



Notice of Funding Opportunity (NOFO)

Federal Agency

United States Department of Transportation (U.S. DOT)
National Highway Traffic Safety Administration (NHTSA)

Funding Opportunity Title

Native American Pedestrian Safety Demonstration

Announcement Type

Initial Announcement

NHTSA NOFO Number

693JJ923R000089

Assistance Listing Program Number (formerly CFDA)

20.614 - National Highway Traffic Safety Administration (NHTSA) Discretionary Safety Grants

Key Dates

NOFO Posted Date:	June 15, 2023
NOFO Questions Due Date:	June 22, 2023, 1:00PM ET
Application Due Date:	July 14, 2023, 1:00PM ET

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PROGRAM SUMMARY INFORMATION

A. FEDERAL AGENCY NAME

U.S. Department of Transportation (Department or DOT)
National Highway Traffic Safety Administration (NHTSA)

B. FUNDING OPPORTUNITY TITLE

Native American Pedestrian Safety Demonstration

C. ANNOUNCEMENT TYPE

Initial Announcement

D. FUNDING OPPORTUNITY NUMBER

693JJ923R000089

E. ASSISTANCE LISTING PROGRAM NUMBER (formerly CFDA)

20.614 - National Highway Traffic Safety Administration (NHTSA) Discretionary Safety Grants

F. KEY DATES

NOFO Posted Date:	June 15, 2023
NOFO Questions Due Date:	June 22, 2023, 1:00PM ET
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MISSION

The Mission of the National Highway Traffic Safety Administration (NHTSA), an operating administration of DOT, is to save lives, prevent injuries and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement activity. To accomplish this, among other things, NHTSA awards grants to state and local governments, not-for-profit organizations, and other entities in support of motor vehicles and road traffic safety initiatives.

SECTION A - PROGRAM DESCRIPTION

A.1 PURPOSE AND OBJECTIVE

The purpose of this Cooperative Agreement (CA) is to support federally recognized tribal governments in developing processes and tools to assess and address pedestrian safety on their tribal lands.

A.2 PROGRAM AUTHORITY

NHTSA may enter into an assistance agreement with a State or local agency, authority, association, institution, or person to carry out traffic safety research and development activities authorized by the Highway Safety Act of 1966, P.L. 89-564, as amended (see 23 U.S.C. § 403 (b)(2)(c)).

A.3 ASSISTANCE LISTING PROGRAM NUMBER (FORMERLY CFDA)

20.614 – National Highway Traffic Safety Administration (NHTSA) Discretionary Safety Grants

A.4 BACKGROUND

NHTSA is responsible for researching and developing strategies to save lives and reduce injuries from motor vehicle crashes and motor vehicle-related incidents.

According to the Bureau of Indian Affairs, the U.S. government officially recognizes nearly 600 Native American tribes in the contiguous 48 states and Alaska. Approximately 56.2 million acres are held in trust by the United States for various Indian tribes and individuals. Approximately 326 Native American tribal land areas in the U.S. are administered as federal Native American reservations (i.e., reservations, pueblos, rancherias, missions, villages, communities, etc.).

Native American Indian/Alaskan people have a higher per-capita rate of total traffic fatalities than other racial groups. Native American Indian/Alaska had the highest rate of pedestrian

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traffic deaths per 100,000 people from 2015-2019¹. NHTSA seeks to reduce pedestrian and bicyclist deaths and injuries among Native American road users with this project.

A.5. Administrative Priorities and Departmental Strategic Plan Statements

The Department is committed to advancing safe, efficient transportation, including in the Native American Pedestrian Safety Demonstration project. The National Roadway Safety Strategy (NRSS), issued January 27, 2022, commits the Department to respond to the current crisis in roadway fatalities by ‘taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation’s roadways,’ in pursuit of the goal of achieving zero roadway deaths through a Safe System Approach. (See <https://www.transportation.gov/NRSS>). The outcomes that are anticipated from the project funded from the Native American Pedestrian Safety Demonstration project should align with the NRSS.

The Department seeks to award projects under the Native American Pedestrian Safety Demonstration project that will create proportional impacts to all populations in a project area, remove transportation related disparities to all populations in a project area, and increase equitable access to project benefits, consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009).

The Department intends to use the Native American Pedestrian Safety Demonstration project to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829) and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335). The Department also intends to use the Native American Pedestrian Safety Demonstration project to support wealth creation, consistent with the Department’s Equity Action Plan through the inclusion of Local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

¹ (Governors Highway Safety Association, 2021)

SECTION B - FEDERAL AWARD INFORMATION

B.1 AWARDING AGENCY

Department of Transportation (DOT)
National Highway Traffic Safety Administration (NHTSA)

B.2 FUNDING AND TYPE OF AWARD

A total of up to \$507,000 is available to fund up to one (1) discretionary Cooperative Agreement and is subject to the availability of funds. NHTSA will only accept one (1) application from each eligible applicant (see Section C.1, Eligible Applicants). Submission of an application is **not** a guarantee of award. The Government's obligations under this Cooperative Agreement are contingent upon the availability of appropriated funds from which payment for Cooperative Agreement purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available.

B.3 TYPE OF APPLICATION

NHTSA will accept applications for a new Notice of Funding Opportunity. This is not an opportunity for a renewal or supplemental funding of an existing NHTSA funded project.

B.4 PERIOD OF PERFORMANCE

All work required hereunder, including preparation, submission, review, and acceptance of the final deliverables, shall be completed within ***twenty-four (24) months of the effective date of the award.*** NHTSA currently anticipates the start date for the new Federal award to be on or about **September 2023.**

B.5 ACRONYMS AND DEFINITIONS

The acronyms and definitions listed below are used during the performance of the project. If the Recipient is currently using or has used any of the acronyms listed below differently, the Recipient will use the acronym listed below as defined under the Cooperative Agreement only.

ACOR (CA)	Alternate Contracting Officer Representative Cooperative Agreement
CA	Cooperative Agreement
CO	Contracting Officer
COR (CA)	Contracting Officer Representative Cooperative Agreement
CS	Contract Specialist
DOT	Department of Transportation
NHTSA	National Highway Traffic Safety Administration
PM	Project Manager
RCAM	Recipient's Cooperative Agreement Manager

As used in this NOFO:

“COR (CA)” means “Contracting Officer’s Representative (Cooperative Agreements.)” This individual is assigned by the Contracting Officer and designated in writing to serve as the government’s liaison with the Recipient for technical and administrative matters regarding the Cooperative Agreement.

“Contracting Officer” refers to that federal government employee who possesses a warrant authorizing him/her to obligate the government financially. The Contracting Officer is the only individual who is authorized, on behalf of the federal government, to execute the Cooperative Agreement.

“RCAM” means the “Recipient’s Cooperative Agreement Manager.” This individual is identified as the Recipient’s liaison with the federal government for technical and administrative matters concerning the Cooperative Agreement.

B.6 STATEMENT OF RESPONSIBILITIES

A. Under the Cooperative Agreement NHTSA will:

1. Designate a professionally qualified staff member, designated as the Contracting Officer's Representative (COR) (CA), to provide coordination between the Recipient and NHTSA;
2. Provide all essential background information and collaboration to perform the Cooperative Agreement
3. Provide coordination with NHTSA Regional offices staff and others (Federal, state, and local), tasked with reducing traffic fatalities; and;
4. Stimulate the exchange of ideas and information among recipients of related projects through periodic meetings.

B. Under the Cooperative Agreement, the Recipient shall:

1. Carry out the project as described in the Recipient’s project plan agreed upon at the time of the Cooperative Agreement Award;
2. Advise the COR (CA) of any problems or issues involved in the implementation or progress of the Cooperative Agreement;

3. Identify qualified subject matter experts to provide individualized assessments of pedestrian and bicyclist safety programs.
4. Adhere to the activities and requirements specified in the Cooperative Agreement unless submitted to the COR (CA) and approved in writing by the Contracting Officer (CO) consistent with 2 C.F.R. § 200.308; and
5. For the period of performance set forth in *B.4, "Period of Performance,"* furnish personnel, equipment, and facilities and otherwise perform all things necessary to complete the work required to accomplish the Cooperative Agreement's objective as specified.

C. Specific Activities for the Cooperative Agreement

The Recipient will perform the following activities:

Activity 1: Kick-off Meeting

The Recipient shall meet with the Contracting Officer's Representative (COR), Cooperative Agreement (CA) in either Washington, DC, or virtually, within one (1) month of Cooperative Agreement award to conduct a short briefing describing its planned approach to execute this project. The Recipient shall discuss in detail its:

- Understanding of project objectives;
- Project plan;
- Schedule of project activities; and
- Understanding of deliverable requirements and specifications.

Activity 2: Assessment Guideline

The Recipient shall develop a guideline that provides directions to assess pedestrian and bicyclist safety program, including effective and promising countermeasures, on Native American tribal lands. The guide should reflect current effective strategies consistent with the NRSS. The Recipient shall complete the assessment guideline within five (5) months of award.

Activity 3: Identify Assessor Qualifications and Standards

The Recipient shall develop a document that identifies the number of assessors and describes the qualifications and standards needed to review pedestrian and bicyclist safety programs on tribal lands within six (6) months of award. The roles, responsibilities, and qualifications should reflect the various elements of the developed guidelines.

Activity 4: Develop Guideline Advisory Manual

The Recipient shall develop a manual for the abovementioned guideline within seven (7) months of award. The manual shall explain how to use the guideline and provides questions to interpret the guidelines that help assessors review pedestrian and bicyclist safety programs on tribal lands. The manual shall provide tribal organizations with tools identify evidentiary information, documents, and other materials that support their responses to the questions.

Activity 5: Develop Process Manual

The Recipient shall develop a process manual for tribal organizations to conduct pedestrian and bicyclist safety program assessments on Native American tribal lands within nine (9) months of award. The process manual shall describe the steps, timeline, and duties necessary for conducting assessments. The Recipient shall consider, integrate, and follow culturally appropriate tribal relationship principles in developing the process manual.

Activity 6: Conduct Assessments

The Recipient shall use the assessment process, process manual, assessment guideline, guideline advisory, and other materials developed from this project to conduct up to three (3) pedestrian and bicyclist safety program assessments on tribal lands no later than eighteen (18) months of award.

Activity 7: Test Process and Supporting Materials

The Recipient shall develop an evaluation plan to evaluate the use of guidelines, guideline manual, process manual, and assessment process within (18) months of award. The evaluation plan will help determine whether the process works and whether the materials are helpful.

The Recipient shall evaluate the process and supporting materials for up to three (3) pedestrian and bicyclist safety program assessments on tribal lands, as described in their evaluation plan, no later than twenty-one (21) months of award. The evaluation will identify whether the quality of the assessment process and supporting materials sufficiently and efficiently aid in successful pedestrian and bicyclist safety program assessments on tribal lands and identify any needed improvements. The Recipient shall use the test results to refine the assessment process, guidelines, advisory, manuals, and other materials resulting from this agreement as needed.

Activity 8: Final Briefing

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Within twenty-four (24) months of award, the Recipient shall brief the COR (CA) and other relevant NHTSA staff on the project outcomes, challenges, and issues encountered. This briefing may be held in-person in Washington, DC, or virtually.

B.7 DELIVERABLES (D) AND MILESTONES (M)

The deliverables and milestones will be established and defined within the Cooperative Agreement issued under the authority listed within Section A.2 of this NOFO.

The deliverable schedule and descriptions are provided below. With final deliverables, the Recipient will provide a table detailing how each Government comment was addressed. Deliverables will be submitted in a replicable electronic format that is printable, unless specifically required for submission in hard copy form.

<u>Item No.</u>	<u>Activity No.</u>	<u>Deliverable (D)/Milestone (M)</u>	<u>Due Date</u>
1	C.1	Kickoff Meeting (M)	Within 30 days of award
2	C.2	Create Assessment Guideline (M)	Within 5 months of award
3	C.3	Identify Assessor Qualifications and Standards (M)	Within 6 months of award
4	C.4	Develop Guideline Advisory (M)	Within 7 months of award
5	C.5	Write Process Manual (M)	Within 9 months of award
6	C.6	Conduct Assessments (M)	Within 18 months of award
7	C.7	Test Process and Supporting Materials (M)	Within 21 months of award
8	C.8	Final Briefing (M)	Within 24 months of award
9	F.3.1	Submit Quarterly Reports (D)	On the 15 th of each month of the quarter, beginning three (3) months after award
10	F.3.2	Submit Annual Reports (D)	11th Month of the Current Fiscal Year
11	F.3.3	Submit Final Report (D)	Within 24 months of award
12	F.3.4	Submit Federal Financial Report (SF-425)) (D)	Annually by October 1 of each fiscal year

B.8 PLACE OF DELIVERY

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All items shall be delivered electronically to the following addresses specified below:

Item no.	Address
10, 11, & 123	Department of Transportation National Highway Traffic Safety Administration Impaired Driving Division (NPD-110) 1200 New Jersey Avenue, SE Washington, DC 20590 Attn: TBD Email: TBD
11 & 12	Department of Transportation National Highway Traffic Safety Administration Office of Acquisition Management (NFO-300) 1200 New Jersey Avenue, SE Washington, DC 20590 Attn: Anna Nelson Email: Anna.Nelson@dot.gov

SECTION C - ELIGIBILITY INFORMATION

C.1 ELIGIBLE APPLICANTS

This NOFO is open to all type of domestic applicants, other than individuals. Eligibility does not guarantee an award. NHTSA will only issue an award to an eligible applicant that demonstrates that it has the infrastructure in place, as well as the necessary staff and support to carry out the responsibilities of administering, coordinating, and implementing the activities of this NOFO as explained in Section E and based upon the documentation submitted by the applicant as required in Section D.

Interested applicants are advised that no fee or profit will be allowed.

C.2 COST SHARING OR MATCHING

Cost-sharing or matching requirements are not required under this NOFO. While not mandatory, applicants are encouraged to seek funds from other Federal, State, local, and private sources to augment those Federal funds available under this NOFO. Preference may be given to applicants with cost sharing or in-kind contributions identified in their applications/proposals.

SECTION D - APPLICATION AND SUBMISSION INFORMATION

D.1 ADDRESS TO REQUEST APPLICATION PACKAGE

A copy of this NOFO, including all application forms, can be received by submitting an email request to NHTSAOAM@dot.gov and Anna.Nelson@dot.gov using the following information:

- Keyword(s): **Native American Pedestrian Safety Demonstration**
- Opportunity Number: **693JJ923R000089**
- Assistance Listing Number: **20.614**

Submission of an application is not a guarantee of an award.

D.2 CONTENT AND FORM OF APPLICATION SUBMISSION

Each application package must include the following required documents:

- The application shall not exceed **twenty-five (25) pages** (not including resumes or appendices). The application must be in English.
- Format with a cover page that clearly identifies the **Applicant's name**, NOFO number **693JJ923R000089**, and **submission date**. Within, include the following sections:
 - Table of Contents including page number references and method identifying major sections
 - Technical Approach and Understanding
 - Qualifications of Project Personnel
 - Corporate Experience/Past Performance
- Resumes are limited to **two (2) pages** each and provides evidence of the knowledge, skill, experience, and overall qualifications of proposed personnel Include each person's role and specific actions and responsibilities in a study or project; include dates for projects listed.
- No cost/price data shall be included in the Technical Application.
- Be written in electronic format (e.g., using MS Office) Use Times New Roman 12-point font, with pages that have at least one (1) inch margins.
- Adhere to the style detailed in the 7th edition, Publication Manual of the American Psychological Association (APA).
- Cost data shall be provided in current Microsoft supported version of Microsoft EXCEL.
- **NHTSA cannot receive email messages containing a ZIP attachment. The file will**

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be removed, as all ZIP files are blocked. Other file types (e.g. Word, PowerPoint, PDF, etc.) can be received.

- If submitting the application in hardcopy or digital storage media format: OMB Standard Form (SF) 424 (including 424 “Application for Federal Assistance,” 424A “Budget Information for Non-Construction Programs,” and 424B “Assurances for Non-Construction Programs”), with the required information filled in and certified assurances signed. These forms can be accessed by going to <https://www.grants.gov/web/grants/forms/forms-repository.html>.
- The Recipient shall submit a statement and certify that it agrees to comply with the requirements in 49 CFR Part 32, subpart B.
- SFLLL: Disclosure of Lobbying Activities. The Applicant shall provide with its application signed certification forms covering the requirements in 49 CFR Part 20, U.S. Department of Transportation New Restrictions on Lobbying. This form can be accessed by going to <https://www.gsa.gov/forms-library/disclosure-lobbying-activities>.
- Consistent with the Department's R.O.U.T.E.S. Initiative (<https://www.transportation.gov/rural>), the Department encourages applicants to describe how activities proposed in their application would address the unique challenges facing rural transportation networks, regardless of the geographic location of those activities.
- The Applicant must provide a detailed breakdown of the proposed costs, as well as any in-kind costs, by year. This cost breakdown shall not only identify cost categories but shall also identify specific sub-categories (and associated costs). For example, Labor Costs should include labor categories, associated levels of effort, and rates; Direct Materials costs including itemized equipment and supplies costs; Travel and transportation costs, including projected trips and number of people traveling; Subcontractor/ Sub-recipient costs with similar detail, if known; and overhead. The Applicant must also justify each proposed cost by explaining how each cost was calculated and determined to be fair and reasonable. Finally, the Applicant should also include copies of any supporting documentation it may have (i.e. indirect cost rate agreements, etc.) as part of the budget package.
- Non-Federal funding sources are encouraged. Since activities may be performed with a variety of financial resources, applicants need to fully identify all project costs and their funding sources in the proposed budget. The proposed budget must identify all funding sources in sufficient detail to demonstrate that the overall objectives of the project will be met. All other factors being equal, preference will be given to those that have proposed cost-sharing strategies and/or other proposed funding sources in addition to those in this announcement.

Technical Application: The application shall fully describe the scope of the project, providing a project plan detailing the activities and costs for which funding is being requested. ***The technical application shall be separated from the cost application – no cost information shall be included or referenced in the technical application.***

The technical approach must be clearly written, complete, reasonable, and include a realistic timeframe for completing the activities.

Applications for the program must address the following in the program narrative statement:

D.2.1 Factor 1: Technical Approach/Understanding

The Applicant shall demonstrate its understanding of the project's overall objectives and scope of work. Within the technical application, the Applicant shall indicate any assumptions made in conducting the effort. This section allows the Applicant to demonstrate familiarity and expertise with the area, including issues faced when work requires the Applicant to work jointly and cooperatively with other agencies to complete the Applicant's work.

Acceptable submissions will address:

- Background
- Purpose – Clearly identify how the strategy advances the purpose and goals of the project;
- Project Plan – that includes a detailed work breakdown structure (WBS) that is aligned to the project's goals and objectives; a detailed, step-by-step approach for achieving the specific Activities described. The strategy should be comprehensive, logical, and include a clear description of how:
 - each Activity will be implemented and completed,
 - a plan for monitoring/managing quality control processes,
 - where appropriate a clear marketing plan for dissemination of product(s) to appropriate target audience(s),
 - a risk mitigation strategy to identify risks and methods for addressing, mitigate or eliminate problems, and
 - identifying necessary travel to complete the activities.
- Administration Priorities:
 - Safety—Applicants must address how their project provides substantial safety benefits. Prior to receiving funds, all projects are expected to, at a minimum, identify and mitigate to the extent practicable any significant safety risks that could result after the project completion. Applicants should include how their project will not negatively impact the overall safety of the traveling public.”
 - Racial Equity and Barriers to Opportunity— Applicants must address how their project will include an equity assessment which evaluates whether a project will create proportional impacts and remove transportation related disparities to all populations in a project area. Applicants should demonstrate how meaningful public engagement will occur throughout a project's life cycle.

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- Workforce Development, Job Quality, Wealth Creation—Applicants must address how their project will create good-paying jobs with free and fair choice to join a union; promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs; and change hiring policies and workplace cultures to promote the entry and retention of underrepresented populations.
- Civil Rights—The applicant should demonstrate that it has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR § 21), the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. This may include, as applicable, providing a Title VI plan, community participation plan, and other information about the communities that will be benefited and impacted by the project.

D.2.2 Factor 2: Qualifications of Project Personnel

The Applicant shall demonstrate experience and capacity to carry out the activities described in Section B.6.C.

- Identify a Project Manager (PM) to serve as a liaison to coordinate and manage all aspects of the project;
 - Provide a detailed breakdown linking key personnel to clearly defined roles, activities, deliverables, and time commitments necessary to complete the project; it is not sufficient to merely state the person's title and describe the project in general terms;
 - Demonstrate that staff and/or sub-contractors possess the experience and subject matter expertise, knowledge, and skills necessary to successfully perform and complete the work outlined in Section B.6.C. Examples of qualifications that Applicants may use to demonstrate expertise include, but are not limited to, educational background and relevant experience on similar projects;
 - Identify partnerships or stakeholders, contractors or consultants who shall play a role in the implementation of the project the specific subject matter expertise they bring and their responsibilities;
 - Include resumes or curricula vitae that highlight qualifications, areas of expertise, and cites work-related experience for key personnel;
 - Highlight qualifications and expertise with cited work-related experience in the following areas: project management, organizing and facilitating teams of SME's, ability to synthesize results and come to team consensus, and supporting communication/outreach efforts.
-
- Commitment and Support: When other sources and organizations are required to complete the proposed effort, the Applicant shall provide proof of their commitment to the Cooperative Agreement. Such proof can be a letter of acceptance to participate as a sub-contractor supporting the Recipient (Applicant).

D.2.3 Factor 3: Project Experience/Past Performance

The Applicant must demonstrate its ability to conduct the work required in this NOFO and performance with similar efforts, including its corporate experience and past performance with other work similarly described in this solicitation and that require, at a minimum, the following:

- The Applicant and/or sub-contractors have sufficient professional and/or corporate organizational experience and a background in the field of human behavioral factors, their effect on highway and traffic safety and State laws.
- Is capable of exercising organization influence in managing relationships with aligned professional organizations in traffic safety to meet the objectives of the project;
- Experience organizing and facilitating productive meetings; coordinating communication among all project members (staff/personnel, key partners, stakeholders, contractors, consultants or others) using a variety of means including in-person and electronic communication networked meetings/discussions; facilitating processes to come to consensus; and summarizing and synthesizing the results of discussions; and
- Ability to support the development and deployment of plans designed to support communications, material concepts and outreach efforts to update and/or develop new materials to improve traffic safety, traffic laws, and countermeasures.

The quality of the Applicant's experience and past performance will be based on information contained in the Applicant's proposal and other information that the Government obtains through reference checks and other means. The past performance information and assessment may include the Applicant's record of providing high quality services in a timely manner with the federal government. If partnering with other is proposed, the Applicant must address how coordination will occur between all parties.

Note: Applicants for which no historical record of past performance has been established will be rated on "Project Experience". Applicants whose established record of past performance is poor will be given a "poor" rating for the evaluation factor.

Cost Information

- The Government reserves the right to request, at any time after the receipt of applications and before award, additional cost or price information necessary to perform an analysis. Regular invoicing (monthly or quarterly) is required. Irregular invoicing could result in a reduction of available funding for subsequent years.
- Given that an award may be made without negotiations and without any discussion, each Applicant shall document and support the proposed costs so thoroughly that no additional information is needed by NHTSA.

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- Applicants shall ensure that all proposed costs, including non-federal contributions and contributions from other federal sources, are reasonable, allowable, and allocable according to the cost principles stated in 2 CFR Parts 200 and 1200, 1201.
- Grant Funds, Sources and Uses of Project Funds: Project budgets should show how different funding sources will share in each activity and present those data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for or has been awarded, if any, that the applicant intends to use. Funding sources should be grouped into three categories: non-Federal, Developing Best Practices and Training for Driver Education, and other Federal with specific amounts from each funding source.

Sharing of Application Information

NHTSA may share application information within the U.S. Department of Transportation or with other Federal agencies if the NHTSA or the Department determines that sharing is relevant to the respective program's objectives.

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

Each Applicant is required to:

- **Be registered in SAM before submitting its application;**
- Provide a valid unique entity identifier in its application (e.g., UEI Number); and
- 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 NHTSA.

NHTSA may not make an award to an Applicant until the Applicant has complied with all applicable UEI and SAM requirements. If an Applicant has not fully complied with the requirements by the time NHTSA is ready to make an award, NHTSA may determine that the Applicant is not qualified to receive an award and use that determination as a basis for making a grant award to another Applicant. **NHTSA will review an Applicant's registration status to make a responsibility determination and to ensure that the Applicant is responsible, current on all federal taxes, and is not on the list of parties excluded from federal awards.**

D.4 SUBMISSION DATES AND TIMES

Application Due Date and Time:

Applications must be submitted no later than **1:00 PM ET** on July 14, 2023.

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Only complete packages received on or before the published due date will be considered. Applications received after the due date will not be evaluated for consideration. Facsimile submission of applications will not be accepted. **NHTSA will only accept one (1) application from each Applicant.** NHTSA will provide acknowledgments of receipt of applications via email.

Questions Due Date and Time:

General administrative and programmatic questions must be directed to Anna Nelson, Contract Specialist, at NHTSAOAM@dot.gov and Anna.Nelson@dot.gov. To allow for sufficient time to address questions appropriately, all questions must be submitted via email no later than **1:00 PM ET on June 22, 2023.**

D.5 FUNDING RESTRICTIONS

- Funds awarded under the Cooperative Agreement cannot be used for any activity intended to or designed to lobby Congress or a State legislative body, or to urge a U.S., State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.
- All NHTSA awards are subject to the terms and activities in the Cooperative Agreement and cost principles in 2 CFR Parts 200, 1200 and 1201.
- NHTSA will not reimburse Applicants for Pre-Award costs.
- The Government's obligation under the Cooperative Agreement is contingent upon the availability of appropriated funds from which payment for the 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 Contracting Officer for the Cooperative Agreement and until the Contractor receives notice of such availability, to be confirmed in writing by the Contracting Officer.
- Funds awarded under the Cooperative Agreement are subject to 23 U.S.C. § 313, Buy America, which prohibits the use of the Government's funds to purchase steel, iron, and manufactured products, unless they are produced in the United States. NHTSA expects all recipients to comply with this requirement without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in their project.

D.6 OTHER SUBMISSION REQUIREMENTS

Each application must include:

- The NHTSA NOFO Number: 693JJ923R000089

Application Submission:

Applications must be submitted to the attention of Anna Nelson, Contract Specialist, via email at NHTSAOAM@dot.gov, no later than 1:00 PM ET on July 14, 2023.

Important: The timely submission of application packages is the **sole responsibility of the Applicant.**

SECTION E - APPLICATION REVIEW INFORMATION

E.1 CRITERIA

NHTSA will evaluate the applications using the evaluation criteria below to rate and select competing applications. Evaluation Factors 1 through 3 will be weighted, with Factor 1 being weighted the most, and Factor 3 being weighted the least. Evaluation Factor 4 will be evaluated but will not be considered in the application's final rating.

Submission of an application is not a guarantee of award. NHTSA may, at its discretion, award a Cooperative Agreement based on an application in its entirety, award only portions of an application, or not make an award.

For each factor, the agency will determine whether the Applicant has provided an acceptable explanation of its qualifications.

A. EVALUATION FACTOR 1: Technical Approach and Understanding

The Applicant will be evaluated on its technical approach to meeting the objectives, requirements, and the deliverable schedule associated with the scope of work. The Applicant's technical approach will be evaluated for the following:

- Objective – How the Applicant clearly identifies how the strategy advances the goals and objectives of the project;
- Project Plan – How the Applicant's application is comprehensive, logical, and includes:
 - a plan for monitoring/managing quality control processes,
 - a plan for implementing the activities in Sections B6.B. and B6.C.,
 - a risk mitigation strategy to identify risks and methods for addressing, mitigate or eliminate problems, and
 - identifying necessary travel to complete the tasks, activities.
 - the Applicant's evaluation plan to determine the efficacy of the project and the activities performed during the period of performance as specified in Sections B.6.and B.7.
 - Safety—detail how the applicant's approach will provide positive safety benefits for all roadway users and detail how the applicant's approach will not result in negative safety impacts for all roadway users.
- Equity—a detailed plan to address racial equity and barriers to opportunity. For example, the applicant may include an equity and inclusion program/plan or equity-focused policy to ensure racial equity in the overall project delivery and implementation or submit a plan to hold meaningful public engagement on the project to ensure that underserved communities are provided a full and equitable opportunity to have meaningful engagement on the project.

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- Address the degree to which the project offers job opportunities with high labor standards, including prevailing wages and the free and fair chance to join a union.
- Civil Rights-- a detailed plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR § 21), the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations.

B. EVALUATION FACTOR 2: Qualifications of Project Personnel

The Applicant will be evaluated on the suitability and quality of its proposed staff. The Applicant's staffing plan is clearly described in the written proposal through the Project Management Plan and work breakdown structure and includes personnel's resumes/curriculum vitae. The Applicant's application will be evaluated on the following:

- A Project Manager identified to serve as a liaison in coordinating and managing all aspects of the program.
- Highlights qualifications and expertise in leadership, and the resources to accomplish the milestones and deliverables of this project.
- Proposed key staff supporting the program, demonstrating they possess proper education and practical experience to carry out the project.
- Demonstrates that staff in key positions have a level of experience, knowledge, and skills that ensures the ability to complete the work outlined in Section B.6.C. Examples of qualifications that Applicants may use to demonstrate expertise include, but are not limited to, educational background, relevant research experience on similar projects, published materials, and peer-reviewed publications.

C. EVALUATION FACTOR 3: Project Experience/Past Performance

The Applicant will be evaluated on its ability to conduct the work required in this NOFO and performance with similar efforts, including its corporate experience and past performance with other work similarly described in this NOFO. The Applicant will be evaluated on the following:

- The applicant's satisfactory history of grantor/grantee relationships, as demonstrated by on-time completion of past efforts and reports indicating high satisfaction from federal agencies and other organizations. Applicants will submit past performance information from at least three (3) references.
- Demonstrating in the application the organization's consistency in meeting deadlines, complying with contractual agreements, producing high-quality deliverables, and receiving reports indicating a high level of satisfaction from government agencies and other organizations;
- The extent of experience in developing guidance, evaluating programs, recruiting and working with subject matter experts, and conducting like projects.

D. EVALUATION FACTOR 4: Cost/Budget Evaluation

The Applicant's proposed budget will be evaluated for accuracy and feasibility, based on the provisions of 2 CFR Parts 200, 1200 and 1201.

For equally acceptable applications, preference may be given to those that have proposed cost-sharing strategies and/or other proposed funding sources in addition to those in this NOFO.

E.2 REVIEW AND SELECTION PROCESS

Each application package will be reviewed initially to confirm that the applicant meets the eligibility requirements as set forth in Section C.1, Eligible Applicants, and has included all items specified in Section D.2, Content and Form of Application Submission. A Technical Evaluation Committee (TEC) will then review each completed application that meets the eligibility requirements and provide recommendations for award.

The applicant's application, the TEC will rate the application using the following rating definitions:

Rating Definitions
Outstanding – The application demonstrates a highly detailed, superior approach for accomplishing program objectives. The application is fully responsive to every aspect of the NOFO, within most or all areas covered by the announcement. The application demonstrated a large capability for excellent or highly productive results.
Good – The application demonstrates a comprehensive and fully acceptable approach for accomplishing program objectives. The application is fully responsive to every aspect of the NOFO, with capability for highly productive results for the activities described in the announcement.
Acceptable – The application meets minimum requirements of the NOFO; is responsive to all major aspects of NOFO; and is capable of achieving desired program objectives.
Unacceptable – The application demonstrates an incomprehensible or unacceptable approach, methods, organization, or capabilities; provided little to no detail as to how the program would be accomplished. The application is not capable of being evaluated.

E.3 SYSTEM FOR ACQUISITION MANAGEMENT REVIEW

NHTSA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through the System for Acquisition Management (SAM), currently FAPIIS.

Each applicant may review information in the SAM and provide comment in its application about itself that a Federal awarding agency previously entered and is currently in SAM.

NHTSA will consider any comment submitted by the applicant, in addition to the other information in SAM when determining the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review under section D.3, Unique Entity Identifier and System for Award Management (SAM). Prior to award, each selected applicant will be subject to a risk assessment, as required by 2 CFR § 200.206. Risk Assessment will assess if the selected applicant's SAM record reflect an active registration and reflect that there are no Active Exclusions Records.

E.4 ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

It is anticipated that an award will be made on or before **September 2023**. HOWEVER, SUBMISSION OF AN APPLICATION DOES NOT GUARANTEE AN AWARD WILL BE MADE.

SECTION F - FEDERAL AWARD ADMINISTRATION INFORMATION

F.1 FEDERAL AWARD NOTICES

The NHTSA Contracting Officer will award Cooperative Agreements to responsible and eligible applicants whose applications are judged most meritorious under the procedures set forth in this NOFO. All funds provided by NHTSA must be expended solely for the purpose for which the funds are awarded in accordance with the approved application and budget, the Uniform Administration Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Parts 200, 1200 and 1201).

The Cooperative Agreement award will provide pertinent instructions and information including, at a minimum, the following:

- General Federal Award Information:
 - Recipient name;
 - Recipient's unique entity identifier;
 - Unique Federal Award Identification Number (FAIN) assigned by NHTSA;
 - Federal Award Date;
 - Period of Performance Start and End Date;
 - Amount of Federal Funds Obligated by the action;
 - Total Amount of Federal Funds Obligated;
 - Total Amount of the Cooperative Agreement Award;
 - Budget Approved by NHTSA;
 - Total Approved Cost Sharing or Matching, where applicable;
 - Cooperative Agreement project description;
 - Agency name and contact information for awarding official;
 - Assistance Listing Program Number (formerly CFDA) and Name;
 - Identification of whether the award is R&D; and
 - Indirect cost rate for the Cooperative Agreement.
- General Terms and Activities as applicable including:
 - Cooperative Agreement Administrative Requirements;
 - National Policy Requirements; and
 - Recipient integrity and performance matters.
- Cooperative Agreement Performance Goals

F.2 ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. The Cooperative Agreement shall be subject, as applicable to the administrative requirements contained in the following regulations which are incorporated by reference, with the same force and effect as if they were provided in full text:

- a. Uniform Administration Requirements, Cost Principles and Audit Requirements for Federal Awards (2 C.F.R. Parts 200, 1200 and 1201);

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- b. b. 49. C.F.R. Part 11—Protection of Human Subjects;
 - c. 49 C.F.R. Part 20 – Department of Transportation New Restrictions on Lobbying;
 - d. 49 C.F.R. Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of The Civil Rights Act of 1964;
 - e. 49 C.F.R. Part 25 - Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance;
 - e. 49 C.F.R. Part 27 - Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance; and
 - f. 49 C.F.R. Part 32 -Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
2. The Recipient will comply with subpart C of 2 C.F.R. Part 180 and 2 CFR Part 1200, which restricts awards, sub-awards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.
3. The Recipient will acknowledge in writing that no funds provided under the Assistance Agreement will be used for lobbying activities as defined in 2 C.F.R. § 200.450.
4. The Recipient will have procedures in place to respond to an unauthorized disclosure or breach of an individual's personally identifying information (PII). The Cooperative Agreement Recipient will notify NHTSA within seven (7) days of an incident involving the unauthorized disclosure or breach of PII. In the event of an unauthorized disclosure or breach, the Assistance Agreement Recipient will cooperate and exchange information with NHTSA, as needed, to properly escalate, refer, and respond to the incident.
5. As expressed in Executive Order 14005, 'Ensuring the Future Is Made in All of America by All of America's Workers' (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirement at 23 U.S.C. 313. The Department expects all applicants to comply with that requirement.
6. The Recipient will ensure access to Limited English Proficiency (LEP) persons in accordance with the U.S. Department of Transportation (DOT) LEP guidance, dated December 7, 2005 (74 Fed Reg, 74087), which will assist the Recipient in fulfilling its responsibilities pursuant to Title VI of the Civil Rights Act of 1964 and DOT's implementing regulations at 49 C.F.R. Part 21 (incorporated by reference above).

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7. Civil Rights and Title VI: As a condition of an award, Recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 C.F.R. § 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and NHTSA's Office of Civil Rights may work with the recipients to ensure full compliance with Federal civil rights requirements.

8. Pursuant to Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, dated January 20, 2021, the Recipient will comply with all guidance during the performance of the Cooperative Agreement.

9. It is U.S. DOT policy that each applicant selected for grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards consistent with Executive Order 14025, Worker Organizing and Empowerment, and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act.

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

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

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rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

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

F.3 REPORTING

The following reporting requirements will be required under the program. All reports will be submitted electronically, unless otherwise requested by NHTSA.

F.3.1 Quarterly Reports

The Recipient will submit quarterly reports to the COR (CA) no later than the 15th of each month of each quarter beginning three (3) months after Agreement award. The report shall include an up-to-date summary of accomplishments by the Recipient; obstacles and problems encountered and proposed solutions; noteworthy activities, events, or successes; and a Financial Statement of funds expended to date.

Quarterly Reports shall include the following details about the relevant Milestones and Deliverables:

- A detailed accounting of the activities from the previous quarter so that the COR (CA) can determine whether invoices should be approved or revised based upon the accomplishment(s) for which payment is sought;
- Problems or delays that the Recipient has experienced in the conduct of the agreement and suggestions to overcome the problems or delays;
- Noteworthy activities, events, or successes;
- Submit copies of any findings or created documents as a result of work conducted;
- Copies Technical Assistance Reports completed within 30-days of completing a technical assistance request;
- Details of travel, including activities performed/accomplished, meetings attended, persons contacted and other necessary details or points of interest related to completing the project activities;
- Financial Statement of funds expended to date and any proposed actions to correct budget concerns;
- Plans for accomplishments in the next reporting period; and
- Planned travel for the upcoming quarter.

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The Recipient will be permitted to submit an invoice for reimbursement each month, provided that the invoice includes the justification for each invoiced item for the period of time.

F.3.2 Annual Report

The Recipient will prepare and submit an Annual report to the COR (CA) on the eleventh (11) month of the current fiscal year. Submission of the annual report may be in electronic format.

The annual reports will provide a summary of activities, milestones and deliverables accomplished during the fiscal year, an accounting of funds expended during the reporting period, to include the amount of any in-kind contributions. The annual report will also include summary of problems or delays encountered while conducting services during the reporting period and a summary of project activities, results, conclusions, trends, an assessment of the demonstration program, its program successes and issues or other items of information that the Recipient believes is of interest to NHTSA.

Within two (2) weeks of receipt, the COR (CA) will review the Annual Report and may provide any question and/or comments to the Recipient for consideration.

F.3.3 Final Report

No later than ***twenty-two (22) months*** after the award of the Cooperative Agreement, the Recipient will submit a draft final report to the COR (CA). At a minimum, the final report shall detail the project's purpose, method, and findings. The components of the document shall include, but not be limited to.:

- 1) an executive summary;
- 2) project purpose, goals, and objectives;
- 3) project approach, methodology, and information in developing the assessment materials and processes;
- 4) challenges encountered;
- 5) outcomes; and
- 6) any information specific to developing and implementing the effort for Native Americans.

The final report shall include all works such as published research, materials, presentations, models or best practices, evaluations, and any data produced under the project.

Within ***two (2) weeks after receipt***, the COR (CA) will review the final report and may provide comments to the Recipient for consideration.

Within ***twenty-four (24) months*** of Cooperative Agreement award, the Recipient will submit a final report to the COR (CA).

F.3.4 Financial Status Reports

The Recipient will prepare and submit federal financial reports (SF-425) to the NHTSA COR (CA) and the Contracting Officer (CO), annually, by October 1 of each year, to document the status of funds.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Primary NOFO Point of Contact

Anna Nelson, Contract Specialist
Email: Anna.Nelson@dot.gov

Secondary NOFO Point of Contact

Sherese Gray, Contracting Officer
Email: Sherese.Gray@dot.gov

SECTION H – OTHER INFORMATION

H.1 DISCLOSURE OF INFORMATION

Information made available to the Recipient or employee(s) of the Recipient by the Government for the performance or administration of the effort shall be used only for those purposes and shall not be used in any other way without NHTSA's express written approval.

The Recipient will assume responsibility for protecting the confidentiality of Government records, which are not public information. Each contractor or employee of the Recipient to whom information may be made available or disclosed shall be notified in writing by the Recipient that such information may be disclosed only for a purpose and to the extent authorized herein.

H.2 LIMITED USE OF DATA

Performance of the effort may require the Recipient to access and use data and information proprietary to a Government agency or Government contractor that is of such a nature that its dissemination or use, other than in performance of the effort, would be adverse to the interests of the Government or others.

The Recipient and employee(s) of the Recipient will not divulge, or release data or information developed or obtained in performance of the effort, until made public by the Government, except to authorize Government personnel or upon the written approval of NHTSA. The Recipient will not use, disclose, or reproduce proprietary data that bears a restrictive legend, other than as required in the performance of the effort. Nothing herein shall preclude the use of any data independently acquired by the Recipient without such limitations or prohibit an agreement at no cost to the Government between the Recipient and the data owner which provides for greater rights to the Recipient.

H.3 PAYMENT FOR UNAUTHORIZED WORK

No payments will be made for any unauthorized supplies or services or for any unauthorized changes to the work specified herein. This includes any services performed by the Recipient of their own volition or at the request of an individual other than a duly appointed Contracting Officer. Only a duly appointed Contracting Officer is authorized to change the specifications, terms, and activities under the effort.

H.4 PLACE OF PERFORMANCE

TBD

H.5 SEAT BELT USE POLICIES AND PROGRAMS

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Contractor is encouraged to adopt and enforce on-the-job seat belt use

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policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program or for statistics on the potential benefits and cost-savings to your company or organization, please visit the Click it or Ticket seat belt safety section of NHTSA's website at <https://www.nhtsa.gov/campaign/click-it-or-ticket> and <https://www.nhtsa.gov/risky-driving/seat-belts>.

H.6 PROTECTION OF HUMAN SUBJECTS

The Recipient will comply fully with 49 C.F.R. Part 11, DOT's regulation governing Protection of Human Subjects, and with NHTSA Order 700-5, which sets forth the Agency's policies and procedures for the protection of human subjects participating in research supported directly or indirectly by NHTSA, including through contracts, grants and cooperative agreements.

The Recipient will obtain prior written authorization from NHTSA for all consent and release forms to be presented to human subjects participating in NHTSA conducted or funded research, including but not limited to informed consent and media releases.

H.7 ENCOURAGING POLICIES TO BAN TEXT MESSAGING WHILE DRIVING

1. As used in the Agreement; "Driving" –

- a. Means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, stop sign or otherwise
- b. Does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

"Text messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, emailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.

2. The Recipient is encouraged to –

- a. Adopt and enforce policies that ban text messaging while driving –
 - 1) Recipient-owned or rented vehicles or government-owned vehicles; or

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- 2) Privately-owned vehicles when on performing under the cooperative agreement.
- b. Conduct initiatives in a manner commensurate with size of the Recipient, such as –
 - 1) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - 2) Education, awareness, and other outreach to employees about the safety risks associated while texting while driving.

H.8 NHTSA REVIEW OF ANNOUNCEMENTS OR PUBLICATIONS

The Recipient agrees that neither the Recipient, nor any Sub-Recipient, shall make public releases of information or any matter pertaining to this NOFO and the Cooperative Agreement, including, but not limited to, media, advertising in any medium, or presentation before technical, scientific, or industry groups, without the prior written approval of the Contracting Officer. The provisions of this clause shall survive the expiration of the NOFO and Cooperative Agreement. The provisions of this clause shall be included in all sub-award at any tier.

H.9 CONFLICT OF INTEREST

It is U.S. DOT policy to award Cooperative Agreements only to those Applicants whose objectivity is not impaired because of any related past, present, or planned interest, financial or otherwise, in organizations regulated by U.S. DOT, or in organizations whose interests may be substantially affected by Departmental activities and which is related to work specified in this Notice of Funding Opportunity (NOFO). Based on this policy, if, after award, the Recipient discovers a conflict of interest with respect to the Cooperative Agreement that could reasonably have been known prior to the award, an immediate and full disclosure shall be made in writing to the Contracting Officer. The disclosure shall include a full description of the conflict along with a description of the action the recipient has taken, or proposes to take, to avoid or mitigate such conflict.

(A) The Applicant shall provide a statement in its application which describes in a concise manner all past, present or planned organizational, financial, contractual or other interest(s) with an organization regulated by U.S. DOT, or with an organization whose interests may be affected substantially by Departmental activities, and which is related to the work under this Notice of Funding Opportunity (NOFO). The interest(s) described shall include those of the Applicant, its affiliates, proposed consultants, proposed subcontractors and key personnel of any of the above. Past interest shall be limited to within one year of the date of the Applicant's technical application. Key personnel shall include any person owning more than 20% interest in the Applicant, and the Applicant's corporate officers, its senior managers and any employee who is responsible for making a decision or taking an action under the Cooperative Agreement where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

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(B) The Applicant shall describe in detail why it believes, in light of the interest(s) identified in (a) above, that performance of the proposed Cooperative Agreement can be accomplished in an impartial and objective manner.

(C) In the absence of any relevant interest identified in (a) above, the Applicant shall submit in its application a statement certifying that to its best knowledge and belief no affiliation exists relevant to possible conflicts of interest. The Applicant must obtain the same information from potential subcontractors prior to award of a subcontract under the resultant Cooperative Agreement.

(D) The NHTSA Contracting Officer will review the statement submitted and may require additional relevant information from the Applicant. All such information, and any other relevant information known to U.S. DOT, will be used to determine whether an award to the Applicant may create a conflict of interest. If any such conflict of interest is found to exist, the NHTSA Contracting Officer may (1) disqualify the Applicant, or (2) determine that it is otherwise in the best interest of the agency to contract with the Applicant and include appropriate provisions to mitigate or avoid such conflict in the Cooperative Agreement awarded.

(E) The refusal to provide the disclosure or representation, or any additional information required, may result in disqualification of the Applicant for award. If nondisclosure or misrepresentation is discovered after award, the resulting Cooperative Agreement may be terminated. If after award, the Recipient discovers a conflict of interest with respect to the Cooperative Agreement awarded as a result of the Cooperative Agreement Announcement, which could not reasonably have been known prior to award, an immediate and full disclosure shall be made in writing to the NHTSA Contracting Officer. The disclosure shall include a full description of the conflict, a description of the action the Recipient has taken, or proposes to take, to avoid, or mitigate such conflict. The NHTSA Contracting Officer may, however, terminate the Cooperative Agreement for convenience if he or she deems that termination is in the best interest of the Government.

H.10 ADDITIONAL INFORMATION

User-friendly information and resources regarding DOT's discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at <https://www.transportation.gov/rural>.

[END OF NOTICE OF FUNDING OPPORTUNITY (NOFO)]