Notice of Funding Opportunity
Summary Information

Federal Agency Name:	U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) Office of Acquisition and Grants Management (HCFA) 1200 New Jersey Avenue SE Mail Drop: E62-204 Washington DC 20590 Attn: Freida Byrd, HCFA-32
Funding Opportunity Title:	Operation Lifesaver Highway-Rail Grade Crossing Outreach
Announcement Type:	This is the initial announcement of this funding opportunity.
Funding Opportunity Number:	693JJ318NF00004
Catalog of Federal Domestic Assistance (CFDA) Number:	20.200 Highway Research and Development Program
Key Dates:	Notice Issue Date is May 7, 2018 Application Due Date/Time is July 9, 2018 at 2:00 p.m. Eastern Time (or sooner) Question Due Date/Time is TBD at 2:00 p.m. Eastern Time
Primary Point of Contact:	Freida Byrd, 202-366-6547 and Freida.Byrd@dot.gov
Secondary Point of Contact:	Rick Murray, 202-366-4250 and Rick.Murray@dot.gov

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

SECTION A - PROGRAM DESCRIPTION

The FHWA hereby requests applications for assistance to result in the award of one new cooperative agreement ("Cooperative Agreement" or "Agreement"), entitled, *"Operation Lifesaver Highway-Rail Grade Crossing Outreach."* This Notice of Funding Opportunity (NOFO) is issued on a sole source basis to Operation Lifesaver, Inc. per Section C, Eligible Applicants.

1. STATEMENT OF PURPOSE

The purpose of the proposed Agreement is to deliver a national public awareness and safety program that promotes education programs to help reduce and prevent motor vehicle accidents, injuries, and fatalities; and to improve driver performance at highway-rail grade crossings.

2. LEGISLATIVE AUTHORITY

Section 1418, Consolidation of Programs, of Fixing America's Surface Transportation (FAST) Act, Public Law 114-94 authorizes not less than $3.5 million from Highway Safety Improvement Program for fiscal years 2016 through 2020 distributed among the following four activities: Operation Lifesaver, Work Zone and Guardrail Safety Training, the National Work Zone Safety Information Clearinghouse, and the Public Road Safety Clearinghouse.

3. BACKGROUND

Operation Lifesaver, Inc. (OLI), is a non-profit national organization, dedicated to reducing the number of casualties by highway-rail grade crossing collisions and trespassing incidents. OLI provides public information and education programs to prevent motor vehicle and non-motor vehicle roadway users' crashes, injuries, and fatalities, and to improve driver and pedestrian/bicyclist performance at railway-highway crossing along freight and passenger railroads and light rails.

4. OBJECTIVE

The objective of the prospective agreement is to continue to support OLI to deliver a national public awareness and safety program promoting education, enforcement and engineering to reduce collisions, deaths and injuries at or near highway-rail grade crossings.

5. STATEMENT OF WORK

Task 1: Cooperative Agreement Management

Under this task, OLI shall provide management for the prospective cooperative agreement for all of the tasks. In this activity, OLI shall attend a project kick-off meeting, in person in the Washington, DC area or via teleconferencing, within 2 weeks of the prospective Agreement award. OLI shall present a draft work plan at the kick-off meeting. The work plan shall include proposed approaches to carry out activities outlined in the tasks below. After discussions at the kick-off meeting, OLI shall refine the work plan which identifies the overall sequence, schedule,

interactions, and priority of the prospective agreement tasks. In addition, OLI shall prepare meeting minutes of the key points discussed during the meeting. One week after the kick-off meeting, the revised draft work plan and draft meeting minutes shall be delivered to the Agreement Officer's Representative (AOR) for review and comment. OLI shall incorporate comments provided by the AOR, and produce the final work plan and final meeting minutes.

In addition, OLI shall provide communication in the form of quarterly status reports and invoices to FHWA.

Task 2: Develop and Implement National and State Operation Lifesaver Programs

OLI shall provide financial and technical assistance to State Operation Lifesaver programs or regional groups of State programs to develop and implement national and State level programs that are aimed at improving safety at highway-rail grade crossings (HRGX). The assistance may include, but not be limited to:

1. Provide advice, technical assistance, training opportunities, and educational materials to ensure that State organizations, programs and coordinators have the necessary skills, tools and resources to be as effective as possible;

2. Provide financial support through grant program to State Operation Lifesaver programs to develop and carry out activities, such as Public Safety Announcements (PSA), community events, etc. to disseminate HRGX safety messages.

Task 3: Conduct outreach for public awareness of HRGX safety issues and potential solutions.

OLI shall conduct national rail safety outreach and awareness activities that are aimed at a variety of transportation and safety stakeholders and members of the general public. Activities funded under this task shall be national in scope to raise public awareness of HRGX safety issues and countermeasures that may be implemented to improve HRGX safety.

OLI shall facilitate cooperation and the exchange of "best practices" among all levels of government, the transportation industry, law enforcement, the HRGX engineering community, and other organizations.

OLI shall develop and maintain a marketing plan with marketing and content strategies across all of OLI's communications channels, including, but not limited to, workshop, conference/symposium, Website, social media, blog, news releases and email.

In addition, OLI shall respond to media requests related to HRGX safety issues on an as needed basis.

Task 4: Develop and Implement Educational Programs

OLI shall develop and distribute educational materials for use by State and regional OLI programs, law enforcement and first responders, truck and bus drivers, and other stakeholders to

their HRGX safety programs. Under this task, OLI shall perform, but not be limited to, the following activities:

1. Develop, implement and update as needed OLI's educational materials for minors (grades K-12) including academic lesson plans, classroom activities (e.g., art/coloring pages, etc.), newsletter articles, videos, and presentations and/or training targeting driving-aged pupils.

2. Develop, implement and update as needed OLI's educational materials for adult drivers (including commercial and school bus drivers) such as training (including the creation of videos) related to driving requirements at or near grade crossings, brochures and videos on safe driving at or near crossings, and brochures and videos related to emergency procedures for incidents at grade crossings.

3. Develop, implement and update as needed OLI's educational materials for law enforcement agencies and other first responders including training and/or presentations on effective enforcement of State highway laws and regulations regarding highway-rail grade crossings and railroad right-of-way trespassing and safety, and safely responding to crossing and trespassing incidents.

Task 5: Obtain and Maintain Administrative Support to the National OLI Program

OLI shall obtain and maintain some needed administrative support to ensure legal and effective operations for implementing HRGX safety educational and outreach programs as a national nonprofit organization. The administrative supports shall include only these that are directly related to OLI's HRGX safety activities.

Deliverables:

Task	Task Name	Duration	Deliverable(s)	Deliverable Date
1	Conduct kick-off meeting, develop work plan, and quarterly report/invoice	5 weeks after effective date of award	Draft work plan and kick-off meeting minutes	3 weeks after Task 1 starts
			Final work plan and kick-off meeting minutes	5 weeks after Task 1 starts
		Continuous	Quarterly report and invoice	Quarterly
2	Develop and Implement National and State Operation Lifesaver Programs	Continuous	New and updated HRGX safety training materials (i.e., educational materials for minors, adult drivers, law enforcement, and citizen instructors)	Bi-annually or on an as needed basis

Task	Task Name	Duration	Deliverable(s)	Deliverable Date
			Trainings and media assistance materials for OLI State Coordinators	Annually or on an as needed basis
3	Conduct outreach for public awareness of HRGX safety issues and potential solutions.	Continuous	Marketing plan	2 months from the date of award
			Public safety messages/PSA	Bi-annually or on an as needed basis upon request
			Responses to media requests	On an as needed basis upon request
4	Develop and Implement Educational Programs	Continuous	Develop/update educational materials; Implement/distribute educational materials	Annually or on an as needed basis
5	Obtain and Maintain Administrative Support to the National OLI Program	Continuous	Contract for support services	On an as needed basis

SECTION B – FEDERAL AWARD INFORMATION

1. FUNDING AND NUMBER OF AWARDS

The FHWA anticipates making one award as a result of this NOFO.

The FHWA anticipates Federal funding up to a total amount of $2,550,000 may be made available for the prospective agreement subject to the availability of funds.

2. TYPE OF AWARD

The planned award type is a Cooperative Agreement.

3. PERIOD OF PERFORMANCE

The period of performance for the prospective agreement will be 60 months from the effective date of the prospective agreement.

4. DEGREE OF FEDERAL INVOLVEMENT

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

- Technical assistance and guidance to the Recipient;
- Close monitoring of performance;
- Involvement in technical decisions;
- Participation in status meetings including kick off meeting and annual technical and budget reviews;
- Review, comment on, and propose edits to draft documents as appropriate; and
- Provide final approval on deliverables and for major items on the Website, newsletters, and publications prior to posting or publication.

The FHWA will collaborate with the Recipient and provide the necessary guidance to help complete all work under the prospective Agreement. The AOR will participate in the planning and management of the prospective agreement and will coordinate activities between the Recipient and FHWA.

SECTION C – ELIGIBILITY INFORMATION

1. ELIGIBLE APPLICANTS

Eligibility is limited to Operation Lifesaver, Inc.

2. COST SHARING OR MATCHING

Cost sharing or matching is required.

Because the funding for OLI is a continuation of previous legislation, the Federal share of the funds follows the precedent set by previous procurements which is 80 percent. As such, the Federal share of the funding under the Fixing America's Surface Transportation Act is 80 percent ($2,550,000) and cost share of at least 20 percent ($637,500) is required. Program income must be handled in accordance with SECTION F.

SECTION D - APPLICATION AND SUBMISSION INFORMATION

1. ADDRESS TO REQUEST APPLICATION PACKAGE

Applicants may obtain application forms at www.grants.gov under the Notice of Funding Opportunity Number cited herein.

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

2. CONTENT AND FORM OF APPLICATION SUBMISSION

a. Applications must be prepared on 8½ x 11 inch paper except for foldouts used for charts, tables or figures, which must not exceed 11 x 17 inches. Foldouts must not be used for text, and will count as two pages.
b. A page is defined as one side of an 8 ½ by 11 inch paper. Therefore, a piece of paper with printing on both sides is considered two pages.
c. Text must be printed using a font size no less than 12 point font (Arial or Calibri).
d. Tables are permitted and text in tables must be doubled spaced.
e. Text in captions below charts, tables or figures must be not less than 10 point font, and can be 2 lines of text long (limited by the width of the chart, table or figure) and single spaced.
f. Page margins must be a minimum of 1 inch top, bottom and each side.
g. Page numbers may be located within the 1 inch margins
h. A Header or Footer identifying the Applicant/Team and the Volume, may be located within the 1 inch margins
i. No cost/price data will be included in Volume I, but must be included in Volume II.

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

1) **Volume 1 – Technical Application** as described below – 20-page limit (single spaced)
   - Part I – Technical and Management Approach (*included* in the pages limitation)
   - Part II – Experience (*included* in the pages limitation))
   - Part III – Staffing Approach (*included* in the pages limitation; resumes are *not included* in the pages limitation and can be an Attachment to Volume I)

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

Submit your application in the following format:

Volume 1 - Technical Application

Volume 1 – Technical Application as described below (see page limitations above)

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

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

a. Part I – TECHNICAL AND MANAGEMENT APPROACH: A detailed technical and management plan describing in detail how you would proceed if awarded the prospective agreement. Discuss and describe the ability of the proposed project to meet the purpose and objectives of this program, and the manner in which they will be addressed by your project. The objective is to:

   - Deliver a national public awareness and safety program promoting education, enforcement and engineering to reduce collisions, deaths and injuries at or near highway-rail grade crossings.

   - Discuss and describe proposed milestones/deliverables. Provide a table listing all proposed milestones/deliverables and estimated dates, based on time from award.

b. Part II – EXPERIENCE: A summary of the Applicant's experience relevant to this project, listing projects of similar size and complexity over the past 5 years, and show which of the named key staff were involved in those projects. List the following information for a minimum of three specific past projects in which the Applicant participated as project leader and/or member of project team:

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

     NOTE: In determining relevancy, consideration should be given, but not limited to, such things as product/service similarity, size and complexity, Agreement type, division of company proposing, and sub-recipient interaction.
   - Explanation of the project goals accomplished and any cost growth or schedule delays encountered. For any projects which did not/do not successfully achieve its goals, a brief explanation of the reason(s) for such

shortcomings and any demonstrated corrective actions taken to avoid recurrence.

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

NOTE: If an Applicant does not have a history of relevant experience, or if past performance information is not available, the Applicant's experience will be considered to be neutral.

c. Part III – STAFFING APPROACH: Provide a project organizational chart identifying proposed staff members assigned to the project. The chart must be supported with narrative text to include the title and a brief description of each position's responsibilities, as well as the proposed level of effort and allocation of time (percentage in relation to their other duties) for each position on a yearly basis and in summary format. The level of effort may be displayed (single spaced) in a table format. One table can be presented if the level of effort will be constant over all years, and the table is annotated as such. The hours in this table must be consistent with the information presented in Volume II, Parts I and II, as part of the detailed budget plan. Provide brief *tailored* resumes for the proposed Program Manager/Principal Investigator and other key personnel to include name, experience, education and proposed role in project.

Volume 2 - Budget Application

Volume 2 – Budget Application as described below - no page limit

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

a. Part I - APPLICATION FORMS

1. SF424
   NOTE: Applicant may leave fields 5a, 5b, 6, 7, and 13 blank on the form.

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

3. SF424B

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

b. Part II – COST INFORMATION AND OTHER FINANCIAL INFORMATION

Provide a separate detailed budget plan for each year and summarize the information for all years for all activities. Spreadsheets can be formatted similarly to the format in DOT Form 4220.44, located at: http://www.fhwa.dot.gov/aaa/pdfs/frm4220_44.pdf.

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

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

    a. Labor Rates- Direct labor-by-labor categories to include hours, rates and escalation. Anticipated promotions for any personnel must be included with the escalation calculation. The annual direct labor escalations rate and its basis should be clearly stated with the proposal. Discuss your proposed rate as compared to historical experience and include when and how escalation will be calculated/implemented.

    b. Indirect Rates- Discuss your proposed rates for all years. Identify all the various specific indirect rates including what they are (pool and base), and what they are based on (e.g.; labor overhead based on direct labor dollars) and how they are applied/calculated. Provide dollar values as well as percentages. Please also provide any audit information to support these rates (for example, a copy of signed U.S. Department of Health of Human Services rate agreement).

        NOTE: Per 2 CFR 200.414(f), Indirect (F&A) Costs, an Applicant may elect to propose a de minimis indirect rate of 10 percent of modified total direct costs.

    c. Other Direct Costs- Applicants must provide a breakout and justification of Other Direct Costs by Category (travel, equipment, etc.)

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

        i. Name and address of the organization or consultant.
        ii. Description of the portion of work to be conducted by the organization or consultant.
        iii. Cost details for that portion of work.

iv. Applicant's cost/price analysis of each sub-recipient/contractor(s) showing how their price is fair and reasonable (this includes any sub-recipient/contractor(s) that will be included in the Federal share or the non-Federal share); and

v. Letter of commitment from each sub-recipient/contractor(s) (this includes any sub-recipient/contractor(s) that will be included in the Federal share, the non-Federal share or in a non-paid (volunteer) capacity).

e. Provide detail and support for cost share as part of overall project budget.

f. Clearly delineate cost share match versus Federal share.

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

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

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

5. A statement regarding Conflicts of Interest. The Applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present or planned organizational, contractual or other interest(s), which may affect the Applicants' ability to perform the proposed contract in an impartial and objective manner. Actual or potential conflicts of interest may include but are not limited to any past, present or planned contractual, financial, or other relationships, obligations, commitments or responsibilities, which may bias the Applicant or affect the Applicant's ability to perform the prospective agreement in an impartial and objective manner. The Agreement Officer (AO) will review the statement(s) and may require additional relevant information from the Applicant. All such information, and any other relevant information known to DOT, will be used to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the AO may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the U.S. to contract with the Applicant and include appropriate provisions to mitigate or avoid such conflict in the prospective agreement pursuant to 2 CFR 200.112.

6. A statement to indicate whether a Federal or State organization has audited or reviewed the Applicant's accounting system, purchasing system, and/or property

control system. If such systems have been reviewed, provide summary information of the audit/review results to include as applicable summary letter or agreement, date of audit/review, Federal or State point of contact for such review.

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

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

9. The Applicant is directed to review Title 2 CFR §170 (http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl) dated September 14, 2010, and Appendix A thereto, and acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully comply with the reporting described in the term if it receives funding resulting from this Notice. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this Notice's Section F, Federal Award Administration Information.

10. Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 entitled Remedies for Noncompliance, including suspension or debarment. (See also 2 CFR Part 180 and 31 U.S.C. 3321).

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

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

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

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

4. SUBMISSION DATES AND TIMES

The application must be received electronically through www.grants.gov by the application due date/time listed on page 1 of this Notice of Funding Opportunity.

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

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

5. INTERGOVERNMENTAL REVIEW

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

6. FUNDING RESTRICTIONS

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

7. OTHER SUBMISSION REQUIREMENTS

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

SECTION E - APPLICATION REVIEW INFORMATION

1. CRITERIA

The Government will evaluate applications on the following criteria:

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

TECHNICAL:

1. Adequacy of the technical and management approach and likelihood of successful achievement of program activities.

2. Demonstrated understanding of the needs and challenges relating to the program.

3. Qualifications of proposed staff including the Program Manager and team.

4. Organization's experience relevant to the Statement of Work.

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

If applicable, the degree of cost share and leveraging of non-Federal funds will be considered in the award decision. Applicants must provide the required matching funds, and supporting detail for these funds.

Funding availability will also be considered in the award decision.

2. REVIEW AND SELECTION PROCESS

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

A panel of Agency experts will evaluate all eligible technical applications using the merit criteria listed above. The panel will individually evaluate the technical applications. The panel will then collectively assign an adjectival rating to each eligible technical application using the following merit ratings: Outstanding, Good, Satisfactory, Marginal, and Unacceptable.

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

The Government will accept the application(s) that is (are) considered the most advantageous to the Government using the criteria cited above, and subject to the results of an Applicant risk assessment. Applications selected for possible award using the criteria cited above, will undergo the following risk assessment prior to award. The Government reserves the right to not make an award to an Applicant based on the results of the risk assessment.

The AO is the official responsible for final award selection. The Government is not obligated to make any award as a result of this notice.

Risk Assessment

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

(1) Applicant's financial stability;

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

(3) Applicant's history of performance;

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

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

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

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

NOTE: The FHWA will review information provided by the Applicant, and any other relevant information known to DOT, to determine whether an award to the Applicant

may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the AO may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the U.S. to award to the Applicant and include appropriate provisions to mitigate or avoid such conflict in the prospective agreement pursuant to 2 CFR 200.112.

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

Pursuant to 2 CFR Part 200.205, prior to making a Federal award, the Federal awarding agency is required to review information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), D&B, and "Do Not Pay." At a minimum, the information in the system for a prior Federal award recipient must demonstrate a satisfactory record of executing programs or activities under Federal grants, cooperative agreements, or procurement awards; and integrity and business ethics.

If FHWA does not make a Federal award to a non-Federal entity because the official determines that the non-Federal entity does not meet either or both of the minimum qualification standards as described in 2 CFR 200.205, the FHWA will report that determination in FAPIIS.

NOTE: If an applicant is determined to be high risk by the Government, the resulting award may include special conditions to mitigate the risk.

3. ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

The FHWA anticipates making an award on or about August 31, 2018.

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

The following will apply to any award resulting from this NOFO.

1. FEDERAL AWARD NOTICES

If your organization's application is selected for award, you will be notified and sent an award document for signature. Applicants not selected for award will be notified in writing by FHWA.

Only the AO can commit FHWA. The award document, signed by the AO, is the authorizing document. Only the AO can bind the Federal government to the expenditure of funds.

Notice that an Applicant has been selected as a Recipient does not constitute approval of the application as submitted. Before the actual award, FHWA will enter into negotiations concerning such items as program components, staffing and funding levels, and administrative systems, if necessary. If the negotiations do not result in an acceptable submittal, the FHWA reserves the right to terminate the negotiation and decline to fund the Applicant.

2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

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

Some illustrative terms and conditions that will be part of the prospective agreement follow:

A. PUBLIC ACCESS TO DOCUMENTS

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

B. INDIRECT COSTS

Indirect costs are allowable under the prospective agreement in accordance with the Recipient's federally negotiated indirect cost rates as documented in writing and approved by the Recipient's cognizant Government agency. In the absence of such Government-approved indirect rates, the following rates are hereby approved for use under the prospective agreement as shown below:

[the resulting agreement will include a table of the Recipient's approved indirect rates here]

In the event the Recipient determines the need to adjust the above listed rates, the Recipient will notify the AO of the planned adjustment and provide rationale for such adjustment. In the event such adjustment rates have not been audited by a Federal agency, the adjustment of rates must be pre-approved in writing by the AO.

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

C. DATA RIGHTS

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

D. PERSONALLY IDENTIFIABLE INFORMATION (PII)

Personally Identifiable Information (PII) as defined at CFR Part 200.79 and 2 CFR 200.82 will not be requested unless necessary and only with prior written approval of the AO with concurrence from the AOR.

E. AVAILABLE FUNDING

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

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

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

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

F. KEY PERSONNEL

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

[the resulting agreement will include a table of the Recipient's Key Personnel here]

G. PROGRAM INCOME

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

H. SUBAWARDS/SUBCONTRACTS

NOTE: Recipients with a procurement system deemed approved and accepted by the Government or by the AO are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.326.

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

The following subawards/subcontracts are currently approved under the prospective agreement:

[the resulting agreement will include a table of the Recipient's approved subawards/subcontracts here]

Approval of each subaward/subcontract is contingent upon a fair and reasonable price determination, and approval by the AO for each proposed subcontractor/sub-recipient. Consent to enter into subawards/subcontracts will be issued through a formal amendment to the prospective agreement.

I. ORDER OF PRECEDENCE

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

J. DESIGNATION AS RESEARCH OR NON-RESEARCH AGREEMENT

The prospective agreement is designated as: NON-RESEARCH

K. CONFERENCE SUPPORT RESTRICTIONS

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

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

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

L. DISPUTES

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

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

Failing resolution by mutual agreement, the aggrieved party will document the dispute by notifying the other party in writing of the relevant facts, identify unresolved issues and specify the clarification or remedy sought. Within 5 working days after providing written notice to the other party, the aggrieved party may, in writing, request a decision from one level above the AO. The AO will conduct a review of the matters in dispute and render a decision in writing within 30 calendar days of receipt of such written request. Any decision of the AO is final and binding unless a party will, within 30 calendar days, request further review as provided below.

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

3. REPORTING

A. QUARTERLY PROGRESS REPORT

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

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

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

The quarterly progress report must consist of the SF-PPR cover page and all of the following required attached information:
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To fulfill the SF-PPR Block 10, Performance Narrative requirement, the Recipient must complete the Quarterly Reporting Template (expand as necessary) that will provide a formatted report of:

a. Work performed for the current quarter;
b. Work planned for the upcoming quarter;
c. Description of any problem encountered or anticipated that will affect the completion of the work within the time and fiscal constraints as set forth in the prospective agreement, together with recommended solutions to such problems; or, a statement that no problems were encountered;
d. A tabulation, clearly delineated by Federal share, cost share and total, of the current and cumulative costs expended by cost element (labor, travel, indirect costs, sub-recipient/subcontractor, etc.) by quarter versus budgeted costs;
e. Work performed in support of the FHWA and DOT Strategic Goals; and
f. Budget revisions.

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

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

B. ANNUAL BUDGET REVIEW AND PROGRAM PLAN

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

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Address any questions to:

Freida Byrd, Agreement Specialist
Federal Highway Administration
Office of Acquisition and Grants Management
Email Freida.Byrd@dot.gov
Phone 202-366-6547

Secondary point of contact is:

Rick Murray, AO/Acting Team Leader
Federal Highway Administration
Office of Acquisition and Grants Management
Email Rick.Murray@dot.gov
Phone 202-366-4250