

**U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
Roadside Pollinators Program FYs 2023 and 2026**

ACTION: Notice of Funding Opportunity

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A. BASIC INFORMATION

<p>The applicant should read this notice in its entirety for the information necessary to submit eligible and competitive applications.</p>	
Federal Agency Name	FHWA
Funding Opportunity Title	Roadside Pollinators Program (RPP)
Announcement Type	NOFO
Funding Opportunity Number	FHWA-PFPR-26-001
Assistance Listing Number(s)	20.283
Funding Details	<p>This opportunity will result in the distribution of up to \$1.8 million in Fiscal Year (FY) 2023 funding. FY 2023 RPP funds must be obligated by September 30, 2026 (23 U.S.C. 332(1)(2)) and the deadline for expenditures is September 30, 2031. This opportunity will also result in the distribution of up to \$2 million in FY 2026 funding. FY 2026 funding must be obligated by September 30, 2029, and expended by September 30, 2034.</p> <p>The actual amount available to be awarded under this notice will be subject to the availability of funds.</p>
Key Dates	<p>Application Due Date: 5/7/2026 at 11:59:59 PM ET.</p> <p>Anticipated Award Date: FHWA anticipates announcing award selections the week of June 22, 2026.</p>

<p>Executive Summary</p>	<p>Section 11528 of the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58, November 15, 2021), established the Pollinator-Friendly Practices on Roadsides and Highway Rights-of-Way Program (RPP), codified at 23 U.S.C. 332. This is the second NOFO under this program.</p> <p>FHWA will award funding to State departments of transportation (State DOT), Indian Tribes, and Federal Land Management Agencies (FLMA) who are seeking to benefit pollinators on roadsides and highway rights-of-way on routes eligible for Federal aid.</p> <p>To be eligible for the program, an applicant must submit its existing pollinator-friendly practices plan as described in Section B of this NOFO, and an application as described in Section D.</p> <p>An eligible entity receiving a grant under this program shall use the funds for the implementation, improvement, or further development of the submitted pollinator-friendly practices plan.</p> <p>The Federal share under this NOFO will be 100 percent, and the maximum allowable award is \$150,000.</p>
<p>Agency contact information</p>	<p>DOT FHWA Office of Planning, Environment, and Realty 1200 New Jersey Avenue, SE Mail Drop: E74-473 Washington, DC 20590 Attn: Melissa Toni Email: melissa.toni@dot.gov</p>
<p>Changes from Prior NOFO</p>	<p>Removed references to rescinded executive orders (E.O.); Aligned NOFO with new E.O.s; Updated application evaluation criteria; Simplified and aligned with 2 CFR 200 criteria; and Added potential for future funding.</p>
<p>Questions</p>	<p>Applicants may submit questions by close of business April 13, 2026. Inquiries received late may not be answered.</p> <p>FHWA will post answers to questions and requests to clarify to grants.gov.</p>

How to Apply

FHWA uses [Grants.gov](https://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 this Notice for updates.

B. ELIGIBILITY

i. Eligible Applicants

Eligible applicants for the RPP competitive grants are (1) State DOTs; (2) Indian Tribes¹; and (3) FLMAAs (23 U.S.C. 332(b)).

ii. Additional Restrictions on Eligibility

To apply for this funding opportunity, applicants must attach to their application or provide a link to an existing plan that describes the pollinator-friendly practices the eligible entity has implemented or plans to implement. Please see 23 U.S.C. 332 (d), or review [this list of practices](#).

State DOT or FLMA applicants must provide evidence or otherwise affirmatively state within the application that during the development of their pollinator-friendly practices plan, the State DOT or FLMA coordinated with applicable State agencies, including State agencies with jurisdiction over agriculture and fish and wildlife (23 U.S.C. 332 (d)(2)).

Furthermore, State DOT or FLMA applicants must provide evidence or otherwise affirmatively state within the application that the State DOT or FLMA consulted with affected or interested Indian Tribes on their pollinator-friendly practices plan (23 U.S.C. 332 (d)(3)). For the purposes of this program, consultation can consist of varied approaches, such as email, phone calls, letters, or in-person conversations with affected or interested Indian Tribes regarding the development of the applicant's pollinator-friendly practices plan.

iii. Cost Sharing

Per 23 U.S.C. 332(g), the Federal share is 100 percent.

iv. Other factors that may disqualify an application

Applications determined to be late, duplicates of applications previously submitted for the same round of applications, or incomplete applications will be disqualified.

v. Application Limit

Applicants may submit more than one application; however, only one project may be included in each application. If submitting more than one application, when submitting each application, please inform FHWA of its priority over the others by numeral ranking with "1" being the highest priority.

¹ For the purpose of this program and as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), Indian Tribe means any Indian Tribe, band, Nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (49 U.S.C. 6703(a)(2)).

C. PROGRAM DESCRIPTION

i. Program Purpose

The program was established to provide grants to eligible entities to carry out activities to benefit pollinators on roadsides and highway rights-of-way, including the planting and seeding of native, locally appropriate grasses and wildflowers, including milkweed. (23 U.S.C. 332 (a)).

ii. Program Goals and Funding Priorities

The program seeks to provide grant funding to State DOTs, Indian Tribes, and FLMAs to carry out activities that will promote the creation and protection of pollinator habitat through pollinator-friendly practices on highway rights-of-way and roadsides eligible for Federal-aid. This program is codified at 23 U.S.C. 332.

DOT seeks to fund projects that advance the priorities of the Trump Administration as described in DOT's mission statement and throughout E.O.s. [Section F](#) of this NOFO describes the process for selecting projects to further the goals, objectives and priorities for this program. [Section G](#) describes progress and performance reporting requirements for selected projects, including the relationship between reporting and the program's selection criteria.

See [Section H](#) for more details on the final performance reporting requirements.

iii. Program Authorization and Funding

Section 11528 of IJA (Pub. L. 117-58, November 15, 2021), established the RPP, codified at 23 U.S.C. 332. FY 2023 appropriations provided \$3 million in funding for this program; however, not all funding was awarded under the initial NOFO. FHWA anticipates awarding up to \$1.8 million in FY 2023 funding and up to \$2 million in FY 2026 funding under this NOFO.

Awards are subject to the following obligation and expenditure deadlines:

Fiscal Year Funding	FY 2023	FY 2026
Obligation deadline	September 30, 2026	September 30, 2029
Expenditure deadline	September 30, 2031	September 30, 2034

The Government's obligation under any resulting award is contingent upon the availability of funding. No legal liability on the part of the Government for any payment may arise until funds are available and obligated to an award. DOT is not obligated to make any award because of this Notice.

Unless authorized by DOT in writing after the announcement of RPP Grant Program awards, any costs a recipient incurs before DOT executes a project agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements. Please see [Section G](#). for more information.

Additional information

1. Award Size

The maximum award under this program is \$150,000 (23 U.S.C. 332 (e)(2)(B)).

2. Type of Award

The anticipated award(s) will be a cost-reimbursable grant agreement.

3. Period of Performance

The total period of performance for the award(s) is anticipated to be between 1 and 4 years. The start of the period of performance will begin on the date the grant agreement is executed by FHWA, and end on the period of performance end date in the grant agreement.

4. Performance Goals

Each applicant selected for RPP grant funding must collect and report to FHWA information on the awarded application's performance based on performance indicators FHWA identifies related to program goals (overall benefits to pollinators and habitats, overall number of past pollinator practices implemented or planned to be implemented, and Reinvesting in the American Family policies), and other information as requested by FHWA. Performance indicators should include measurable goals or targets FHWA will use internally to determine whether the awarded application meets program goals, and grant funds achieve the intended long-term outcomes of RPP. FHWA will work with the grant recipient to establish performance measures.

5. Previous Awards

Previous recipients of RPP grants may apply for funding to support additional phases of a project previously awarded RPP funding. A previous RPP award, or application, does not affect competitiveness under this NOFO.

D. APPLICATION CONTENTS AND FORMAT

i. Application Formatting

All applications must be submitted electronically through grants.gov.

Application files should be single-spaced, 12-point standard font (e.g., Times New Roman). Files should be in PDF unless otherwise specified (e.g., Excel based forms and location files such as Shapefile or KML/KMZ).

DOT recommends applicants use a file naming format of: “[Applicant organization#]-2026-RPP” where “Applicant organization” reflects the applicant’s legal name, abbreviated as appropriate, and where “#” represents the order of applicant priority for the grant, if more than one application is submitted.

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

Standard Form (SF) 424 (Application for Federal Assistance)
<i>Attachments to SF-424:</i>
Grants.gov Lobbying Form (Certification Regarding Lobbying)
Disclosure of Lobbying Activities form (SF-LLL)
SF-424A (Budget Information for Non-Construction Projects) -or- SF-424C (Budget Information for Construction Projects)
For Construction projects: SF-424D (Assurances for Construction Programs).
The Roadside Pollinator Program Application Form (see Section D.iii) must be added as an attachment to item 15 of the SF-424.
Map(s) of the areas for which they plan to implement pollinator friendly practices (PFPs) under this NOFO.

ii. Standard Forms. (SFs):

All mandatory SFs of the 424 family are available for download at <https://www.grants.gov/forms/forms-repository/sf-424-mandatory-family>.

For more information on Standard Forms, please see: [Standard Forms | FHWA](#)

iii. The Roadside Pollinator Program Application Form:

Applicants must complete the RPP Application Template and attach it to their application. The Application Template should provide all information necessary for FHWA to determine the project satisfies the eligibility requirements described in [Section B](#) for the grant program, and to evaluate the criteria specified in [Section F](#).

FHWA may, but is not required to, request additional information, including additional data, to clarify supporting data and documentation submitted in an application. Incomplete applications will not be considered for award.

The application must provide a budget for the project, including the use of the grant funds and

any additional funding needed to complete the project as described in the application, either within the application form itself, or as an attachment to the form.

Instructions for completing the Application Template, including an example, can be found at: [Application Form Instructions](#)

iv. Sharing of Application Information:

DOT may share application information within DOT or with other Federal Agencies if DOT determines sharing is relevant to the respective program's objectives.

E. SUBMISSION REQUIREMENTS AND DEADLINE

i. Address to Request Application Package

Applicants may obtain application forms on [Grants.gov](https://www.grants.gov) under the NOFO Number cited herein.

Once at [Grants.gov](https://www.grants.gov), select the Search Grants tab. Then enter one of the following:

- Opportunity Number: **FHWA-PFPR-26-001**
- Opportunity Name: ***Roadside Pollinators Program***
- Assistance Listing Number: 20.283

Select the Opportunity, which will open to a page with several tabs. The first tab is a synopsis of the opportunity. Select the Application Package tab to download the forms needed to submit the RPP application. The applicant must complete and submit all forms included in the application package for this notice as contained at [Grants.gov](https://www.grants.gov).

Should applicants have any difficulties in accessing any standard forms and require paper copies, please contact Kenan Hall at pollinators@dot.gov.

If potential applicants are unable to download the application package from the internet, they may send a written request for a paper copy to the below address. Requests should be sent to:

Kenan Hall
Agreement Specialist
Office of Competitive Grants and Workforce Programs
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590
Email: pollinators@dot.gov (preferred)
Phone: (202) 366-4000

ii. Unique Entity Identifier (UEI) and SAM

Each applicant must:

- Be registered in [SAM.gov](https://www.sam.gov) before submitting its application;
- Provide a valid unique entity identifier in its application; and
- Continue to maintain an active registration in [SAM.gov](https://www.sam.gov) with current information at all times during which it has an active Federal award or an application under consideration by a Federal Agency.

Please note the SAM registration process takes **several weeks to complete, if not longer**.

iii. Submission Instructions

All applications must be submitted electronically through [Grants.gov](https://www.grants.gov)

DOT does not accept applications via mail, fax machine, email, or other means. Each applicant must:

- Create a [Grants.gov](https://www.grants.gov) username and password.
- The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from [Grants.gov](https://www.grants.gov) and login at [Grants.gov](https://www.grants.gov) to authorize the applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

Failure to register for SAM or comply with [Grants.gov](https://www.grants.gov) applicant requirements in a timely manner will not be considered for exceptions to the submission requirements and deadline.

iv. Submission Deadline

The RPP applications must be submitted through [Grants.gov](https://www.grants.gov) by 11:59 PM Eastern on May 7, 2026. [Grants.gov](https://www.grants.gov) attaches a time stamp to each application at the time that submission is complete. Late submissions will not be accepted.

v. Consideration of Applications

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid, on-time applications through [Grants.gov](https://www.grants.gov) will be eligible for evaluation and possible selection for award.

vi. Submission Issues

For information on submission issues and more information on late applications, please see: [Submission Issues | FHWA](#).

vii. Intergovernmental Review

This program is not subject to E.O. 12372, Intergovernmental Review of Federal Programs.

viii. Compliance with Section 508 of the Rehabilitation Act of 1973

DOT encourages applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973 (see [Section 508 guidelines](#)).

F. APPLICATION REVIEW INFORMATION

i. Merit Criteria

FHWA will evaluate applications submitted in response to this Notice using the following merit criteria: overall benefits to pollinator species and habitats, overall number of past pollinator practices implemented or planned to be implemented, and reinvesting in the American family policies.

Merit Criteria 1: Overall benefits to pollinator species and habitats

For applications seeking funding to implement Pollinator Friendly Practices (PFP), applicants should demonstrate that (a) awarded funds would be used for the implementation, improvement, or further development of an existing Roadside Pollinators plan, and; (b) Federal funding would support pollinator-friendly practices as described in 23 U.S.C. 332(d)(1).

The applicant should clearly describe how their project or plan will meet this criterion. FHWA will rate this merit criteria as described in the table below.

Merit Criterion 1	Responsive	Non-Responsive
Overall benefits to pollinator species and habitats The proposed project would: (a) be used for the implementation, improvement, or further development of an existing Roadside Pollinators plan; and, (b) support pollinator-friendly practices as described in 23 U.S.C. 332(d)(1).	The application demonstrates the funded activity would achieve both (a) and (b).	The application does not demonstrate the funded activity would achieve both (a) and (b).

Merit Criteria 2: Overall number of past pollinator practices implemented or planned to be implemented

FHWA will assess the overall number of past pollinator practices implemented or planned to be implemented. Within the Merit Criteria section of the application, applicants should clearly describe pollinator practices implemented within the past 5 years or will be implemented under this funding opportunity. The following is a list of eligible pollinator friendly practices:

- Practices relating to mowing strategies that promote early successional vegetation and limit disturbance during periods of highest use by target pollinator species on roadsides and highway rights-of-way, such as—
 - (i) reducing the mowing swath outside of the State-designated safety zone;
 - (ii) increasing the mowing height;
 - (iii) reducing the mowing frequency;

- (iv) refraining from mowing monarch and other pollinator habitat during periods in which monarchs or other pollinators are present;
- (v) use of a flushing bar and cutting at reduced speeds to reduce pollinator deaths due to mowing; or
- (vi) reducing raking along roadsides and highway rights-of-way;
- Implementation of an integrated vegetation management plan that includes approaches such as mechanical tree and brush removal, targeted and judicious use of herbicides, and mowing, to address weed issues on roadsides and highway rights-of-way;
- Planting or seeding of native, locally-appropriate grasses and wildflowers, including milkweed, on roadsides and highway rights-of-way to enhance pollinator habitat, including larval host plants;
- Removing nonnative grasses from planting and seeding mixes, except for use as nurse or cover crops;
- Obtaining expert training or assistance on pollinator-friendly practices, including—
 - (i) native plant identification;
 - (ii) establishment and management of locally-appropriate native plants that benefit pollinators;
 - (iii) land management practices that benefit pollinators; and
 - (iv) pollinator-focused integrated vegetation management; or
 - (F) any other pollinator-friendly practices the Secretary determines to be appropriate.

Merit Criterion 2	Responsive	Non-Responsive
Overall number of past pollinator practices implemented or planned to be implemented	The application describes one (1) or more past pollinator practices implemented or planned to be implemented with the program.	The application does not describe past pollinator practices implemented, nor practices planned to be implemented.

Merit Criteria 3: Reinvesting in the American Family

FHWA will assess how the project improvements or plan development would reinvest in the American Family through educational features (such as signage) or beautification of the transportation infrastructure or facilities, without impeding safety or efficiency.

Merit Criterion 3	Responsive	Non-Responsive
<u>Reinvesting in the American Family</u> - The project improvements or plan development would: (a) improve the travel experience for American families through pollinator educational features (such as signage, educational websites, etc.), or (b) promote investments in pollinator-friendly practices through beautification of the transportation infrastructure or facilities, without impeding safety or efficiency.	The application describes with evidence how the project or program will meet element (a) or (b).	The application does not address this criterion.

Merit Criteria Ratings

Based on the assessment described in Section F.1., above, FHWA will assign a rating of “Merit is acceptable” to applications rated as responsive to all three criteria.

ii. Project Readiness Assessment

To assess the likelihood of a successful project, FHWA will consider project readiness for applications. FHWA will use information from the Readiness Assessment portion of the application as well as information contained throughout the application to complete the readiness assessment. The application should include information that, when considered with the project budget information, is sufficient for FHWA to evaluate whether the project is reasonably expected to begin within the timeframe disclosed in the application, and whether funds can be obligated prior to the obligation deadline shown in Section C of this NOFO.

Within the readiness section of the application the applicant should briefly describe Federal, State, or local approvals needed for the project and if the project has, or will, fulfill these requirements. The readiness section of the application should also discuss the project schedule and any project risks, such as procurement delays, material delays, or other material risks to the project, and strategies for mitigating those risks. This section of the application should also describe the applicants experience delivering projects utilizing Federal funds, should demonstrate the applicant has the resources to deliver the project, and that the project is technically feasible. This section of the application should also demonstrate reasonable availability of all funding needed to complete the project with an award, and low risk for National Environmental Policy Act (NEPA) or permitting delays.

The Readiness Assessment will be based on:

Rating	Risk is acceptable	Risk is not acceptable
<p>Readiness Assessment:</p> <ul style="list-style-type: none"> a. the applicant has the resources to deliver the project; b. the project will comply with all applicable Federal requirements and can meet the obligation deadline; c. the applicant demonstrates the project is technically feasible; d. the application includes complete and reasonable funding estimates; and, e. NEPA is complete or the application demonstrates NEPA will be complete in time to meet the project schedule. 	<p>The application demonstrates the applicant and project will meet these Readiness Assessment elements.</p>	<p>The application does not demonstrate the applicant or project will meet these Readiness Assessment Elements.</p>

iii. Overall Rating of the Application

In accordance with the program statute, each application will be rated as Satisfactory or Unsatisfactory. A rating of “**Satisfactory**” will be assigned to an application rated as “Merit is acceptable” to the Merit criteria and rated “Risk is acceptable” for Project Readiness.

iv. Review and Selection Process

FHWA will review applications received by the deadline first for completeness, then for eligibility based on the information found in [Section B](#) of this Notice. This review phase is referred to as the Intake and Eligibility review. Next, all eligible, complete, and timely applications will be evaluated by the Technical Review Team (TRT) as described below.

Technical Review Team

The evaluation of eligible applications will be conducted by a TRT, comprised of FHWA staff. The TRT will evaluate each eligible application against the Merit Criteria under [Section F.1](#) and for readiness, to determine which applications are rated as “Satisfactory”.

The TRT will send to the FHWA Senior Review Team (SRT) information on all eligible applications received. The list will include information on the application, the rating for each merit criteria, and the readiness assessment rating.

Senior Review Team

The FHWA SRT may consist of officials from the Office of the Secretary of Transportation, the FHWA Administrator, and others in Senior leadership positions requested to serve by the FHWA Administrator. The FHWA SRT will determine which projects advance to the Senior Departmental Leadership for final selection.

In compliance with 23 U.S.C. 332(e)(1), each eligible entity submitting an application rated “Satisfactory” will receive an award. If more “Satisfactory” applications are received than there is available funding to award at the full funding amount (\$150,000), SRT will recommend funding amounts to Senior Departmental Leadership. In compliance with 23 U.S.C. 332(e)(2), the amount of an award “shall be based on the number of pollinator-friendly practices the eligible entity has implemented or plans to implement.” Applicants must provide the number of pollinator-friendly practices within the RPP application form. If no applications are deemed “satisfactory,” FHWA is not obligated to make any award as a result of this NOFO.

DOT has the discretion to determine which applications best address RPP requirements and should be selected. DOT intends to apply principles from [DOT Order 2100.7, \(Ensuring Reliance Upon Sound Economic Analysis in DOT’s Policies, Programs and Activities\)](#) when evaluating applications and making award selections. To the maximum extent permitted by law, DOT will prioritize projects in alignment with the principles outlined in DOT Order 2100.7.

v. Applicant Risk Assessment

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. DOT must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding Agency previously entered. FHWA will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant’s integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

G. AWARD NOTICES

i. How Project Selections Are Announced

Following the evaluation outlined in [Section F](#), the FHWA Administrator will announce awarded projects by posting a list of selected projects at [RPP | Pollinators | Ecosystem and Vegetation System Management | Environmental Review Toolkit | FHWA](#). Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following the announcement, DOT will contact the point of contact listed in the SF-424 to initiate negotiation of the project agreement for authorization.

Unsuccessful applicants may request a debriefing up to 90 days after the selected funding recipients are publicly announced. The request must be submitted by the applicant identified on the SF-424. The debrief will be limited to how the application responded to the grant program evaluation criteria described in [Section F](#) of the NOFO. All debrief requests should be submitted to pollinators@dot.gov.

ii. Reimbursements and Costs Incurred Prior to Award and Obligation of Grant Funds

Recipients will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, DOT will administer grants on a reimbursement basis. Recipients do have the option to request alternative funding arrangements. Under the reimbursement approach, program funds will reimburse recipients only for costs incurred after execution of grants DOT determines to be allowable, reasonable, and allocable (work is chargeable or assignable to the Federal award in accordance with relative benefits received), as defined under 2 CFR Part 200, and after the recipient submits valid requests for reimbursement. If the recipient requests alternative funding arrangements, DOT will consider these arrangements and determine allowance at its sole discretion and in accordance with 2 CFR 200.305.

Under 2 CFR 200.458, pre-award costs are those costs incurred prior to the effective date of a Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work.

Unless authorized by DOT in writing after the announcement of RPP Grant Program awards, any costs a recipient incurs before DOT executes a project agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

H. POST-AWARD REQUIREMENTS AND ADMINISTRATION

i. Administrative and National Policy Requirements

1. Administrative Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. Applicable Federal laws, rules, and regulations set forth in title 23, U.S.C., and titles 23 and 49 of the CFR, shall apply to awards provided under this program.

In connection with any program or activity conducted with or benefiting from funds awarded under this Notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of DOT and FHWA; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget (OMB). In complying with these requirements, recipients, in particular, must ensure no concession agreements are denied, or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If DOT determines a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

2. Program Requirements

Domestic Preference Requirements

As expressed in E.O. 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 FHWA's steel, iron, and manufactured product domestic requirements at 23 U.S.C. 313 and 23 CFR 635.410, and the construction materials domestic preference requirement at Pub. L. No 117-58, div. G §§ 70901–70927, as implemented by OMB at 2 CFR part 184. DOT expects all applicants to comply with those requirements.

Federal Anti-Discrimination

- Except where prohibited by court order, pursuant to E.O. 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, as a condition of grant award, each recipient must agree its compliance in all respects with all applicable Federal anti-discrimination laws is material to the Government's payment decisions for purposes of section 3729(b)(4) of title 31, U.S.C.

Except where prohibited by court order, pursuant to E.O. 14173, Ending Illegal Discrimination and Restoring Merit- Based Opportunity, as a condition of grant award, each recipient must

certify it does not operate any programs promoting diversity, equity, and inclusion initiatives that violate any applicable Federal anti-discrimination laws.

To the extent a court order bars the implementation or enforcement of one or more of the provisions with respect to a particular applicant or recipient, DOT will not implement or enforce the relevant provision(s) against that applicant or recipient for as long as the order remains in place.

Compliance with Federal Law and Policies

Except where prohibited by court order the applicant assures and certifies, with respect to any application and awarded Project under this NOFO, that it will comply with all applicable Federal laws, regulations, E.O.s, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds.

ii. Reporting

Each applicant selected for RPP Grant Program funding must submit semi-annual progress reports, semi-annual Federal Financial Reports (SF-425), to monitor project progress and ensure accountability and financial transparency in the program.

For more information on RPP Performance and Program Evaluations, please see: [Performance and Program Evaluation | FHWA](#).

The DOT reserves the right to request additional information, if deemed needed, to better understand the status of the project. The successful applicant will provide additional financial reporting beyond the semi-annual reporting if such statements are necessary to address DOT's Stewardship and Oversight responsibility of the funds. The successful applicant also agrees to allow periodic project inspections and DOT will provide notice for such inspections.