



Notice of Funding Opportunity (NOFO)

Federal Agency

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

Funding Opportunity Title

Demonstration and Evaluation of Employer-Based Driving Safety Programs

Announcement Type

Initial Announcement

NHTSA NOFO Number

693JJ923R000114

Assistance Listing Program Number (formerly CFDA)

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

Key Dates

NOFO Posted Date:	July 20, 2023
NOFO Questions Due Date:	July 31, 2023, 1:00 PM ET
Application Due Date:	September 5, 2023, 1:00 PM 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

Demonstration and Evaluation of Employer-Based Driving Safety Programs

C. ANNOUNCEMENT TYPE

Initial Announcement

D. FUNDING OPPORTUNITY NUMBER

693JJ923R000114

E. ASSISTANCE LISTING PROGRAM NUMBER

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

F. KEY DATES

NOFO Posted Date: July 20, 2023
NOFO Questions Due Date: July 31, 2023, 1:00PM ET
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MISSION

The mission of the United States (U.S.) Department of Transportation (DOT) is to serve the U.S. by ensuring a fast, safe, efficient, accessible and convenient transportation system. The mission of the National Highway Traffic Safety Administration (NHTSA), an operating mode 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 assistance agreements 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 the Cooperative Agreement (CA) is to develop and demonstrate traffic safety employer focused programs for seat belt use, distracted driving and drowsy driving. This project seeks to improve traffic safety through the creation of new and innovative programs for employers to present to employees.

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 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

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

A.4 BACKGROUND

NHTSA is responsible for developing strategies to reduce injuries and deaths resulting from motor vehicle crashes. NHTSA's Office of Research and Program Development, Occupant Protection Division, has the specific responsibility for researching and developing programs and information to the public about occupant protection, distracted driving, and drowsy driving.

Over 60% of the population is employed in the United States (U.S. Department of Labor, Bureau of Labor Statistics, 2022), which puts employers in the ideal position to bring awareness to and influence positive traffic safety behaviors. In 2019, traffic crashes cost employers \$72.2 billion in direct crash-related expenses, which include medical care, liability, loss of productivity and property damage (NETS, 2019). Employers have a vested interest in reducing motor vehicle crashes to limit the economic impact on businesses and to ensure the safety of their employees while performing job functions.

NHTSA's Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices Tenth Edition (2020) includes employer based programs for Distracted Driving and Drowsy Driving. NHTSA seeks to further develop and evaluate These countermeasures related to employer-based traffic safety programs. The development of employer-based traffic safety programs and their evaluation will provide an understanding of the effectiveness of distracted and drowsy driving programs and additional traffic safety programs developed under this Agreement.

A.5 ADMINISTRATIVE PRIORITIES AND DEPARTMENTAL STRATEGIC PLAN STATEMENTS

Safety: The Department is committed to advancing safe, efficient transportation, including in the Demonstration and Evaluation of Employer-Based Driving Safety Programs 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 Demonstration and Evaluation of Employer-Based Driving Safety Programs project should align with the NRSS.

Equity: The Department seeks to award projects under the Demonstration and Evaluation of Employer-Based Driving Safety Programs project 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).

Workforce Development, Job Quality, and Wealth Creation: The Department intends to use the Demonstration and Evaluation of Employer-Based Driving Safety Programs 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 Demonstration and Evaluation of Employer-Based Driving Safety Programs 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.

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 \$2,400,000.00** 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 only new applications under this Notice of Funding Opportunity.

B.4 PERIOD OF PERFORMANCE

All work required hereunder including preparation, submission, review, and acceptance of the final reports shall be completed within sixty (60) months of the effective date of the Cooperative Agreement. NHTSA currently anticipates the start date for this new Federal award to be on or about **September 2023**.

B.5 ACRONYMS & 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 Assistance Agreement only.

ACOR (CA)	Alternate Contracting Officer Representative Cooperative Agreement
CA	Cooperative Agreement
CO	Contracting Officer
COR (CA)	Contracting Officer Representative Cooperative Agreement
DOT	Department of Transportation
NHTSA	National Highway Traffic Safety Administration
NOFO	Notice of Funding Opportunity
NRSS	National Roadway Safety Strategy
PM	Project Manager
RCAM	Recipient's Cooperative Agreement Manager

SME Subject Matter Expert

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 PARTICIPATION

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 to perform the Cooperative Agreement
3. Provide liaison 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 will:

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. Adhere to the activities and requirements specified in the Cooperative Agreement unless a deviation is submitted to the COR (CA) and approved in writing by the Contracting Officer (CO) consistent with 2 C.F.R. § 200.308; and

4. For the period of performance set forth in *B.3, "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:

1. Activity 1: Kickoff Meeting

Within one (1) month of the Cooperative Agreement (CA) award, the Recipient shall meet with NHTSA's Contracting Officer (CO), NHTSA's COR (CA), and other interested NHTSA personnel either in Washington, D.C. at NHTSA Headquarters or via teleconference to discuss 1) the administration of the Cooperative Agreement, and 2) the Cooperative Agreement objectives, planned course of action, responsibilities, and milestones and deliverables.

During the kick-off meeting, the Recipient shall conduct a short briefing describing the Recipient's planned approach to support this Project. The Recipient will be prepared with appropriate briefing materials, i.e., power point presentation, hand-outs, etc., and will present those materials to the COR (CA) and CO one (1) week prior to the meeting.

2. Activity 2: Conduct Program Scan and Literature Review

The Recipient shall conduct a program scan and literature review to assist in the development and demonstration of employer-based driving safety programs. The program scan shall synthesize current knowledge of employer-based programs, logistics pertaining to these programs and a literature review of existing and previous employer-based traffic safety programs. It should also include publicly available information on employer programs to acquire, educate employees and use innovative automotive safety technologies and the analysis of data from these technologies in fleet vehicles.

3. Activity 3: Development of Employer-Based Driving Safety Programs

Utilizing the results of the Program Scan and Literature Review (Activity 2), the Recipient shall develop and/or enhance programs specific to employers. Topics of the programs shall include one seat belt use, one distracted driving, and one drowsy driving.

4. Activity 4: Employer-Based Driving Safety Program Demonstration

Upon development of three Employer-Based Driving Safety Programs (one seat belt use, one distracted driving and one drowsy driving), the Recipient shall coordinate with the COR (CA) to determine appropriate audiences to demonstrate the Employer-Based Driving Safety Programs. The demonstration of these programs will determine the effectiveness and overall useability by

employers of these programs. Following evaluation (see Activity 5), the programs shall be made accessible to the public.

5. Activity 5: Evaluation of Employer-Based Driving Safety Program Demonstrations

The Recipient shall conduct a process and outcome evaluation of the Employer-Based Driving Safety Programs that have been developed and demonstrated to assess the effectiveness of the programs on improving traffic safety behaviors in their employees. The Recipient shall submit its evaluation of the programs as part of the final report.

A process evaluation shall assess the quality and effectiveness of the Employer-Based Driving Safety Programs and determine any challenges or limitations. An outcome evaluation will focus on the degree to which the programs improved the safety of employees.

Prior to commencing the evaluation, the Recipient shall submit its evaluation plan to the COR (CA). Within two (2) weeks of receipt, the COR (CA) will review the evaluation plan and provide questions and/or feedback to the Recipient for consideration.

The recipient shall publish its evaluation including in media that is focused on entities with a large number of employees.

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.

<i>Item #</i>	<i>Activity #</i>	<i>Deliverable (D)/Milestone (M)</i>	<i>Due Date</i>
1	B.6. C.1	Submit Kickoff Meeting Briefing Material (D)	1 week prior to kickoff meeting
2	B.6. C.1	Conduct Kickoff Meeting (M)	Within 1 month of award
3	B.6. C.2	Conduct Program Scan and Literature Review (M)	Ongoing
4	B.6. C.3	Development of Employer-Based Driving Safety Programs (M)	Ongoing
5	B.6. C.4	Demonstration of Employer-Based Driving Safety Program (M)	Ongoing
6	B.6. C.5	Develop and Submit Evaluation Plan (D)	Ongoing

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7	B.6. C.5	Evaluation of Employer-Based Driving Safety Program Demonstrations (M)	Ongoing
8	F.3.1	Submit Quarterly Program Reports (D)	The 15 th of each month of each quarter
9	F.3.2	Submit Annual Report (D)	No later than the 11th Month of the Current Fiscal Year
10	F.3.3	Submit Final Report (D)	Within 58 months of award
11	F.3.4	Submit Financial Status Reports (SF-425) (D)	Annually, by October 1 of Each Year.

B.8 PLACE OF DELIVERY

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

Item no.	No. of Copies	Address
1, 6, 8, 9, 10, 11	1 Electronic Copy	Department of Transportation National Highway Traffic Safety Administration 1200 New Jersey Avenue, SE, NPD-120 Washington, DC 20590 Attn: TBD E-mail Address: TBD Telephone Number:
9, 10, 11	1 Electronic Copy	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 E-mail Address: anna.nelson@dot.gov

SECTION C - ELIGIBILITY INFORMATION

C.1 ELIGIBLE APPLICANTS

This NOFO is open all types 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 application.

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 using the following information:

- Keyword(s): **Demonstration and Evaluation of Employer-Based Driving Safety Programs**
- Opportunity Number: **693JJ923R000114**
- 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 (20) 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 **693JJ923R000114**, 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 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 and Understanding:

The Applicant shall demonstrate its understanding of the project's overall objectives and scope of work. Within the technical application 1, 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 work.

Acceptable submissions will address:

- Background
- Objective – Clearly identify how the strategy advances the goals and objectives of the project;
- Project Management 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 risk and methods for addressing, mitigating, or eliminating problems, and
 - Identifying necessary travel to complete the activities.
- Administration Priorities:
 - Safety—The Applicant must address how its 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. The Applicant should include how its project will not negatively impact the overall safety of the traveling public.
 - Racial Equity and Barriers to Opportunity— The Applicant must address how its 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. The Applicant

should demonstrate how meaningful public engagement will occur throughout a project's life cycle.

- Workforce Development, Job Quality, Wealth Creation—Applicant must address how its 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:

- 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, relevant experience on similar projects, published materials, and peer-reviewed publications;
- 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;
- Highlights 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 shall demonstrate its ability to conduct the work required in this NOFO and its performance with similar efforts, including its corporate experience and past performance with work described in this solicitation and that required, at a minimum, the following:

- Program development;
- Conducting literature reviews;
- Synthesizing information in meaningful ways;
- Applying models of behavior change in program development;
- Writing program implementation plans; and
- Adherence to project milestones, including submission of data collection plans high-quality draft reports and final reports on time.

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.
- 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 Federal assistance 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 September 5, 2023.**

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. To allow for sufficient time to address questions appropriately, all questions must be submitted via email no later than **1:00 PM ET on July 31, 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 C.F.R. 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.
- Consistent with 2 C.F.R. § 200.216, the Recipient is prohibited from using government funds to enter sub-awards or contracts (or extend or renew sub-awards or contracts) with entities that use covered technology. See section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, 132 Stat. 1636, 1917 (Aug. 13, 2018).

D.6 OTHER SUBMISSION REQUIREMENTS

Each application must include:

- The NHTSA NOFO Number: 693JJ923R000114

Application Submission:

Applications must be submitted to the attention of Anna Nelson, Contract Specialist, via email at NHTSAOAM@dot.gov , no later than September 5, 2023 by 1:00PM ET.

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 to contribute to the selection of 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.

After completing the merit review, among projects of similar merit, DOT will prioritize projects that use data-driven and evidence-based methods that also best meet the Administrative priorities.

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:

- Objective – Clearly identifies how the strategy advances the goals and objectives of the project;
- Project Management Plan – 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 will be evaluated on how comprehensive, logical, and how:
 - each activity will be implemented and completed,
 - the Applicant's plan for monitoring/managing quality control processes,
 - the Applicant provides a clear plan for dissemination of information, requests for information, and product(s) to appropriate target audience(s),
 - a risk mitigation strategy to identify risks and methods for addressing, mitigating or eliminating problems, and
 - identifying necessary travel to complete the activities, activities.

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:

- Identifies a Project Manager (PM) to serve as a liaison to coordinate and how the PM will manage all aspects of the project;
- Provides 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;
- Demonstrates that staff in key positions have a level of experience and subject matter expertise, knowledge, and skills that ensures the ability to successfully complete the work outlined in the activities in Section B. 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;
- Includes resumes or curriculum vitae that highlight qualifications, areas of expertise, and cites work-related experience for key personnel; and
- Highlights qualifications and expertise with cited work-related experience in the following areas: project management, organizing and facilitating teams of SMEs, ability to synthesize results and come to team consensus, and supporting communication/outreach efforts.

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 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.

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 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.

After completing the merit review, among projects of similar merit, DOT will prioritize projects that address the following Administration priorities.

- 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.

- 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.

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).

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.

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 Part 200, 2 CFR Parts 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. 2 C.F.R. Parts 200 and 1201, Uniform Administration Requirements, Cost Principles and Audit Requirements for Federal Awards ;

- b. 2 C.F.R. Parts 180 and 1200 –Nonprocurement Suspension and Disbarment.
 - 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 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.
3. 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.
4. 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.
5. 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).
6. 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.

7. 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.

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

9. It is U.S. DOT policy that each applicant selected for Federal assistance 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 a cooperative agreement, 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 recipients, an impact and/or outcomes analysis of all or selected sites within or across 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, recipients must agree to: (1) make records available to the evaluation contractor or DOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

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

programs, policies, and organizations intended to assess their effectiveness and efficiency.” 5 U.S.C. § 311. Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

For federal assistance 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:

- Activities, milestones and deliverables accomplished during the reporting period;
- Funds expended during the reporting period;
- Preliminary or interim results, conclusions, trends or other items of information that the Recipient believes are of timely interest to NHTSA;
- Problems, barriers or delays encountered during the reporting period;
- Proposed solutions to any problems, barriers or delays encountered;
- Specific issues the Recipient would like NHTSA to address; and
- Activities, milestones and deliverables the Recipient plans to accomplish during the next reporting period.

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 ***fifty-eight (58) months*** after the award of the Cooperative Agreement, the Recipient will submit a draft final report to the COR (CA). Submission of the final report may be in electronic format. The report will include, at a minimum, a summary of activities, milestones and deliverables accomplished during the agreement, a copy of items or works that the Recipient intends to publish and the evaluation of each demonstration program performed under Section B.6.C.5 and pursuant to the requirements in Section B.6.C.6.

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

Within **sixty (60) 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

Grants.Gov Applicant Support

For technical issues or questions related to Grants.gov, please email support@grants.gov or call 800-518-4726.

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

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

- 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.

(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 ROUTES 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>.

H.11 PUBLIC ACCESS TO PUBLICATIONS AND DIGITAL DATA SETS

The Recipient shall ensure public access to publications and digital data sets it develops under this Umbrella Cooperative Agreement or CAP awarded under the Umbrella Cooperative Agreement consistent with the DOT's Plan to Increase Public Access to the

Results of Federally-Funded Scientific Research Results. A copy of the DOT plan is located at <https://www.transportation.gov/mission/open/official-dot-public-access-plan-v11>

[END OF NOTICE OF FUNDING OPPORTUNITY (NOFO)]