U.S. Department of Transportation
Federal Highway Administration

Notice of Funding Opportunity Number 693JJ321NF00002

"Center for Excellence in Project Finance"

Notice of Funding Opportunity Issue Date: 05/21/2021

Application Due Date: 07/16/2021

Estimated Cooperative Agreement Award Date: 10/1/2021

SUMMARY

Funding Opportunity Summary:	Up to $5,000,000 in Federal funding, subject to funding availability, for operation of the Center for Excellence in Project Finance (CEPF) on a cost-sharing basis.
Federal Agency Name:	U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) Office of Acquisition and Grants Management 1200 New Jersey Avenue SE Mail Drop: E65-101 Washington, DC 20590 Attention: Angela A. Jones
Funding Opportunity Title:	"Center for Excellence in Project Finance"
Eligibility:	Eligibility for this funding opportunity is open to all sources.
Announcement Type:	This announcement is a follow-on to Cooperative Agreement No. DTFH6114H00018 to AASHTO entitled "Center for Excellence in Project Finance."
Funding Opportunity Number:	693JJ321NF00002
Type of Award:	Cooperative Agreement
Catalog of Federal Domestic Assistance (CDFA) Number:	20.205
Application Due Date:	Submission Deadline by 11:00 pm ET on 07/16/2021 via Grants.gov (See Section D).
Questions:	Submit Questions by email to Primary Point of Contact: Angela.Jones@dot.gov Secondary Point of Contact: Sarah.Tarpgaard@dot.gov

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

SECTION A - PROGRAM DESCRIPTION

1. STATEMENT OF PURPOSE

The purpose of this Notice of Funding Opportunity (NOFO) is to solicit applications for award of one cooperative agreement to provide financial and technical support for the operation of the Center for Excellence in Project Finance (CEPF). Under the planned award, the selected cooperative agreement Recipient shall manage, operate and maintain CEPF.

The Catalog of Federal Domestic Assistance (CFDA) number for this NOFO is 20.205, Highway Training and Education. The information immediately below (subsections 2, 3 and 4) describes how CEPF contributes to FHWA's training and education program and identifies new opportunities in response to evolving Federal initiatives.

2. LEGISLATIVE AUTHORITY

Section 504(h) of Title 23, United States Code (U.S.C.), establishes centers for surface transportation excellence as a component of FHWA's training and education programs.

23 U.S.C. 504(h)(1) authorizes Federal financial support:

> In general. - The Secretary shall make grants … to establish and maintain centers for surface transportation excellence.

23 U.S.C. 504(h)(2) establishes the goals of the centers:

> Goals. - The goals of a center … shall be to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, surface transportation safety, rural safety, and project finance.

23 U.S.C. 504(h)(3) describes their role:

> Role of the centers. - To … provide technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes that can assist States in effectively implementing surface transportation programs, projects, and policies.

23 U.S.C. 504(h)(4)(A) requires a competitive selection process:

> Competition. - A party entering into a contract, cooperative agreement, or other transaction with the Secretary …, or receiving a grant to perform research or provide technical assistance … shall be selected on a competitive basis.

23 U.S.C. 504(h)(4)(B) requires each center to develop a strategic plan:

> Strategic Plan. – The Secretary shall require each center to develop a multiyear strategic plan that … describes – (I) the activities to be undertaken by the center; and (II) how the work of the center will be coordinated with the activities of the Federal Highway Administration and the various other research, development, and technology transfer activities authorized under … [the training and education program].

3. BACKGROUND

In 2014, through FHWA's Office of Innovative Program Delivery, FHWA awarded a competitively solicited cooperative agreement to the American Association of State Highway and Transportation Officials (AASHTO) to establish CEPF. Branded as the "Build America Transportation Investment Center (BATIC) Institute: An AASHTO Center for Excellence," the organization offers public sector transportation agencies a program of training, sharing of best practices, and technical assistance regarding project finance opportunities. This cooperative agreement is scheduled to expire, and FHWA intends to award – on a competitive basis – a new agreement to establish and operate CEPF.

The FHWA's current vision for CEPF is an organization that supports the public sector by sharing best practices, keeping stakeholders current with industry trends, and performing objective research on critical topics. The vision reflects both the continuing essentiality of innovative finance practice and evolving opportunity within the financing programs at the U.S. Department of Transportation (DOT).

First, project finance – including efficient management of cash, prudent employment of debt, and resourceful use of revenue created by project investment – plays an enduring role in supporting transportation investment. The principles of project finance should be applied consistently, regardless of the status and size of the Highway Trust Fund or other public resources, whenever the transportation community uses its scarce dollars.

These principles apply to the administration of Federal transportation grant programs. In the world of highway funding, FHWA's Federal-aid Program comprises a minority (around one-third) of annual national capital investment. As the single largest source of funds, however, the program leaves a huge imprint on transportation planning and spending by State and local recipients. These agencies and their stakeholders rely on access to national expertise regarding Federal financial management policies. As a source for the robust exchange of best practices among financial officials in Federal, State and local agencies, CEPF will help identify opportunities for flexible management approaches that could otherwise be lost.

These principles apply to "innovative finance," the tools that enable the Federal-aid Program to participate in debt obligations. Long-term commitments of FHWA and the Federal Transit Administration (FTA) grant funds have long supported capital market debt (GARVEEs and GANs). State Infrastructure Banks (SIB) have provided revolving loan funds for smaller projects. Despite the demonstrable benefits, many transportation agencies remain deeply uncomfortable with such tools. The CEPF, in canvassing the experience of public agencies in all sectors of infrastructure finance, can identify sustainable approaches to innovative finance that transportation agencies might consider.

The Transportation Infrastructure Finance and Innovation Act (TIFIA) credit program has changed the face of transportation finance for major projects, providing a resource for public and private borrowers. Among its achievements, TIFIA has provided assistance to public-private partnerships (P3), enabling financial investment that brings lifecycle perspectives to infrastructure investment. In this area, too, CEPF can provide a welcome resource for public agencies, building a national network of public practitioners embarking on this project delivery path.

Second, new opportunities – unavailable in 2014 – can be addressed in the new CEPF cooperative agreement. Related to programs authorized in the Fixing America's Surface Transportation (FAST) Act, Public Law 114-94, these changes offer pathways for expanding public sector utilization of project finance principles.

Section 9001 of the FAST Act created the National Surface Transportation and Innovative Finance Bureau, known as the Build America Bureau or the Bureau, in which to consolidate administration of the TIFIA, Railroad Rehabilitation and Improvement Financing (RRIF), and Private Activity Bond (PAB) programs. Established on the model of a "one stop shop" for borrowers seeking access to credit, the Bureau provides technical assistance and encourages innovative best practices in project planning, financing, delivery, and monitoring. The Bureau draws upon the full resources of DOT to best utilize the expertise of DOT's Operating Administrations while promoting a culture of innovation and customer service.

The FAST Act gave the new Bureau mandates to promote transparency and best practices. Specifically, the FAST Act directed the Bureau to work with the Operating Administrations within DOT, eligible entities, and other public and private interests to develop and promote transparency, best practices for innovative financing and public-private partnerships. Additionally, the Bureau is mandated to take actions that are appropriate and consistent with DOT's goals and policies to improve the delivery timelines for projects carried out under its programs. Such activities include developing and tracking metrics for permit reviews, developing procurement benchmarks and collecting information related to procurement benchmarks. To support these efforts, and to provide reliable data for State departments of transportation (State DOTs), FHWA undertook to build a database measuring the performance of major projects. This new resource will require continued research to update information and user support to maintain access for researchers. Given its status as an entity cooperating with – and independent of – the Federal Government, CEPF can assume control of this resource, offering all researchers access to a trusted information source.

Section 1441 of the FAST Act also created a demonstration program to enhance access to the TIFIA credit program and, to the extent possible, RRIF and PABs. To that end, Section 1441 expressed the need for supporting State, local and Tribal government to evaluate and promote innovative financing methods for local projects, including the use of the TIFIA program under Chapter 6 of Title 23, U.S.C., to build capacity of State, local, and Tribal governments to evaluate and structure projects involving the investment of private capital; and among others, to provide technical assistance and information on best practices with respect to financing the projects. With $5 million in funding provided in the Department of Transportation

Appropriation Act, 2020, the Bureau plans to launch the Regional Infrastructure Accelerator (RIA) Program soon. The entities awarded RIA grants should become natural partners of CEPF Like the RIA in terms of goals in expanding the support and reach to areas that lack the resources or experience in delivering project in innovative ways, DOT initiated the Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative to address disparities in rural transportation infrastructure. Specifically, rural transportation infrastructure's unique challenges must be considered to meet our Nation's transportation priorities of safety and economic competitiveness. The CEPF can play a role in supporting such initiatives.

4. GOAL

The goal of the cooperative agreement is to manage, operate and maintain CEPF, which will support State DOTs and other public agencies to advance surface transportation projects through flexible funds management, debt financing and alternative (i.e., risk sharing) project delivery methods. The Recipient shall collaborate with DOT, represented by FHWA and the Bureau, to accomplish this goal.

5. STATEMENT OF WORK

TASK 1: Administration and Planning

The Recipient shall perform the following administrative and planning activities:

> **Task 1a. Develop Administrative Processes:** The Recipient shall establish administrative procedures for CEPF within 30 calendar days from the effective date of the award. These shall include a schedule for regular consultation with FHWA and a mutual process for consideration of fresh opportunities not identified in the planning tasks below.
>
> **Task 1b. Develop Strategic Plan**: The Recipient shall submit to FHWA a proposed five-year strategic plan within 30 calendar days after the effective date of award. The plan shall outline the purpose, sequence and cost of the proposed CEPF programs, including marketing efforts and activities not described herein that the Recipient believes necessary to meet CEPF objectives.
>
> The FHWA will provide comments to the Recipient within 30 calendar days after receipt of the proposed plan, for which the Recipient will have 15 calendar days to revise.
>
> In developing the plan, the Recipient shall canvass State DOT finance and program officials regarding their priorities for technical assistance and information. The Recipient shall also monitor emerging issues that result from changes in Federal law and policy, capital market trends, and transportation industry events. The plan shall describe how the proposed CEPF work activities will be coordinated with the research, development, and technology transfer activities of DOT, especially FHWA and the Bureau.

The Recipient shall submit proposed updates to the strategic plan annually, 45 calendar days before the start of each agreement year. The FHWA will provide comments to the Recipient within 30 calendar days after receipt of the proposed update, for which the Recipient will have 15 calendar days to revise.

Task 1c. Develop Annual Work Plan: The Recipient shall develop and submit an annual work plan for the base year of the agreement within 30 calendar days of FHWA's approval of the strategic plan. The work plan shall identify the specific activities, budget, schedules, and approach to performing the identified activities in the upcoming 12 months.

Proposed work plans for each following 12-month period shall be submitted concurrently with the proposed strategic plan updates. The FHWA will review both plans together per the schedule in Task 1b above.

TASK 2: Outreach and Capacity Building

The Recipient shall provide technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes that can assist States in effectively implementing surface transportation programs, projects, and policies. The following tasks describe general activities responsive to these objectives. FHWA expects the Recipient to propose the detailed CEPF activities, which would be adopted per the planning process described in Task 1.

In proposing detailed activities, the Recipient must assess how its CEPF work program will fit within the overall enterprise of similarly-mandated public partners such as the National Highway Institute and FHWA's Center for Innovative Finance Support. In addition to its direct services, the Recipient should propose itself as a navigator for State and local public agencies, matching their technical assistance and educational needs to the appropriate resource. In doing so, the Recipient will play a key role in coordinating such resources, avoiding duplication, and enhancing focus.

In proposing detailed activities, the Recipient should reflect the ongoing and dynamic demands of CEPF stakeholders. FHWA expects these will include, among other topics:

- Project Finance
  - Understanding Fundamentals
  - Structuring Financial Plans
  - Using Financial Models
- Federal Credit Assistance Products
  - TIFIA, including the Rural Project Initiative and Build It Now concepts
  - RRIF, including RRIF Express
- Project Delivery
  - Screening
  - Risk Assessment

    - Alternative Delivery Analysis
    - Value Capture/Transit-Oriented Development
    - Federal Requirements (Buy America, Davis Bacon, etc.)
- Public Private Partnerships
    - Value for Money analysis
    - NEPA and P3 solicitation
    - P3 project management for public owners

Task 2a. Offer Technical Assistance to State and Local Public Agencies: The Recipient shall offer on-demand technical assistance to State and local public agencies considering innovative funding, finance and delivery methods for surface transportation projects. This may involve connecting these agencies to existing resources in the public sphere (e.g., the National Highway Institute's P3 training course, which includes financial viability assessment and Value for Money training to analyze whether an alternative delivery method would be appropriate for specific projects).

Task 2b. Promote Best Practices: The Recipient shall promote best practices to State and local public agencies in innovative funding, finance and delivery methods for surface transportation projects. This may include developing or revising outreach and technical resource materials such as presentations, speeches, brochures, exhibition displays, news articles, and public reports.

Task 2c. Provide Training and Executive Education: The Recipient shall provide training and executive education for State and local public agency officials relating to innovative funding, finance and delivery methods for surface transportation projects. This task would include the development and delivery of instructional material plus all travel and logistical services. Training and education events – whether seminars, peer exchanges, expert roundtables, workshops, classroom education, etc. – may be delivered in person or via remote (on-line) technology. Given the link to Federal financial programs, the audience for these services may include officials from FHWA, the Bureau, and other DOT operating administrations.

Task 2d. Build Partnerships: The CEPF will focus first on State transportation agencies with interest in innovative funding, finance and delivery methods for surface transportation projects. In addition, the Recipient shall build partnerships with stakeholders specifically identified in recent legislative authorization and executive initiatives. These include the RIAs authorized in Section 1441 of the FAST Act and the rural public agencies targeted by the Secretary of Transportation in the ROUTES initiative. Such partnerships will help these agencies gain access to the TIFIA credit program (and, to the extent possible, other Bureau programs) for financing assistance.

Task 2e. Create On-line Resources: The Recipient shall create a robust CEPF Website to help staff at State and local public agencies to evaluate innovative funding, finance and delivery methods for surface transportation projects. The Website shall add value to innovative finance practitioners, enhancing (rather than imitating) existing DOT Websites. At a minimum, the Website shall provide a portal into current CEPF capacity building and research activities. A functioning Website shall be on-line to the public no later than 90 calendar days after the effective date of the award.

TASK 3: Research of Project Finance Topics

The Recipient shall research and report on current issues regarding innovative funding, finance and delivery methods for surface transportation projects. The following tasks describe general activities responsive to this objective. The FHWA expects the Recipient to propose the detailed CEPF activities, which would be adopted per the planning process described in Task 1:

Task 3a. Research Funding Issues: The Recipient shall research State DOT financial management practices in implementing FHWA Federal-aid Program. Topics may include advance construction, toll credits, non-Federal shares, sub-allocation policies, etc.

Task 3b. Research Finance Issues: The Recipient shall research State DOT practices in implementing Federal-aid sanctioned debt programs. Topics may include State Infrastructure Bank (SIB) policy, GARVEE bond practices, use of TIFIA credit assistance, etc.

Task 3c. Research Project Delivery Issues: The Recipient shall research project delivery performance to assist DOT to respond to legislative mandates for transparency and best practices. Topics may include the development of procurement benchmarks, mandated by the FAST Act, categorized by project delivery methods. This research would avail itself of data collected under a FHWA contract with the Maryland Transportation Institute, and may entail the ongoing collection and maintenance of the project performance data.

Table of Deliverables

Task	Deliverable(s)	Due Date (calendar days)	Section 508 Compliant
1a.	Develop Administrative Processes	30 days after date of award	No
1b	Develop Strategic Plan	30 days after date of award	No
1c	Develop Annual Work Plan	30 days after date of award	No
2a	Offer Technical Assistance to State & Local Public Agencies	As needed	Yes
2b	Promote Best Practices	As needed	Yes
2c	Provide Training & Executive Education	As needed	Yes
2d	Build Partnerships	As needed	Yes
2e	Create On-line Resources	90 days after date of award	Yes
3a	Research Funding Issues	As needed	Yes
3b	Research Finance Issues	As needed	Yes
3c	Research Project Delivery Issues	As needed	Yes
N/A	Annual Budget Review and Program Plan. **NOTE**: See NOFO Section F.2.O	Annually	No
N/A	Quarterly Progress Reports, including a Federal Financial Report. **NOTE**: See NOFO Section F.3.	Quarterly	No

NOTE: Section 508 requirements are included in the General Terms and Conditions available online at: http://www.fhwa.dot.gov/aaa/generaltermsconditions.cfm

<end of section>

SECTION B – FEDERAL AWARD INFORMATION

1. FUNDING

The total estimated value of this cooperative agreement is up to $6,250,000 at a Federal share of 80 percent (a Federal Share of up to $5,000,000 and a Non-Federal Share of 20 percent up to $1,250,000), to be expended over a 5-year period of performance, subject to the availability of Federal funds:

Federal funds (currently available):	$1,383,847.43
Federal funds (subject to availability):	$3,616,152.57
TOTAL FEDERAL VALUE:	$5,000,000.00

The Government's obligation under the cooperative agreement is contingent upon the availability of funding from which payment for agreement purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Agreement Officer (AO) and until the awardee receives notice of such availability, to be confirmed in writing by the AO.

2. NUMBER/TYPE OF ASSISTANCE

The Government anticipates making one (1) award as a result of this NOFO. The planned award type is a cost reimbursement cooperative agreement with cost-sharing.

3. PERIOD OF PERFORMANCE

The period of performance for this cooperative agreement is up to five (5) years. The period of performance will not exceed five (5) years from the effective date of award. This period of performance includes a base period of two (2) years, with three optional one-year extensions.

4. DEGREE OF FEDERAL INVOLVEMENT

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

- Technical assistance and guidance to the Recipient;
- Close monitoring of performance;
- Involvement in technical decisions;
- Participation in status meetings, including kick off meeting, technical committee and partner meetings, and annual budget reviews; and
- Review and comment on draft documents as appropriate.

<end of section>

SECTION C – ELIGIBILITY INFORMATION

1. ELIGIBLE APPLICANTS

Application eligibility is open to all sources.

2. COST SHARING OR MATCHING

Cost sharing or matching is required under this cooperative agreement. The Federal share of the cost of activities carried out by the Recipient under FAST Act Sec. 6002(c)(1), must be a maximum of eighty (80) percent.

NOTE: Program income must be handled in accordance with SECTION F.

<end of section>

SECTION D - APPLICATION AND SUBMISSION INFORMATION

1. ADDRESS TO REQUEST APPLICATION PACKAGE

Applications may be obtained at www.grants.gov.

The Applicant must complete and submit all forms included in the application package for this notice as contained at www.grants.gov.

NOTE: Applicants must have a registered Grants.gov account to use the system. Obtaining an account can involve multiple steps and numerous days. Please see the Grants.gov website for detailed instructions, training videos, an online user guide, and a help desk.

NOTE: Since high-speed Internet access is not yet universally available for downloading documents, and applicants may have additional accessibility requirements, potential applicants may request paper copies of materials, for delivery by U.S. Postal Service, by contacting the individual(s) listed in NOFO Section G, Federal Awarding Agency Contacts.

2. CONTENT AND FORM OF APPLICATION SUBMISSION

- Applications must be prepared on 8½ x 11- inch paper. Pages that exceed this size, such as foldouts, are not allowable.
- Narrative text must be printed using a font size no less than 12-point font.
- Tables are permitted. Text in tables may be smaller than 12-point font but must be legible.
- Page margins must be a minimum of 1 inch top, bottom, and each side.
- Page numbers may be located within the 1 inch margin.
- A Header or Footer identifying the Applicant/Team and the Volume or Part, may be located within the 1 inch margins.
- Resumes are limited to one page each.
- PAGE LIMITS: Application volumes shall adhere to the page count limitations listed below. The page limit incudes all narratives, figures, tables, appendices, and all other ancillary materials with the exception of the following.

EXCEPTION ON PAGE LIMITS: The following items do NOT count against the page limitation.

- Document covers;
- Cover letters;
- Title pages
- Divider pages;
- Table of contents;
- Lists of acronyms;
- Letters of intent to participate from proposed subcontractors, consultants,

partners and proposed new hires; and
- Resumes. (**NOTE**: resumes shall not exceed one page each.)

The application package must consist of the following in this order:

1) **Volume 1 – Technical Application** as described below – limited to 35 single-spaced pages (Parts I, II and II combined)

   - Part I – Technical and Management Approach (*included* in the page limitation)
   - Part II – Experience (*included* in the page limitation)
   - Part III – Staffing Approach (*included* in the page limitation; resumes are *not included* in the page limitation and can be an Attachment to Volume I)

   In the event a technical application exceeds the page limitations, the Government will evaluate only the pages identified within the limitation above.

2) **Volume 2 – Budget Application** as described below – no page limit
   - Part I – Application Forms
   - Part II – Cost Information and Other Financial

Submit your application in the following format:

Volume 1 - Technical Application: As described below (see page limitations above)

a. Part I – TECHNICAL AND MANAGEMENT APPROACH:

Provide a technical and management plan describing in detail how you would proceed to carry out the work specified in Section A if awarded the cooperative agreement.

The application will:

- Describe in detail the approach to carry out the work specified in Task Areas 1 through 5 of the Statement of Work. Provide a technical approach to the Task Areas, including the steps necessary to complete the tasks.
- Discuss how CEPF will help transportation agencies to meet their goals and needs, and how the effectiveness of CEPF and its services will be measured.
- Describe milestones and deliverables. Provide a table listing all proposed milestones/deliverables and estimated dates, based on time from award.
- Describe how stakeholder input and collaboration will occur, and how they will be used to improve, expand and sustain the value of CEPF services and resources.

b. Part II – EXPERIENCE:

Provide a description of completed, ongoing projects, or both, that demonstrate organizational and staff experience relevant to this project, including:

- Project title, description, value, and dates;
- Sponsor/customer point of contact to include sponsor/customer name, title, organization, email address, phone number;
- Role of Applicant in project;
- Explanation of why or how the project is considered relevant or similar to the effort required by this NOFO; and

NOTE: In determining relevancy, consideration should be given, but not limited to, such things as product/service similarity, size and complexity, agreement type, division of company proposing, and sub-recipient interaction.

- Explanation of the project goals accomplished and any cost growth or schedule delays encountered. For any project, which did not/do not successfully achieve its goals, a brief explanation of the reason(s) for such shortcomings and any demonstrated corrective actions taken to avoid recurrence.

NOTE: Prior to award, FHWA may contact past sponsor/customers to support the Agency's risk assessment of the application.

c. Part III – STAFFING APPROACH:

Provide a staffing plan describing in detail how you would proceed to carry out the work specified in Section A if awarded the cooperative agreement. Provide an organizational chart identifying proposed staff members assigned to this effort. The chart must be supported with narrative text to include the title and a brief description of each position's responsibilities, as well as the proposed level of effort and allocation of time (percent in relation to their other duties) for each position on a yearly basis and in summary format. The level of effort may be displayed (single spaced) in a table format. One table can be presented if the level of effort will be constant over all years, and the table is annotated as such. The hours in this table must be consistent with the information presented in Volume II, Parts I and II, as part of the detailed budget plan. Provide brief *tailored* resumes for the proposed CEPF Director, Program Manager/Principal Investigator and other key personnel to include name, experience, education and proposed role in project.

Volume 2 - Budget Application: As described below - no page limit

a. Part I - APPLICATION FORMS

1. SF424

   NOTE: Applicants may leave fields 5a, 5b, 6, 7, and 13 blank on the form.

2. SF424A
   NOTE: Section A:
   - Block 1(a): Print opportunity title listed on page 1;
   - Block 1(b): Print CFDA number listed on page 1;
   - Block 1(c): Print Total Federal Funds Requested in dollars; and,
   - Block 1(d): Print Total Cost Share in dollars, and leave columns (e), (f), and (g) and rows 2, 3, and 4 blank.

3. SF424B

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

b. Part II – COST INFORMATION AND OTHER FINANCIAL INFORMATION

NOTE: <u>Profit/fee is not allowable for the prime Recipient.</u>

Provide a <u>separate</u> detailed budget plan for <u>each</u> year and <u>summarize</u> the information for all years for all activities. Clearly show Federal share; Non-Federal share; and Total.

Spreadsheets can be formatted similarly to the format in DOT Form 4220.44, located at: http://www.fhwa.dot.gov/aaa/pdfs/frm4220_44.pdf.

The detailed budget plan must include each of the following items/sub-items:

1. Detailed Excel (or compatible) workbook containing spreadsheets/tabs (formatted to be printed out) and supporting information clearly delineating and supporting all estimated costs: with columns for Federal Share, Cost Share and Total Costs (per year and in summary form) as follows:

   a. <u>Labor Rates -</u> Direct labor-by-labor categories to include hours, rates and escalation. Anticipated promotions for any personnel must be included with the escalation calculation. The labor rates and annual direct labor escalations rate and its basis must be in accordance with 2 CFR 200.430.

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

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

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

i. Name and address of the organization or consultant.
ii. Description of the portion of work to be conducted by the organization or consultant.
iii. Cost details for that portion of work.
iv. Applicant's cost/price analysis of each sub-recipient/contractor(s) showing how their price is fair and reasonable (this includes any sub-recipient/contractor(s) that will be included in the Federal share or the non-Federal share).
v. Letter of commitment from each sub-recipient/contractor(s) (this includes any sub-recipient/contractor(s) that will be included in the Federal share, the non-Federal share or in a non-paid (volunteer) capacity).
vi. Provide detail and support for cost share as part of overall project budget.
vii. Clearly delineate cost share match versus Federal share.

2. Identify any exceptions to the anticipated award terms and conditions as contained in Section F, Federal Award Administration Information. Identify any preexisting intellectual property that you anticipate using during award performance, and your position on its data rights during and after the award period of performance.

3. The use of a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is required on all applications for Federal grants or cooperative agreements. Please provide your organization's DUNS number in your budget application.

4. A statement to indicate whether your organization has previously completed an A-133 Single Audit and, if so, the date that the last A-133 Single Audit was completed.

5. A statement regarding Conflicts of Interest. The Applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present or planned organizational, contractual or other interest(s), which may affect the Applicants' ability to perform the proposed contract in an impartial and objective manner.

Actual or potential conflicts of interest may include but are not limited to any past, present or planned contractual, financial, or other relationships, obligations, commitments or responsibilities, which may bias the Applicant or affect the Applicant's ability to perform the cooperative agreement in an impartial and objective manner. The AO will review the statement(s) and may require additional relevant information from the Applicant. All such information, and any other relevant information known to DOT, will be used to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the AO may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the United States to contract with the Applicant and include appropriate provisions to mitigate or avoid such conflict in the cooperative agreement pursuant to 2 CFR 200.114.

6. A statement to indicate whether a Federal or State organization has audited or reviewed the Applicant's accounting system, purchasing system, and/or property control system. If such systems have been reviewed, provide summary information of the audit/review results to include as applicable summary letter or agreement, date of audit/review, Federal or State point of contact for such review.

7. Terminated Contracts - List any contract/agreement that was terminated for convenience of the Government within the past 3 years, and any contract/agreement that was terminated for default within the past 5 years. Briefly explain the circumstances in each instance.

8. Describe how your organization will obtain the necessary resources to fund and fulfill the proposed cost share, as applicable.

9. The Applicant is directed to review Title 2 CFR Part170 (http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl) dated November 12, 2020, and Appendix A thereto, and acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully comply with the reporting described in the term if it receives funding resulting from this NOFO. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this NOFO's Section F, Federal Award Administration Information.

10. Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 entitled Remedies for Noncompliance, including suspension or debarment. (See also 2 CFR Part 180 and 31 U.S.C. 3321).

11. If a nonprofit or not-for-profit status, please provide evidence of this status preferably from the Internal Revenue Service.

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

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

The Applicant is required to: (i) be registered in SAM before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding Agency.

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

4. SUBMISSION DATES AND TIMES

The application must be received electronically through www.grants.gov by the application due date/time listed on pages 1 and 2 of this NOFO.

The deadline stated on page 1 is the date and time by which the Agency must receive the full and completed application, including all required sections.

A late application will not be reviewed or considered unless the AO determines that doing so is in FHWA’s best interest.

5. INTERGOVERNMENTAL REVIEW

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

6. FUNDING RESTRICTIONS

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

7. OTHER SUBMISSION REQUIREMENTS

Applicants must complete and submit all forms included in the application package for this Notice as contained at www.grants.gov.

HOW TO REGISTER TO APPLY THROUGH GRANTS.GOV

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

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

If individual Applicants are eligible to apply for this grant funding opportunity, refer to: https://www.grants.gov/web/grants/applicants/individual-registration.html.

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

a. Obtain a DUNS Number: All entities applying for funding, including renewal funding, must have a DUNS number from Dun & Bradstreet. Applicants must enter the DUNS number in the data entry field labeled "Organizational DUNS" on the SF-424 form. For more detailed instructions for obtaining a DUNS number, refer to: https://www.grants.gov/web/grants/applicants/organization-registration/step-1- obtain-duns-number.html.

b. Register with the System for Award Management (SAM): In addition to having a DUNS number, organizations applying online through Grants.gov must register with SAM. All organizations must register with SAM in order to apply online. Failure to register with SAM will prevent your organization from applying through Grants.gov. For more detailed instructions for registering with SAM, refer to: https://www.grants.gov/web/grants/applicants/organization-registration/step-2- register-with-sam.html.

c. Create a Grants.gov Account: The next step in the registration process is to create an account with Grants.gov. Applicants must know their organization's DUNS number to complete this process. Completing this process automatically triggers an email request for Applicant roles to the organization's E-Business Point of Contact (EBiz POC) for review. The EBiz POC is a representative from your organization who is the contact listed for SAM. To apply for grants on behalf of your organization, you will need the Authorized Organizational Representative (AOR) role. For more detailed instructions about creating a profile on Grants.gov, refer to: https://www.grants.gov/web/grants/applicants/organization-registration/step-3- username-password.html.

d. Authorize Grants.gov Roles: After creating an account on Grants.gov, the EBiz POC receives an email notifying them of your registration and request for roles. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the

AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been approved as an AOR. For more detailed instructions about creating a profile on Grants.gov, refer to: https://www.grants.gov/web/grants/applicants/organization-registration/step-4-aor-authorization.html.

e. Track Role Status: To track your role request, refer to: https://www.grants.gov/web/grants/applicants/organization-registration/step-5-track-aor-status.html.

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

HOW TO SUBMIT AN APPLICATION TO FHWA VIA GRANTS.GOV

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

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to: https://www.grants.gov/web/grants/applicants/apply-for-grants.html.

a. Create a Workspace: Creating a Workspace allows you to complete it online and route it through your organization for review before submitting.

b. Complete a Workspace: Add participants to the Workspace, complete all the required forms, and check for errors before submission.

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

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

2. Mandatory Fields in Forms: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.
3. Complete SF-424 Fields First: The forms are designed to fill in common required fields across other forms, such as the Applicant name, address, and DUNS number. To trigger this feature, an Applicant must complete the SF-424 information first. Once it is completed, the information will transfer to the other forms.

c. Submit a Workspace: An application may be submitted through Workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

d. Track a Workspace: After successfully submitting a Workspace package, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the package. The number will be listed on the Confirmation page that is generated after submission.

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

Applicant Support: Grants.gov provides 24/7 support via the toll-free number 1-800-518-4726 and email at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for. If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist FHWA with tracking your issue and understanding background information on the issue.

In the event of system problems or technical difficulties with the application submittal, Applicants should contact the FHWA point of contact designated in Section G of the NOFO. If Applicants are unable to use the system due to technical difficulties, Applicants must email applications to the FHWA point of contact listed on page 1 no later than the application deadline cited above.

<end of section>

SECTION E - APPLICATION REVIEW INFORMATION

1. EVALUATION CRITERIA

The Government will evaluate applications on following criteria:

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

1. Technical and Management Approach

    a. Demonstration of a sound, feasible, and achievable technical and management approach to CEPF tasks.
    b. Demonstration of sufficient understanding of the technical information needs relating to establishing CEPF.

2. Experience

    a. Demonstration of experience to provide support for successful delivery of transportation infrastructure projects through innovative delivery methods and innovative funding and financing programs.
    b. Demonstration of experience to provide successful technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes to State, local and Tribal governments for delivery of covered infrastructure projects.
    c. Demonstration of experience to collaborate with local governments, regulatory and resource agencies, Non-Governmental organizations, and the private sector, to successfully deliver covered infrastructure projects.

3. Staffing Approach

    a. Demonstration of a sound, feasible, and achievable staffing approach to the tasks.
    b. Demonstration of sufficient knowledge and relevant experience of the proposed CEPF Managing Director, Program Manager, staff, and sub-recipients to successfully perform the work.

COST: Relative cost will be considered in the award decision. The budget application will be analyzed to assess cost reasonableness and conformance to applicable cost principles. This evaluation factor will not be rated.

Funding availability will also be considered in the award decision.

DEPARTMENTAL OBJECTIVES

After applying the above criteria, DOT will take into account the following key Departmental objectives in the selection process:

A. Supporting economic vitality at the national and regional level.
B. Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.
C. RURAL OUTCOMES: Consistent with DOT's R.O.U.T.E.S. Initiative (https://www.transportation.gov/rural), DOT will consider how the project will address the challenges faced by rural areas.
D. OPPORTUNITY ZONES: The DOT will consider whether the project is located in a qualified opportunity zone, pursuant to 26 U.S.C. 1400Z-1. A project located in a qualified opportunity zone is more competitive than a similar project that is not located in a qualified opportunity zone. (https://www.cdfifund.gov/Pages/Opportunity-Zones.aspx)

2. REVIEW AND SELECTION PROCESS

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

A panel of Agency experts will evaluate all eligible technical applications using the merit criteria listed above. The panel will individually evaluate the technical applications. The panel will then collectively rate applications based the evaluation criteria.

The Agency will award the applications that are considered the most advantageous to the Agency using the criteria and Departmental objectives cited above, and subject to the results of an Applicant risk assessment.

Agency personnel from the FHWA Office of Acquisition and Grants Management will evaluate the cost criteria listed above and conduct a risk assessment of the selected Applicant prior to award as described below.

The Government reserves the right to not make an award to the Applicant based on the results of this risk assessment. The Secretary of Transportation is the official responsible for final award selection. The Government is not obligated to make any award as a result of this notice.

<u>Risk Assessment</u>

The Government will assess the risks posed by an Applicant before they receive an award. This risk assessment will include evaluation of some or all of the following items relative to the Applicant and/or sub-applicants as applicable:

(1) Applicant's financial stability;

(2) Applicant’s quality of management systems and ability to meet the management standards prescribed in 2 CFR Part 200;

(3) Applicant’s history of performance;

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

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

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

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

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

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

3. **Pursuant to 2 CFR 200.206,** prior to making a Federal award, the Federal awarding Agency is required to review information available through any OMB-designated repositories of governmentwide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), D&B,

and "Do Not Pay." The Government's review of this information will occur as part of the risk assessment. An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FHWA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in § 200.206.

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

4. ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

The FHWA anticipates, but does not guarantee, making award on or about October 1, 2021.

<end of section>

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

The following terms and conditions will apply to any award made based on this NOFO.

1. FEDERAL AWARD NOTICES

Only the AO can commit FHWA. The award document, signed by the AO, is the authorizing document, whether it is provided through postal mail or by electronic means and to whom. Only the AO can bind the Federal Government to the expenditure of funds.

2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. Applicable Federal laws, rules and regulations set forth in 23 U.S.C. and 23 CFR also apply.

General terms, conditions, and governing regulations that apply to the cooperative agreement are available online at: http://www.fhwa.dot.gov/aaa/generaltermsconditions.cfm

The online list entitled “General Terms and Conditions for Assistance Award (for award effective after June 22, 2015),” shall apply to the resulting award.

A. PUBLIC ACCESS TO DOCUMENTS

The Recipient agrees that the resulting deliverables/documentation submitted to FHWA under the cooperative agreement may be posted online for public access and/or shared by FHWA with other interested parties. The FHWA anticipates the documents cited herein may be posted on an FHWA Website or another appropriate Website.

B. INDIRECT COSTS

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

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

C. DATA RIGHTS

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

D. PERSONALLY IDENTIFIABLE INFORMATION (PII)

The PII as defined at 2 CFR 200.79 and 2 CFR 200.82 at will not be requested unless necessary and only with prior written approval of the AO with concurrence from the AOR.

E. AVAILABLE FUNDING

The total estimated amount of Federal funding that may be provided under the cooperative agreement is up to $5,000,000 for the entire period of performance, subject to the limitations shown below:

(1) Currently, Federal funds in the amount of $TBD (to be filled in upon award), are obligated to the cooperative agreement.

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

(3) The Government’s liability to make payments to the Recipient is limited to those funds obligated under the cooperative agreement as indicated above and any subsequent amendments.

F. KEY PERSONNEL

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

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

G. PROGRAM INCOME

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

H. SUBAWARDS

Recipients must have a procurement system in compliance with 2 CFR 200.317 through 200.326.

I. ORDER OF PRECEDENCE

The Recipient's technical and budget applications are accepted, approved, and incorporated herein as Attachments. In the event of any conflict between the cooperative agreement document and the Recipient's proposal and/or application, the cooperative agreement document shall prevail.

J. DESIGNATION AS RESEARCH OR NON-RESEARCH AGREEMENT

The cooperative agreement will be designated as: Non-Research and Development.

K. CONFERENCE SUPPORT RESTRICTIONS

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

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

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

L. DISPUTES

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

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

Failing resolution by mutual agreement, the aggrieved party will document the dispute by notifying the other party in writing of the relevant facts, identify unresolved issues and specify the clarification or remedy sought. Within 5 working days after providing written notice to the other party, the aggrieved party may, in writing, request a decision from one level above the

AO. The AO will conduct a review of the matters in dispute and render a decision in writing within 30 calendar days of receipt of such written request. Any decision of the AO is final and binding unless a party will, within 30 calendar days, request further review as provided below.

Upon written request to the FHWA Director, Office of Acquisition and Grants Management or designee, made within 30 calendar days after the AO's written decision or upon unavailability of a decision within the stated time frame under the preceding paragraph, the dispute will be further reviewed. This review will be conducted by the Director, Office of Acquisition and Grants Management. Following the review, the Director, Office of Acquisition and Grants Management, will resolve the issues and notify the parties in writing. Such resolution is not subject to further administrative review and to the extent permitted by law, will be final and binding. Nothing in the cooperative agreement is intended to prevent the parties from pursuing disputes in a United States Federal Court of competent jurisdiction.

M. CLOSEOUT OF AGREEMENT FILE

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

N. ANNUAL BUDGET REVIEW AND PROGRAM PLAN

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

O. TRAVEL

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

3. REPORTING

ADDRESSES FOR SUBMITTAL OF REPORTS AND DOCUMENTS

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

Submit an electronic copy to the Agreement Specialist at the following address: Angela.Jones@dot.gov

Submit an electronic copy to the AOR at the following address: Patrick.DeCorla-Souza@dot.gov

QUARTERLY PROGRESS REPORT

The Recipient shall provide Quarterly Progress Reports, including a Federal Financial Report, to the AO and AOR.

Calendar quarters are defined as:		Reports due on or before:
1st:	January – March	April 30th
2nd:	April – June	July 30th
3rd:	July – September	October 30th
4th:	October – December	January 30th

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

Quarterly Progress Reports shall include the following:

1. Standard Form – Performance Progress Report (SF-PPR). (The SF-PPR content directions are available online in various locations such as http://www.fema.gov/media-library/assets/docments/29485. In block 10 of the form, state "see attached" and attach the remaining information).
2. A narrative of accomplishments by task for the reporting period, and projected activities by task for the next reporting period.
3. Identification of any problems, planned solutions, and/or requests for DOT assistance.
4. A summary of costs incurred for the reporting period and to date. Report costs incurred by major cost elements such as Direct Labor, Travel, Subcontractor Costs, Indirect Costs, etc.
5. A comparison of total costs incurred to the total budgeted costs for the reporting period and to date.
6. Projected total cost-to-complete.
7. Standard Form (SF) 425, Federal Financial Report, and SF-425A, Federal

Financial Report Attachment (if applicable). The SF 425 is available online at: https://www.fhwa.dot.gov/cfo/contractor_recip/grant_agreement_form.cfm.

RECIPIENT INTEGRITY AND PERFORMANCE MATTERS

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

<end of section>

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Address any questions to:

Angela A. Jones, Agreement Specialist
Federal Highway Administration
Office of Acquisition and Grants Management
Angela.Jones@dot.gov
Phone: 202-366-4255

Secondary point of contact is:

Sarah Tarpgaard, Agreement Officer
Federal Highway Administration
Office of Acquisition and Grants Management
Sarah.Tarpgaard@dot.gov
Phone: 202-493-3225

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