbering.

Required Forms
1. Application for Federal Assistance Mandatory Form SF424 (4.0)
2. Assurances for Non-construction Programs (SF-424B) (V1.1)
3. Disclosure of Lobbying Activities (SF-LLL) (V2.0) (Optional)
4. Budget Information for Non-construction Programs (SF-424A) (V1.0)
5. Budget Narrative Attachment Form (V1.2)
6. Project Abstract Summary (V2.0) (No more than 2 pages)
7. Project Narrative Attachment Form (V1.2) (No more than 10 pages)

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

Organizations must have a Unique Entity Identifier (UEI), active System for Award Management (SAM) registration, and Grants.gov account to apply for grants and cooperative agreements.

The Government may not make a Federal award until the applicant has complied with all unique entity identifier and SAM requirements and, 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. An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. The Federal awarding agency will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in § 200.206.

The Federal Assistance Certifications Report is an attestation that the entity will abide by the requirements of the various laws and regulations; therefore, as applicable, you are still required to submit any documentation, including the SF-LLL Disclosure of Lobbying Activities (if applicable), and informing DoD of unpaid delinquent tax liability or a felony conviction under any Federal law.

Any attachment containing additional certifications should be prefaced by the following statement: “By checking “I Agree” on the SF-424 Block 21 you agree to abide by the following statement: “By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)”

Offerors are responsible for submitting their applications in sufficient time to allow them to reach Grants.gov by the date and time specified in this announcement. It is strongly recommended that applications be uploaded at least two days before the closing date and time. This will help avoid problems caused by high system usage or any potential technical and/or input problems involving the offeror's own equipment. It will also allow any application errors detected by Grants.gov to be corrected in time for the application to be resubmitted.

5. OTHER SUBMISSION REQUIREMENTS.

This NFO is implemented in a single stage. The Government only seeks proposals that are relevant and responsive to the Program areas listed above. Applications that fail to address the Program areas may be rejected and not considered further.

DO NOT SEND: Hardcopies (including facsimiles)

DO NOT SEND: ZIP files

DO NOT SEND: Adobe Acrobat files in portfolio mode

DO NOT SEND: Password protected files.

Electronic transmission to a Government system is not instantaneous and delays in transmission often occur. The Government takes no responsibility for any delays in the transmission of a Contractor's electronic submission. The Government also takes no responsibility for any proposals not received due to technical, systemic, or server issues. It is the Offeror's responsibility to obtain written confirmation of receipt of all electronic files of the full proposal by the WHS/AD. In the event that the [Grants.gov](https://www.grants.gov) website is down, the alternate method for proposal submission is via the following email address: whs.pentagon.ad.mbx.fomb@mail.mil.

E. Application Review Information- Required

1. CRITERIA.

a. Cost and Financial Stability – The application must include a narrative cost proposal detailing direct labor, administrative and clerical labor, fringe benefits and indirect costs, travel, sub-awards, subcontracts, consultants, materials and supplies, recipient acquired equipment of facilities, and other direct costs.

The cost proposal, which is a narrative explaining and justifying budget figures in enough detail so the Government can determine reasonableness. It must include all figures, calculations, and supporting documentation for determining cost allowability, allocability, and reasonableness. Justifications for costs must be explicitly stated.

Additional information may be requested, if needed. If composite rates are used, provide the calculations used in deriving the composite rates. A Negotiated Indirect Cost Rate Agreement (NICRA) may be required in order for an awardee to invoice for indirect costs. If the Offeror does not currently hold a NICRA, describe the current status of the organization's request for such an agreement with its cognizant agency.

IAW 2 CFR §200.414(f), any non-Federal entity that has never received a negotiated indirect cost rate, except for those non-Federal entities described in Appendix VII to 2 CFR §200, may elect to charge a de minimis rate of 15% of modified total direct costs (MTDC) which may be used indefinitely.

If subject to Federal Single Audit coverage requirements, the offeror must submit the latest Single Audit with the application.

The itemized budget should include direct and indirect costs, including rates and quantities. This may include the following:

Direct Labor – Individual labor categories or persons, with associated labor hours and unburdened direct labor rates. Provide escalation rates for out years.

- a. Administrative and Clerical Labor – Salaries of administrative and clerical staff are normally indirect costs (and included in an indirect cost rate). Direct charging of these costs may be appropriate when a major project requires an extensive amount of administrative or clerical support significantly greater than normal and routine levels of support. Budgets proposing direct charging of administrative or clerical

salaries must be supported with a budget justification which adequately describes the major project and the administrative and/or clerical work to be performed.

b. Fringe Benefits and Indirect Costs (F&A, Overhead, G&A, etc.) – The application should show the rates and calculation of the costs for each rate category. If the rates have been approved/negotiated by a Government agency, provide a copy of the memorandum/agreement. If the rates have not been approved/negotiated, provide sufficient detail to enable a determination of allowability, allocability and reasonableness of the allocation bases, and how the rates are calculated. Additional information may be requested, if needed. If composite rates are used, provide the calculations used in deriving the composite rates.

c. Travel – The proposed travel costs must include the following for each trip: the purpose of the trip, origin and destination if known, approximate duration, the number of travelers, and the estimated cost per trip must be justified based on the organizations historical average cost per trip or other reasonable basis for estimation. Such estimates and the resultant costs claimed must conform to the applicable Federal cost principals.

d. Sub-awards/Subcontracts – Provide a description of the work to be performed by the subrecipient/subcontractor. For each sub-award, a detailed budget is required to be submitted by the subrecipient(s). An application and any supporting documentation must be received and reviewed before the Government can complete its cost analysis of the application. DoW's preferred method of receiving subcontract information is for this information to be included with the Prime's application.

Consultants – Provide a breakdown of the consultant's hours, the hourly rate proposed, any other proposed consultant costs, a copy of the signed Consulting Agreement or other documentation supporting the proposed consultant rate/cost, and a copy of the consultant's proposed statement of work if it is not already separately identified in the prime Contractor's application.

Materials & Supplies – Provide an itemized list of all proposed materials and supplies including quantities, unit prices, and the basis for the estimate (e.g., quotes, prior purchases, catalog price lists).

Recipient Acquired Equipment or Facilities – Equipment and/or facilities are normally furnished by the Recipient. If acquisition of equipment and/or facilities is proposed, a justification for the purchase of the items must be provided. Provide an itemized list of all equipment and/or facilities costs and the basis for the estimate (e.g., quotes, prior purchases, catalog price lists). General purpose equipment (i.e., equipment not used exclusively for research, scientific or other technical activities, such as personal computers, laptops, office equipment) should not be requested unless they will be used primarily or exclusively for the project. For computer/laptop purchases and other general-purpose equipment, if proposed, include a statement indicating how each item of equipment will be integrated into the program for use under this NFO.

Other Direct Costs – Provide an itemized list of all other proposed other direct costs and the basis for the estimate (e.g., quotes, prior purchases, catalog price lists).

Fee/Profit – Fee/profit is unallowable under assistance agreements at either the prime or sub-award level but may be permitted on subcontracts issued by the prime awardee.

b. Management Plan and Technical Approach: The application must include a work plan that demonstrates how the program and budget will be executed according to schedule, and how the recipient will monitor the progress of program and budget execution. The work plan must demonstrate an effective management system and the recipient's ability to meet the technical requirements described in the NFO and the SOW. The Work Plan will become part of the resulting award if the application is selected to be funded.

In addition to the above, applicants must include the Reporting Requirements (see Section F) in their work plan, as well as the following:

Acknowledgment of Support:

The Recipient is responsible for assuring that an acknowledgment of transportation support is made in any publication (including World Wide Web pages) of any material based on or developed under this project, in the following terms: "This material is based upon work supported by the Washinton Headquarters Services, Transportation Management program under COOP No. <Insert COOP No.>. The views expressed in written materials or publications, and/or made by speakers, moderators, and presenters, do not necessarily reflect the official policies of the Department of War nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government."

Review for Sensitive Information

Prior to the public release of these materials, the Recipient is responsible for assuring that the Technical Representative is provided access to an electronic version of every publication of material based on or developed under this award, clearly labeled with the award number and other appropriate identifying information, so that the content can be assessed for proper release of sensitive information.

Copies for WHS

Promptly after publication, the Recipient will provide the Technical Representative access to an electronic version of every publication of material based on or developed under this award, clearly labeled with the award number and acknowledgement of support.

c. History of performance: The application must include a 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. Applicants may provide past performance information, should the applicant feel the need to highlight previous efforts.

2. REVIEW AND SELECTION PROCESS.

An initial review of the applications will be conducted to ensure compliance with the requirements of this NFO.

Each application will be reviewed using merit-based selection criteria rather than against other applications submitted under this Announcement.

The Government will evaluate if the offeror:

- (a) Has the management capability and adequate financial and technical resources, given those that would be made available through the grant or cooperative agreement, to execute the program of activities envisioned under the cooperative agreement.
- (b) Has a satisfactory record of executing such programs or activities (if a prior recipient of an award).
- (c) Has a satisfactory record of integrity and business ethics.
- (d) Be otherwise qualified and eligible to receive a cooperative agreement under applicable laws and regulations (see § 22.420(c))

The Government will conduct a budget review to determine reasonableness and a risk review as directed by 2 CFR 200.206.

As part of its application evaluation and review process, the Government will consult the past performance information available in systems such as the Federal Awardee Performance and Integrity Information System (FAPIS), the Contractor Performance Assessment Reporting System (CPARS), and the System for Award Management (SAM)'s Responsibility and Qualification database. Offerors may review information in FAPIS and comment on any information entered into that system. Comments made by offerors will be taken into account in addition to other information in considering offerors' integrity, business ethics, and record of performance.

Offerors are advised that employees of commercial firms under contract to the Government may be used to administratively process applications. By submitting an application, an offeror consents to allowing access to its

application(s) by support Contractors. These support contracts include nondisclosure agreements prohibiting their Contractor employees from disclosing any information submitted by offerors.

The Government will evaluate the offerors' complete proposal based on the following ratings:

<i>Acceptable:</i>	Demonstrates an acceptable approach to the technical merits of the proposed transportation services. Demonstrates an acceptable approach to the relationship between the proposed transportation services and the DoW mission. Risk of unsuccessful performance is no worse than moderate.
<i>Unacceptable:</i>	Fails to demonstrate an approach to the technical merits of the proposed transportation services. Fails to demonstrate an approach to the relationship between the proposed transportation services and the DoW mission. Risk of unsuccessful performance is unacceptable. Application is unawardable.

Note: At the time of application, there is no additional material to be submitted for this review. However, there may be additional requests for clarification as these reviews progress.

Options: The agreement allows the Government to exercise options via unilateral modification to the agreement.

Evaluation Panel: Technical details and budgets submitted under this NFO will be protected from unauthorized disclosure. The cognizant Government Program Officer and other Government subject matter experts will perform the evaluation of technical applications. One or more WHS covered support Contractors may be utilized as subject matter experts providing technical support but will not participate in the evaluation of proposals. Each support Contractor employee that has access to technical and cost applications submitted in response to this NFO will be required to sign a nondisclosure statement prior to receipt of any application submissions.

Debriefs: Debriefs will not to be conducted at any phase of the review and selection process (e.g., after proposal review or after award). Applicants are not entitled to a debrief.

F. Reporting Requirements – Required

1. PERFORMANCE REPORTING

Under this NFO and in accordance with the SOW, the Contractor shall provide the following completed Ridership Reports via spreadsheet:

- a. Monthly ridership counts are required for each route.
 - i. Total ridership
 - ii. Total paid ridership
 - iii. Total stop-level ridership (ridership at the PTC stop and at the MCS stop)
- b. Annual ridership counts are required for each route
 - i. Total ridership
 - ii. Total paid ridership
 - iii. Total stop-level ridership (ridership at the PTC stop and at the MCS stop)
- c. Weekly review of customer complaints/feedback and resolution of issues.

2. FINANCIAL REPORTING

a. Interim Federal Financial Report (SF 425). A quarterly Federal Financial Report (SF 425) is required within 30 calendar days after the end of reported quarter period: 3/31, 6/30, 9/30, and 12/31 and must include in the remarks the location of financial records and a point of contact for the Government to obtain access to the financial records associated with this agreement.

b. Final Federal Financial Report (SF 425) is required within 90 calendar days of the completion date for the term of this Assistance Award and must include in the remarks the location of financial records and a point of contact for the Government to obtain access to the financial records associated with this agreement.

c. Federal Financial Report (SF 425) is required if receiving advance payments; the awardee shall submit a Report of Federal Cash Transactions (SF 425) within 15 calendar days following the end of each quarter. The Recipient shall provide forecasts of Federal cash requirements in the “Remarks” section of the report.

3. AUDIT REPORTS

The Recipient shall ensure that if an independent auditor is used for this award, copies of any audits conducted shall be provided to the Government. At a minimum, the following should be provided a certified statement from the independent auditor evidencing that Recipient has complied with all requirements of this agreement. Upon completion or termination of this Grant, the Recipient shall provide a list of all audits conducted which reviewed expenditures under this Assistance Award.

4. PROPERTY REPORTS

The recipient shall submit annual inventory listing to all equipment in excess of \$5,000 acquired under this Assistance Award.

5. DOCUMENT SUBMISSION

All reporting requirements above shall be sent via email to the Government Technical Program Point of Contact.

G. Federal Awarding Agency Contact(s) – Required

For technical subject matter questions, please contact Michael A. Jarrell, Transportation Management Program Office, WHS/Pentagon Services Division at michael.a.jarrell8.civ@mail.mil

For all other questions on this NFO, please contact Stephenie Charlot, Grants/Contracting Officer, or Nicole Savoy, Contracting Officer/Specialist, WHS/Acquisition Directorate at whs.pentagon.ad.mbx.fomb@mail.mil.

H. Other Information—Optional

DoW Transportation Services website <https://www.whs.mil/Services-and-Information/DoD-Transportation-Services/>

I. Federal Award Administration Information – Required

1. FEDERAL AWARD NOTICES.

The Government will notify the recipient of the award via email. The notification e-mail regarding a selection is not authorization to commit or expend DoW funds. A DoW grants officer is the only person authorized to obligate and approve the use of Federal funds. This authorization is in the form of a signed Notice of Award. After selection but prior to award, the Government may request additional information. This may include representations and certifications, revised budgets or budget explanations, or other information as applicable to the proposed award. The award start date will be determined after successfully coordinating all pre-award requirements.

2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS.

NP Article I. Nondiscrimination national policy requirements. (December 2014)

Section A. Cross-cutting nondiscrimination requirements. By signing this award or accepting funds under this award, you assure that you will comply with applicable provisions of the national policies prohibiting discrimination:

1. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), as implemented by Department of Defense (DoD) regulations at 32 CFR part 195.
2. On the basis of gender, blindness, or visual impairment, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as implemented by DoD regulations at 32 CFR part 196.
3. On the basis of age, in the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), as implemented by Department of Health and Human Services regulations at 45 CFR part 90.
4. On the basis of disability, in the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by Department of Justice regulations at 28 CFR part 41 and DoD regulations at 32 CFR part 56.
5. On the basis of disability in the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) related to physically handicapped persons' ready access to, and use of, buildings and facilities for which Federal funds are used in design, construction, or alteration.

Section B. [Reserved]

Appendix B to Part 1122—Terms and Conditions for NP Article II, “Environmental National Policy Requirements”

NP Article II. Environmental national policy requirements. (December 2014)

Section A. Cross-cutting environmental requirements. You must:

1. You must comply with all applicable Federal environmental laws and regulations. The laws and regulations identified in this section are not intended to be a complete list.
2. Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, et seq.) and Clean Water Act (33 U.S.C. 1251, et seq.).
3. Comply with applicable provisions of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), as implemented by the Department of Housing and Urban Development at 24 CFR part 35. The requirements concern lead-based paint in buildings owned by the Federal Government or housing receiving Federal assistance.
4. Immediately identify to us, as the Federal awarding agency, any potential impact that you find this award may have on:
 - a. The quality of the “human environment”, as defined in 40 CFR 1508.14, including wetlands; and provide any help we may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321 et seq.), the regulations at 40 CFR 1500–1508, and E.O. 12114, if applicable; and assist us to prepare Environmental Impact Statements or other environmental documentation. In such cases, you may take no action that will have an environmental impact (*e.g.*, physical disturbance of a site such as breaking of ground) or limit the choice of reasonable alternatives to the proposed action until we provide written notification of Federal compliance with NEPA or E.O. 12114.
 - b. Flood-prone areas and provide any help we may need to comply with the National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), which require flood insurance, when available, for federally assisted construction or acquisition in flood-prone areas.

c. A land or water use or natural resource of a coastal zone that is part of a federally approved State coastal zone management plan and provide any help we may need to comply with the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.) including preparation of a Federal agency Coastal Consistency Determination.

d. Coastal barriers along the Atlantic and Gulf coasts and Great Lakes' shores and provide help we may need to comply with the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), concerning preservation of barrier resources.

e. Any existing or proposed component of the National Wild and Scenic Rivers system and provide any help we may need to comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.).

f. Underground sources of drinking water in areas that have an aquifer that is the sole or principal drinking water source and in wellhead protection areas, and provide any help we may need to comply with the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

5. You must comply fully with the Endangered Species Act of 1973, as amended (ESA, at 16 U.S.C. 1531 et seq.), and implementing regulations of the Departments of the Interior (50 CFR parts 10–24) and Commerce (50 CFR parts 217–227). You also must provide any help we may need in complying with the consultation requirements of ESA section 7 (16 U.S.C. 1536) applicable to Federal agencies or any regulatory authorization we may need based on the award of this grant. This is not in lieu of responsibilities you have to comply with provisions of the Act that apply directly to you as a U.S. entity, independent of receiving this award.

6. You must fully comply with the Marine Mammal Protection Act of 1972, as amended (MMPA, at 16 U.S.C. 1361 et seq.) and provide any assistance we may need in obtaining any required MMPA permit based on an award of this grant.

Section B. [Reserved]

Appendix C to Part 1122—Terms and Conditions for NP Article III, “National Policy Requirements Concerning Live Organisms”

NP Article III. National policy requirements concerning live organisms. (December 2014)

Section A. Cross-cutting requirements concerning live organisms.

1. Human subjects.

a. You must protect the rights and welfare of individuals who participate as human subjects in research under this award and comply with the requirements at 32 CFR part 219, DoD Instruction (DoDI) 3216.02, 10 U.S.C. 980, and when applicable, Food and Drug Administration (FDA) regulations.

b. You must not begin performance of research involving human subjects, also known as human subjects research (HSR), that is covered under 32 CFR part 219, or that meets exemption criteria under 32 CFR 219.101(b), until you receive a formal notification of approval from a DoD Human Research Protection Official (HRPO). Approval to perform HSR under this award is received after the HRPO has performed a review of your documentation of planned HSR activities and has officially furnished a concurrence with your determination as presented in the documentation.

c. In order for the HRPO to accomplish this concurrence review, you must provide sufficient documentation to enable his or her assessment as follows:

i. If the HSR meets an exemption criterion under 32 CFR 219.101(b), the documentation must include a citation of the exemption category under 32 CFR 219.101(b) and a rationale statement.

ii. If your activity is determined as “non-exempt research involving human subjects”, the documentation must include:

(A) Assurance of Compliance (*i.e.*, Department of Health and Human Services Office for Human Research Protections (OHRP) Federalwide Assurance (FWA)) appropriate for the scope of work or program plan; and

(B) Institutional Review Board (IRB) approval, as well as all documentation reviewed by the IRB to make their determination.

d. The HRPO retains final judgment on what activities constitute HSR, whether an exempt category applies, whether the risk determination is appropriate, and whether the planned HSR activities comply with the requirements in paragraph 1.a of this section.

e. You must notify the HRPO immediately of any suspensions or terminations of the Assurance of Compliance.

f. DoD staff, consultants, and advisory groups may independently review and inspect your research and research procedures involving human subjects and, based on such findings, DoD may prohibit research that presents unacceptable hazards or otherwise fails to comply with DoD requirements.

g. Definitions for terms used in paragraph 1 of this article are found in DoDI 3216.02.

2. *Animals.*

a. Prior to initiating any animal work under the award, you must:

i. Register your research, development, test, and evaluation or training facility with the Secretary of Agriculture in accordance with 7 U.S.C. 2136 and 9 CFR 2.30, unless otherwise exempt from this requirement by meeting the conditions in 7 U.S.C. 2136 and 9 CFR parts 1–4 for the duration of the activity.

ii. Have your proposed animal use approved in accordance with Department of Defense Instruction (DoDI) 3216.01, Use of Animals in DoD Programs by a DoD Component Headquarters Oversight Office.

iii. Furnish evidence of such registration and approval to the grants officer.

b. You must make the animals on which the research is being conducted, and all premises, facilities, vehicles, equipment, and records that support animal care and use available during business hours and at other times mutually agreeable to you, the United States Department of Agriculture Office of Animal and Plant Health Inspection Service (USDA/APHIS) representative, personnel representing the DoD component oversight offices, as well as the grants officer, to ascertain that you are compliant with 7 U.S.C. 2131 et seq., 9 CFR parts 1–4, and DoDI 3216.01.

c. Your care and use of animals must conform with the pertinent laws of the United States, regulations of the Department of Agriculture, and regulations, policies, and procedures of the Department of Defense (see 7 U.S.C. 2131 et seq., 9 CFR parts 1–4, and DoDI 3216.01).

d. You must acquire animals in accordance with DoDI 3216.01.

3. *Use of Remedies.*

Failure to comply with the applicable requirements in paragraphs 1–2 of this section may result in the DoD Component's use of remedies, *e.g.*, wholly or partially terminating or suspending the award, temporarily withholding payment under the award pending correction of the deficiency, or disallowing all or part of the cost of the activity or action (including the federal share and any required cost sharing or matching) that is not in compliance. See OAR Article III.

Section B. [Reserved]

Appendix D to Part 1122—Terms and Conditions for NP Article IV, “Other National Policy Requirements”

NP Article IV. Other National Policy Requirements. (December 2014)

Section A. Cross-cutting requirements.

1. **Debarment and suspension.** You must comply with requirements regarding debarment and suspension in Subpart C of 2 CFR part 180, as adopted by DoD at 2 CFR part 1125. This includes requirements concerning your principals under this award, as well as requirements concerning your procurement transactions and subawards that are implemented in PROC Articles I through III and SUB Article II.

2. **Drug-free workplace.** You must comply with drug-free workplace requirements in Subpart B of 2 CFR part 26, which is the DoD implementation of 41 U.S.C. chapter 81, “Drug-Free Workplace.”

3. **Lobbying.**

a. You must comply with the restrictions on lobbying in 31 U.S.C. 1352, as implemented by DoD at 32 CFR part 28, and submit all disclosures required by that statute and regulation.

b. You must comply with the prohibition in 18 U.S.C. 1913 on the use of Federal funds, absent express Congressional authorization, to pay directly or indirectly for any service, advertisement or other written matter, telephone communication, or other device intended to influence at any time a Member of Congress or official of any Government concerning any legislation, law, policy, appropriation, or ratification.

c. If you are a nonprofit organization described in section 501(c)(4) of title 26, United States Code (the Internal Revenue Code of 1968), you may not engage in lobbying activities as defined in the Lobbying Disclosure Act of 1995 (2 U.S.C., chapter 26). If we determine that you have engaged in lobbying activities, we will cease all payments to you under this and other awards and terminate the awards unilaterally for material failure to comply with the award terms and conditions.

4. **Officials not to benefit.** You must comply with the requirement that no member of Congress shall be admitted to any share or part of this award, or to any benefit arising from it, in accordance with 41 U.S.C. 6306.

5. **Hatch Act.** If applicable, you must comply with the provisions of the Hatch Act (5 U.S.C. 1501–1508) concerning political activities of certain State and local Government employees, as implemented by the Office of Personnel Management at 5 CFR part 151, which limits political activity of employees or officers of State or local Governments whose employment is connected to an activity financed in whole or part with Federal funds.

6. **Native American graves protection and repatriation.** If you control or possess Native American remains and associated funerary objects, you must comply with the requirements of 43 CFR part 10, the Department of the Interior implementation of the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C., chapter 32).

7. ***Fly America Act.*** You must comply with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118), commonly referred to as the “Fly America Act,” and implementing regulations at 41 CFR 301–10.131 through 301–10.143. The law and regulations require that U.S. Government financed international air travel of passengers and transportation of personal effects or property must use a U.S. Flag air carrier or be performed under a cost sharing arrangement with a U.S. carrier, if such service is available.

8. ***Use of United States-flag vessels.*** You must comply with the following requirements of the Department of Transportation at 46 CFR 381.7, in regulations implementing the Cargo Preference Act of 1954:

a. Pursuant to Public Law 83–664 (46 U.S.C. 55305), at least 50 percent of any equipment, materials or commodities procured, contracted for or otherwise obtained with funds under this award, and which may be transported by ocean vessel, must be transported on privately owned United States-flag commercial vessels, if available.

b. Within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, “on-board” commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph 8.a of this section must be furnished to both our award administrator (through you in the case of your Contractor's bill-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.

9. ***Research misconduct.*** You must comply with requirements concerning research misconduct in Enclosure 4 to DoD Instruction 3210.7, “Research Integrity and Misconduct.” The Instruction implements the Governmentwide research misconduct policy that the Office of Science and Technology Policy published in the Federal Register (65 FR 76260, December 6, 2000, available through the U.S. Government Printing Office website: <https://www.federalregister.gov/documents/2000/12/06/00-30852/executive-office-of-the-president-federal-policy-on-research-misconduct-preamble-for-research>).

10. ***Requirements for an Institution of Higher Education Concerning Military Recruiters and Reserve Officers Training Corps (ROTC).***

a. As a condition for receiving funds available to the DoD under this award, you agree that you are not an institution of higher education (as defined in 32 CFR part 216) that has a policy or practice that either prohibits, or in effect prevents:

i. The Secretary of a Military Department from maintaining, establishing, or operating a unit of the Senior Reserve Officers Training Corps (ROTC)—in accordance with 10 U.S.C. 654 and other applicable Federal laws—at that institution (or any subelement of that institution);

ii. Any student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior ROTC at another institution of higher education.

iii. The Secretary of a Military Department or Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or

iv. Access by military recruiters for purposes of military recruiting to the names of students (who are 17 years of age or older and enrolled at that institution or any subelement of that institution); their addresses, telephone listings, dates and places of birth, levels of education, academic majors, and degrees received; and the most recent educational institutions in which they were enrolled.

b. If you are determined, using the procedures in 32 CFR part 216, to be such an institution of higher education during the period of performance of this award, we:

- i. Will cease all payments to you of DoD funds under this award and all other DoD grants and cooperative agreements; and
- ii. May suspend or terminate those awards unilaterally for material failure to comply with the award terms and conditions.

11. **Historic preservation.** You must identify to us any:

a. Property listed or eligible for listing on the National Register of Historic Places that will be affected by this award, and provide any help we may need, with respect to this award, to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108), as implemented by the Advisory Council on Historic Preservation regulations at 36 CFR part 800 and Executive Order 11593, "Identification and Protection of Historic Properties," [3 CFR, 1971-1975 Comp., p. 559]. Impacts to historical properties are included in the definition of "human environment" that require impact assessment under NEPA (See NP Article II, Section A).

b. Potential under this award for irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, and provide any help we may need, with respect to this award, to comply with the Archaeological and Historic Preservation Act of 1974 (54 U.S.C. chapter 3125).

12. **Relocation and real property acquisition.** You must comply with applicable provisions of 49 CFR part 24, which implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.) and provides for fair and equitable treatment of persons displaced by federally assisted programs or persons whose property is acquired as a result of such programs.

13. **Confidentiality of patient records.** You must keep confidential any records that you maintain of the identity, diagnosis, prognosis, or treatment of any patient in connection with any program or activity relating to substance abuse education, prevention, training, treatment, or rehabilitation that is assisted directly or indirectly under this award, in accordance with 42 U.S.C. 290dd-2.

14. **Pro-Children Act.**

You must comply with applicable restrictions in the Pro-Children Act of 1994 (Title 20, Chapter 68, subchapter X, Part B of the U.S. Code) on smoking in any indoor facility:

- a. Constructed, operated, or maintained under this award and used for routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18.
- b. Owned, leased, or contracted for and used under this award for the routine provision of federally funded health care, day care, or early childhood development (Head Start) services to children under the age of 18.

15. **Constitution Day.** You must comply with Public Law 108-447, Div. J, Title I, Sec. 111 (36 U.S.C. 106 note), which requires each educational institution receiving Federal funds in a Federal fiscal year to hold an educational program on the United States Constitution on September 17th during that year for the students served by the educational institution.

16. **Trafficking in persons.** You must comply with requirements concerning trafficking in persons specified in the award term at 2 CFR 175.15(b), as applicable.

17. **Whistleblower protections.** You must comply with 10 U.S.C. 2409, including the:

- a. Prohibition on reprisals against employees disclosing certain types of information to specified persons or bodies; and
- b. Requirement to notify your employees in writing, in the predominant native language of the workforce, of their rights and protections under that statute.