

Federal Funding Opportunity

Request for Applications (RFA)

Executive Summary

Federal Agency Name: U.S. Department of Transportation
Federal Highway Administration
Office of Acquisition Management
1200 New Jersey Avenue, SE
Washington, DC 20590
Attn: Carl Rodriguez, HAAM-40F

Funding Opportunity Title: **“Performance of Taconite Aggregates in thin lift HMA”**

Announcement Type: Request for Application

Funding Opportunity Number: ***RFA Number DTFH61-09-RA-00005***

Catalog of Federal Domestic Assistance (CFDA) Number: 20.200

Dates: RFA Issue Date is July 16, 2009
Application Due Date is August 10, 2009

Direct Questions to: Carl Rodriguez, (202) 366-4240,
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SECTION I – FUNDING OPPORTUNITY DESCRIPTION

A. STATEMENT OF PURPOSE

The Federal Highway Administration (FHWA) hereby requests applications to result in the award of one cooperative agreement to conduct a research study on the “Performance of Taconite Aggregates in thin lift HMA.”

B. LEGISLATIVE AUTHORITY

Statutory authority to award a cooperative agreement for this effort is found in SAFETEA-LU (P. L.109-59), Section 5203(c)(2)(A). (1) IN GENERAL.—The Secretary shall establish and implement a program to promote, demonstrate, support, and document the application of innovative pavement technologies, practices, performance, and benefits. (2) GOALS.—The goals of the innovative pavement research and deployment program shall include—(A) The deployment of new, cost-effective, innovative designs, materials, recycled materials (including taconite and foundry sand), and practices to extend pavement life and performance and to improve customer satisfaction;

Statutory Authority to award this cooperative agreement is also derived from 23 USC 502 (b)(3) as amended by P.L. 109-59 – August 10, 2005. Per Section 5201 paragraph (c)(3) COOPERATION, GRANTS AND CONTRACTS.- “The Secretary may carry out research, development, and technology transfer activities related to transportation- ... (C) by making grants to, and 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 non-profit corporation, organization, foreign country, or any other person.”

Cost Share - Pursuant to Section 111(b)(1)(C) of Public Law 110-244, the Federal share shall not exceed 80 percent of this project’s costs.

C. OBJECTIVES

The objective of this cooperative agreement is to advance the knowledge of the beneficial uses of taconite mining tailings as well as to facilitate technical information gathering and marketing of such uses and properties.

D. STATEMENT OF WORK

Background

The use of alternative aggregates in asphalt mixtures has become a priority since the resources for standard aggregates are limited. In Minnesota for example, the mining industry generates over 125 million tons of mining byproducts, a figure that is more than double the entire state's annual aggregate usage.

In a recent research effort performed at the University of Minnesota, a number of mechanical tests were performed on asphalt mixtures prepared with traditional aggregates, with taconite aggregates, and with combinations of traditional and taconite aggregates. Information may be found at: <http://www.nrri.umn.edu/egg/REPORTS/RI200602/RI200602.pdf>; <http://www.nrri.umn.edu/egg/TACAGG/default.htm>; and at <http://www.nrri.umn.edu/default/pt.asp?id=1411>.

The experimental work evaluated the low temperature fracture properties, such as fracture toughness, fracture energy, creep stiffness and strength, thermal stress development, as well as complex modulus at intermediate and high temperatures. Overall, the analysis of the experimental data indicates that the asphalt mixtures prepared or partially prepared with taconite aggregates perform similarly or slightly better than asphalt mixtures prepared with standard aggregates.

However, the transportation costs associated with shipping large quantities of taconite aggregates and environmental concerns associated with the use of taconite aggregates limit the use of these materials in pavement applications. This cooperative agreement will address these concerns by investigating:

1. Whether the development of a thin, premium quality asphalt layer made with taconite aggregates would reduce the amount of material that needs to be shipped. This approach will focus on the mix design, construction practice, and material characterization for thin lift Hot Mix Asphalt (HMA).
2. The environmental impact of using taconite aggregates, such as leaching into the nearby soil and water sources.

Delineation of Study Areas

Study Area 1: The Recipient will perform a literature review of the existing completed research on taconite's engineering characterization or properties, as well as any uses in highway test sections. Review such databases as Research In Progress (RIP) on the uses and research of taconite in HMA. The compiled findings will be used as a source of information on taconite's properties. The required completion date of this study area is 2 months after award.

Study Area 2: In conjunction with Study Area 1, the Recipient will perform a literature review specifically, on the development, construction and performance of “thin layers” of asphalt materials in pavement applications. The review will focus on the “asphalt mixture” type of thin layers that require compaction, rather than “surface treatment” type of thin layers. This is the intended study area of taconite aggregate use under this agreement. The required completion date of this study area is 2 months after award - in conjunction with Study Area 1.

Study Area 3: The Recipient will perform experimental work to determine the leaching potential of asphalt mixtures made with taconite aggregates. The work will include the detection of a wide spectrum of chemical elements under laboratory conditions that will simulate various factors including but not limited to water contact times, test temperatures, water ph, and aggregate particle size. The required completion date of this study area is 7 months after award.

Study Area 4: The Recipient will develop mix design for thin layer of asphalt mixture made with taconite aggregates and evaluate laboratory mechanical properties. In the first months of this task different types of mix designs will be explored, such as: Superpave fine gradation, “miniature” stone matrix asphalt (SMA), miniature SMA plus recycled shingles. A number of mechanical tests will be performed on specimens prepared using the investigated mix designs to determine which one will most likely perform better. Since the thickness of the thin layers is less than 2", it is expected that the thickness of the specimens tested will be less than or equal to 2". The Recipient will work closely with the Government to select the best mix design and to explore the potential use of this type of mixture in accelerated pavement testing to evaluate field performance. The required completion date of this study area is 10 months after award.

Study Area 5: Develop guidelines for the construction and field evaluation of taconite based thin layers of asphalt mixture. Document the guidelines in a draft final report. The required completion date for the draft final report is 12 months after award. The AOTR will provide comments to the Recipient within 30 days after receipt of the draft. The Recipient will revise the report according to the AOTR’s comments. The Recipient will make the necessary revisions and submit the final report to the AOTR within 14 months after award.

Section 508

While the requirements of Section 508 of the Rehabilitation Act do not apply to assistance agreements, the FHWA is subject to the Act’s requirements that all documents posted on an FHWA or FHWA-hosted website comply with the accessibility standards of the Act. As such, all electronic and information technology products that are submitted under this cooperative agreement must be Section 508-compliant so that they can be web posted without further modification.

All final reports prepared under this agreement and the website required under this agreement must meet the requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The act requires that all electronic products prepared for the Federal Government be accessible to persons with disabilities, including those with vision, hearing, cognitive, and mobility impairments. View [Section 508 of the Rehabilitation Act \(http://www.access-](http://www.access-)

[board.gov/508/508standards.htm](http://www.fhwa.gov/508/508standards.htm) - PART 1194) and the [Federal IT Accessibility Initiative Home Page \(http://section508.gov\)](http://www.fhwa.gov/federalit/section508.cfm) for detailed information. The following paragraphs summarize the requirements for preparing FHWA reports in conformance with Section 508 for eventual posting by FHWA to an FHWA-sponsored website.

- a. Electronic documents with images
Provide a text equivalent for every non-text element (including photographs, charts and equations) in all publications prepared in electronic format. Use descriptions such as “alt” and “longdesc” for all non-text images or place them in element content. For all documents prepared, vendors must prepare one standard HTML format as described in this statement of work AND one text format that includes descriptions for all non-text images. “Text equivalent” means text sufficient to reasonably describe the image. Images that are merely decorative require only a very brief “text equivalent” description. However, images that convey information that is important to the content of the report require text sufficient to reasonably describe that image and its purpose within the context of the report.
- b. Electronic documents with complex charts or data tables
When preparing tables that are heavily designed, prepare adequate alternate information so that assistive technologies can read them out. Identify row and column headers for data tables. Provide the information in a non-linear form. Markups shall be used to associate data cells and header cells for data tables that have two or more logical levels of row and column headers.
- c. Electronic documents with forms
When electronic forms are designed to be completed on-line, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

SECTION II – AWARD INFORMATION

A. FUNDING

FHWA anticipates Federal funding in the amount of up to \$100,000 will be made available for this award subject to availability.

Application preparation costs are not allowable as direct charges under this agreement.

B. NUMBER OF AWARDS ANTICIPATED

FHWA anticipates making the award of one cooperative agreement resulting from this RFA.

C. PERIOD OF PERFORMANCE

The period of performance for this cooperative agreement is 14 months, commencing from the effective date of the agreement.

D. TYPE OF AWARD

FHWA intends to award one cooperative agreement as a result of this RFA.

E. DEGREE OF FEDERAL INVOLVEMENT

FHWA anticipates substantial Federal involvement between FHWA and the Recipient during the course of this project. FHWA anticipates the Federal involvement will include:

- Technical assistance and guidance;
- Close monitoring during performance;
- Participation in status meetings, including kick off meeting,
- Involvement in technical decisions; and
- Participation in status meetings, including kick off meeting,

The FHWA will partner with the Recipient and provide the necessary guidance to help complete all work under the agreement. The AOTR will participate in the planning and management of this cooperative agreement and will coordinate activities between the Recipient and the FHWA.

SECTION III - ELIGIBILITY INFORMATION

A. ELIGIBLE APPLICANTS

This solicitation is open to all sources.

B. COST SHARING OR MATCHING

Pursuant to Section 111(b)(1)(C) of Public Law 110-244, the Federal share shall not exceed 80 percent of this project's costs.

SECTION IV – APPLICATION AND SUBMISSION INFORMATION

A. APPLICATION FORMS

The applicant shall complete all forms included in the Application Package for this RFA as contained at www.grants.gov. The applicant shall submit the application on-line at www.grants.gov.

Note: It is recommended that applicants register on grants.gov in advance of the application due date. Approval of user registrations for the grants.gov site may take multiple weeks.

B. CONTENT AND FORM OF APPLICATION SUBMISSION

The application package shall consist of the following:

- SF424
- SF424A
- SF424B
- SFLLL

Note: The form must be completed and submitted even if no lobbying to report. If no lobbying to report insert none or n/a in the relevant blocks.

- Grants.gov Lobbying Form
- Attachments Form
 - 1) Technical Application * - 30 page limit
 - 2) Budget Application Detail* - no page limit

* Applicants may attach as many files as necessary to provide information requested below.

Note: Applications under this RFA are not subject to the State review under E.O. 12372.

The evaluation board may take into account when making its evaluation, any failure to conform to the instructions and rules in this section or any attempt to evade these specifications and rules on the basis of technicalities, as indicators of future performance.

If an applicant does not understand these instructions, then the applicant must submit its questions(s) to the agency point of contact for clarification sufficiently in advance of the deadline for the receipt of applications to get an answer in time to meet that deadline.

Part I - Technical Application

NOTE: Limit technical applications to 30 pages.

In the event a technical application exceeds the 30-page limitation, the Government will evaluate only the first 30 pages of the proposal. The format of the above application shall be as follows:

1. Proposals shall be prepared on 8½ x 11 inch paper except for foldouts used for charts, tables or figures, which shall not exceed 11 x 17 inches. Foldouts shall not be used for text, and shall count as two pages.
2. A page is defined as one side of an 8 ½ by 11 inch paper. Therefore, a piece of paper with printing on both sides is considered two pages.
3. Text shall be printed using a font size no less than 12 cpi.
4. Page margins shall be a minimum of 1 inch top, bottom and each side.

Technical applications must contain:

1. **TECHNICAL & MANAGEMENT APPROACH:** A detailed technical and management plan describing in detail how you would proceed if awarded this cooperative agreement and how you propose to meet the program objectives. Discuss the breadth and depth of literature reviews. Describe proposed tests (types and quantities) for determining leaching potential and for different mix designs.
2. **EXPERIENCE:** A summary of the applicant's experience relevant to this project.
3. **STAFFING APPROACH:** Provide a program organizational chart identifying proposed staff members assigned to the project. Include the title and a brief description of each position's responsibilities, as well as the proposed level of effort and allocation of time for each position on a yearly basis and in summary format.

Provide brief resumes for the proposed Program Manager and other key personnel to include name, experience, education and proposed role in project.

4. **PAST PERFORMANCE:** A list of a minimum of three current (within the last five years) customers (commercial and/or Government) for projects involving similar or related services. Provide customer name, point of contact, title, phone number, fax number, project title, project duration, project value, and how it relates to the program objectives of this RFA. The Government may contact the customer point of contact (POC) for verification and to obtain past performance information. POC telephone and fax numbers must be accurate and current.

(Note: Refer to Section V – Application Review Information below. The Government will evaluate applications using the criteria specified in the technical evaluation).

Part II - Budget Application

NOTE: There is no page limit on budget applications.

Budget applications must contain:

1. Detailed spreadsheet and supporting information clearly delineating and supporting all estimated costs as follows:
 - Provide labor categories, labor hours or percentage of effort if employees are compensated on an annual salary basis, labor rates.
 - Provide indirect rates and bases, include any audit information to support rates.
 - Provide supporting information to justify estimates for Other Direct Costs such as equipment, travel, etc.

Note: Travel will be reimbursed at cost in accordance with the travel clause in Section VI of this RFA.

2. If sub-recipients (lower-tiered organizations and/or individual consultants) will be used in carrying out this project, the following minimum information concerning such, should be furnished:
 - Name and address of the organization or consultant.
 - Description of the portion of work to be conducted by the organization or consultant.
 - Cost details for that portion of work.
 - Letter of commitment from sub-recipient.
3. The use of a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is required on all applications for Federal grants or cooperative agreements. Please provide your organization's DUNS number in your budget application.
4. 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.
5. If a nonprofit or not-for-profit status, please provide evidence of this status preferably from the Internal Revenue Service.
6. Include a statement to indicate whether a Federal or State organization has audited or reviewed the applicant's accounting system, purchasing system, and/or property control system. If such systems have been reviewed, provide summary information of the audit/review results to include as applicable summary letter or agreement, date of audit/review, Federal or State point of contact for such review.

C. SUBMISSION DATES AND TIMES

Applications must be received electronically through www.Grants.gov by 4:15 pm Washington, DC time on August 10, 2009.

The deadline cited herein is the date and time by which the agency must receive the application.

Late applications will not be reviewed or considered unless the Agreement Officer determines it is in the Government's best interest to consider the late application.

D. FUNDING RESTRICTIONS

FHWA will not provide any reimbursement of pre-award costs under this proposed agreement.

E. OTHER SUBMISSION REQUIREMENTS

FHWA uses www.Grants.gov for receipt of all applications. Applicants must register with www.Grants.gov and use the system to submit applications electronically.

In the event of system problems or technical difficulties with the application submittal, applicants should contact the FHWA point of contact designated on page 1. If applicants are unable to use the www.Grants.gov system due to technical difficulties, applicants must e-mail applications to the FHWA point of contact listed on page 1 no later than the application deadline cited above.

SECTION V – APPLICATION REVIEW INFORMATION

A. EVALUATION CRITERIA

The Government will evaluate applications and select the applicant based on the criteria listed below. The three evaluation factors are listed in descending order of importance: Technical, Cost and Past Performance.

TECHNICAL:

FHWA will evaluate the applications against the following technical evaluation criteria (1, 2, 3, 4 and 5) listed below in descending order of importance with criteria 1& 2 being of equal importance, and criteria 3& 4 being of equal importance.

Technical

The FHWA will evaluate the technical applications based upon the following criteria

- 1. Applicant's demonstration of technical competence for development of a thin-lift Hot Mix Asphalt (HMA) design.** (Sub-criteria a. and b. are of equal importance and are of greater importance than sub-criteria c.)
 - a. Provided documentation that demonstrates prior experience through such items as: published technical articles, research projects reports and/or direct field experience with Superpave mix design process. A critical focus would be on working with Superpave mix design with fine gradation thin-lift HMA. Technical knowledge on SMA mixtures as well as blending recycled shingles into a SMA or HMA,

- b. The applicant should also demonstrate technical knowledge for performance-graded binder requirements and performance-related mechanical testing of asphalt materials.
- c. Applicant should also demonstrate strong technical familiarity with asphalt testing standards covered by ASTM, AASHTO and Superpave mixture design process.

2. Applicant demonstrates sufficient technical competence for testing and evaluating environmental issues related to the material. (Sub-criteria a. and b. are of equal importance)

- a. Task statements require that the applicant perform research to determine the leaching potential of asphalt mixtures made with taconite aggregates. Applicant needs to document that the research team has sufficient technical skills to effectively evaluate the leachate issue
- b. Design and conduct experimentation to gather data and analysis the results for the report.

3. Applicant's has sufficient resources to complete the research task satisfactorily. (Sub-criteria a. and b. are of equal importance).

- a. Acceptable facilities including laboratory space for necessary binder and asphalt material testing equipment, specimen fabrication and conditioning, storage, testing, and analysis. Demonstrated AASHTO Materials Reference Laboratory (AMRL) accreditation or equally nationally known accreditation process.
- b. Acceptable and sufficient relevant education and experience of the proposed Principal Investigator (PI) or laboratory manager in the technical areas of hot-mix asphalt testing. Provide a resume or documents that provide information that substantiates experience and prior projects conducted related to asphalt testing.

4. Applicant has sufficient resources to conduct the leachate test. (Sub-criteria a. and b. are of equal importance).

- a. Acceptable facilities including laboratory space needed to conduct leachate test of the HMA and taconite material itself. Ability to fabricate, condition, test and analysis the data.
- b. Acceptable and sufficient relevant education and experience of the PI or CO-PI in the technical area of leachate evaluation is required.

5. Applicant's Responsiveness to the Technical Requirements of the RFA.

(Sub-criteria a. and b. are of equal importance).

- a. Demonstrated understanding of the work items that the government wants accomplished. Demonstrated the necessity of meeting schedule requirements in a timely manner.
- b. Demonstrated technical and administrative grasp of the agreement requirements. Completeness of the proposal in concisely addressing the work to be carried out in each task.

COST: In addition to the criteria listed above, relative cost and the degree of cost share will be considered in the ultimate award decision. The budget application will be analyzed to assess cost reasonableness and conformance to applicable cost principles.

PAST PERFORMANCE: The Government will evaluate the relevant merits of each applicant's past performance based on its reputation and record with its current and/or former customers with respect to quality, timeliness and cost control. Past performance will be reviewed to assure that the applicant has relevant and successful experience and will be considered in the ultimate award decision, but will not be scored. In evaluating past 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.

B. REVIEW AND SELECTION PROCESS

The Government will select the application that is considered the most advantageous to the Government. The three evaluation factors are listed in descending order of importance: Technical, Cost and Past Performance.

The Agreement Officer is the official responsible for final award selection. The Government is not obligated to make any award as a result of this announcement.

C. ANTICIPATED ANNOUNCEMENT AND AWARD DATES

FHWA anticipates making award on or about October 15, 2009.

D. AWARD NOTICES

If your application is selected for award, you will be notified and sent an award document for signature. Applicants not selected for award will be notified in writing by FHWA.

Only the Agreement Officer (AO) can commit the Government. The award document, signed by the Agreement Officer, is the authorizing document.

Notice that an organization has been selected as a Recipient does not constitute approval of the application as submitted. Before the actual award, FHWA will enter into negotiations concerning such items as program components, staffing and funding levels, and administrative systems. If the negotiations do not result in an acceptable submittal, the FHWA reserves the right to terminate the negotiation and decline to fund the applicant.

SECTION VI – AWARD ADMINISTRATION INFORMATION

A. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. GOVERNING REGULATIONS

Performance under this cooperative agreement shall be governed by and in compliance with the following requirements as applicable to the type of organization of the Recipient and any applicable subrecipients:

- “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 CFR Part 18),” [located at www.dot.gov/ost/m60/grant/49cfr18.htm];
- “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations (49 CFR 19),” [located at: www.dot.gov/ost/m60/grant/49cfr19.htm];
- “New Restrictions On Lobbying (49 CFR Part 20),” [located at www.dot.gov/ost/m60/grant/49cfr20.htm];
- 2 CFR Part 220 (OMB Circular A-21), “Cost Principles for Educational Institutions” [located at <http://edocket.access.gpo.gov/2005/05-16648.htm>].
- 2 CFR Part 225 (OMB Circular A-87), “Cost Principles for State and Local Governments” [located at www.whitehouse.gov/omb/circulars/a087/a087-all.html];
- 2 CFR Part 230 (OMB Circular A-122), “Cost Principles for Non-Profit Institutions” [located at <http://edocket.access.gpo.gov/2005/05-16650.htm>]
- OMB Circular A-102, “Grants and Cooperative Agreements With State and Local Governments” [located at www.whitehouse.gov/omb/circulars/a102/a102.html];
- OMB Circular A-133, “Audits of States, Local Governments, and Non-Profits” [www.whitehouse.gov/omb/circulars/a133/a133.html];
- 2 CFR Part 215 (OMB Circular A-110), “Uniform Administrative Requirements for

Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations” [located at www.access.gpo.gov/nara/cfr/waisidx_05/2cfr215_05.html]; and

- Any other applicable Federal regulation or statute.

2. RESPONSIBILITIES OF THE RECIPIENT

The Recipient shall provide overall program management. Specifically, the Recipient shall be responsible for the following, as a minimum:

- Performing the Statement of Work as described in Section I, Funding Opportunity Description.
- Coordinating and managing work, including issuing and managing subcontracts/sub awards and consulting arrangements, as necessary.
- Submitting all required reports including Quarterly Progress Reports and Annual Budget Reviews. (See Paragraph B of this Section, entitled Reporting.)
- Meeting with the FHWA Agreement Officer’s Technical Representative (AOTR) as necessary.
- Participating in a kick-off meeting with the AO and/or the AOTR to discuss agreement expectations and procedures.

3. TRAVEL AND PER DIEM

Travel and per diem authorized under this agreement shall be reimbursed in accordance with the travel costs section of 2 CFR Part 225 (OMB Circular A-122), “Cost Principles for State and Local Governments” or 2 CFR Part 220 (OMB Circular A-21), “Cost Principles for Educational Institutions,” and 2 CFR Part 230 (OMB Circular A-122), “Cost Principles for Non-Profit Institutions” as applicable. Per the Circular, in the absence of an acceptable, written institution policy regarding travel costs, the rates and amounts established in the Federal Travel Regulations in effect at the time of travel shall apply. In addition, all non-domestic travel shall be approved by the AO prior to incurring costs. Travel requirements under this agreement shall be met using the most economical form of transportation available. If economy class transportation is not available, the request for payment vouchers must be submitted with justification for use of higher class travel indicating dates, times, and flight numbers.

4. AMENDMENTS

Amendments to this cooperative agreement may only be made in writing, signed by both parties for bilateral actions and by the AO for unilateral actions, and specifically referred to as an amendment to this cooperative agreement.

5. AGREEMENT OFFICER'S TECHNICAL REPRESENTATIVE (AOTR)

The AO has designated (TBD) as Technical Representative to assist in monitoring the work under this agreement. The AOTR will oversee the technical administration of this agreement and act as technical liaison with the performing organization. The AOTR is not authorized to change the scope of work or specifications as stated in the agreement, to make any commitments or otherwise obligate the Government or authorize any changes which affect the agreement funding, delivery schedule, period of performance or other terms or conditions.

The AO is the only individual who can legally commit or obligate the Government for the expenditure of public funds. The technical administration of this agreement shall not be construed to authorize the revision of the terms and conditions of performance. The Agreement Officer shall authorize any such revision in writing.

6. OBLIGATION CEILING RATIO

Pursuant to section 1102 of SAFETEA-LU, the FHWA is required to annually redistribute a portion of allocated program authorization. Funds available for subsequent years of this agreement may be adjusted for each fiscal year, which may increase or decrease the total estimated funding available.

7. INDIRECT COSTS

Indirect costs are allowable under this agreement as follows:

<i>Indirect Rate Type</i>	<i>Rate (%)</i>	<i>Base</i>
<i>(Information to be filled in at award)</i>		

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

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

8. DATA RIGHTS

The Recipient shall make available to the Government copies of all work developed in performance with this cooperative agreement, including but not limited to software and

data. The Government and others acting on its behalf shall have unlimited rights to obtain, reproduce, publish or otherwise use the data developed in the performance of this cooperative agreement pursuant to 49 CFR Part 19 or 49 CFR Part 18 as applicable.

9. PAYMENT

The Recipient may request advances or reimbursement of costs incurred in the performance hereof as are allowable under the applicable cost provisions not to exceed the funds currently available as stated herein. Requests shall be made no more frequently than monthly.

Advance Payments: Recipients may be paid in advance, provided they maintain or demonstrate the willingness to maintain the following in accordance with 49 CFR Part 19: (1) written procedures that minimize the time elapsing between the transfer of funds and disbursement by the Recipient, and (2) financial management systems that meet the standards for fund control and accountability. When these items are not met, reimbursement will be the method for payment.

Payments by Reimbursement: When requesting reimbursement of costs incurred and credit for cost share incurred, the Recipient shall submit supporting cost detail with the SF 270 to clearly document costs incurred. Cost detail includes a detailed breakout of all costs incurred including direct labor, indirect costs, other direct costs, travel, etc.

The Recipient shall submit a copy of the SF 270 using one of the methods identified below:

Requests for advance or reimbursement and required supporting documents, should be sent via e-mail to the following e-mail address:

9-AMC-AMZ-FHWA-Invoices@faa.gov.

(a) Include the request for advance or reimbursement and supporting documents as an attached PDF document

(b) Include in the e-mail subject line the following:

- (i) "Invoice No. #
- (ii) Agreement Number
- (iii) Name of your Company/Organization."
- (iv) Attention: Carl Rodriguez

Example: Invoice No. 35 – DTFH61-09-H-00001 – ABC University – Attention: John Doe

If the request for advance or reimbursement and supporting documents exceed 8 MB, as an e-mail attachment, the recipient must select one of the other submission options presented below:

Requests for advance or reimbursement submitted via an overnight service must use the following physical address:

MMAC
FHWA/AMZ-150
6500 S. MacArthur Blvd
Oklahoma City, OK 73169

Attention: Carl Rodriguez

Express Delivery Point of Contact: April Grisham, 405 954-8269

Requests for advance or reimbursement may be submitted via regular U.S. Postal Service to the following address:

Federal Highway Administration
Markview Processing
P.O. Box 268865
Oklahoma City OK 73126-8865
Attention: Carl Rodriguez

All requests for requests for advance or reimbursement must identify (Agreement Specialist name) as the point of contact.

The Agreement Specialist and the AO reserve the right to withhold processing requests for advance or reimbursement until sufficient detail is received. In addition, reimbursement will not be made without AOTR review and approval to ensure that progress on the Agreement is sufficient to substantiate payment. After AOTR approval, the Agreement Specialist will certify and forward the advance or request for reimbursement to the payment office. Note: Standard Forms may be located at <http://fhwa.dot.gov/aaa/hamhome.htm>.

10. ACKNOWLEDGEMENT OF SUPPORT AND DISCLAIMER

An acknowledgment of FHWA support and a disclaimer must appear in any publication of any material, whether copyrighted or not, based on or developed under the cooperative agreement, in the following terms:

“This material is based upon work supported by the Federal Highway Administration under cooperative agreement No. DTFH61-09-(to be filled in)”.

All materials must also contain the following:

"Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the Author(s) and do not necessarily reflect the view of the Federal Highway Administration."

11. SITE VISITS

The Federal Government, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the Federal Government on the premises of the Performing Organization or a subrecipient under this cooperative agreement, the Performing Organization shall provide and shall require their subrecipients to provide all reasonable facilities and assistance for the safety and convenience of the Government representative in the performance of their duties. All site visits and evaluations shall be performed in such a manner as will not unduly delay work.

12. TERMINATION AND SUSPENSION

The Government may terminate this agreement in whole or in part in accordance with 49 CFR Part 19.61 or 49 CFR Part 18.44 as applicable.

13. BUDGET REVISION/REALLOCATION OF AMOUNTS

The Recipient is required to report deviations from budget and program plans, and request prior approval for budget and program plan revisions in accordance with 49 CFR Part 19 or Part 18 as applicable.

Note: The Recipient must obtain prior written approval from the Agreement Officer to transfer amounts budgeted for direct cost categories when the cumulative value of such transfers will exceed 10% of the value of Federal share of this agreement. When requesting such approval, a letter request suffices.

14. FINANCIAL MANAGEMENT SYSTEM

By signing this agreement, the Recipient verifies that it has, or will implement, a financial management system adequate for monitoring the accumulation of costs and in compliance with the financial management system requirements of 49 CFR Part 19 or 49 CFR Part 18 as applicable. The Recipient's failure to comply with these requirements may result in agreement termination.

15. ALLOWABILITY OF COSTS

Allowable costs will be determined in accordance with the applicable Federal cost principles, e.g., Non-Profit Organizations, 2 CFR Part 230; Educational Institutions, 2 CFR Part 220, and 2 CFR Part 225; Cost Principles for State and Local Governments.

16. AVAILABLE FUNDING

The total not-to-exceed amount of Federal funding that may be provided under this cooperative agreement is \$100,000 for the entire period of performance, subject to the limitations shown below:

- (1) Currently, Federal funds in the amount of \$_____ (to be filled in at award), are obligated to this agreement.
- (2) Subject to availability of funds, and an executed document by the Agreement Officer, \$_____ (to be filled in at award) may be obligated to this agreement.

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

17. CENTRAL CONTRACTOR REGISTRY (CCR)

The Recipient must be registered in the CCR in order to receive payments under this agreement. Use of the CCR is to provide one location for applicants and Recipients to change information about their organization and enter information on where government payments should be made. The registry will enable Recipients to make a change in one place and one time for all Federal agencies to use. Information for registering in the CCR and online documents can be found at www.ccr.gov.

18. KEY PERSONNEL

The Recipient shall request prior written approval from the AO for any change in key personnel specified in the award.

19. PROGRAM INCOME

Program Income earned during the project period shall be retained by the Recipient and added to funds committed to the project by the Federal awarding agency and the Recipient and used to further eligible project or program objectives.

20. SUBAWARDS

Unless described in the application and funded in the approved award, the Recipient shall obtain prior written approval from the AO for the subrecipient, transfer, or contracting out of any work under this award. This provision does not apply to the purchase of supplies, material, equipment, or general support services.

The following subawards are currently approved under the agreement:

[To be filled in at award]

Approval of each sub-award is contingent upon a price fair and reasonableness determination and approval by the Agreement Officer for each proposed subcontractor/sub-recipient. Consent to enter into sub-awards will be issued through a formal amendment to the agreement.

21. DEBARMENT AND SUSPENSION REQUIREMENTS

The Recipient shall comply with the Subpart C of 49 CFR Part 29, Government Debarment and Suspension (Nonprocurement). Further, the Recipient shall flow down this requirement to applicable subawards by including a similar terms or condition in lower-tier covered transactions. See 49 CFR Part 29 for detail of the requirement. (Note: 49 CFR Part 29 is available online at <http://www.dot.gov/ost/m60/grant/regs.htm>).

22. DRUG FREE WORKPLACE

The Recipient shall comply with Subpart B of 49 CFR Part 32, Government wide Requirements for a Drug-Free Workplace (Financial Assistance). See 49 CFR Part 32 for details of the requirement. (Note: 49 CFR Part 32 is available online at <http://www.dot.gov/ost/m60/grant/regs.htm>).

23. OMB Paperwork Reduction Act

If the Recipient intends to perform survey(s) of any kind, the Recipient shall coordinate with the AOTR to ensure compliance with OMB Paperwork Reduction Act requirements as applicable.

24. DISPUTES

The parties to this agreement shall communicate with one another in good faith and in a timely and cooperative manner when raising issues under this Disputes provision. Any dispute, which for the purposes of this provision includes any disagreement or claim, between the 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 shall attempt to resolve the issues involved by discussion and mutual agreement as soon as practical. In no event shall a dispute which arose more than three 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 shall document the dispute by notifying the other party in writing of the relevant facts, identify unresolved issues and

specify the clarification or remedy sought. Within five working days after providing written notice to the other party, the aggrieved party may, in writing, request a decision from the Agreement Officer. The other party shall submit a written position on the matters in dispute within thirty calendar days after being notified that a decision has been requested. The Agreement Officer shall conduct a review of the matters in dispute and render a decision in writing within thirty calendar days of receipt of such written position. Any decision of the Agreement Officer is final and binding unless a party shall, within thirty calendar days, request further review as provided below.

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

B. REPORTING

1. ADDRESSES FOR SUBMITTAL OF REPORTS AND DOCUMENTS

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

Submit one hard copy to the Agreement Specialist at the following address:

Federal Highway Administration
Office of Acquisition Management
1200 New Jersey Avenue, SE
Washington, DC 20590

Attention: (to be filled in at award)

Submit one hard copies and one electronic copy to the AOTR at the following address:

Federal Highway Administration
Office of Pavement Technology
1200 New Jersey Avenue
Washington, DC 20590

Attention: (to be filled in at award)

2. QUARTERLY PROGRESS REPORT

The Recipient shall submit one electronic copy and one hard copy of the SF-PPR, in PDF format, to the AOTR and the Agreement Specialist, on or before the 30th of the month following the calendar quarter being reported. Final PPRs are due 90 calendar days after the end of the agreement period of performance.

Calendar Quarters are:

- (1) January -March
- (2) April-June
- (3) July-September
- (4) October-December

The SF-PPR is available online at
http://www.whitehouse.gov/omb/grants/grants_forms.html.

The quarterly submittal shall consist of the SF-PPR cover page and the following required attached information. Block 10 (Performance Narrative) and Block 11 (Other Attachments) of the SF-PPR shall include the following information as attached pages:

- a) A summary of work performed for the current quarter;
- b) A summary of work planned for the upcoming quarter;
- c) A description of any problem encountered or anticipated that will affect the completion of the work within the time and fiscal constraints as set forth in the agreement, together with recommended solutions to such problems; or, a statement that no problems were encountered;
- d) A tabulation of the current and cumulative costs expended by cost element (labor, travel, indirect costs, subcontractors, etc.) by period versus budgeted costs
- e) SF 269 or SF 269A, Financial Status Report; and
- f) If advance payments are used, SF 272, Report of Federal Cash Transactions.

3. DELIVERABLES

<u>Deliverable</u>	<u>To be Completed On or Before:</u>
Study Area 1 Literature Review	2 months after agreement effective date
Study Area 2 Literature Review	2 months after agreement effective date
Study Area 5 Draft Final Report	12 months after agreement effective date
Study Area 5 Final Report	14 months after agreement effective date

SECTION VII - AGENCY CONTACT

Address any questions to:

Carl Rodriguez
Agreement Specialist
Federal Highway Administration
Office of Acquisition Management
1200 New Jersey Avenue, SE
Washington, DC 20590
Carl.Rodriguez @dot.gov; (202) 366-1533