U.S. Department of Transportation

Federal Motor Carrier Safety Administration

Fiscal Year 2016

Commercial Vehicle Information Systems and Networks Grant Program

Notice of Funding Availability

Announcement Type:	Discretionary Grant
Catalog of Federal Domestic Assistance Number:	20.237
Program Purpose:	The Commercial Vehicle Information Systems and Networks (CVISN) grant program provides funding for States to advance technological capability and promote the deployment of intelligent transportation systems (ITS) applications for commercial vehicle operations (CVO), including commercial motor vehicle (CMV), commercial driver, and carrier-specific information systems and networks. These ITS/CVO applications include the real-time sharing of CMV safety data between FMCSA and CVISN States, online permitting and credential payment systems between States and motor carriers, electronic safety and credential screening of CMVs past weigh stations with the vehicles in motion, regional truck parking availability and reservation systems, and active work zone notification and routing systems for CMVs.

Eligibility Information:	The FMCSA may award CVISN funds to agencies of States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands. Program authorizing Statute of Public Law 109-59, Section 4126(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users requires that, to be eligible for a CVISN grant, a State must satisfy certain eligibility requirements: (1) the State must have an approved CVISN plan, which is the program plan; (2) the State's grant application proposal is consistent with national standards and promotes interoperability and efficiency with other State and national systems; and (3) the State agrees to execute interoperability tests to demonstrate to FMCSA that its systems conform with national standards. Thus, eligible CVISN entities include the lead State agencies responsible for the CVISN program plan, State agencies named in the CVISN program plan that have a memorandum of understanding with the lead State agency, or State agencies that have otherwise demonstrated that they meet the three requirements, including certification that its grant proposal will be interoperable with its other State CVISN systems. Individuals and businesses are not eligible to apply.
Application Due Date:	March 3, 2016 (11:59 P.M. Eastern Standard Time)

A. CVISN Grant Program Description

The Federal Motor Carrier Safety Administration (FMCSA) announces this Fiscal Year (FY) 2016 Commercial Vehicle Information Systems and Networks (CVISN) program Notice of Funding Availability (NOFA) to solicit applications from State agencies, including the District of Columbia and U.S. territories (State). A State must satisfy certain eligibility requirements: (1) the State must have an approved CVISN plan, which is the Program Plan; (2) the State's grant application proposal is consistent with national standards and promotes interoperability and efficiency with other State and national systems; and (3) the State agrees to execute interoperability tests to demonstrate that its systems conform with national standards. Thus, eligible CVISN entities include the lead State agencies responsible for the CVISN program plan, State agencies named in the CVISN program plan that have a memorandum of understanding with the lead State agency, or State agencies that have otherwise demonstrated that they meet the three requirements, including certification that its grant proposal will be interoperable with other State CVISN systems. Individuals and businesses are not eligible to apply.

The FMCSA provides CVISN funds to advance technological capability and promote the deployment of intelligent transportation systems (ITS) applications for commercial vehicle operations (CVO), including commercial motor vehicle (CMV), commercial driver, and carrier-specific information systems and networks. These ITS/CVO applications include the real-time sharing of CMV safety data between FMCSA and CVISN States, online permitting and credential payment systems between States and motor carriers, electronic safety and credential screening of CMVs past weigh stations with the vehicles in motion, regional truck parking availability and reservation systems, and active work zone notification and routing systems for CMVs. Please see FMCSA's annual CVISN report for additional information on state level activities using these grant funds. See: http://ntl.bts.gov/lib/55000/55000/55044/2014_CVISN_Annual_Report_Final_May_18_2015.pdf

CVISN funding is authorized based on authorities provided in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109-59, §§ 4101(c)(4) (2005), *as amended by* Moving Ahead for Progress in the 21st Century (MAP-21), Pub. L. No. 112-141, §§ 32603(c) and 32605 (2012), as extended by the Surface Transportation Extension Act of 2015Part II (HR 3396) (December 4, 2015). The CVISN program is governed by 49 United States Code (U.S.C.) section 31106, Historical and Statutory Notes, as amended.

B. FY 2016 CVISN Program Project National Priorities

The FMCSA will first fund projects that advance States towards meeting core deployment status (Appendix B). Remaining funds will then be awarded for expanded CVISN deployment projects, and, finally, for core or expanded maintenance projects (e.g., memberships, fees, dues, and other related program maintenance costs). Applications requesting funds for membership fees, dues, and other program maintenance costs will receive a lower priority than application for deployment projects. Additional information about the types of grants is included in Section C. The CVISN website is also available at http://www.fmcsa.dot.gov/information-systems/cvisn/commercial-vehicle-information-systems-and-networks-cvisn

Priority funding consideration will be given to applications that:

1. **Deploy or Enhance the Commercial Vehicle Information Exchange Window (CVIEW).** The CVIEW is an integral part of the CVISN program and is a key mechanism through which agencies within a State can share commercial vehicle credential and safety information among themselves and with other jurisdictions across the country. The importance of this interstate data exchange to roadside enforcement and credential administrations enables numerous critical safety programs to check for high risk carriers and Federal out-of-service orders. This also provides real-time electronic screening of interstate vehicles for Safety, International Fuel Tax Agreement (IFTA), International Registration Plan (IRP), Oversize/Overweight Permits, and other compliance information critical to a State's safety program. *NOTE: Only with all States deploying and maintaining CVIEWs, can CVISN's exponential safety and productivity benefits be fully realized!*

2. **Maintain or Improve CVISN-related Data Uploads.** The purpose of these projects is to improve credentialing data quality when information is uploaded from the State to the Safety and Fitness Electronic Records (SAFER) system. Applications should include projects that ensure CVIEW applications capture updates sent to the SAFER system on a daily basis and should describe the measures to ensure the accuracy and quality of the data exchanged, promote efficient system communication, and prevent system corruption or performance degradation. All Core CVISN performance measures related to credential administration and safety information exchange must be maintained to remain core-deployed (certified).

3. **Implement, and Improve, CVISN Safety, Quality, and Productivity Performance Metrics.** Projects that directly support the collection and reporting of FMCSA-defined CVISN performance metrics: 1) time savings and efficiency benefits from safety information exchange; 2) time and cost savings from electronic credentialing systems; 3) volume and percentage of electronic credentials conducted; 4) volume and percentage of electronic screening bypasses vs inspections; 5) data quality improvements in terms of achieving and maintaining a minimal error rate per several thousand uploads; and 6) safety, efficiency, and environmental benefits from electronic screening and smart roadside systems.

4. **Research, Test, and Deploy Workzone and Incident Electronic Notification Systems.** These projects are only eligible for expanded CVISN States. The purpose of these projects is to implement an in-cab alert system that will notify the commercial motor vehicle (CMV) driver of an active work zone, traffic congestion, or an incident ahead. The alert system must be able to be broadcasted through the CMV's transponders, electronic on-board systems, cell phones, and/or motor carrier routing and dispatching systems.

C. Award Information

Use the information below to help you make an informed decision about whether to submit an application.

Total Amount of Funding FMCSA Expects to Award:	$25,000,000
Anticipated Number of Awards:	25
Expected Amounts of Individual Awards (based on previous year estimates):	Award Ceiling: $2,500,000 Award Floor: $25,000
Anticipated Start Date/Period of Performance:	Upon execution of a Notice of Grant Award through the award's end date. NOTE: when requesting a period of performance on the SF-424 application form, applicants should carefully consider how long it will take to complete the grant's activities and objectives. An application requesting a realistic and feasible four-year period of performance is preferable to an application requesting a two-year period of performance that results in a grant with multiple extension requests. Funding amounts made available for reimbursement may be impacted by limitations placed on the budget authority and appropriations enacted for FMCSA.
Application Type:	Applications are for new FMCSA awards only. Activities for supplementing existing continuing projects are not eligible. The fifty percent (50%) required State match must be eligible CVISN grant expenses for which Federal funds would be available and shall not be from funds the State spends on other CVISN-related projects or programs.

D. CVISN Grant Program Eligibility Information

There are five types of CVISN grants: 1) core or expanded Program Plan/Top Level Design (PP/TLD) development grants; 2) core deployment grants; 3) expanded deployment grants; 4) core maintenance grants; and 5) expanded maintenance grants. The table below outlines eligibility requirement for each of the 5 types of CVISN grants:

Type 1: Core or Expanded PP/TLD Development Grants	
Purpose	**Eligibility Requirements**
Provide management framework and system architecture to guide CVISN deployment – and – Advise policy and decision makers regarding the funding and technical resources required for successful CVISN implementation.	For States that have not yet met core deployment and based on SAFETEA-LU and its predecessor authorizing statute (the Transportation Equity Act for the 21st Century), FMCSA may not award an aggregate total in excess of $2.5 million in core deployment grants to a State. Contact the FMCSA Grants Management Office (GMO) if you need information regarding this eligibility requirement. A State **may not** apply for a PP/TLD development grant **and** a grant to carry out the activities in the PP/TLD in the same grant.

Type 2: Core Deployment Grants	
Purpose	**Eligibility Requirements**
Carry out CVISN capabilities in the areas of safety information exchange, credentials administration, and electronic screening. Some examples of projects include (but are not limited to) inspection reporting, electronic processing of fees, screening transponder-equipped trucks automatically pass roadside inspection stations at highway speeds.	To be eligible for a Core deployment grant, your organization: • Shall have a CVISN PP/TLD approved by FMCSA; • Shall certify that deployment activities are consistent with the national Intelligent Transportation Systems (ITS) and CVISN architectures/standards, promote interoperability and efficiency; • Shall agree to execute FMCSA interoperability tests to verify that State systems conform with the national ITS architecture, applicable standards, and protocols; • Shall have an MOU with the Lead Agency (if applicable); and

	• Shall coordinate all projects/activities with Lead Agency (if applicable). You must submit the most recent PP/TLD and FMCSA PP/TLD approval letter along with your application materials for FMCSA review. An applicant can submit an updated (not approved) PP/TLD in their application package HIGHLIGHTING the cover page to reflect AMENDED and highlighting any changes to the previously approved PP/TLD. If FMCSA does not approve the changes reflected in the PP/TLD, the applicant will have an opportunity to resubmit with required modifications before award. Under SAFETEA-LU and its predecessor authorizing statute (the Transportation Equity Act for the 21st Century), FMCSA may not award an aggregate total in excess of $2.5 million in core deployment grants to a State.

Type 3: Expanded Deployment Grants	
Purpose	**Eligibility Requirements**
Carry out capabilities that exceed the requirements of core deployment, improve safety and productivity of commercial motor vehicle operations, and enhance transportation security. Note: A State with a Commercial Vehicle Information Exchange Window (CVIEW) system (or equivalent) that is offline, and/or not uploading complete accurate data, is no longer considered to have completed core deployment and therefore is not eligible to apply for a CVISN expanded deployment grant until the CVIEW is back online. All elements of Core certification shall be maintained to be eligible for Expanded Deployment Grants.	To be eligible for an expanded deployment grant, your organization must first become **core-deployed** (**certified**): • Shall have a CVISN PP/TLD approved by FMCSA • Shall certify that deployment activities are consistent with the national Intelligent Transportation Systems (ITS) and CVISN architectures/standards, promote interoperability and efficiency; and • Shall agree to execute FMCSA interoperability tests to verify that State systems conform with the national ITS architecture, applicable standards, and protocols. • Shall have an MOU with the Lead Agency (if applicable); • Shall coordinate all projects/activities with Lead Agency (if applicable), or • Verify there is no duplication of effort between State agencies. Upon completion of core deployment, the maximum amount a State may receive for an expanded deployment

	grant in any fiscal year is $1 million. States must submit EITHER the most recent PP/TLD or the most recent FMCSA PP/TLD approval letter along with the application materials for FMCSA review. An applicant can submit an updated (not approved) PP/TLD in their application package HIGHLIGHTING the cover page to reflect AMENDED, and highlighting any changes to the previously approved PP/TLD. If FMCSA does not approve the changes reflected in the PP/TLD, the applicant will have an opportunity to resubmit with required modifications before award.

Type 4: Core Maintenance Grants	
Purpose	**Eligibility Requirements**
Allow funding for memberships, fees, dues, and other related program costs that maintain or support Core deployment activities.	For States that have not yet met core-deployment: You must have a Core PP/TLD approved by FMCSA to be eligible for core maintenance funds.

Type 5: Expanded Maintenance Grants	
Purpose	**Eligibility Requirements**
Allow funding for memberships, fees, dues, and other related program costs that maintain or support Core or Expanded deployment activities.	For States that have met core-deployment: You do not have to submit an expanded PP/TLD to be eligible for a maintenance grant.

E. Application and Submission Information

The FMCSA utilizes Grants.gov (*www.grants.gov*) for accepting program applications. All FY 2016 applications must be submitted electronically through this site; however, applicants requiring additional accessibility or accommodation associated with submitting this grant application should contact the FMCSA Grants Management Office (GMO). Unsolicited applications will not be accepted.

The FMCSA cannot evaluate applications received without the complete set of required forms and attachments; all required elements and documents must be submitted. A checklist showing each required document and its source is located in Appendix A.

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

STEP #2: Every applicant must be: 1) registered in the System for Award Management (*www.SAM.gov*) before submitting the application; 2) provide a valid Data Universal Numbering System (DUNS) number in its application; and 3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by FMCSA.

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

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

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

The FMCSA may not make a Federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements and, if an applicant has not fully complied with the requirements by the time FMCSA is ready to make an award, then FMCSA may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant.

STEP #3: The applicant must download the grant application package from Grants.gov, complete it, and submit the completed application package with required attachments through Grants.gov on or before the **deadline of 11:59 P.M. (EST) on Thursday, March 3, 2016**. The FMCSA does not own or maintain Grants.gov and is therefore unable to provide technical assistance; all technical assistance issues should be directed to Grants.gov.

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

Modifications to an application after it has been submitted, but prior to the due date, will require a resubmission of the entire application package. The applicant must notify the FMCSA GMO prior to resubmitting the package. Submitting changes to Grants.gov without contacting the FMCSA GMO could significantly delay application submission and may result in the application not being reviewed.

A late application may be accepted if there is a large scale natural disaster or a Grants.gov system issue that threatens the timely submission of a grant application. Problems with computer systems at the applicant organization, failure to follow the application instructions or failure to submit the program application or complete required registrations by the submission deadline are not considered system issues.

F. Application Submission Content and Format

Applicants are not required to use the project or budget narrative format below, however; doing so helps ensure that the application meets the established minimum requirements. For all submissions, the application must be on 8.5" x 11" paper, using either the "Times New Roman" or "Arial" font type in 12 point. Page margins must be at least 0.5" overall. There is no specific page limitation.

Application Project Plan Narrative Content and Format:

1. **Introduction:** Include a description of CVISN grant type, the goal(s) of the application and the applicable program priority(ies) met by the application's projects. Include in this introduction a summary of past CVISN grant awards, and whether this application has dependencies on those previous awards. Also include in this introduction specific information about the outputs the application proposes to achieve. For each goal identified, the applicant must provide a problem statement, performance objective, program activity plan, and performance measurement plan. Example:

    - The goal of this project is to expand the State's E-Screening capabilities by installing 10 virtual weigh stations (VWS) to include DOT# and Optical Character Reading technology that will query the State's CVIEW for inspection decisions based on given criteria. This project can be found in our approved PP/TLD on page XX.

2. **Problem Statement:** A brief, quantitative description of the identified problem. Include details on the data used to identify the problem and to establish the baseline (include data source, date, and explain how the applicant collects, maintains, and analyzes the data). Example:

    - [The Applicant] has seen an increase in commercial vehicle traffic without corresponding increase in staff levels over the past several years – some of it is pass-thru traffic and others due to new business and expansions. There is a need to monitor traffic along high crash corridors in the State and ensure that noncompliant carriers are identified and subsequently inspected in order to provide targeted enforcement and enhance safety screening.

3. **Performance Objective:** A description of the applicant's quantifiable goal related to the above problem statement. This can be measured in numbers, percentages, or other forms that accurately measure the outputs and outcomes the applicant anticipates will result from implementing the strategies and activities proposed.

NOTE: If you are asking for funding for a physical project, please include the Geographic Information System (GIS) coordinates (Lat/Long) of that project. Example:

- [The Applicant] will install 10 virtual weigh stations (VWS) with E-Screening technology along designated high crash corridors and by-pass locations in an effort to identify high risk carriers with limited resources. The VWS is estimated to produce a XX percent increase in identifying OOS carriers and a XX percent reduction in crashes along instrumented corridors and routes. The GIS coordinates for the VWS' are as follows; #1 is located at xx degrees Latitude/yy degrees Longitude.

4. **Program Activity Plan:** A description of the activities the applicant believes will help mitigate the problem. Example:

   - [The Applicant] will maximize its limited resources with the ability to target non-compliant carriers thru the use of technology enhanced screening decisions, thus allowing compliant carriers to by-pass inspection areas.

   - [The Applicant] will provide additional training to officers in how to use the installed technology to detect non-compliant carriers.

5. **Performance Measurement Plan:** A description of how the applicant will measure progress towards the performance objective goal, such as quantifiable and measurable outputs (hours, carrier contacts, inspections, etc.) and in terms of performance outcomes. The measure must include specific benchmarks that can be reported on in the quarterly progress report, if practicable, or as annual outcomes. Example:

   - [The Applicant] will track the installation of the 10 VWS with the use of the project milestones outlined in the accepted project plan.

   - [The Applicant] will train all CMV enforcement personnel in the use of the new technology before the Go-Live date as outlined in the project plan.

   - [The Applicant] will collect baseline, or "Before" data, to be used for measurable comparisons to data collected "After" the VWS is deployed.

   - [The Applicant] will continually monitor:
     - Number of crashes/injuries/fatalities as a result of focused enforcement on high-risk operators
     - Improved compliance with weight and safety regulations
     - Reduced congestion at inspection areas

6. **Budget Narrative:** A budget narrative is a description, by budget category (object class) that details the costs necessary to complete the proposed projects. A well-written budget narrative ensures that the applicant has properly documented proposed costs. The level of detail should be sufficient to justify the funding requested. A sample budget narrative format is included in Appendix C.

G. Application Form Requirements—

1. **SF-424 – Application for Federal Assistance:** Standard application form for all Federal assistance requests available in the Grants.gov application kit.

2. **SF-424A – Budget Information for Non-Construction Programs:** Standard budget form for requests for Federal assistance available in the Grants.gov application kit.

3. **SF-424B – Assurances for Non-Construction Programs:** Standard assurances form associated with accepting Federal assistance funds available in the Grants.gov application kit. This document indicates that the applicant organization is in substantial compliance with various programs, regulations, and Federal laws.

4. **Grants.Gov Lobbying Form:** Standard lobbying form available in the Grants.gov application kit for applicants to indicate that they do/do not engage in lobbying activity.

5. **SF-LLL – Disclosure of Lobbying Activities:** Standard form for applicants to report their lobbying activities available in the Grants.gov application kit. Only applies to applicants that have lobbying activities to disclose.

6. **Key Contacts Form:** Form to include the individuals that will be responsible for a Federal award. It is available in the Grants.gov application kit. Contacts for three positions are required: 1) Authorized Designated Official (ADO), 2) Principal Investigator or Program Director (PI/PD); and 3) Financial Official (FO). Annotate on the form if the same individual is responsible for multiple roles.

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

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

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

7. **Attachment Form:** Supplemental form to submit attachments. Available in the

IMPORTANT!

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

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

Grants.gov application kit.

8. Project Narrative: Project narrative includes: brief introduction, problem statement, performance objective(s), program activity plan(s), and performance measurement plan(s).

9. Most Recent PP/TLD: The State's approved PP/TLD (with FMCSA approval letter if applicable), is attached. Applicant generated and attached to the Grants.gov application package.

10. Budget Narrative: A budget narrative is a description, by budget category (object class) that details the costs necessary to complete the proposed projects. A well-written budget narrative ensures that the applicant has properly documented proposed costs. The level of detail should be sufficient to justify the funding requested. A sample budget narrative format is included in Appendix C.

11. Indirect Cost Rate Information: If the budget includes indirect costs, attach a copy of the fully executed, negotiated agreement. If the rate will not be approved by the application due date, attach the letter of renewal or letter of request that you sent to your cognizant agency to your application. The FMCSA does not require indirect cost rate information if the applicant is not claiming indirect costs.

12. FMCSA Administrative Capability Questionnaire (ACQ)
This self-certification questionnaire is used by FMCSA to assess your organization's administrative management systems, infrastructure, policies, and resources. It is located within the Grants.gov "Full Announcement" tab.

If you have already sent in an ACQ to FMCSA in response to a FY 2016 NOFA, you do not need to send a new one.

13. Standard Title VI/Non-Discrimination Assurances: This self-certification assurance ensures that the applicant will comply with the appropriate acts, regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from FMCSA. The Standard Title VI/Non-Discrimination Assurances is located in Appendix D and on Grants.gov in the "Full Announcement" tab. This form is required and submitted by the applicant into Grants.gov.

If you have already sent in a Standard Title VI/Non-Discrimination Assurances to FMCSA in response to a FY 2016 NOFA, you do not need to send a new one.

14. CVISN-Specific Attachment

Each applicant **must** review, sign, and return the CVISN-Specific Attachment (Attachment D) with the application. This document is a self-certification to certify that the applicant applying for FY 2016 CVISN funding meets the conditions for participation under SAFETEA-LU §4126. This section requires CVISN program organizations to certify that CVISN deployment activities, including hardware procurement, software and system development, and infrastructure modifications:

1. Are consistent with the national intelligent transportation systems and CVISN architectures and available standards;

2. Promote interoperability and efficiency to the extent practicable; including interoperability with other State CVISN systems; and

3. Certify to execute interoperability tests developed by the FMCSA to verify that systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for CVISN.

H. Application Cost Guidance/Funding Restrictions—

Costs charged to FMCSA grants must be in accordance with the applicable cost principles. All reimbursable items must be necessary, reasonable, allocable, and allowable to accomplish the goals of the program. These standards are described in the applicable cost principles and administrative requirements per 2 C.F.R. §§ 200.400 through 200.475, with the exception of §§ 200.416-200.417, which include Special Considerations (only) for States, Local Governments, and Indian Tribes, and §§ 200.418-200.419, which include Special Considerations (only) for Institutions of Higher Education.

A list eligible core and expanded CVISN grant program activities/costs are included in Appendix B. Generally, allowable costs under the CVISN grant include, but are not limited to: 1) salaries, wages, and fringe benefits of the personnel associated within the funded project; 2) equipment related to information technology hardware and software (whether it will be purchased or leased); 3) contractor support and consulting services, data acquisition, storage, and analysis that are specifically identifiable as CVISN program-related to develop a database to coordinate resources and improve efficiency; 4) travel related to project objectives; 5) ongoing CVISN-related operations and maintenance (O&M) costs, system maintenance and licensing fees, and CVISN-related memberships and fees related to maintain electronic screening and data clearinghouse functionality.

I. CVISN Match Requirements—

The CVISN projects supported by FMCSA grants require a 50 percent match/cost share. Thus, for each dollar awarded in a grant, a State must provide a matching dollar from State and/or private sources. **Sources of matching funds must financially support the same CVISN-**

eligible project proposed for Federal funding in the application. Match must be clearly identified for each project within the application.

Grantees may only match the project with non-Federal funds that support the respective core projects and expanded project(s) that are funded with the respective grants. In other words, the grantee is limited to using match that supports the specifically funded projects and shall not use financial support from one non-Federally funded project to meet the match requirements of the Federally-funded project. Additionally, over match from one Federally-funded project in one fiscal year, cannot be utilized to meet the required match in another Federally funded project in a different fiscal year.

Funding from any other FMCSA financial assistance programs (e.g., Motor Carrier Safety Assistance Program, Performance and Registration Information Systems Management, and Safety Data Improvement Program) may not be used as a match for a CVISN grant. The total Federal share of CVISN-related project supported by other grant sources may not exceed 80 percent of the project costs, and applicants must certify to this in their applications; however, if other Federal grant sources are used as match in any particular project, it must be for expenses that support that project for which it is used to meet the match requirement. States may not use other Federal funds to make up any part of the match for CVISN projects, unless the authorization or appropriation language for the funding states that the funds may be used as matching funds and the funds are used in that project. Proposed matching funds from another Federal source must be included in the application and approved by FMCSA prior to use.

J. Application Review Information

All applications received by the due date and time are subjected to an initial intake review. This intake review determines whether: (1) the applicant is eligible for an award; (2) the information required by the NOFA has been submitted; and (3) all program eligibility requirements described in the NOFA are satisfied. Applications that pass the intake review will be subjected to a comprehensive evaluation. Applications in response to this announcement are evaluated by a cross-discipline team: technical review panel (TRP), grant specialists, program officers, and FMCSA staff responsible for day-to-day grant management oversight.

Each application is reviewed in the following areas:

1. **TRP Merit Review:** This review provides an independent assessment of the technical/programmatic merit of an application. At least three qualified individuals are selected to review each application to ensure diversity of perspective and knowledge. TRP individuals are selected based on their technical education and experience and the extent to which the individual has engaged in relevant work, the capacities in which the individual has done so, and the quality of such work.

TRP reviewers will evaluate applications to determine the extent to which:

- Proposed methodology meets the stated objectives of the notice of funding availability;
- Proposed work identifies and/or makes progress on new/existing concepts; and

- Proposed work is based on sound principles to gauge performance and project success.

TRP reviewers will also evaluate applications to determine the extent to which it describes specific activities that support the objective of the program. In evaluating this, the reviewers will consider whether:

- Adequacy and feasibility of the approach to achieving the notice of funding availability's stated objectives;
- Appropriateness, rationale, and completeness of the proposed statement of project objectives; and
- Adequacy of the proposed project schedule, staffing plan, and proposed travel or other costs identified by the program office.

Finally, TRP reviewers will evaluate applications to determine the extent to which it describes a plan that:

- Clarity, completeness, and appropriateness of the application management plan in establishing a credible project and how it will be implemented and managed;
- Clarity, logic and effectiveness of project organization, including subgrantees, to successfully complete the project; and
- Adequacy and availability of proposed personnel, facilities and equipment to perform project tasks.

TRP members will utilize the below adjectival ratings for each component above and as a final summary determination based on all components reviewed.

- **Highly Responsive:** Applicant fully addresses all aspects of the criterion, convincingly demonstrates that it will meet the Government's performance requirements, and demonstrates minimal or no weaknesses.

- **Responsive:** Applicant fully addresses all aspects of the criterion, demonstrates a likelihood of meeting the Government's requirements, but may include a few weaknesses.

- **Somewhat Responsive:** Applicant addresses most aspects of the criterion and demonstrates the ability to meet the Government's performance requirements. However, the Application contains significant weaknesses and/or a number of minor weaknesses. These weaknesses may be addressed by recommending the award and including a specific programmatic or administrative post-award term and condition.
- **Not Responsive:** Applicant does not sufficiently address the criterion and the information presented indicates a strong likelihood of failure to meet the Government's requirements.

2. **Budget Review/Cost Analysis.** This review provides an assessment of allowable costs in accordance with Federal grant requirements, the cost realism of the budget estimate, appropriateness and reasonableness of resources, and reasonableness and feasibility of the schedule relative to the application timeline. Importantly, the budget evaluation provides

initial insight to project-related risk, beyond those dealing with technical uncertainty, which is considered prior to recommendation.

Reviewers will evaluate CVISN applications to determine the extent to which:

- Elements of work included in the application have associated budget costs and, conversely, all elements in the applicant's budget have corresponding work elements included in the application;

- Budget costs are allowable, allocable, necessary and reasonable per Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; and

- Costs in a particular cost category been properly identified as allowable, with the necessary detail for its use, and not duplicative to the other budget line items.

3. **Federal Awarding Agency Review of Risk Posed by Applicants.** This review provides a risk assessment on each applicant's organization. The risk assessment is conducted in several parts: 1) a debarment and suspension review that included a review of the applicant's administrative capability self-certification form and a check against the records in SAM; 2) a review of the applicant's history with other Federal agencies in Single Audit Clearinghouse Database; and 3) an evaluation of the applicant's Single Audit in accordance with the Single Audit Act. The FMCSA may, at its discretion, request further information and/or conduct an audit to confirm compliance as indicated on the SF-LLL – Disclosure of Lobbying Activities form, as provided for in the United States Code or the Code of Federal Regulations.

   Depending on the level and severity of the Agency's risk assessment findings, FMCSA may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant. The FMCSA may also impose additional grant award terms and conditions above its customary general terms and conditions.

4. **Applicant Past Performance w/ FMCSA.** This review provides information that is considered as a possible indicator for predicting future performance. Many applicants for FMCSA programs have received FMCSA funding in the past and will be evaluated against their ability to complete prior year awards on-time, compliance with grant terms and conditions, and results from FMCSA grant monitoring activities. Applicants with no prior FMCSA grant awards will not be eliminated from funding consideration.

   Reviewers will evaluate CVISN applications to determine the extent to which:

   - The application is written in a manner that would allow FMCSA to monitor performance based on FMCSA reporting requirements;

   - The proposed project/program is reasonable in scope, adequate to address existing and emerging commercial vehicle safety issues, and likely to succeed in achieving its goals;

- Based on prior personnel and budgetary practices, and past performance, the proposed expenditures are reasonable and necessary to conduct the proposed projects and if costs are allowable under applicable Federal regulations; and

- The applicant successfully performs and manages current project tasks (e.g., within budget and on schedule).

Reviewers will also:

- Provide any issues or findings from monitoring activities (e.g., audit, program, or process reviews) where the applicant violated the grant terms and conditions;

- Include information whether the applicant's previous performance and financial reports were submitted late, incomplete or incorrectly; and/or has the applicant consistently requested additional time to complete the reports; and

- Provide any feedback on the application's significance, approach, and feasibility.

Consideration of Program-Specific Aspects: The FMCSA will consider other aspects in the review of the application, in addition to an application's merit, budget, risk assessment, and past performance. These aspects relate to program-specific policy areas that may factor into an award recommendation. CVISN program-aspects include:

- A project or group of projects which represents a diversity of technical approaches or methods;

- Efforts that are complementary and/or duplicative, which, when taken together, will best achieve the goals and objectives;

- Different kinds and sizes of organizations in order to provide a balanced programmatic effort and a variety of different technical perspectives; and
- Projects with a broad or specific geographic distribution.

K. Applicant Negotiation—

After the application review process, FMCSA may find it necessary to contact the applicant with additional questions for clarification. The FMCSA also reserves the right to negotiate with the submitting applicant regarding project revisions (e.g., reductions in the scope of work, funding level, period, or method of support) prior to recommending any project for funding. An applicant may be required to submit a supplemental budget or project narrative based on a partial or modified grant recommendation. The FMCSA does not expect to make final awards prior to August 2016. Any contact made by FMCSA with an applicant shall not be inferred as a precursor to a final award at any level or that an award will made after questions are responded to, or additional documents are provided by, the applicant.

L. Award Administration Information

The FMCSA will consider the results of the reviews outlined in this NOFA, applicant responses (if applicable) and recommend that the application: 1) be approved for award from currently available funds (in its entirety or in part); or 2) be declined due to insufficient funds or unfavorable review. The FMCSA may not award grants or release information concerning application recommendations until FMCSA Administrator approval is obtained.

FMCSA may not award grants until the enactment of authorizing legislation, an appropriations act, budget authority, and apportionment from the Office of Management and Budget (OMB). The FMCSA may, at its discretion; issue partial funding awards up to the level authorized and provided that the above conditions are met. Additional information on the budget process may be found in OMB A-11: http://www.whitehouse.gov/omb/circulars_default/.

After approval, the GMO issues the Notice of Grant Award (NGA) to the recommended applicant via GrantSolutions (www.grantsolutions.gov), the FMCSA grant management system. Attached to the NGA is the FMCSA Financial Assistance Agreement General Provisions and Assurances (grant terms and conditions). Applicants must agree to the terms and conditions before grant funds will be awarded. A copy of the terms and conditions is located within the Grants.gov "Full Announcement" tab. The FMCSA is updating these terms and conditions to comply with OMB requirements and will make them available, by request, in FY 2016. Contact the FMCSA GMO for additional information.

The grant terms and conditions outline the reporting requirements that the recipient must meet after award. Reporting responsibilities include quarterly program performance status using the Performance Progress Report (SF-PPR) and quarterly financial status using the Federal Financial Report (SF-FFR). For FY 2016 FMCSA grant awards, recipients must use GrantSolutions to submit the SF-FFR. The recipient is required to submit the quarterly SF-PPR via email until the FMCSA has made the necessary GrantSolutions system modifications that will allow for electronic SF-PPR reporting. The FMCSA will notify grantees when the GrantSolutions functionality is available.

Additional quarterly report information and other required forms and templates are available at:

http://www.fmcsa.dot.gov/mission/grants/grantee-resources

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

If an applicant is not selected for funding, they will not receive any communication until all funding recommendations have been approved by the United States Secretary of Transportation. At that time, FMCSA will send a letter to notify those applicants who were not funded. The FMCSA does not have an appeals process for unsuccessful applications for discretionary grant funds.

M. Agency Contact—

For regarding information within this NOFA, please contact the FMCSA Grants Management Office (GMO):

By E-mail:
FMCSA_GrantMgmtHelpdesk@dot.gov, or

By Telephone:
(202) 366-0621

Office hours are from 9 a.m. to 5 p.m., Eastern Standard Time, Monday through Friday, except Federal holidays.

By Mail:
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Grants Management Office
1200 New Jersey Ave, SE, West Building
Washington, DC 20590

N. Other Information—

The FMCSA may make changes or additions to this NOFA. All changes will be communicated on Grants.gov. We encourage you to sign up for Grants.gov emails so you may be notified of the changes.

The FMCSA plans to conduct a pre-funding conference(s) for all prospective applicants on December 14, 2015 from 11am to 1pm Eastern and December 17, 2015 from 2pm to 4pm Eastern. Additional information regarding the conferences will be posted on Grants.gov soon. These conferences are open to the public. We encourage prospective applicants to sign up for Grants.gov e-mail alerts http://www.grants.gov/web/grants/manage-subscriptions.html) so they can be notified when new FMCSA information is posted.

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

The FMCSA is not obligated to make any Federal award as a result of the announcement. Funding amounts made available for reimbursement may be impacted by limitations placed on

the spending authority and appropriations enacted for FMCSA. The FMCSA is not responsible for any monies expended outside the scope of the grant agreement by the applicant prior to the award of any funding agreement. Only FMCSA authorizing officials can obligate the Federal government.

An application may be withdrawn at any time before a final funding decision is made regarding the application; however, withdrawn applications normally will not be returned. One copy of each application that is not selected for funding, including those that are withdrawn, will be retained by FMCSA for a period of three years.

The FMCSA Grant Programs Website (for applicant and grantee resources):

http://www.fmcsa.dot.gov/mission/grants/grantee-resources

Appendix A— Required Documents Checklist

Each document and/or certification below is REQUIRED to be considered as being responsive to this announcement. Use of the required documents checklist is encouraged as it ensures your application will proceed forward for further review. The table below lists the documents, location, and a description.

	Document Name	Document Description & Location	Document Included	
1	SF-424 Application for Federal Assistance	Standard application form for all requests for Federal assistance. Available in the Grants.gov application kit.	YES ☐	NO ☐
2	SF-424A Budget Information for Non-Construction Programs	Standard budget form for requests for Federal assistance. Available in the Grants.gov application kit.	YES ☐	NO ☐
3	SF-424B Assurances for Non-Construction Programs	Standard assurances form associated with accepting Federal assistance funds. This document indicates that the Applicant organization is in substantial compliance with various programs, regulations, and Federal laws. Available in the Grants.gov application kit.	YES ☐	NO ☐
4	Grants.Gov Lobbying Form	Form that allows Applicants to indicate that they do not engage in lobbying activity. Available in the Grants.gov application kit.	YES ☐	NO ☐
5	SF-LLL Disclosure of Lobbying Activities (if applicable)	Form that requests information related to the lobbying activities of the Applicant. Available in the Grants.gov application kit. If an Applicant completes the Grants.Gov Lobbying Form, the SF-LLL is not required.	YES ☐	NO ☐
6	Key Contacts Form	Form requests contact information for the: 1) designated Authorized Designated Official (authorized signer), 2) Principal Investigator or Program Director (program/project manager); and 3) Financial Official (Grants Manager). This form is available in the Grants.gov application kit.	YES ☐	NO ☐

Appendix A— Required Documents Checklist				
Document Name		**Document Description & Location**	**Document Included**	
7	Attachment Form	Form used to submit supplemental attachments to support the grant application. Available in the Grants.gov application kit.	YES ☐	NO ☐
8	Project Narrative	Project narrative includes: brief introduction, problem statement, performance objective(s), program activity plan(s), and performance measurement plan(s).	YES ☐	NO ☐
9	Most recent Program Plan /Top Level Design (PP/TLD) (either Core or Expanded)	The State's approved PP/TLD (with FMCSA approval letter if applicable), is attached. Applicant generated and attached to the Grants.gov application package.	YES ☐	NO ☐
10	Budget Narrative	Budget narrative includes a thorough and clear justification of each budget category (object class) on the SF-424A. Applicant generated and attached to the Grants.gov application package.	YES ☐	NO ☐
11	Indirect Cost Rate Agreement (if applicable)	Applicant's signed current approved indirect cost rate from the cognizant Federal agency. Attached by the applicant to the Grants.gov application package.	YES ☐	NO ☐
12	FMCSA Administrative Capability Questionnaire	Applicant self-certification for FMCSA to assess the adequacy of the applicant's administrative management systems. Completed by the applicant and attached to the Grants.gov application package. The questionnaire is located within the Grants.gov "Full Announcement" tab. All applicants must submit a current FMCSA Administrative Capabilities Questionnaire if one has not already been submitted for FY 2016.	YES ☐	NO ☐

Appendix A— Required Documents Checklist				
Document Name		**Document Description & Location**	**Document Included**	
13	Standard Title VI/Non-Discrimination Assurances	Required self-certification assurance ensures that the applicant will comply with the appropriate acts, regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination. The assurance is located within the Grants.gov "Full Announcement" tab. This form is submitted by the applicant into Grants.gov.	YES ☐	NO ☐
14	CVISN-Specific Attachment	Applicant self-certification to certify that the Applicant applying for FY 2016 CVISN funding meets the conditions for participation under SAFETEA-LU §4126. The attachment is located within the Grants.gov "Full Announcement" tab. Applicant generated and attached to the Grants.gov application package.	YES ☐	NO ☐

Appendix B— CVISN Eligible Activities/Costs

The list below includes typical activities and costs associated with CVISN activities funded by the Federal Motor Carrier Safety Administration. This list is not necessarily exhaustive. The FMCSA may authorize funding for other activities/costs.

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE CORE DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
PLANNING	Core CVISN Program Plan/Top-Level Design (PP/TLD)	Update Core CVISN PP/TLD
PROGRAM MANAGEMENT	Program Management	CVISN Program Manager salaries and/or services
	System Architect	CVISN System Architect salaries and/or services
	Training, Workshops, and Peer-to-Peer information exchange	CVISN training/workshop/peer-to-peer participation • Registration fees • Travel
CORE CVISN ELECTRONIC CREDENTIALING	Electronic Credentialing for International Registration Plan (IRP) and/or Electronic Credentialing for International Fuel Tax Agreement (IFTA)	IRP/IFTA Credentialing System • Project Management • Request for proposals (RFP) development/issuance • System requirements/design • Computer hardware and network connections • User interface • System database • System interface to/from CVIEW or equivalent • Electronic payment interface for IRP/IFTA • System maintenance/license fees • Software replacement/upgrade • Hardware replacement/upgrade • User training/documentation
	IRP Clearinghouse	• IRP Clearinghouse fees • System interface to/from IRP • System interface to/from CVIEW

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE CORE DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
CORE CVISN ELECTRONIC CREDENTIALING	IFTA Clearinghouse	• IFTA Clearinghouse fees • IFTA Regional Processing Center (RPC) fees • System interface to/from IFTA • System interface to/from CVIEW
CORE CVISN SAFETY INFORMATION EXCHANGE	Commercial Vehicle Information Exchange Window (CVIEW)	• Project management • RFP development/issuance • System requirements/design • Computer hardware and network connections • CVIEW database and application • Interfaces to/from Federal systems (e.g., SAFER) • Interfaces to/from State systems (e.g., IRP, IFTA • Laptop computers, modems • Air cards, signal boosters, antennas, mounts • Query interface(s) (e.g., enforcement, motor carriers, credentialing staff) • Wireless connectivity usage fees • System maintenance/license fees • Software replacement/upgrade • Hardware replacement/upgrade • User training/documentation
	ASPEN	• Laptop computers, modems • Air cards, signal boosters, antennas, mounts • User training/documentation

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE CORE DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
CORE CVISN ELECTRONIC SCREENING	Screening at Fixed or Mobile Site	• Project Management • RFP development/issuance • Facility requirements/design • Computer hardware and screening software • Transponder reader(s)/transmitters (multiple readers are required per site) • Overhead signage • Infrastructure to accommodate screening system (e.g., communication, power, mast arms, roadside cabinets) • Interface to/from CVIEW or equivalent • Interface to/from SAFER/PRISM • Interface from weigh-in-motion (WIM) system • Scale house or mobile user interface • Wireless connectivity usage fees • Transponders and transponder admin system • WIM sensors/scales (if an integral component of safety system) • E-Screening program fees • System maintenance/license fees • Software or hardware replacement/upgrade • User training/documentation

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
Planning	Expanded CVISN Program Plan/Top-Level Design (PP/TLD)	Develop/update Expanded CVISN PP/TLD
Program Management	Program Management	CVISN Program Manager salaries and/or services
	System Architect	CVISN System Architect salaries and/or services
	Training, Workshops, and Peer-to Peer information exchange	CVISN training/workshop/peer-to-peer participation • Registration fees • Travel
Expanded CVISN Electronic Credentialing	Electronic Credentialing for Over Size/Over Weight (OS/OW) Permitting	OS/OW Permitting System • Project management • RFP development/issuance • System requirements/design • Computer hardware and network connections • User interface • System database • Routing module • System interface to/from CVIEW or equivalent • System interfaces to other credentialing systems (e.g., IRP, IFTA) • Electronic payment interface for OS/OW permitting • System maintenance/license fees • Software replacement/upgrade mobile • Hardware replacement/upgrade • User training/documentation

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
Expanded CVISN Electronic Credentialing (con't)	Electronic Credentialing for Unified Carrier Registration (UCR)	UCR Credentialing System • Project Management • RFP development/issuance • System requirements/design • Computer hardware and network connections • System database • System interface to/from CVIEW or equivalent • System interface to SAFER • Electronic payment interface for UCR • System maintenance/license fees • Software or hardware replacement/upgrade • User training/documentation
	Electronic Credentialing for Intrastate Vehicle Registration/Other Intrastate Credentials	Intrastate Vehicle Registration/Other Intrastate Credentialing System • Project management • RFP development/issuance • System requirements/design • Computer hardware and network connections • User interface • System database • System interface to/from CVIEW or equivalent • Electronic payment interface for credential • System maintenance/license fees • Software replacement/upgrade • Hardware replacement/upgrade • User training/documentation

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
Expanded CVISN Electronic Credentialing (con't)	Electronic Credentialing Portal	Credentialing Portal/Single Sign-on Portal • Project management • RFP development/issuance • System requirements/design • Computer hardware and network connections • User interface • System database • Single Sign-on functionality • Interfaces to/from State system (e.g., IRP, IFTA, CVIEW) • Interfaces to/from outside credentialing systems (e.g., UCR, vendor website) • Electronic payment interface for credentials • System maintenance/license fees • Software or hardware replacement/upgrade • User training/documentation
	Hazardous Material (HM) Credentialing	HM Credentialing System • Project management • RFP development/issuance • System requirements/design • Computer hardware and network connections • User interface • System database • Interfaces to/from State systems (e.g., IRP, IFTA, CVIEW) • Interfaces to/from outside credentialing systems (e.g., UCR, vendor website) • Electronic payment interface for HM credentials • System maintenance/license fees • Software or hardware replacement/upgrade • User training/documentation

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
Expanded CVISN Smart Roadside	Virtual Weigh/Inspection Station (VWS)	• Project Management • RFP development/issuance • System requirements/design • Computer hardware • Screening software • Interface to/from CVIEW or equivalent • Interface to/from SAFER/PRISM • Warning/citation generation system • Historical size and weight compliance database • VWS Infrastructure (e.g., communication, power, poles, roadside cabinets) • WIM sensors/scales • Dimensional sensors • Camera (digital imaging) system • License plate reader and Optical Character Recognition (OCR) system • USDOT number reader and OCR system • Transponder reader/transmitter • Transponder ID repository • Thermal imaging and other safety-related technologies • Scale house user interface • Mobile user interface • Laptop computers, modems • Wireless connectivity usage fees • Driver identification system • System maintenance/license fees • Software or hardware replacement/upgrade • User training/documentation

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
Expanded CVISN Smart Roadside (con't)	Augmented (Enhanced) Electronic Screening Site	• Project management • RFP development/issuance • System requirements/design • Computer hardware • Screening software • Overhead signage • Infrastructure (e.g., communication, power, poles, roadside cabinets) to accommodate added functions • Interface to/from CVIEW or equivalent • Interface to/from SAFER/PRISM • WIM sensors/scales • Dimensional sensors • Camera (digital imaging) system • License plate reader and OCR system • USDOT number reader and OCR system • Thermal imaging and other safety-related technologies • System integration (with existing screening system) • Enhanced scale house user interface • System maintenance/license fees • Software and hardware replacement/upgrade • User training/documentation

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
Expanded CVISN Smart Roadside (con't)	Mobile Inspection Station	• Project management • RFP development/issuance • System requirements/design • Mobile inspection station vehicle and/or trailer • Computer hardware • Screening software • Interface to/from CVIEW or equivalent • Interface to/from SAFER/PRISM • Portable message boards • Portable WIM system • Camera (digital imaging) system • License plate reader and OCR system • USDOT number reader and OCR system • Thermal imaging and other safety-related technologies • Reader mounts • Workstation user interface • Laptop computers, modems • Wireless connectivity usage fees • Air cards, signal boosters, antennas, mounts • System maintenance/license fees • Software replacement/upgrade • Hardware replacement/upgrade • User training/documentation

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
Expanded CVISN Smart Roadside (con't)	Roadside Communications (Roadside Data Access)	• Project management • Requirements/design • Procurement • Mobile user interface • Laptop computers, modems • Wireless connectivity usage fees • Air cards, signal boosters, antennas, mounts • Ultra-high band radios, antennas
Expanded CVISN Safety Information Exchange	Exchanging Additional Safety Information	Each Pair of Systems Exchanging Safety Data • Project management • Requirements/design • System-to-system interfaces • Systems database modification • Computer hardware and network connections • Query interface(s) (e.g., enforcement, DOT safety staff) • System maintenance/license fees • Software replacement/upgrade • Hardware replacement/upgrade • User training/documentation
	Ensuring Safety Data Quality	• System error checking software • Data processing controls • Data refresh cycles • Updated user input forms • Rules/requirements for data entry

Appendix B— CVISN Eligible Activities/Costs

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS (CVISN) ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	**PROGRAM ELEMENT**	**ELIGIBLE ACTIVITIES/COSTS**
Expanded CVISN Driver Information Sharing	Driver Information/Photo Sharing	Driver Licensing System Modification • Project management • Requirements/design • System database modification • Interfaces to/from Federal systems (e.g., Commercial Drivers Licensing Information System (CDLIS), criminal justice information network) • Interfaces to/from State systems (e.g., vehicle registration, criminal justice information network, CVIEW) • System maintenance/license fees • Software replacement/upgrade • User training/documentation
	Enhanced CDL and Hours of Service Enforcement	• Project management • Requirements/design • Driver Licensing System database modification (to accommodate query requirements) • Query Central interface (e.g., enforcement) • Laptop computers, modems • Wireless connectivity usage fees • Air cards, signal boosters, antennas, mounts • Ultra-high band radios, antennas
Other Projects	The above list summarizes the most common types of projects and associated components that are eligible for Expanded CVISN funding. At the discretion of the FMCSA CVISN Program Officer, other Intelligent Transportation System/Commercial Vehicle Operations (ITS/CVO) projects (e.g., real-time trucking parking systems, trucker 511 systems, vehicle-to-infrastructure (V2I) projects for curve speed warning, low bridge warnings, and work zones) are also eligible for Expanded CVISN funding.	
Ongoing CVISN Program Support	In addition to Expanded CVISN activities, states may also choose to augment their Core CVISN functionality, continue to pay for ongoing support and maintenance of a Core CVISN system, and pay Clearinghouse and e-clearance program fees with Expanded CVISN funding.	

What is a Budget Narrative?

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

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

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

What Different Costs are in a Budget Narrative?

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

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

- Include how the fringe benefit amount is calculated (e.g., actual fringe benefits, rate approved by the Health and Human Services State Wide Cost Allocation Plan or cognizant agency). Explain what is included in the benefit package.

- Do not combine the fringe benefit costs with direct salaries and wages in the personnel category.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix C— Budget Narrative Guidance

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

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

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

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

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

- A lease is considered an other cost when you are not the prime on the contract; rather, you are partnering with a different agency in your state or using a shared utility, facility or other services purchased through the state for one or more agencies. A lease is considered a contractual cost when you directly engage, and form a contract with, a vendor.
- Group other object class costs whenever possible (e.g., space, rental, communication, printing, maintenance) in the budget and explain how they support the grant activities.

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

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

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

Appendix C— Sample Budget Narrative

Personnel Budget Narrative (SF-424A, Line 6a)					
Position(s)	**# of Staff**	**% of Time**	**Work Year Hours**	**Hourly Salary/Wage**	**Total Cost**
CVISN Supervisor	1	100	2,080	$21.63	$45,000
Trooper	1	50	2,080	$19.00	$19,760
				Total Cost for Personnel:	**$64,760.00**

The CVISN Supervisor supervises activities of the project. She/he spends 100% time implementing this project, supervising staff, and conducting activities to meet the objectives of this project. Activities include: supervising daily operation of projects and staff, providing staff training/technical assistance, coordinating staff work schedule/assignments, ensuring data entry, tracking and following-up on procedures to meet quality assurance, and tracking policy to ensure compliance. There 1 Troopers (1 PT) assigned to this project to ensure all field operations needs are met, and to coordinate a Field Operational Test. This Trooper is paid an hourly wage of $19 and will average 50% on project activities. The PT Trooper averages 1,040 hours or 50% on activities @ $19,760 per year.

Fringe Benefits Budget Narrative (SF-424A, Line 6b)				
Position	**Benefits**	**Rate**	**Base Amount**	**Total Cost**
1 CVISN Supervisor	Fringe	16.72	100	$7,524
1 Trooper (Part-Time)	Fringe	16.72	50	$836.00
			Total Cost for Fringe:	**$8,360.00**

Fringe benefits include cost of health insurance, retirement, workers' compensation and unemployment benefit plans. It is calculated at the average fringe rate of 16.72 as recognized by the cognizant agency. This fringe rate is applied to the average hourly rate of $21.63 for a Supervisor, and $19 per Trooper with a projected annual hours worked at 2,080 hours. The full-time supervisor would have an annual wage of $45,000 x 16.72% or $7,524 total fringe cost.. The 1 part-time trooper average 50% working on the project or an average of 1,040 hours or $19,760 per year, and an average (per part-time Trooper) fringe cost of $836.00.

Travel Cost Budget Narrative (SF-424A, Line 6c)				
Purpose	**# of Staff**	**Method of Travel**	**# of Days**	**Total Cost**
CVISN Workshop	3	Air	5	$6,840
			Total Cost for Travel:	**$6840.00**

Costs represent necessary travel funds for 3 personnel to attend the annual CVISN Workshop identified by FMCSA. Reimbursement is based upon the current state per diem rates and rules. The per diem rate for each day is $46.00 or $230 per person for 5 days for a total of $690.

Training in Arlington, VA for 3 persons with an average cost (per person) of $2,280 – (Airfare of $900; $230 State Approved Diem (3 persons equaling $690); – Hotel Accommodations of $230 per night ($230 x 5 days x 3 persons = $3,450); Totaling $6,840.

Equipment Cost Budget Narrative (SF-424A, Line 6d)			
Item Name	**# of Items**	**Cost per Item**	**Total Cost**
Vehicle Identification System	6	$140,000	$840,000
		Total Cost for Equipment:	$840,000

Vehicle identification system hardware and software to be installed at each of six high-priority ports. This is a replacement system which electronically identifies high risk carriers entering the State through the use of optical character reading technology that interfaces with the State's CVIEW.
Estimated cost is $140,000 per unit, and $840,000 total.

Supplies Cost Budget Narrative (SF-424A, Line 6e)			
Item Name	**# of Units**	**Cost per Unit**	**Total Cost**
General Office Supplies	12	$39	$468
Mobile Printers	2	$125	$250.00
Laptop Computers	2	$2,000	$4,000
		Total Cost for Supplies:	**$4,718.00**

General office supplies include paper, printer ink, etc. for the CVISN program. 2 part-time troopers require laptop computers and these computers shall be utilized only to fulfill project activities. Mobile printers are also needed for 2 part-time officers.

Contractual Cost Budget Narrative (SF-424A, Line 6f)	
Description of Services	**Total Cost**
Contractual Cost for System Replacement	$1,558,000
Total Cost for Contractual:	$1,558,000

The contractual costs are for:
- Hiring a consultant to establish System requirements and develop an implementation plan. Estimated cost is $265,000.
- Hiring a vendor to develop the system, including system design and build. Estimated cost is $1,200,000.
- Having the system vendor develop system testing that is consistent with system specifications, and then working with Public Safety to perform tests to verify that the System Replacement functions as required. Estimated cost is $40,000.
- Having the system vendor perform training at multiple locations for port and mobile officers, Public Safety management and IT staff. Estimated cost is $53,000.

Other Cost Budget Narrative (SF-424A, Line 6h)			
Item Name	**# of Units**	**Cost per Unit**	**Total Cost**
Hand-held transponder reader	1	$500	$500
		Total Cost for Other:	**$500**

This transponder reader is to determine if State issued transponders to CMV operators are in working order before issuance.

Appendix D—CVISN-Specific Attachment

The [Organization Name] certifies that the State applying for Federal Fiscal Year 2016 Commercial Vehicle Information Systems and Networks funding meets the conditions for participation under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No.109-59, § 4109(a)(3) (2005). This section requires CVISN program organizations to certify that CVISN deployment activities, including hardware procurement, software and system development, and infrastructure modifications:

1. Are consistent with the national intelligent transportation systems and CVISN architectures and available standards;

2. Promote interoperability and efficiency to the extent practicable; including interoperability with other state CVISN systems.

3. Certify to execute interoperability tests developed by the FMCSA to verify that systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for CVISN.

Signature of Authorizing Official: _____

Date: _____

Appendix E—United States Department of Transportation Standard Title VI/Non Discrimination Assurance (DOT Order No. 1050.2A)

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

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (prohibits discrimination on the basis of race, color, national origin) (Pub. L. No. 88-352; 42 U.S.C. § 2000d *et seq*.);
- Federal-Aid Highway Act of 1973 (prohibits discrimination on the basis of sex) (Pub. L. No. 93-87; 23 U.S.C. § 324 *et seq*.)(;
- Title IX of the Education Amendments of 1972, as amended (prohibits discrimination on the basis of sex in education programs or activities) (Pub. L. No. 92-318; 20 U.S.C. § 1681 *et seq*.);
- Section 504 of the Rehabilitation Act of 1973, as amended) (prohibits discrimination on the basis of disability) (Pub. L. No. 93-112; 29 U.S.C. § 794 *et seq*);
- The Age Discrimination Act of 1975, as amended (prohibits discrimination on the basis of age) (Pub. L. No. 94-135; 42 U.S.C. § 6101 *et seq*.);
- Americans with Disabilities Act of 1990, as amended (prohibits discrimination on the basis of disability) (Pub. L. No. 101-366; 42 U.S.C. § 12101 *et seq*);
- 49 C.F.R. part 21 (entitled "Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964");
- 49 C.F.R. part 27 (entitled "Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance");
- 49 C.F.R. part 28 (entitled "Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department Of Transportation");
- 49 C.F.R. part 37 (entitled "Transportation Services for Individuals with Disabilities" (ADA);
- 49 C.F.R. part 303 (FMCSA's Civil Rights Regulations);
- 28 C.F.R. part 35 (entitled "Discrimination on the Basis of Disability in State and Local Government Services"); and
- 28 C.F.R. § 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

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

Appendix E—United States Department of Transportation Standard Title VI/Non Discrimination Assurance (DOT Order No. 1050.2A)

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their Federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," emphasizes that Federal agencies should use existing laws to achieve environmental justice-in particular Title VI-to ensure nondiscrimination against minority populations. 3 C.F.R. § 859 (1995). Recipients should be aware that certain Title VI matters raise environmental justice concerns, and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement environmental justice considerations. See the following FHWA website for more information and facts about environmental justice: http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm.

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

General Assurances

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

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

The Civil Rights Restoration Act of 1987 (Pub. L. No. 100-259) clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the programs are Federally-assisted. (Pub. L. No. 94-135; Pub. L. No. 93-112).

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Motor

Carrier Safety Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in this Appendix D, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
    a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
    b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program;
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
    a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
    b. the period during which the Recipient retains ownership or possession of the property;
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance; and
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, [Name of the recipient] also agrees to comply (and require any subrecipients, subgrantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. The [Recipient] must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. [The Recipient] must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, [the Recipient] must comply

with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

[Name of Recipient] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program. This ASSURANCE is binding on [insert State], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

_____

(Name of Recipient)

by_____

(*Signature of Authorized Official*)

DATED_____

Appendix E—United States Department of Transportation Standard Title VI/Non Discrimination Assurance (DOT Order No. 1050.2A)

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or limited English Proficiency (LEP) in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix D, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21;
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP;
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information;
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
    a. withholding payments to the contractor under the contract until the contractor complies; and/or
    b. cancelling, terminating, or suspending a contract, in whole or in part; and
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix E—United States Department of Transportation Standard Title VI/Non Discrimination Assurance (DOT Order No. 1050.2A)

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the (***Title of Recipient***) will accept title to the lands and maintain the project constructed thereon in accordance with (***Name of Appropriate Legislative Authority***), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program,** and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (Pub. L. No. 88-352;78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (***Title of Recipient***) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

HABENDUM CLAUSE

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

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

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

Appendix E—United States Department of Transportation Standard Title VI/Non Discrimination Assurance (DOT Order No. 1050.2A)

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

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

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that: In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (***Title of Recipient***) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (***Title of Recipient***) and its assigns.*

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

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

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

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

appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

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

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

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

- Title VI of the Civil Rights Act of 1964 (prohibits discrimination on the basis of race, color, national origin) (Pub. L. No. 88–352, 78 Stat. 252, 42 U.S.C. § 2000d *et seq.*; 49 C.F.R. § 21.1 et seq. and 49 C.F.R. § 303) ;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects) (Pub. L. No. 91-646; 42 U.S.C. § 4601);
- Title IX of the Education Amendments of 1972, as amended (prohibits discrimination on the basis of sex) (Pub. L. No. 93-87; 20 U.S.C. §1681 *et seq.*);
- Section 504 of the Rehabilitation Act of 1973, as amended (prohibits discrimination on the basis of disability) (Pub. L. No. 93-112; 29 U.S.C. § 794 *et seq.*; 49 C.F.R. part 27);
- The Age Discrimination Act of 1975, as amended (prohibits discrimination on the basis of age) (Pub. L. No. 94-135; 42 U.S.C. § 6101 *et seq.*);
- Airport and Airway Improvement Act of 1982, as amended (prohibits discrimination based on race, creed, color, national origin, or sex) (Pub. L. No. 97-248; 49 U.S.C. § 47123);
- The Civil Rights Restoration Act of 1987 (which "restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.") (Pub. L. No. 100-259);
- Titles II and III of the Americans with Disabilities Act of 1990 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities) (Pub. L. No. 101-336; 42 U.S.C. §§ 12131 -- 12189, as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38);
- The Federal Aviation Administration's Non-discrimination Statute ,49 U.S.C. § 47123 (prohibits discrimination on the basis of race, color, national origin, and sex);
- Exec. Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Exec. Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP)" (ensures compliance with Title VI, requiring reasonable steps to ensure that LEP persons have meaningful access to Federal programs) (70 Fed. Reg. at 74087 to 74100).