

**NOTICE OF FUNDING OPPORTUNITY FOR 2023 National Work Zone Safety
Information Clearinghouse**

AGENCY: U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA).

ACTION: Notice of Funding Opportunity (NOFO) for 2023 National Work Zone Safety Information Clearinghouse – Sole Source set-aside for the American Road & Transportation Builders Association (ARTBA)

FUNDING OPPORTUNITY NUMBER: 693JJ323NF00010

ASSISTANCE LISTING NUMBER: 20.215 Highway Training & Education

TOTAL AMOUNT AVAILABLE: This NOFO is expected to result in the distribution of up to \$2.65 million to ARTBA. The actual amount available to be awarded under this notice will be subject to the availability of funds. This NOFO will result in the award of one (1) cooperative agreement with competition set-aside for ARTBA.

DEADLINE FOR APPLICATIONS: July 07, 2023 at 11:59PM (Eastern)

SUBMIT APPLICATIONS TO: The FHWA uses www.grants.gov for receipt of all applications. Applicants must register and use the system to submit applications electronically. Applicants are encouraged to register in advance of the submission deadline and to register to receive notifications of updates/amendments to this Notice. Approval of user registrations for the site may take multiple weeks. It is the Applicant's responsibility to monitor for any updates to this Notice.

FHWA POINT OF CONTACT:

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Each section of this notice contains information and instructions relevant to the application process. The applicant should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

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

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. This information collection has been approved by OMB under 2125-0673. The use of Standard Forms 424, 424A, 424B, 424C, 424 D, and SF-LLL has been approved by OMB under 2105-0520. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

Informational Websites:

- http://ops.fhwa.dot.gov/wz/outreach/wz_grants.htm
- <https://workzonesafety.org/training-resources/fhwa-safety-grant-products>
- <https://www.nhi.fhwa.dot.gov/home.aspx>

Summary Information

Funding Opportunity Summary:	Up to \$2.65 million in Federal funding to award one (1) cooperative agreement to ARTBA for continued operation and maintenance of the National Work Zone Safety Information Clearinghouse.
Federal Agency Name:	U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) Office of Transportation Operations (HOTO) 1200 New Jersey Avenue, SE Washington, DC 20590 Attn: Martha Kapitanov
Funding Opportunity Title:	2023 National Work Zone Safety Information Clearinghouse – Sole Source set-aside for the American Road & Transportation Builders Association (ARTBA)
Announcement Type:	Notice of planned follow-on award to the current Clearinghouse Cooperative Agreement Number 693JJ31750009 awarded to ARTBA
Funding Opportunity Number:	693JJ323NF00010
Type of Award:	Cost-Reimbursable Cooperative Agreement
Assistance Listing Number:	20.215 (Highway Training & Education)
Application Due Date:	Submission Deadline: Applications Due by July 07, 2023 at 11:59PM (Eastern) through www.Grants.gov
Questions:	Submit Questions to: Ryan.Buck@dot.gov & Martha.Kapitanov@dot.gov

SECTION A – PROGRAM DESCRIPTION

The FHWA hereby requests an application for assistance from ARTBA to result in the award of a new Cooperative Agreement, entitled, “National Work Zone Safety Information Clearinghouse.”

1. STATEMENT OF PURPOSE

The purpose of this NOFO is to solicit one application for continued operation and maintenance of the National Work Zone Safety Information Clearinghouse and will result in the distribution of up to \$2.65 million. The actual amount available to be awarded under this notice will be subject to the availability of funds.

The purpose of this anticipated award is to provide funding to continue operation and maintenance of the National Work Zone Safety Information Clearinghouse. The recipient will be required to produce, collect, assemble, organize, and disseminate information relating to improvement of roadway work zone safety. This information includes but is not limited to roadway work zone safety "best practices," crash statistics and trends, laws, regulations, public awareness campaigns, products, training, and educational materials.

2. LEGISLATIVE AUTHORITY

Section 1409 of SAFETEA-LU, Public Law 109-59, authorized “... a work zone safety grant program under which the Secretary may make grants to nonprofit organizations and not-for-profit organizations to provide training to prevent or reduce highway work zone injuries and fatalities.” The Grants may be used to (1) provide training for construction craft workers on the prevention of injuries and fatalities in highway and road construction; (2) develop guidelines for the prevention of highway work zone injuries and fatalities; and (3) conduct training for State and local government transportation agencies and other groups implementing guidelines for the prevention of highway work zone injuries and fatalities.

Section 1519 of MAP-21, Public Law 112-141, authorized funds to carry out safety-related activities, including “... work zone safety grants in accordance with subsections (a) and (b) of section 1409 of the SAFETEA–LU”.

Section 1417 of the FAST Act amended Section 1409 of SAFETEA-LU (23 U.S.C 401) to include “Development, updating, and delivery of training courses on guard rail installation, maintenance, and inspection.”

Section 1418, Consolidation of Programs, of Fixing America’s Surface Transportation (FAST) Act, Public Law 114-94 amended Section 1519 (a), Consolidation of Programs, of Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, to authorize not less than \$3.5 million from the Highway Safety Improvement Program for fiscal years 2016 through 2020 distributed among the following four activities: Operation Lifesaver, Work Zone and Guardrail Safety Training, the National Work Zone Safety Information Clearinghouse, and the Public Road Safety Clearinghouse.

Section 11124 of The Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117-58) authorizes \$3.5 million for each of Fiscal Years (FY) 2022 through 2026, to be set aside from the Highway Safety Improvement Program, and to be distributed among activities identified in the FAST Act.

3. BACKGROUND

The National Work Zone Safety Information Clearinghouse (hereby referred to as “the Clearinghouse”) was created in response to direction provided under the National Highway System Designation Act of 1995. The FHWA met the requirement through a Cooperative Agreement between FHWA and American Road & Transportation Builders Association (ARTBA) for the purpose of assembling and disseminating, by electronic and other means, information relating to improvement of roadway work zone safety. The Clearinghouse has assembled and disseminated information on roadway work zone safety "best practices," laws, regulations, public awareness campaigns, products, training and educational materials since it was launched in 1998. Under contract with the ARTBA, the Clearinghouse website is managed by the Texas Transportation Institute (TTI).

Federal support for the Clearinghouse originally ended in October 2000. Since then, ARTBA sought funding from other sources to maintain the facility and keep information contained in the databases up to date. However, federal support has since been revived, first within SAFETEA-LU, again within the authorization, “Moving Ahead for Progress in the 21st Century Act” (MAP-21), the FAST Act, and yet again under the IIJA Bill. Under IIJA, the FHWA expects ARTBA, together with TTI, to utilize current available information technologies to continue operating the Clearinghouse in the efficient and effective manner that it is today, advancing work zone safety for the broad and diverse transportation community.

4. PROGRAM GOALS

The goals of this Agreement are to produce, collect, assemble, organize, and disseminate information relating to improvement of roadway work zone safety. This information includes but is not limited to roadway work zone safety "best practices," crash statistics and trends, laws, regulations, public awareness campaigns, products, training, and educational materials. to products/training developed/delivered during previous work zone safety awards.

5. ADMINISTRATION GOALS

The FY 2022-2026 U.S. Department of Transportation Strategic Plan establishes USDOT’s strategic goals: safety, economic strength and global competitiveness, equity, climate and sustainability, transformation, and organizational excellence.¹ While the main goal of this

¹ FY 2022-26 USDOT Strategic Plan (<https://www.transportation.gov/dot-strategic-plan>)

NOFO is to advance highway work zone safety (by operating and maintaining the Clearinghouse), applicants are encouraged to review the strategic plan and incorporate various objectives and strategies in their applications as appropriate. Applicants are also encouraged to review other DOT focus areas such as maintaining transportation facilities or systems in a state of good repair; workforce development; Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative²; and advancing accessible transportation solutions.

Administration Goals:

Safety: The Department is committed to advancing safe, efficient transportation, including in the Clearinghouse. The National Roadway Safety Strategy (NRSS), issued January 27, 2022, commits the Department to respond to the current crisis in roadway fatalities by “taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation’s roadways,” in pursuit of the goal of achieving zero roadway deaths through a Safe System Approach.³ The outcomes that are anticipated from the projects funded by the 2023 National Work Zone Safety Information Clearinghouse should align with the NRSS.

Workforce Development: The Department intends to use the 2023 National Work Zone Safety Information Clearinghouse to support the creation of good-paying jobs with high labor standards to build infrastructure that is resilient and that helps combat the crisis of climate change consistent with Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

6. TASKS OR MILESTONES

The following tasks are required under this Agreement:

Task 1. Project Management

- Within two weeks of the effective date of the agreement, convene a Kick-off Meeting in person (or virtually as agreed upon by the parties) with the FHWA to ensure that all parties have a common understanding of the project tasks and requirements. Deliver notes from the Kick-off Meeting within two weeks of its occurrence.
- Once each month, conduct a conference call with FHWA to review the status of the Clearinghouse. Prepare the agenda for the conference call and submit it at least one day before the call. The agenda should track progress for each of the tasks.

Task 2. Clearinghouse Assessment and Enhancements

- In coordination with FHWA, assess the website capabilities and develop other tools to enhance the work zone community outreach:

² <https://www.transportation.gov/rural>

³ <https://www.transportation.gov/NRSS>

- Determine the overall concept of a mobile App for use when Internet is not available.
- Increase use of interactive maps to share information, such as locations of work zones (if/when/where available).
- Use of interactive dashboard(s) to give users greater control over the data they seek (in addition to the way data is currently displayed).
- Facilitate push notifications, allowing users to select the frequency of updates when new materials are added to the website.
- Look for additional data sources to share, such as listings of the FHWA-funded university research programs that are developing safety programs.
- Other tools reviewed and approved by FHWA.

Task 3. Subject Matter Expert Review of the Clearinghouse Content

- In coordination with FHWA, establish a group of Subject Matter Experts (SMEs) that includes members representing federal and state departments of transportation, the transportation contracting and consulting communities, law enforcement communities, governmental organizations at all levels that own and operate roadways, utilities, nonprofit and not-for-profit organizations, and the traveling public.
- Within six months of the effective date of the agreement, discuss with FHWA and mutually agree on the scope of the assessment of the content of the Clearinghouse website.
- Conduct an assessment of the content of the Clearinghouse in coordination with the SMEs. The assessment should document the SMEs experience with the Clearinghouse, and any comments they have about the content, including recommended changes. Supplement the SME's input with other content enhancements identified by the project team and FHWA.
- Capture the results of the content assessment in the form of a Content Update Plan. The Plan shall document areas in which the content will be enhanced and the time it would take to implement the content updates.
- Within nine months of the effective date of the agreement, submit the Content Update Plan to FHWA for review and approval.
- Following FHWA approval, execute the Content Update Plan.

Task 4. Operate and Maintain the Clearinghouse

- Throughout the whole period of performance of the agreement, operate and maintain the Clearinghouse. In addition to keeping the website operational, provide technical assistance and respond to all inquiries and requests for information (inquiries and responses shall be included in the monthly updates/calls). Responses to policy related inquiries should be reviewed by FHWA.
- Every three months, capture website usage statistics and present those statistics during the appropriate monthly conference call.
- Upgrade the Clearinghouse social media presence by expanding and diversifying its content stream; focus on content management and delivery.

- Expand use of media outlets used by our stakeholders, including LinkedIn, YouTube, and Facebook.
- Look for industry events to which the Clearinghouse can “pin” its relevant products and services to expand their use and visibility.
- Look into cost and value of using digital marketing, such as Google, and target our services to likely users.
- Improve and maintain work zone safety and mobility data (e.g., at a glance; national and state traffic data; work zone traffic crash trends and statistics; workers fatalities and injuries at road construction sites; statistics and trends for large truck and buses, pedestrians, motorcycles, etc.) at least once every calendar year. Analyze National Highway Traffic Safety Administration [NHTSA] Fatality Analysis Reporting System (FARS) and Bureau of Labor Statistics (BLS) data and update work zone data in coordination with FHWA.

Task 5. Develop and Conduct Educational and Training Programs

- Develop an Outreach and Training Plan that captures the outreach and virtual training activities planned for the next twelve months, as well as other prospective activities that could take place beyond the first twelve months. The Plan should include, but not be limited to the following types of activities:
 - Developing and distributing work zone management information and training materials to a wide range of audiences, including communities, schools, and other groups, in addition to transportation agencies and groups/organizations;
 - Organizing and delivering quarterly webinars to share noteworthy practices on work zone management to advance the state of the practice;
 - Distributing work zone management information at major national and regional professional conferences, including products from all of the Work Zone Safety Grant grantees;
 - Developing and distributing brochures on the Clearinghouse;
 - Developing and distributing an email about once every three months (or more frequently if warranted) that highlights the latest changes to the Clearinghouse and other pertinent Work Zone Management materials;
 - Planning, organizing, and hosting a biennial national work zone management conference (in-person and virtual in alternate years);
 - Attending work zone management related professional conferences and meetings, such as TRB, ITE, APWA, ATSSA, NACE, and work zone worker safety and law enforcement organizations' annual conferences and promote Work Zone Management materials developed by all the grantees; and
 - Up to six major conferences per year.
 - Promoting the Clearinghouse (up to two paid advertisements per year);
 - Upgrading the Clearinghouse booth displayed at events and conferences, driving users to the website using quizzes and challenges.
 - Notes:
 - Instead of handing out hard copies of resources, use QR codes to direct interested parties to the website to access and obtain materials digitally.

- Use laptops/tablets at the booth and allow users to access the website while at the booth.
- Consider using “on demand” printing after initial product runs to reduce inventory and eliminate stockpiles of out-of-date publications.

Note: Any new materials referenced above that are developed as part of the Plan (e.g., brochures, articles) must be reviewed and approved by FHWA.

- Within six months of the effective date of the agreement, submit the Outreach and Training Plan to FHWA for review and approval.
- Following FHWA approval of the Outreach and Training Plan, execute the plan.

Deliverables Schedule

Deliverable	Schedule
Task 1. Conduct kick-off meeting	Two weeks of the effective date of the agreement
Task 1. Deliver notes from kick-off meeting	Two weeks after kick-off meeting
Task 1. Monthly calls, agenda, and updates	Every month
Task 2. Assessment and potential tools	Starts within 6 months of award
Task 3. Establish SME group	Starts within 3 months of award
Task 3. Deliver Content Update Plan	Complete within 9 months of award (update every 12 months)
Task 4a. Update work zone safety and mobility statistics and trends	Ongoing
Task 4b. Respond to inquiries and develop social media to promote the Clearinghouse resources	
Task 5. Develop an Outreach and Training Plan	Complete within 6 months of the effective date of the agreement (update every 12 months)

Note on 508 Compliance: Please note that all products and publications delivered under the anticipated award, including any information and documents hosted on the website for the Clearinghouse itself, must meet the requirements of Section 508 of the Rehabilitation Act and the ICT Final Standards and Guidelines (508 Refresh) at 36 CFR Part 1194. This requirement does not extend to resources or information that might be linked through the Clearinghouse to an external website or source.

As defined in the 508 Refresh, at 36 CFR Part 1194, Appendix A, E103.4, ICT is “Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include but are not limited to: computers and peripheral equipment; information kiosks and transaction machines;

telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; Web sites; videos; and electronic documents.”

Section 508 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.

Applicable Standards:

- [Appendix A to Part 1194 – Section 508 of the Rehabilitation Act: Application and Scoping Requirements](#)
- [Appendix B to Part 1194 – Section 255 of the Communications Act: Application and Scoping Requirements](#)
- [Appendix C to Part 1194 – Functional Performance Criteria and Technical Requirements](#)

Section 508 Refresh standards are available at <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh>.

The Recipient shall adhere to the terms and requirements in [FHWA Form 4260 Section 508 Information and Communication Technology \(ICT\) Conformance Criteria](#) for Section 508 conformance. The Conformance Criteria document does not need to be completed when submitting a deliverable.

SECTION B – FEDERAL AWARD INFORMATION

1. FUNDING

FHWA anticipates up to \$2.65 million in federal funding to be made available and awarding one (1) cooperative agreement from this opportunity.

*Please note that this NOFO is subject to availability of funding. The Government's obligation under any resulting award is contingent upon the availability of funding. No legal liability on the part of the Government for any payment may arise until funds are available and obligated to an award. The Government reserves the right to make no awards under this NOFO.

2. ANTICIPATED NUMBER OF AWARDS

FHWA anticipates making one (1) award as a result of this NOFO.

3. TYPE OF AWARD

The planned award type is a cost-reimbursable Cooperative Agreement.

4. PERIOD OF PERFORMANCE

The period of performance for this Agreement will be 72 months from the effective date of the Agreement.

The period of performance will begin on the effective date of the award, as stated in the signed cooperative agreement, and end on the period of performance end date that is listed in the signed agreement and as revised by any subsequent amendments.

5. DEGREE OF FEDERAL INVOLVEMENT

The FHWA anticipates substantial Federal involvement between FHWA and the Recipient during the course of these projects. this project. The anticipated Federal involvement may include:

1. Technical assistance and guidance to the Recipient;
2. Close monitoring of performance;
3. Involvement in technical decisions;
4. Participation in status meetings including kick off meeting, work zone management conferences, technical and budget reviews; and
5. Review and comment on draft and final documents as appropriate.
6. Provide final approval on deliverables and for major items on the website.

SECTION C – ELIGIBILITY INFORMATION

1. ELIGIBLE APPLICANTS

This is a sole source requirement with application eligibility limited to the American Road & Transportation Builders Association (ARTBA).

2. COST SHARING OR MATCHING

Cost sharing or matching is required under this award.

Pursuant to [23 U.S.C. 120](#), the Federal share of this award will not exceed 80 percent of project costs. Therefore, the Recipient must contribute a minimum of 20 percent of the total project costs. The cost share can be satisfied with either cash or ‘in-kind’ contribution.

FHWA will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project, unless otherwise approved by the AO. Any such approvals will be performed in accordance with 2 CFR Part 200, and any other applicable laws and regulations. Matching funds are subject to the same Federal requirements as awarded funds.

Cost sharing or matching means the portion of project costs not paid by Federal funds or contributions (unless otherwise authorized by Federal statute). See 2 CFR Part 200.306 on Cost Sharing or matching.

Notes:

If applicable, any program income generated under the project must be handled in accordance with SECTION F.

SECTION D – APPLICATION AND SUBMISSION INFORMATION

1. ADDRESS TO REQUEST APPLICATION PACKAGE

Applicants may obtain application forms at grants.gov under the Notice of Funding Opportunity Number cited herein. All application materials may be found on *Grants.gov* at <http://www.grants.gov>.

If potential applicants are unable to download the application package from the internet, they may send a written request for a paper copy to the below address. Requests should be sent to: Ryan.Buck@dot.gov

2. CONTENT AND FORM OF APPLICATION SUBMISSION

Application Format

- Applications must be prepared on 8½ x 11- inch paper. Pages that exceed this size, such as foldouts, are not allowable.
- Narrative text must be printed using a font size no less than 12-point font.
- Tables are permitted. Text in tables may be smaller than 12-point font but must be legible.
- Page margins must be a minimum of 1-inch top, bottom, and each side.
- Page numbers may be located within the 1-inch margin.
- A Header or Footer identifying the Applicant/Team and the Volume or Part, may be located within the 1-inch margins.
- Resumes are limited to [three pages per person].
- PAGE LIMITS: Application volumes shall adhere to the page count limitations listed below. The page limit includes all narratives, figures, tables, appendices, and all other ancillary materials with the exception of the following.
- EXCEPTION ON PAGE LIMITS: The following items do NOT count against the page limitation.
 - Document covers;
 - Cover letters;
 - Title pages;
 - Divider pages;
 - Table of contents;
 - Lists of acronyms;
 - Letters of intent to participate from proposed subcontractors, consultants, partners and proposed new hires; and
 - Resumes.

Application Content – Overview

The application package must consist of the following parts:

- 1) Standard Forms (SF)
- 2) Volume 1 Technical Application / Project Narrative
- 3) Volume 2 Budget Application

Application Content – Detailed Instructions

- 1) Standard Forms (SF)

SF 424, SF-424A, and SF-LLL.

- 2) Volume 1 Technical Application / Project Narrative

NOTE: The Volume 1 Technical Application/Project Narrative must not exceed 50 pages double spaced pages. Resumes and Letters of Intent are excluded from the page count.

OPTIONAL: An Applicant may include, at their option, to facilitate displaying the organization of their application, a one-page cover page, and a second page to include both a Table of Contents and/or a Listing of Tables/Figures. These pages are for orienting evaluators to the contents of the application package and will not be evaluated and are not included in the Volume I page limitation.

The application must include a program narrative statement that describes the technical and management approach. Describe in detail how you would proceed if awarded this agreement and how you propose to meet the program objectives, award activities, and the anticipated outcomes. Include a discussion on proposed outcomes, work products, and timeframes/timelines. If the proposed application is for a multi-year period of performance, include a detailed work plan for the first year and an outline work plan for each additional year.

The applicant's technical and management approach must cover all years proposed.

The technical application includes following parts:

- A. Project Abstract: Summarize the scope of work that would be completed under the award, including project goals and outcomes anticipated.
- B. Project Description: Include a detailed description and scope of work including specific milestones. Provide a technical and management approach describing in detail how the Applicant proposes to carry out the work. Describe how the Applicant proposes to meet program goals listed in NOFO Section A. Identify project risks and how the Applicant proposes to address these risks. Identify proposed project performance measures and how they will be evaluated.

- C. Project Outcomes: Include a detailed description of how the project advances one or more of the Administration goals described in NOFO Section A.
- D. Project Team Information: Include detailed information about the proposed Applicant team, including any partnerships or collaborations with other entities to deliver the project. The information should specifically describe the role of each entity in delivering the project. Provide a staffing approach to perform the work, including names and positions of key personal. Provide an organizational chart identifying proposed staff members assigned to this effort. The chart must be supported with narrative text to include the title and a brief description of each position's responsibilities, as well as the proposed level of effort and allocation of time (percent in relation to their other duties) for each position on a yearly basis and in summary format. The level of effort may be displayed (single spaced) in a table format. One table can be presented if the level of effort will be constant over all years, and the table is annotated as such. The hours in this table must be consistent with the information presented in the Budget Volume.
- E. Project Schedule: Include detailed information about the project schedule that identifies all major project milestones and, if applicable, requires submittals.
- F. Resumes: Provide resumes of key personnel and staff with significant roles, from both the prime Applicant and team members/subrecipient/sub/contractors, as necessary.
- G. Letters of Intent to Participate: Provide a letter of intent or commitment from each proposed sub-recipient/subcontractor. This includes any sub-recipient/subcontractor that will be included in the Federal share, the non-Federal share or in a non-paid (volunteer) capacity. Provide a letter of intent to participate from significant team members as the Applicant deems necessary.

3) Volume 2 Budget Application

NOTE: If needed, the FHWA may request additional budget information to clarify an application. FHWA encourages Applicants to submit the most relevant and complete information they can provide.

- A. Budget Tables: Provide a separate detailed budget table for each year and summarize the information for all years for all activities. Clearly show Federal share; Non-Federal share; and Total. Spreadsheets can be formatted similarly to the format in DOT Form 4220.44, located at: [4220 44.xls \(dot.gov\)](#). **NOTE: Profit/fee is not allowable for the prime Recipient.**

Budget tables must include the following cost elements as applicable to the project:

Labor Rates: Direct labor-by-labor categories to include hours, rates and escalation. The labor rates and annual direct labor escalations rate and its basis must be in accordance with 2 CFR 200.430.

Indirect Rates: Provide your organization's signed current approved indirect cost rate from the cognizant Federal agency or letter of request to cognizant agency for rate establishment or adjustment. Indirect costs rates must be established according to 2 CFR 200.414. **NOTE:** Per 2 CFR 200.414(f), Indirect (F&A) Costs, any Applicant that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in 2 CFR Part 200 appendix VII, paragraph D.1.b may elect to propose a de minimis indirect rate of 10 percent of modified total direct costs.

Other Direct Costs: Applicants must provide a breakout and justification of Other Direct Costs by Category (travel, equipment, etc.). Direct costs must be in accordance with 2 CFR Part 200 Subpart E (Cost Principals).

Subcontractors/sub-recipients: If subcontractors/sub-recipients (lower-tiered organizations and/or individual consultants) will be used in carrying out this project, the following minimum information concerning such, must be furnished:

- 1) Name and address of the organization or consultant.
- 2) Description of the portion of work to be conducted by the organization or consultant.
- 3) Cost details for that portion of work.
- 4) Applicant's cost/price analysis of each sub-recipient/contractor(s) showing how their price is fair and reasonable (this includes any sub-recipient/contractor(s) that will be included in the Federal share or the non-Federal share).
- 5) Provide detail and support for cost share as part of overall project budget.
- 6) Clearly delineate cost share match versus Federal share.

B. Other Business Information: Provide the following information relative to the PRIME APPLICANT.

- 1) Identify any exceptions to the anticipated award terms and conditions as contained in Section F, Federal Award Administration Information.
- 2) Identify any preexisting intellectual property that the Applicant anticipates using during award performance, and your position on its data rights during and after the award period of performance.
- 3) Applicant SAM Unique Entity Identifier (UEI).
- 4) A statement to indicate whether the Applicant has previously completed an A-133 Single Audit and, if so, the date that the last A-133 Single Audit was completed.

- 5) A statement regarding Conflicts of Interest. The Applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present or planned organizational, contractual or other interest(s), which may affect the Applicants' ability to perform the proposed contract in an impartial and objective manner. Actual or potential conflicts of interest may include but are not limited to any past, present or planned contractual, financial, or other relationships, obligations, commitments or responsibilities, which may bias the Applicant or affect the Applicant's ability to perform the project in an impartial and objective manner. The FHWA will review the statement(s) and may require additional relevant information from the Applicant. All such information, and any other relevant information known to FHWA, will be used to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the FHWA may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the Government to contract with the Applicant and include appropriate provisions to mitigate or avoid such conflict in the award pursuant to 2 CFR 200.112.
- 6) 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.
- 7) Terminated Contracts. List any contract/agreement that was awarded to the prime Applicant then later terminated for convenience of the Government within the past 3 years, and any contract/agreement that was terminated for default within the past 5 years. Briefly explain the circumstances in each instance.
- 8) Describe how the Applicant will obtain the necessary resources to fund and fulfill the proposed cost share, as applicable.
- 9) The Applicant is directed to review Title 2 CFR Part 170 (http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl) dated November 12, 2020, and Appendix A thereto, and acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully comply with the reporting described in the term if it receives funding resulting from this NOFO. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this NOFO's Section F, Federal Award Administration Information.
- 10) Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 entitled Remedies for Noncompliance, including suspension or debarment. (See also 2 CFR Part 180 and 31 U.S.C. 3321).
- 11) If a nonprofit or not-for-profit status, please provide evidence of this status preferably

from the Internal Revenue Service.

- 12) Acknowledgement of acceptance of the NOFO terms and acknowledgement and acceptance of any Amendments issued to this NOFO. List Amendment numbers and issue dates, if any.

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

Each Applicant is required to:

- a. Have an active registration in SAM.gov at the time the Applicant submits an application;
- b. Provide a valid UEI in their application; and
- c. Continue to maintain an active SAM registration with current information at all times during which the Applicant has an active Federal award or an application or plan under consideration by a Federal awarding agency.

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

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

4. SUBMISSION DATES AND TIMES

The application must be received electronically through www.grants.gov by the application due date/time listed on page 1 of this NOFO (or as updated by a NOFO Amendment, if applicable). The due date/time is the date and time by which FHWA must receive the full and completed application, including all required sections.

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

A late application will not be reviewed or considered unless the AO determines that doing so is in FHWA's best interest. The FHWA will not consider late applications that are the result of failure to register or comply with *Grants.gov* applicant requirements in a timely manner. If Applicants are unable to use the system due to verifiable technical difficulties, Applicants

must email complete applications directly to the FHWA point of contact listed in the NOFO Section G no later than the NOFO application deadline cited herein, with explanation of the technical issue experienced and supporting documents regarding the nature of the technical difficulties. For instance, provide screen capture(s) of the technical issues experienced along with corresponding Grants.gov “Grant tracking number.” If you are experiencing difficulties with your submission, it is best to contact the Grants.gov Support Center and get a ticket number. Provide the Grants.gov Help Desk Tracking Number since it will assist FHWA with tracking your issue and understanding background information on the system issue in the event of a late application. If the reported technical issues cannot be validated, late applications may be rejected as untimely.

GRANTS.GOV: Applicants must follow the instructions on Grants.gov to successfully use the website to submit an application. Use of Grants.gov may entail the following steps for those setting up new accounts or first-time users.

- a. Register with SAM at www.SAM.gov
- b. Obtain a valid UEI;
- c. Create a *Grants.gov* account; and
- d. Respond to the registration email sent to the E-Business Point of Contact from *Grants.gov*, and login at *Grants.gov* to authorize the Applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

****Please note that the *Grants.gov* registration process may take two to four weeks.**

GRANTS.GOV HELP: For Grants.gov training resources, including video tutorials, refer to: [Home | GRANTS.GOV](#). For assistance with Grants.gov registration and application submittal, refer to the Grants.gov Support Center: [Support | GRANTS.GOV](#).

5. INTERGOVERNMENTAL REVIEW

An application under this Notice of Funding Opportunity is not subject to the State review under E.O. 12372.

6. FUNDING RESTRICTIONS

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

7. OTHER SUBMISSION REQUIREMENTS

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 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.

C.**Protection of Confidential Business Information**

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

SECTION E – APPLICATION REVIEW INFORMATION

1. CRITERIA

The Government will evaluate applications on following criteria:

The Government will evaluate applications against the following evaluation criteria, considered of equal importance. These criteria are distinct from eligibility criteria (see Section C) that are addressed before an application is accepted for review.

FHWA will evaluate the applications against the following evaluation criteria listed below.

1. **TECHNICAL MERIT:**

- a. Adequacy of the technical and management approach and likelihood of successful achievement of program objectives.
- b. Demonstrated understanding of the needs and challenges relating to the program.
- c. Adequacy of the staffing approach and qualifications of the proposed staff, including the Program Manager and other team members' knowledge and relevant experience in completing the proposed tasks.

2. **COST:**

- a. Determination whether the required matching funds and supporting detail for these funds are adequate.
- b. Degree to which budget applications represent costs that are realistic, reasonable, and commensurate with the applicant's technical application, as well as the degree to which they confirm to applicable cost principles.
- c. Funding availability will also be considered in the award decision. This evaluation factor will not be rated but will be considered in the award selection.

1. REVIEW AND SELECTION PROCESS

The DOT will utilize the following merit review process to evaluate applications:

- A panel of DOT experts will collectively evaluate and rate all eligible applications using the selection criteria listed above. The panel will then collectively assign an adjectival rating of Acceptable or Unacceptable. Should an application receive a rating of Unacceptable, FHWA reserves the right to conduct discussions with that applicant in order to address deficiencies and other weaknesses or risks in the application.
- Agency personnel from the FHWA Office of Acquisition and Grants Management will evaluate the cost criteria listed above and conduct a risk assessment of the Applicant organization prior to award as described below.
- As determined necessary to support the evaluation and selection process, FHWA

may conduct discussions with Applicants to clarify elements of the technical and budget applications and request additional detailed and itemized cost information.

The FHWA may, during the selection process, enter into discussions with an applicant that may include mutually agreeing upon a lesser amount of a potential award than originally requested in the application if necessary due to the quantity, size and scope of the applications received in response to this notice and the results of the application review process.

- The Government will accept the application that is considered the most advantageous to the Government using the criteria cited above, and subject to the results of an applicant risk assessment. Applications selected for possible award using the criteria cited above will undergo an assessment of the risk posed by the applicant organization, as defined below, prior to award. The Government reserves the right to not make an award to an Applicant based on the results of the applicant risk assessment.

The selection official responsible for final award decisions is the Agreement Officer, FHWA Office of Acquisition and Grants Management. The Government is not obligated to make any award as a result of this notice.

Applicant Risk Assessment: Prior to award, each selected Applicant will be subject to a risk assessment required by 2 CFR 200.206. If the Federal awarding Agency determines that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award.

This Risk Assessment will include evaluation of some or all of the following items relative to the Applicant and sub-applicants as applicable:

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

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

evaluating history of performance, the Government may consider both written information provided in the application, as well as any other information available to the Government through outside sources.

(4) Applicant's audit reports and findings from audits performed on the Applicant pursuant to 2 CFR Part 200 Subpart F — Audit Requirements or the reports and findings of any other available audits;

(5) Applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities;

(6) Applicant's potential for conflict of interest if applicable; and

Note: FHWA will review information provided by the Applicant, and any other relevant information known to FHWA, to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, FHWA may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the United States to award to the Applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.

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

NOTE: If an Applicant is determined to be high-risk, additional reporting requirements or other special conditions may apply to the resulting award to mitigate risks.

3. ADDITIONAL INFORMATION

Pursuant to 2 CFR Part 200.206, prior to making a Federal award, the Federal awarding Agency is required to review information available through any Office of Management and Budget (OMB) designated repositories of governmentwide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), D&B, and SAM.gov. The Government's review of this information will occur as part of the risk assessment. An Applicant may review information in FAPIIS and comment on any information about itself. The FHWA will consider comments by the Applicant, in addition to other information in OMB-designated repositories of governmentwide eligibility qualification or financial integrity information, in making a judgment about the Applicant's integrity, business ethics, and record of performance under Federal awards when completing the risk assessment. The FHWA reserves the right to deny an award based on the results of the risk assessment.

4. ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

The FHWA anticipates, but does not guarantee, making an award in July 2023.

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

1. FEDERAL AWARD NOTICES

Following the evaluation outlined in Section E, FHWA will notify the selected Applicants and announce the selected projects. Notice that an Applicant has been selected for award does not constitute approval of the application as submitted. Before the award, FHWA may contact the Applicant's point of contact listed in the SF 424 to initiate negotiation of a project-specific agreement, if applicable. If the negotiations do not result in an acceptable submittal, FHWA reserves the right to terminate the negotiation and decline to fund the Applicant. Only the FHWA AO or other authorized representative can commit FHWA and bind the Federal Government to the expenditure of funds.

Recipients of awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, FHWA will reimburse Recipients only after a project agreement or award has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted by the Recipient. Unless authorized by FHWA in writing after FHWA's announcement of any awards resulting from this opportunity, any costs that a recipient incurs before FHWA executes a project agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by FHWA at 2 CFR Part 1201. Applicable Federal laws, rules, and regulations set forth in title 23, U.S.C., including 23 U.S.C. 113, and 23 and 49 CFR shall also apply to awards provided under this program.

GENERAL CLAUSES

The online clauses entitled "General Terms and Conditions for Assistance Award" apply to the resulting award, and are available in full text online at:

https://www.fhwa.dot.gov/cfo/contractor_recip/gtandc_generaltermsconditions.cfm

SPECIAL CLAUSES

In addition to the General Clauses cited above, the following Special Clauses will apply to the resulting award.

A. PUBLIC ACCESS TO DOCUMENTS

The Applicant agrees that the resulting deliverables/documentation submitted to the FHWA under this Agreement may be posted online for public access and/or shared by FHWA with other

interested parties. The FHWA anticipates the documents cited herein may be posted on an FHWA website or another appropriate website.

B. INDIRECT COSTS

Indirect costs are allowable under this Agreement in accordance with the Recipient's Federally Negotiated Indirect Cost Rates as documented in writing and approved by the Recipient's cognizant Government agency. In the absence of such Government-approved indirect rates, the following rates are hereby approved for use under this agreement as shown below:

Type*	Indirect Rate	Period	Rate (%)	Base

*Types of Rates: Pred - Predetermined; Fixed - Fixed; Final – Final; Prov: Provisional/billing; or De minimus.

In the event the Recipient determines the need to adjust the above listed rates, the Recipient will notify the AO 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 AO.

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.

C. DATA RIGHTS

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

D. PERSONALLY IDENTIFIABLE INFORMATION (PII)

Personally Identifiable Information (PII) as defined at CFR Part 200.1 at will not be requested unless necessary and only with prior written approval of the AO with concurrence from the AOR. The recipient must protect any PII as directed in 2 CFR 200.303.

E. AVAILABLE FUNDING

The total estimated amount of Federal funding that may be provided under this Agreement is \$_____ (to be filled in at award) for the entire period of performance, subject to the limitations shown below:

(1) Currently, Federal funds identified on page 1 of the award document, are obligated to this agreement.

(2) Subject to availability of funds, and an executed document by the AO, the difference between the current funding and the total estimated amount of Federal funding may be obligated to this Agreement.

(3) The FHWA's liability to make payments to the Recipient is limited to those funds obligated under this Agreement as indicated above and any subsequent amendments.

F. KEY PERSONNEL

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

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

G. PROGRAM INCOME

Pursuant to 2 CFR 200.307, Program income earned during the agreement period must be added to the Federal award and used for the purposes and under the conditions of the Federal award, unless otherwise approved by the AO. Program income must not be used to offset the Federal or Recipient contribution to this project.

H. SUBAWARDS

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

The following subaward provisions will apply based on the USDOT Office for contract authorization:

- (1) If the FHWA Office for Subaward and Contract Authorization is "FHWA Division," then the Recipient shall comply with subaward and contract authorization requirements under 23 C.F.R Part 172 and 23 C.F.R. Chapter I., subchapter G.
- (2) If the FHWA Office for Subaward and Contract Authorization is "FHWA Office of Acquisition and Grants Management," then the Recipient shall obtain prior written approval from the FHWA agreement officer pursuant to 2 C.F.R. 200.308 and 23 C.F.R. 172 as applicable for the subaward or contracting out of any work under this agreement. Approvals under 2 C.F.R. 200.308 will be contingent upon a fair and reasonable price determination on the part of the Recipient and the

Agreement Officer's concurrence on that determination. Consent to enter into subawards will be issued through a formal amendment to the Agreement." This provision does not apply to the acquisition 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 subaward is contingent upon a fair and reasonable price determination, and approval by the AO for each proposed subcontractor/sub-recipient. Consent to enter into subawards will be issued through a formal amendment to the Agreement.

I. ORDER OF PRECEDENCE

The Recipient's technical and budget application volumes are accepted, approved, and incorporated herein as Attachments 1 and 2. In the event of any conflict between this agreement document and the Recipient's application, this Agreement document shall prevail.

J. DESIGNATION AS RESEARCH OR NON-RESEARCH AGREEMENT

This agreement is designated as: NON-RESEARCH

K. CONFERENCE SUPPORT RESTRICTIONS

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

Food and beverage costs are not allowable conference expenses for reimbursement under this Agreement.

Note: Costs of meals are allowable as a travel per diem expense for individuals on travel status and pursuant to the Travel clause of this Agreement.

L. DISPUTES

The parties to this Agreement will communicate with one another in good faith and in a timely and cooperative manner when raising issues under this provision. Any dispute, which for the purposes of this provision includes any disagreement or claim, between 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 will attempt to resolve the issues involved by discussion and mutual agreement as soon as practical. In no event will a dispute which arose more than

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 will document the dispute by notifying the other party in writing of the relevant facts, identify unresolved issues, and specify the clarification or remedy sought. The AO, or other cognizant FHWA division office personnel in the case of a project administered through a State DOT, will conduct a review of the matters in dispute and render a decision in writing within thirty calendar days of receipt of such written request. Any decision of the AO is final and binding unless a party will, within thirty calendar days, request further review as provided below.

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

M. CLOSEOUT OF AGREEMENT FILE

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

N. TRAVEL

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

O. PUBLIC ACCESS REQUIREMENTS AND COMPLIANCE

In response to the White House Office of Science and Technology Policy memorandum dated February 22, 2013, entitled Increasing Access to the Results of Federally Funded Scientific Research, DOT is incorporating Public Access requirements into all funding awards (grants) for scientific research. This section sets forth the requirements a funding Recipient must satisfy to be in full compliance with the USDOT Public Access plan. For all wholly or partially federal funded scientific research agreements, the Recipient hereby agrees to comply with the requirements of the USDOT Public Access plan. The Recipient is required to include these obligations in any sub- awards or other related funding agreements. The full requirements of the DOT Public Access plan requirements include, but are not limited to, the following:

A. Copyright License

Recipient hereby grants to the USDOT a worldwide, non-exclusive, non-transferable, paid-up, royalty-free copyright license, including all rights under copyright, to any and all Publications and Digital Data Sets as such terms are defined in the USDOT Public Access plan, resulting from scientific research funded either fully or partially by this funding agreement. Recipient herein acknowledges that the above copyright license grant is first in time to any and all other grants of a copyright license to such Publications and/or Digital Data Sets, and that USDOT shall have priority over any other claim of exclusive copyright to same.

B. Reporting and Compliance Activities

Recipient hereby agrees to satisfy the reporting and compliance requirements as set forth in the USDOT Public Access plan, including, but not limited to, the submission and approval of a Data Management Plan, the use of Open Researcher and Contributor ID (ORCID) numbers, the creation and maintenance of a research project record in the Transportation Research Board's (TRB) Research in Progress (RiP) database, and the timely and complete submission of all required publications and associated digital data sets as such terms are defined in the DOT Public Access plan. Additional information about how to comply with the requirements can be found at: <https://ntl.bts.gov/public-access/how-comply>.

P. PROGRAM REQUIREMENTS

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

In particular, Executive Order 14005 directs the Executive Branch Departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Any grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Carriers Safety Regulations, or vehicles that are exempt from Federal Motor Vehicle Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

The following national policy considerations need to be addressed by project sponsors before they can receive federal funds for the program:

1. Critical Infrastructure Security and Resilience

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

2. Domestic Preference Requirements

As expressed in Executive Order 14005, “Ensuring the Future Is Made in All of America by All of America’s Workers” (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirement at 23 U.S.C. 313, 23 CFR 635.410, and 2 CFR 200.322. The Department expects all applicants to comply with those requirements.

3. Civil Rights and Title VI

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

4. Federal Contract Compliance

As a condition of grant award and consistent with EO 11246, Equal Employment Opportunity (30 FR 12319, and as amended), all Federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for work being performed by people of color. Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans’ Readjustment Assistance Act of 1974. OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the

design phase to help promote compliance with non-discrimination and affirmative action obligations. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of Federally-assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. DOT will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award.

5. Performance and Program Evaluation

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. DOT may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor or DOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges Federal awarding agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency." 5 U.S.C. § 311. Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR Part 200).

3. REPORTING

ADDRESSES FOR SUBMITTAL OF REPORTS AND DOCUMENTS

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

Submit an electronic copy to the Agreement Specialist at the following address:
TBD (***) to be filled in at award (***)

Submit an electronic copy to the AOR at the following address:
TBD (***) to be filled in at award (***)

A. QUARTERLY PROGRESS REPORT

The Recipient must submit an electronic copy of the SF-PPR to the AOR and the Agreement Specialist/AO on or before the 30th of the month following the calendar quarter being reported. Final SF-PPRs are due 90 days after the end of the agreement period of performance.

Calendar quarters are defined as:

1st: January – March
2nd: April – June
3rd: July – September
4th: October – December

Reports due on or before:

April 30th
July 30th
October 30th
January 30th

The quarterly progress report must include the required certification pursuant to 2 CFR 200.415.

Quarterly Progress Reports shall include the following:

- a. Work performed for the current quarter;
- b. Work planned for the upcoming quarter;
- c. 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; and
- d. A tabulation, clearly delineated by Federal share, cost share and total, of the current and cumulative costs expended by quarter versus budgeted costs.

In the SF-PPR Block 11, Other Attachments, include the following information as attached pages:

- a. SF-425, Federal Financial Report; and
- b. SF-425A, Federal Financial Report Attachment (if applicable).

B. ANNUAL BUDGET REVIEW AND PROGRAM PLAN

The Recipient must submit an electronic copy of the Annual Budget Review and Program Plan to the AO and the AOR at least 60 days prior to the anniversary date of this agreement.

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

C. RECIPIENT INTEGRITY AND PERFORMANCE MATTERS

If the Federal share of this award will be more than \$500,000 over the period of performance, the reporting requirements in 2 CFR Part 200, Appendix XII (Award Term and Condition for Recipient Integrity and Performance Matters) will apply.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Address any questions to: Martha.Kapitanov@dot.gov & Ryan.Buck@dot.gov

SECTION H – OTHER INFORMATION

1. PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information you consider to be a trade secret or confidential commercial or financial information, the Applicant should do the following:

(1) Note on the front cover that the submission "Contains Confidential Business Information (CBI)," (2) mark each affected page "CBI," and (3) highlight or otherwise denote the CBI portions.