U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Fiscal Year 2016 New Entrant Discretionary Grant Program
Notice of Funding Availability

Announcement Type:	Discretionary Grant
Catalog of Federal Domestic Assistance Number:	20.218
Program Purpose:	The New Entrant grant program is a Federal discretionary grant program that provides financial assistance to reduce the number and severity of crashes, injuries, and fatalities involving commercial motor vehicles by reviewing new interstate motor carriers to ensure that they have effective safety management programs.
Eligibility Information:	State agencies, including the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of Northern Mariana Islands, and local governments.
Application Due Date:	August 24, 2015 (11:59 P.M. Eastern Standard Time)

A. Motor Carrier Safety Assistance Program New Entrant Discretionary Grant Program Description

The Federal Motor Carrier Safety Administration (FMCSA) announces this Fiscal Year (FY) 2016 Motor Carrier Safety Assistance Program New Entrant (MNE) grant Notice of Funding Availability (NOFA) to solicit applications from State agencies, including the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of Northern Mariana Islands, and local governments to reduce the number and severity of crashes, injuries, and fatalities involving commercial motor vehicles (CMV) by reviewing new interstate motor carriers to ensure that they have effective safety management programs.

MNE funding is authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No. 109–59, § 4107(b), 119 Stat. 1144, 1720 (2005), as amended by the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. No. 112–141, § 32603(e), Highway and Transportation Funding Act of 2015, Pub. L. 114-21, Sec. 1102 (May 29, 2015), 126 Stat. 405, 807, 808 (2012), as extended by the Highway and Transportation Funding Act of 2014, Pub. L. No. 113-159, § 1102 (2014) to perform safety audits on new entrants. MNE grants are governed by 49 United States Code (U.S.C.) §§ 31104(a), 31144(g)(5) (2006), *as amended* and 49 Code of Federal Regulations (C.F.R.) §§ 350.313, 350.321, and 350.329. The FMCSA Grants Management Office (GMO) will make changes to the announcement via Grants.gov if there are statutory changes to the MNE program for FY 2016.

Under this grant opportunity, the grant period of performance shall be October 1, 2015 through September 30, 2017, inclusive. The FMCSA uses its contract authority for this program to make the effective date for this grant October 1, 2015; however, FMCSA is not responsible for any monies expended outside the scope of the grant agreement by the applicant or prior to the award period of performance start date.

All application materials must be submitted to FMCSA by 11:59 P.M. (Eastern Time) on **August 24, 2015**.

Pursuant to section 32102 of MAP-21, after a new entrant motor carrier satisfies all applicable pre-operational requirements, any carrier whose entry date into the new entrant program is on or after October 1, 2013 must undergo a new entrant safety audit within 12 months for motor carriers and 120 days for motor carriers that transport passengers. In accordance with 49 C.F.R. part 385, subpart D, the carrier will still be subject to an 18-month monitoring period during which the carrier's roadside safety performance will be closely monitored to ensure the new entrant has basic safety management controls that are operating effectively.

FY 2016 New Entrant Grant Program National Priorities—

Priority funding consideration will be given to applications that:

1. Propose to process and complete safety audits within the new statutory time limits:

    - Entry date into the New Entrant program (as shown in FMCSA data systems) September 30, 2013 or earlier: safety audit must be completed within 18 months; and

    - Entry date into the New Entrant program (as shown in FMCSA data systems) October 1, 2013 or later: safety audit must be completed within 12 months for all

motor carriers and 120 days for motor carriers of passengers.

2. Propose to develop and implement innovative methods to streamline the safety audit process to reduce costs and improve the efficiency of the new entrant program within the State that are in addition to the FMCSA national offsite safety audit initiative that will begin deploying in 2015. An example of an innovative method is group audits coordinated in advance to take place at a specified time and location.

B. Award Information

Use the information below to help you make an informed decision about whether to submit an application.

Total Amount of Funding FMCSA Expects to Award:	$32,000,000
Anticipated Number of Awards:	51
Expected Amounts of Individual Awards:	Award Ceiling: $1,800,000 Award Floor: $15,000
Anticipated Start Date/Period of Performance:	October 1, 2015 through September 30, 2017 Funding amounts made available for award may be impacted by limitations placed on the budget authority and appropriations enacted for FMCSA.
Application Type:	Applications are for new FMCSA awards only. Applications for renewal or supplementation of existing projects are not eligible. The FMCSA will reimburse 100 percent (100%) of the eligible costs. There are no matching requirements.

C. New Entrant Discretionary Grant Program Eligibility Information

The FMCSA provides MNE funds to ensure that new interstate motor carriers have effective safety management programs. Applications that include activities outside the scope of the program (e.g., weight enforcement, general CMV enforcement, drug interdiction and /or human trafficking interdiction) are ineligible.

Safety audits conducted on *intrastate* motor carriers are not eligible for reimbursement under the MNE grant program. All proposed carrier investigations or driver/vehicle inspections must be consistent with FMCSA's Motor Carrier Safety Assistance Program Comprehensive Policy, Section 4, which limits the number of non-audit activities permitted with New Entrant grant funds.

MNE-funded personnel, including sub-grantees, conducting inspections must meet the minimum Federal standards set forth in 49 C.F.R. part 385, subpart C and must have access to FMCSA information systems to upload inspection reports.

The FMCSA cannot evaluate applications received without the complete set of required forms and attachments; all application section elements and all documents must be submitted (see next section). A checklist specifically detailing each required document and its source is located in Appendix A.

D. Application and Submission Information

The FMCSA utilizes Grants.gov (*www.grants.gov*) for accepting program applications. All FY 2016 applications must be submitted electronically through this site; however, applicants requiring additional accessibility or accommodation associated with submitting this grant application should contact the FMCSA GMO. Unsolicited applications will not be accepted.

STEP #1: To apply, the applicant must complete the Grants.gov registration process. Note that the new registration process can take as long as four weeks.

STEP #2: Every applicant must: 1) be registered in the System for Award Management (*www.SAM.gov*) before submitting the application; 2) provide a valid Data Universal Numbering System (DUNS) number in its application; and 3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by FMCSA.

How do I know that my application has been received by Grants.gov?

Once Grants.gov has received your submission, they will send email messages to advise you of the progress of your application through the system.

Over the next two business days, you should receive two emails: 1) confirms application receipt by the Grants.gov system; and 2) indicates that the application has either been successfully validated by Grants.gov prior to transmission to FMCSA or has been rejected due to errors. Click here for more information.

The FMCSA may not make a Federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements and, if an applicant has not fully complied with the requirements by the time FMCSA is ready to make an award, then FMCSA may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant.

STEP #3: The Applicant must download the grant application package from Grants.gov, complete it, and submit the completed application package with required attachments through Grants.gov on or before the **deadline of 11:59 P.M. (EST) on August 24, 2015.** The FMCSA does not own or maintain Grants.gov and is therefore unable to provide technical assistance; all technical assistance issues should be directed to Grants.gov.

For Grants.gov assistance, contact:	
Phone:	1-800-518-4726 (toll-free) or 606-545-5035
Business Hours:	24 hours a day, 7 days a week
	Closed on Federal holidays
Email:	support@grants.gov

Modifications to an application after it has been submitted will require a resubmission of the entire application package. The applicant must notify the FMCSA GMO prior to resubmitting the package. Submitting changes to Grants.gov without contacting the FMCSA GMO could significantly delay application submission and may result in the application not being reviewed. The FMCSA will consider a late application on a case-by-case basis; late applications are not automatically accepted. For example, a late application may be accepted if there is a large scale natural disaster or a Grants.gov system issue that threatens the timely submission of a grant application. Problems with computer systems at the applicant organization, failure to follow the application instructions or failure to complete required registrations by the submission deadline are not considered system issues.

Content and Form of Application Submission—

The FMCSA is providing applicants with Appendix B to this MNE NOFA that each may use to assist in preparing their applications. Applicants are not required to use the project and budget narrative included in this NOFA, though doing so helps ensure that the application meets the established minimum requirements. If an applicant decides to not use the template, the application must meet the below requirements.

1. For all submissions, the application must be on 8.5" x 11" paper, using either the “Times New Roman” or “Arial” font type in 12 point. Page margins must be at least 0.5” overall.

There is no specific page limitation. A sample program narrative format is included in Appendix B and budget narrative format is included in Appendix C.

2. **Brief Introduction:** Include a 1-2 sentence description of the goal(s) of the application and the applicable program priority(ies) met by the application's projects. Include in this introduction specific information about the outputs the application proposes to achieve. For each goal identified, the applicant must provide a problem statement, performance objective, program activity plan, and performance measurement plan. Samples are below.

   Example: [Applicant] proposes to conduct 325 New Entrant safety audits within the statutory timeframes by utilizing 5 full-time new entrant auditors supervised by a Sergeant.

3. **Problem Statement:** A brief, quantitative description of the identified problem. Include details on the data used to identify the problem and to establish the baseline (include data source, date, and explain how the applicant collects, maintains, and analyzes the data). Example:

   - [The Applicant] has used existing State data from the past two years to project a 25% increase during FY 2016 in the number of new commercial carriers that will begin operations during the next 12 months compared to similar data for FY 2014 and FY 2015 (source: FMCSA New Entrant Inventory, analysis for 2014-2015 YTD).

4. **Performance Objective:** A description of the applicant's quantifiable goal related to the above problem statement. This can be measured in numbers, percentages, or other forms that accurately measure the outputs and outcomes the applicant anticipates will result from implementing the strategies and activities proposed. Example:

   - [The Applicant] will complete 325 New Entrant safety audits within three to 12 months of new carrier entry, to ensure that program participants are in full compliance with all CMV safety and hazardous materials regulations.

5. **Program Activity Plan:** A description of the activities the applicant believes will help mitigate the problem. Example:

   - [The Applicant] will conduct 325 New Entrant safety audits within the required deadline; approximately 75 percent (75%) of these audits will be conducted at the carrier's place of business; the remaining 25 percent (25%) will be conducted at a central location, by appointment.

6. **Performance Measurement Plan:** A description of how the applicant will measure progress towards the performance objective goal, such as quantifiable and measurable outputs (hours, carrier contacts, inspections, etc.) and in terms of performance outcomes. The measure must include specific benchmarks that can be reported on in the quarterly progress report, if practicable, or as annual outcomes. Example:

    - The Applicant's New Entrant Supervising Sergeant will review all inspection and audit reports for quality, completeness, and accuracy throughout the month and will hold monthly unit meetings to monitor progress toward program goals. The supervising Sergeant will also use FMCSA reports to monitor the timeline requirements to prevent overdue carriers appearing in the inventory.

7. **Budget Narrative:** A budget narrative is a description, by budget category (object class) that details the costs necessary to complete the proposed projects. A well-written budget narrative ensures that the applicant has properly documented proposed costs. The level of detail should be sufficient to justify the funding requested. A sample budget narrative format is included in Appendix C.

Application Form Requirements—

1. **SF-424 – Application for Federal Assistance:** Standard application form for all Federal assistance requests available in the Grants.gov application kit.

2. **SF-424A – Budget Information for Non-Construction Programs:** Standard budget form for requests for Federal assistance available in the Grants.gov application kit.

3. **SF-424B – Assurances for Non-Construction Programs:** Standard assurances form associated with accepting Federal assistance funds available in the Grants.gov application kit. This document indicates that the applicant organization is in substantial compliance with various programs, regulations, and Federal laws.

4. **Grants.Gov Lobbying Form:** Standard lobbying form available in the Grants.gov application kit for applicants to indicate that they do/do not engage in lobbying activity.

5. **SF-LLL – Disclosure of Lobbying Activities:** Standard form for applicants to report their lobbying activities available in the Grants.gov application kit. Only applies to applicants that have lobbying activities to disclose.

6. **Key Contacts Form:** Form to include the individuals that will be responsible for a Federal award. It is available in the Grants.gov application kit. Contacts for three positions are required: 1) Authorized Designated Official (ADO), 2) Principal Investigator or Program Director (PI/PD); and 3) Financial Official (FO). Annotate on the form if the same individual is responsible for multiple roles.

   - **Authorized Designated Official** (Authorized Signer): This individual is authorized to sign a grant award on behalf of the organization. This individual is typically the head of the organization or a designee (e.g., Colonel, Director, Commissioner, etc.).

   - **Principal Investigator or Program Director** (Program/Project Manager): This individual has daily program implementation oversight. This role is typically performed by a project/program manager (e.g., Unit Commander, Project Coordinator, etc.)

   - **Financial Officer** (Grants Manager): This individual is responsible for monitoring grant program finances and providing clarification on financial information such as budget details, Single Audits, invoice support documentation, etc. This role is typically performed by a grant, finance, or administrative/program specialist.

7. **Attachment Form:** Supplemental form to submit attachments. Available in the Grants.gov application kit.

8. **Indirect Cost Rate Information:** If the budget includes indirect costs, attach a copy of the fully executed, negotiated agreement. If the rate will not be approved by the application due date, attach the letter of renewal or letter of request that you sent to your cognizant agency to your application.

IMPORTANT!

Attachment file names must be limited to the following characters: A-Z, a-z, 0-9, underscore (_), hyphen (-), space, and period.

Using any other characters will cause the application to be rejected by Grants.gov!

9. **FMCSA Administrative Capability Questionnaire (ACQ)**
   This self-certification questionnaire is used by FMCSA to assess your organization's administrative management systems, infrastructure, policies, and resources. It is located within the Grants.gov "Full Announcement" tab.

   If you have already sent in an ACQ to FMCSA in FY 2016, you do not need to send a new one.

10. **Standard Title VI/Non-Discrimination Assurances:** This self-certification assurance ensures that the applicant will comply with the appropriate acts, regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from FMCSA. The Standard Title VI/Non-Discrimination Assurances is located in Appendix D and on Grants.gov in the "Full Announcement" tab. This form is required and submitted by the applicant into Grants.gov.

Application Cost Guidance/Funding Restrictions—

Costs charged to FMCSA grants must be in accordance with the applicable cost principles for the recipient type. All reimbursable items must be necessary, reasonable, allocable, and allowable to accomplish the goals of the program. These standards are described in the applicable cost principles and administrative requirements per 2 C.F.R. §§ 200.400 through 200.475, with the exception of §§ 200.416-200.417, which include Special Considerations (only) for States, Local Governments, and Indian Tribes and §§ 200.418-200.419, which include Special Considerations (only) for Institutions of Higher Education. Finally, all costs must be in accordance with the Motor Carrier Safety Assistance Program Comprehensive Policy (specifically Section 4 and Appendix A). Eligible MNE grant program costs include, but are not limited to:

- Personnel expenses, including recruitment and screening, training, salaries and fringe benefits, and supervision. Personnel expenses included in an organization's indirect cost rate must not be included as a direct cost in the grant budget;

- Equipment and travel expenses, including per diem expenses directly related to the enforcement of safety regulations, including vehicles, uniforms, communications equipment, special inspection equipment, vehicle maintenance, fuel, and oil;

- Indirect expenses for facilities, except for fixed scales, used to conduct inspections or house enforcement personnel, support staff, and equipment to the extent they are measurable and recurring (e.g., rent and overhead);

- Expenses related to data acquisition, storage, and analysis that are not being requested under any other FMCSA grant program's funding, that are specifically identifiable as program-related, and that are intended to improve efficiency; the proposal should clearly demonstrate the extent to which these costs will directly benefit the MNE grant program, pro-rating the expense as applicable.

NOTE: all applications containing requested funding for information technology, such as upgrades or modifications to existing software or equipment, are subject to review by FMCSA's Office of Research and Information Technology.

- Clerical and administrative expenses, to the extent necessary and directly attributable to the MNE grant program.

The FMCSA will not consider construction costs in the application. Additionally, FMCSA will not consider costs for land, buildings (facilities) or consider additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life. This does not include costs for ordinary repairs and maintenance.

The FMCSA will not approve pre-award costs. Pre-award expenditures are made at the applicant's risk. The incurrence of pre-award costs in anticipation of a competing award imposes no obligation on FMCSA either to make the award or to increase the amount of the approved budget if an award is made for less than the amount anticipated and is inadequate to cover the pre-award costs incurred.

Before FMCSA will pay any reimbursements for indirect costs, a current and approved indirect cost rate agreement must be in force. The FMCSA will not approve reimbursement requests for indirect costs if an approved indirect cost rate agreement is not in force for the period of time that the indirect cost expenses are incurred.

E. Application Review Information

All applications received by the due date and time are subjected to an initial intake review. This intake review determines whether: (1) the applicant is eligible for an award; (2) the information required by the NOFA has been submitted; and (3) all program eligibility requirements described in the NOFA are satisfied. Applications that pass the intake review will be subjected to a comprehensive evaluation. Applications in response to this announcement are evaluated by a cross-discipline team: technical review panel (TRP), grant specialists, program officers, and FMCSA staff responsible for day-to-day grant management oversight.
Each application is reviewed in the following areas:

1. **TRP Merit Review:** This review provides an independent assessment of the technical/programmatic merit of an application. At least three qualified individuals are selected to review each application to ensure diversity of perspective and knowledge. TRP individuals are selected based on their technical education and experience and the extent to

which the individual has engaged in relevant work, the capacities in which the individual has done so, and the quality of such work.

TRP reviewers will evaluate MNE applications to determine the extent to which it:

- Describes an auditing program that will meet the stated objectives of the notice of funding availability to ensure timely completion of new entrant safety audits and streamline processes to ensure maximum efficiency of grant-funded activities; and

- Degree to which the proposed work is based on sound principles of conducting new entrant safety audits and will likely result in project success.

TRP reviewers will also evaluate MNE applications to determine the extent to which it describes specific enforcement activities that support the objective of the program. In evaluating this, the reviewers will consider whether:

- Staffing resource allocation is sufficient to achieve the program objectives;

- All equipment, training, and travel components are clearly linked to the project goal and are necessary to adequately equip, train, and enable personnel to conduct the activities included in the project plan; and,

- Proposed expenditures are reasonable in amount and clearly necessary to conduct the activities; these expenditures do not include unallowable expenses; proposed expenditures are eligible per Appendix A of the MCSAP Comprehensive Policy.

Finally, TRP reviewers will evaluate MNE applications to determine the extent to which it describes a plan that:

- Includes clearly-identified performance goals and measurements; and,

- Includes a monitoring and evaluation component that indicates how the grantee will continuously ensure success of the project by evaluating performance and outcomes and making adjustments as necessary (this will also allow FMCSA and the grantee to properly monitor the grant-funded activities).

TRP members will utilize the below adjectival ratings for each component above and as a final summary determination based on all components reviewed.

- **Highly Responsive:** Applicant fully addresses all aspects of the criterion, convincingly demonstrates that it will meet the Government's performance requirements, and demonstrates no weaknesses.

- **Responsive:** Applicant fully addresses all aspects of the criterion, demonstrates a likelihood of meeting the Government's requirements, but may include a few minor weaknesses.

- **Somewhat Responsive:** Applicant addresses most aspects of the criterion and demonstrates the ability to meet the Government's performance requirements. However, the Application contains significant weaknesses and/or a number of minor weaknesses. These weaknesses may be addressed by recommending the award and including a specific programmatic or administrative post-award term and condition.

- **Not Responsive:** Applicant does not sufficiently address the criterion and the information presented indicates a strong likelihood of failure to meet the Government's requirements.

2. **Budget Review/Cost Analysis.** This review provides an assessment of allowable costs in accordance with Federal grant requirements, the cost realism of the budget estimate, appropriateness and reasonableness of resources, and reasonableness and feasibility of the schedule relative to the application timeline. Importantly, the budget evaluation provides initial insight to project-related risk, beyond those dealing with technical uncertainty, which is considered prior to recommendation.

   Reviewers will evaluate MNE applications to determine the extent to which:

   - Elements of work included in the application have associated budget costs and, conversely, all elements in the applicant’s budget have corresponding work elements included in the application;

   - Budget costs are allowable, allocable, necessary and reasonable per the U.S. Department of Transportation Common Rule (49 C.F.R. part 18 or 19) and the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; and

   - Costs in a particular cost category been properly identified as allowable, with the necessary detail for its use, and not duplicative to the other budget line items.

3. **Federal Awarding Agency Review of Risk Posed by Applicants.** This review provides a risk assessment on each applicant's organization. The risk assessment is conducted in several parts: 1) a debarment and suspension review that included a review of the applicant's administrative capability self-certification form and a check against the records in SAM; 2) a review of the applicant's history with other Federal agencies in Single Audit Clearinghouse Database; and 3) an evaluation of the applicant's Single Audit in accordance with the Single Audit Act. The FMCSA may, at its discretion, request further information and/or conduct an audit to confirm compliance as indicated on the SF-LLL – Disclosure of Lobbying Activities form, as provided for in the United States Code or the Code of Federal Regulations.

   Depending on the level and severity of the Agency's risk assessment findings, FMCSA may determine that the applicant is not qualified to receive the award and use that determination as a basis for making an award to another applicant. The FMCSA may also impose additional grant award terms and conditions above its customary general terms and conditions.

4. **Applicant Past Performance w/ FMCSA.** This review provides information that is considered as a possible indicator for predicting future performance. Many applicants for FMCSA programs have received FMCSA funding in the past and will be evaluated against their ability to complete prior year awards on-time, compliance with grant terms and conditions, and results from FMCSA grant monitoring activities. Applicants with no prior FMCSA grant awards will not be eliminated from funding consideration.

   Reviewers will evaluate MNE applications to determine the extent to which:

   - The application is written in a manner that would allow FMCSA to monitor performance based on FMCSA reporting requirements;

   - The proposed project/program is reasonable in scope, adequate to address existing and emerging commercial vehicle safety issues, and likely to succeed in achieving its goals;

   - Based on prior personnel and budgetary practices, and past performance, the proposed expenditures are reasonable and necessary to conduct the proposed projects and if costs are allowable under applicable Federal regulations and the MCSAP Comprehensive Policy; and

   - The applicant successfully performs and manages current project tasks (e.g., within budget and on schedule).

   Reviewers will also:

- Provide any issues or findings from monitoring activities (e.g., audit, program, or process reviews) where the applicant violated the grant terms and conditions;

- Include information whether the applicant's previous performance and financial reports were submitted late, incomplete or incorrectly; and/or has the applicant consistently requested additional time to complete the reports; and
- Provide any feedback on the application's significance, approach, and feasibility.

5. **Consideration of Program-Specific Aspects:** The FMCSA will consider other aspect in the review of the application, in addition to an application's merit, budget, risk assessment, and past performance. These aspects relate to program-specific policy areas that may factor into an award recommendation. MNE program-aspects include:

    - A project or group of projects which represents a diversity of technical approaches or methods;

    - Efforts that are complementary and/or duplicative, which, when taken together, will best achieve the goals and objectives;

    - Different kinds and sizes of organizations in order to provide a balanced programmatic effort and a variety of different technical perspectives; and

    - Ensuring that all interstate motor carriers in the United States are properly audited.

Applicant Negotiation—

After the application review process, FMCSA may find it necessary to contact the applicant with additional questions for clarification. The FMCSA also reserves the right to negotiate with the submitting applicant regarding project revisions (e.g., reductions in the scope of work, funding level, period, or method of support) prior to recommending any project for funding. An applicant may be required to submit a supplemental budget or project narrative based on a partial or modified grant recommendation. The FMCSA expects to begin contacting applicants and/or conducting negotiations (if necessary) in September 2015. However, FMCSA does not expect to make final awards prior to March 2016.

F. Award Administration Information

The FMCSA will consider the results of the reviews outlined in this NOFA, applicant responses (if applicable) and recommend that the application be: 1) approved for award from currently

available funds (in its entirety or in part); or 2) declined due to insufficient funds or unfavorable review. Once the FMCSA Administrator approves the recommendations, FMCSA will make awards upon the enactment of authorizing legislation, an appropriations act, budget authority, and apportionment from the Office of Management and Budget (OMB). The FMCSA may, at its discretion; issue partial funding awards up to the level authorized and provided that the above conditions are met. Additional information on the budget process may be found in OMB A-11: http://www.whitehouse.gov/omb/circulars_default/.

The GMO issues the Notice of Grant Award (NGA) to the recommended applicant via GrantSolutions (www.grantsolutions.gov), the FMCSA grant management system. Attached to the NGA is the FMCSA Financial Assistance Agreement General Provisions and Assurances (grant terms and conditions). Applicants must agree to the terms and conditions before grant funds will be awarded. A copy of the FY 2016 terms and conditions is located within the Grants.gov "Full Announcement" tab. The FMCSA is updating these terms and conditions to comply with OMB requirements and will make them available, by request, in FY 2016. Contact the FMCSA GMO for additional information.

The grant terms and conditions outline the reporting requirements that the recipient must meet after award. Reporting responsibilities include quarterly program performance status using the Performance Progress Report (SF-PPR) and quarterly financial status using the Federal Financial Report (SF-FFR). For FY 2016 FMCSA grant awards, recipients must use GrantSolutions to submit the SF-FFR. The recipient is required to submit the quarterly SF-PPR via email until the FMCSA has made the necessary GrantSolutions system modifications that will allow for electronic SF-PPR reporting. Roll-out is scheduled in FY 2016.

Additional quarterly report information and other required forms and templates are available at: http://www.fmcsa.dot.gov/mission/grants/grantee-resources

All FMCSA grant programs are cost reimbursable. Reimbursement means that grant funded entities must first expend their own money for activities identified in the grant application. Entities will then be reimbursed by FMCSA for actual costs incurred. All FMCSA recipients must request reimbursement on a quarterly basis. This request must include a signed Request for Advance or Reimbursement (SF-270) and a detailed expenditures worksheet with a written explanation of how the funds were used. All costs must be in line with the approved budget, OMB cost principles, related FMCSA and other policies. Recipients must submit requests for reimbursement electronically through the Delphi eInvoicing System (iSupplier). Additional information is available at: http://www.dot.gov/cfo/delphi-einvoicing-system.

If an applicant is not selected for funding, the applicant will not receive any communication until all funding recommendations have been approved by the FMCSA Administrator. At that time,

FMCSA will send a letter to notify those applicants who were not funded. The FMCSA does not have an appeals process for unsuccessful applications for discretionary grant funds.

G. Agency Contact—

FMCSA Grants Management Office (GMO):

By E-mail:
FMCSA_GrantMgmtHelpdesk@dot.gov, or

By Telephone:
(202) 366-0621

Office hours are from 9 a.m. to 5 p.m., Eastern Standard Time, Monday through Friday, except Federal holidays.

By Mail:
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Grants Management Office
1200 New Jersey Ave, SE, West Building
Washington, DC 20590

H. Other Information—

The FMCSA may make changes or additions to this NOFA. All changes will be communicated on Grants.gov. We encourage you to sign up for Grants.gov emails so you may be notified of the changes.

Prior to the application due date, FMCSA plans to conduct a pre-funding conference(s) for all prospective applicants. At this conference, FMCSA staff will review the NOFA requirements and answer questions from prospective applicants. Information regarding a pre-funding conference will be posted on Grants.gov.

This NOFA is intended for informational purposes and reflects current planning. If there is any inconsistency between the information contained herein and the terms of any resulting funding agreement, the terms of the funding agreement are controlling.

The FMCSA is not obligated to make any Federal award as a result of the announcement. Funding amounts made available for reimbursement may be impacted by limitations placed on

the spending authority and appropriations enacted for FMCSA. The FMCSA uses its contract authority for this program to make the effective date for this grant October 1, 2015; however, FMCSA is not responsible for any monies expended outside the scope of the grant agreement by the applicant prior to the award of any funding agreement. Only FMCSA authorizing officials can obligate the Federal government.

An application may be withdrawn at any time before a final funding decision is made regarding the application; however, withdrawn applications normally will not be returned. One copy of each application that is not selected for funding, including those that are withdrawn, will be retained by FMCSA for a period of three years.

The FMCSA Grant Programs Website (for applicant and grantee resources):
http://www.fmcsa.dot.gov/mission/grants/grantee-resources

I. Appendices

- Appendix A: Application Package Requirements
- Appendix B: Program Narrative Guidance
- Appendix C**:** Budget Narrative Guidance
- Appendix D: United States Department of Transportation Standard Title VI/Non-Discrimination Assurances (DOT Order No. 1050.2A)

Appendix A—Application Package Requirements

Below are the documents necessary to be considered as being responsive to this announcement. Use of this appendix is encouraged as it ensures your application will proceed forward for further review. The table below lists the document names, description, location, and submission information.

	Document Name	Document Description and Location Information	Document Included	
1	SF-424 Application for Federal Assistance	Required standard application form for all requests for Federal assistance. Available in the Grants.gov application package. Attached by the applicant to the Grants.gov application package.	YES ☐	NO ☐
2	SF-424A Budget Information for Non-Construction Programs	Required standard budget form for requests for Federal assistance. Available in the Grants.gov application package. Attached by the applicant to the Grants.gov application package.	YES ☐	NO ☐
3	SF-424B Assurances for Non-Construction Programs	Required standard assurances form associated with accepting Federal assistance funds. This document indicates that the applicant is in substantial compliance with various programs, regulations, and Federal laws for a non-construction program. Available in the Grants.gov application package. Attached by the applicant to the Grants.gov application package.	YES ☐	NO ☐
4	Grants.Gov Lobbying Form	Required form that allows applicants to indicate that they do not engage in lobbying activity. Available in the Grants.gov application package. Attached by the applicant to the Grants.gov application package.	YES ☐	NO ☐
5	SF-LLL Disclosure of Lobbying Activities (if applicable)	Standard form for applicants to report their lobbying activities available in the Grants.gov application kit. Only applies to applicants that have lobbying activities to disclose. Available in the Grants.gov application package. Attached by the applicant to the Grants.gov application package, if applicable.	YES ☐	NO ☐

Appendix A—Application Package Requirements				
Document Name		**Document Description and Location Information**	**Document Included**	
6	Key Contacts Form	Required form requests contact information for the: 1) designated Authorized Designated Official (authorized signer), 2) Principal Investigator or Program Director (program/project manager); and 3) Financial Official (Grants Manager). Available in the Grants.gov application package. Attached by the applicant to the Grants.gov application package.	YES ☐	NO ☐
7	Attachment Form	Form used to submit supplemental attachments to support the grant application. Available in the Grants.gov application package. Attached by the applicant to the Grants.gov application package, if applicable.	YES ☐	NO ☐
8	Indirect Cost Rate Agreement	Applicant's signed current approved indirect cost rate from the cognizant Federal agency or letter of request to cognizant agency for rate establishment or adjustment. Attached by the applicant to the Grants.gov application package, if indirect costs are included in the budget.	YES ☐	NO ☐
9	FMCSA Administrative Capability Questionnaire	Applicant self-certification for FMCSA to assess the adequacy of the State applicant's administrative management systems. The questionnaire is located within the Grants.gov "Full Announcement" tab. All applicants must submit a current FMCSA Administrative Capabilities Questionnaire if one has not already been submitted for FY 2016. Completed by the applicant and attached to the Grants.gov application package.	YES ☐	NO ☐

Appendix A—Application Package Requirements				
Document Name		**Document Description and Location Information**	**Document Included**	
10	Standard Title VI/Non-Discrimination Assurances	Required self-certification assurance ensures that the applicant will comply with the appropriate acts, regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination. The assurance is located within the Grants.gov "Full Announcement" tab. This form is submitted by the applicant into Grants.gov.	YES ☐	NO ☐

Appendix B – Program Narrative Guidance

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
Fiscal Year 2016 – Motor Carrier Safety Assistance Program
NEW ENTRANT GRANT APPLICATION
Program Narrative Template

TO COMPLETE THIS TEMPLATE, REPLACE THE HIGHLIGHTED DIRECTIONS/FIELDS WITH YOUR PROPOSED PLAN.

New Entrant Agency: (enter Agency name):

I. Program Overview

Goal: Reducing the number and severity of crashes, injuries, and fatalities involving commercial motor vehicles by reviewing new interstate motor carriers to ensure that they have effective safety management programs.

☐**Objective 1:** Processing and completing safety audits within the statutory time limits
Entry date into the New Entrant program (as show in FMCSA data systems) September 30, 2013 or earlier: safety audit must be completed within 18 months;
Entry date into the New Entrant program (as show in FMCSA data systems) October 1, 2013 or later: safety audit must be completed within 12 months for all motor carriers and 120 days for motor carriers of passengers.

☐**Objective 2**: (OPTIONAL): Developing and implementing innovative methods to streamline the safety audit process to reduce costs and improve the efficiency of the new entrant program within the State that are in addition to the FMCSA national offsite safety audit initiative that will begin deploying in 2015.

II. Program Strategies

Brief Introduction:

Include a 1-2 sentence description of the goal(s) of the application and the applicable program priority(ies) met by the application's projects. Include in this introduction specific information about the outputs the application proposes to achieve. For each goal identified, the applicant must provide a problem statement, performance objective, program activity plan, and performance measurement plan.

Problem Statement:

A brief, quantitative description of the identified program. Include details on the data use to identified problem. Include details on the data used to identify the problem and to establish the baseline (include data sources, date, and explain how the applicant collects, maintains, and analyzes the data)

Performance Objectives:

A description of the quantifiable goals related to the above problem statement. This can be measured in numbers or percentages that accurately measure the outputs the applicant anticipates will result from implementing the strategies and activities proposed

The following Critical Information Table (provided below), although not required, is provided for your use to summarize the anticipated project activities.

ANTICIPATED SUMMARY OF ACTIVITIES		
# of Safety Audits conducted (TOTAL)		
	# of Safety Audits conducted by Onsite SA processes:	
	# of Safety Audits conducted by Offsite SA processes:	
# of Non-Audit Resolutions (TOTAL)		
	# of Non-Audit Resolutions (Onsite SA processes):	
	# of Non-Audit Resolutions (Offsite SA processes):	
# of Inspections to Maintain Certification (TOTAL)		
Consistent with the MCSAP Comprehensive Policy:	# of Compliance Reviews/CSA Interventions:	
	# of Driver/Vehicle Inspections:	

Program Activity Plan:

A description of the activities the applicant believes will help mitigate the problem.

Performance Measurement Plan:

A description of how the applicant will measure progress towards the performance objective goal, such as quantifiable and measurable outputs (hours, carrier contacts, inspections, etc.) and in terms of performance outcomes. The measure must include specific benchmarks that can be reported on in the quarterly progress report, if practicable, or as annual outcomes.

What is a Budget Narrative?

The budget narrative explains the "what, "how" and "why" of a line item cost to carry out grant project goals and objectives. A budget narrative is a narrative explanation of each budget component which supports the costs of the proposed work. The budget narrative should focus on how each budget item is required to achieve the proposed project goals and objectives. It should also justify how budget costs were calculated.

The budget narrative should be clear, specific, detailed, and mathematically correct.
The FMCSA reviews the budget narrative to confirm how costs are allowable, allocable, necessary, and reasonable. A well-developed budget narrative is also an effective management tool; a budget that doesn't represent a project's needs makes it difficult to recommend for funding and assess financial performance over the life of the project. The budget narrative serves a number of critical functions:

- Describes your need for or necessity of an expense;

- Documents how reasonable the request is, conveys your judgment as well as the feasibility of the project in context of available and proposed resources; and

- Helps FMCSA review high-risk cost items to determine funding.

What Different Costs are in a Budget Narrative?

Personnel: Personnel costs are employee salaries working directly on a grant project. Only include costs for personnel employed by your organization. Costs should be consistent with that paid for similar types of work within the organization. Individuals not employed by your organization will be classified as either a subgrant or contractor. See the contractual object class for additional information.

Below is a sample personnel budget narrative. The FMCSA evaluates the personnel budget narrative to determine whether the proposed number of personnel is appropriate and that there is sufficient staffing to meet the project objectives. The proposed effort should be consistent with the effort required by the work plan. The labor mix should be consistent with the caliber of effort – professional/nonprofessional/clerical – required by the grant work plan. The FMCSA also reviews the personnel budget to determine if the salary ranges proposed are reasonable.

Sample Personnel Budget Narrative					
Position(s)	**# of Staff**	**% of Time**	**Work Year Hours**	**Hourly Rate**	**Total Cost**
Supervisor	1	100	2080	$28	$58,240
Trooper	1	50	1040	$19	$19,760
Troopers	10	100	2080	$19	$395,200
Sub-Total Salary					***$473,200***
Total Personnel					***$473,200***

The Supervisor supervises activities of the project. She/he spends time implementing this project, supervising staff, and conducting activities to meet the objectives of this project. Activities include: supervising daily operation of projects and staff, providing staff training/technical assistance, coordinating staff work schedule/assignments, ensuring data entry, tracking and following-up on procedures to meet quality assurance, and tracking policy to ensure compliance. Troopers conduct roadside inspections to fulfill reporting requirements.

Fringe Benefits: Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans. The costs of fringe benefits are allowable provided that the benefits are reasonable and are required by law, non-Federal entity-employee agreement, or an established policy of the non-Federal entity. The FMCSA will only reimburse fringe costs for the personnel and only for the percentage of time they devote to the project.

Some helpful tips:

- Include how the fringe benefit amount is calculated (e.g., actual fringe benefits, rate approved by the Health and Human Services State Wide Cost Allocation Plan or cognizant agency). Explain what is included in the benefit package.

- Do not combine the fringe benefit costs with direct salaries and wages in the personnel category.

Below is a sample fringe budget narrative. Note that that the personnel in the personnel budget narrative should be reflected in the fringe benefits budget narrative. The level of personnel

participation (full time or part time) must also correspond to the fringe charged. This way, FMCSA ensures that the correct fringe is attributed to the correct grant.

Sample Fringe Benefits Budget Narrative			
Position(s)	**Rate**	**Base Amount**	**Total Cost**
1 Trooper	16.72	100	$6,608
10 Troopers (Part-Time)	16.72	50	$33,040
Sub-Total Fringe Benefits			***$39,648***
Fringe benefits include cost of health insurance, retirement, workers' compensation and unemployment benefit plans. It is calculated at the average rate of 16.72 as recognized by the cognizant agency. This rate is applied to the average hourly rate of $19 per trooper, with a projected annual hours worked at 2,080 hours. The 10 part-time troopers average 50% per Trooper working on the program or an average of 1,040 hours.			

Travel: Travel costs include field work activities and travel to professional meetings. The FMCSA reviews the travel budget to ensure that amounts are reasonable based on the level of effort described in the project plan. Generally speaking, FMCSA will accept in-State travel costs for routine operations as reasonable unless there is a specific reason to question them. The FMCSA evaluates out-of-state travel to ensure the trips planned are necessary to complete the scope of work (usually training or meeting attendance), and that the number of travelers is consistent with the trip purpose. Some helpful tips:

- Include estimates for unforeseen travel such as possible FMCSA required meetings, with estimated costs of attendance.

- Explain the reason for travel expenses for project personnel (e.g., staff to training, field interviews, advisory group meeting, etc.) and, if known, identify the location/destination of travel.

- Do not include payroll, fringe, or other costs listed as part of the travel. For example, payroll/fringe is included in personnel and fuel costs are included in other.

Below is a sample travel budget narrative. Unexpected eligible conferences, such as with FMCSA, can be put into the budget without the need to breakout what the daily cost will be; however, when it is billed to the budget, it will be billed with actuals expenses, which are auditable. Expenses must

be auditable (e.g. able to be backed up with actual days on the road, state per diem costs, hotel expenses, and any allowable miscellaneous costs).

Sample Travel Cost Budget Narrative			
Purpose	**# of Staff**	**Days**	**Total Cost**
Statewide Travel - Inspections	15		$300,000
Certification Training	15		$27,000
FMCSA Conference	10		$18,000
Sub-Total Travel			***$345,000***
The State Agency plans to utilize 15 officers to complete 1500 inspections which will occur throughout the state. It has been found that the average costs are about $200/inspection. This includes the per diem, hotel, vehicle mileage, and related travel cost. Certification Training is expected to be conducted during the year. Fifteen (15) staff members will be attending certification training. Our past experience demonstrates that the average cost for this training, which includes, airfare, per diem, hotel, taxi, and related expenses has come to $1,800 per employee. It is expected that the FMCSA will be holding an annual national MCSAP conference but its location and related costs cannot be determined at this time. We are budgeting based on last year's average cost at $1,800 per employee.			

Equipment: Equipment costs are tangible, nonexpendable, personal property items that have a useful life of more than one year and an acquisition cost of $5,000 or more per unit. In the budget narrative, the FMCSA evaluates both the need for the equipment (e.g., ration of employees to equipment) and the justification demonstrating the means in which the equipment supports project activities. The FMCSA also evaluates the extent to which the equipment is being used to support more than one FMCSA grant. If it does, FMCSA evaluates if the cost has been prorated accurately. Additionally, the FMCSA reviews past performance information to determine whether the same equipment for the project/program was purchased in previous years. A sample equipment budget narrative is below. Some helpful tips:

- Indicate in the narrative if your equipment threshold is below $5,000 so FMCSA understands why lower costs items are included in this line. Otherwise, expenses under the threshold of $5,000 per item belong in supplies or other, depending on the item.

- Explain the purpose and use of each item of equipment. Prorate the costs, if applicable.

- Common purchases like a computer system (when purchased as a package - keyboard, monitor and hard drive, etc.) are considered equipment if the total cost exceeds the threshold. If these same items are purchased individually (and not as a package) and each unit is below the threshold, list them under supplies.

- When developing your budget analyze the cost benefits of purchasing versus leasing equipment, particularly high-cost items and those subject to rapid technical advances. List rented or leased equipment costs in the contractual or the other object class, depending upon your procurement method. See the guidance under the other object class for additional information.

Sample Equipment Cost Budget Narrative			
Item Name	**# of Items**	**Cost per Item**	**Total Cost**
Vehicles	12	$36,000	**$432,000**
Sub-Total Equipment			***$432,000***
The state requests 12 new vehicles to complete motor carrier safety inspections that will replace vehicles that have reached their useful life by the state's vehicle replacement policy. These vehicles will only be used for grant eligible purposes and are needed to fulfill activities proposed in the application. The cost for purchasing a vehicle is based on the State's current procurement contract.			

Supplies: Supplies are tangible personal property other than equipment. The FMCSA evaluates supplies costs to ensure a sufficient level of detail that would allow an informed reader to understand that the standard office supplies are reasonable. For example, an applicant need not provide details on the number of paper clips that it will purchase. At the same time, FMCSA cannot accept an amount for office supplies that would equal, for example, $8,000 a year per person without further clarification. Some helpful tips:

- A good way to document supplies is to indicate the approximate expenditure of the unit as a whole (e.g., office supplies cost $XX per month).

- Do remember to include a quantity and unit cost for larger cost supply items such as computers and printers.

Below is a sample supplies budget narrative.

Sample Supplies Cost Budget Narrative				
Item Name	**# of Units/Items**	**Unit of Measurement**	**Cost per Unit**	**Total Cost**
General Office Supplies	12	Month	$39	$468
Mobile Printers	7	Item	$250	$1,750
Laptop Computers	12	Item	$2,000	$24,000
Sub-Total Supplies				***$26,218***
General office supplies are required for 26 officers in the program. Ten part-time troopers require new laptop computers, and five full-time officers require new mobile printers to complete this grant's activities. These officers conduct roadside inspections to fulfill reporting requirements. The extra mobile printers and laptops are requested for replacement purposes.				

Contractual: Contractual object class costs include the cost of any contract or subgrant agreement between the applicant and another organization (for example a vendor or local government organization). Contractual costs can be categorized two ways: contract or subgrant.
The FMCSA reviews the contractual budget narrative to ensure it contains sufficient descriptive information about what specific costs (products and/or services) would be charged to the grant, a rationale for how those costs were derived, and the applicability and necessity of each to the grant.

A helpful tip: Include the name of the vendor/subgrantee, if known. If not, indicate that the selection is pending and an estimated timeframe when the vendor/subgrantee will be selected. In the application, the most important component of the contractual budget narrative is the purpose of the contract/subgrant and how the cost was estimated/derived.

Guidance for Contract Costs: A contract means a legal instrument by which a non-Federal entity purchases services needed to carry out the project or program under a Federal award. A contractor provides the goods and services within normal business operations; provides similar goods or services to many different purchasers; normally operates in a competitive environment; provides goods or services that are ancillary (but necessary) to the operation of the Federal program. A contractor is not subject to Federal compliance requirements as a result of the grant, though similar requirements may apply for other reasons.

For example, contractual costs could include training, maintenance contracts, or other service contracts except those which belong in different object classes such as equipment or supplies (depending upon your organization's policy). The term "procurement" is used to identify the process of acquiring goods and services from sources outside of the grantee organization. When procuring property and services under a Federal award, an organization must follow the same policies and procedures it uses for procurements for its non-Federal funds. Non-competitive procurements should only be used in limited circumstances and should be a last resort.

Guidance for Subgrant Costs: A subgrant means an award provided by the grantee (also known as a pass-through entity) to a subgrantee. A subgrantee has its performance measured in relation to whether objectives of a Federal program were met; has responsibility for programmatic decision making; is responsible for adherence to applicable Federal program requirements specified in the Federal award; and (in accordance with its agreement), uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

A subgrant may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. Federal regulations require that all subgrantees obtain and maintain a Data Universal Numbering System (DUNS) number and continue to maintain an active System for Award Management registration at all times during an active Federal award.

Below is a sample contractual budget narrative for contractor costs. If you intend to provide funding to another organization as a subaward, provide a new object class budget narrative and line item budget for each subgrantee organization.

Sample Contractual Cost Budget Narrative	
Description of Services	**Total Cost**
Contract services for crash timeliness	$200,000
Sub-Total Contractual	***$200,000***
Contract services for crash timeliness include an assessment of the timeliness and quality of our data systems and the contractor oversees the development of plans to implement improvements to the system that support the state's highway safety programs. The contractor will conduct analyses of crash, ticket, and inspection data used in the planning and development of the CVSP, evaluating program and legislative initiatives, and monitoring the performance of the program.	

Other: Other costs are costs that do not fit within any of the other object class categories. Typical costs in this category include rent for buildings used to conduct project activities, utilities, and printing costs. The FMCSA reviews other costs to determine whether these costs are consistent with the proposed work plan and are necessary to complete the approved work plan. The FMCSA also evaluates the costs to ensure that no unallowable costs, such as entertainment expenses, are included. Below is a sample other costs budget narrative. Some helpful tips:

- A lease is considered an other cost when you are not the prime on the contract; rather, you are partnering with a different agency in your state or using a shared utility, facility or other services purchased through the state for one or more agencies. A lease is considered a contractual cost when you directly engage, and form a contract with, a vendor.

- Group other object class costs whenever possible (e.g., space, rental, communication, printing, maintenance) in the budget and explain how they support the grant activities.

- Ensure that other costs such as professional services, audit, postage, printing, and facilities expenses are not already accounted for in either your indirect cost rate agreement or cost allocation plan.

Sample Other Cost Budget Narrative				
Item Name	**# of Unit/ Items**	**Unit of Measurement**	**Cost Per Unit**	**Total Cost**
Copy machine rental	12	Item	$50	$600
Sub-Total Other				***$600***
The rental of the copy machine is shared with the administration. The machine is used on a daily basis to print inspection reports. A code is punched in whenever it is used for grant purposes. The cost is based on the average, prior grant year usage of the machine for grant activities.				

Indirect Costs: Indirect costs are costs incurred for common or joint objectives that benefit more than one project. They may be administrative and/or programmatic. The FMCSA reviews indirect cost rates to ensure the rate is valid, calculations are correct in the budget, and that the rate is applied to the appropriate base.

Remember to include your indirect cost rate agreement with your application in Grants.gov. If your rate will not be approved by the application due date, attach the letter of renewal or letter of request that you sent to your cognizant agency. This documentation is used as a placeholder until the rate is approved. Grantees may not receive reimbursement for indirect costs until the rate is approved.

The (***Title of Recipient***) (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, it is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (prohibits discrimination on the basis of race, color, national origin) (Pub. L. No. 88-352; 42 U.S.C. § 2000d *et seq*.);
- Federal-Aid Highway Act of 1973 (prohibits discrimination on the basis of sex) (Pub. L. No. 93-87; 23 U.S.C. § 324 *et seq*.)(;
- Title IX of the Education Amendments of 1972, as amended (prohibits discrimination on the basis of sex in education programs or activities) (Pub. L. No. 92-318; 20 U.S.C. § 1681 *et seq*.);
- Section 504 of the Rehabilitation Act of 1973, as amended) (prohibits discrimination on the basis of disability) (Pub. L. No. 93-112; 29 U.S.C. § 794 *et seq*);
- The Age Discrimination Act of 1975, as amended (prohibits discrimination on the basis of age) (Pub. L. No. 94-135; 42 U.S.C. § 6101 *et seq*.);
- Americans with Disabilities Act of 1990, as amended (prohibits discrimination on the basis of disability) (Pub. L. No. 101-366; 42 U.S.C. § 12101 *et seq*);
- 49 C.F.R. part 21 (entitled "Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964");
- 49 C.F.R. part 27 (entitled "Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance");
- 49 C.F.R. part 28 (entitled "Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department Of Transportation");
- 49 C.F.R. part 37 (entitled "Transportation Services for Individuals with Disabilities" (ADA);
- 49 C.F.R. part 303 (FMCSA's Civil Rights Regulations);
- 28 C.F.R. part 35 (entitled "Discrimination on the Basis of Disability in State and Local Government Services"); and
- 28 C.F.R. § 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their Federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," emphasizes that Federal agencies should use existing laws to achieve environmental justice-in particular Title VI-to ensure nondiscrimination against minority populations. 3 C.F.R. § 859 (1995). Recipients should be aware that certain Title VI matters raise environmental justice concerns, and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement environmental justice considerations. See the following FHWA website for more information and facts about environmental justice: http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm.

Additionally, Executive Order 13166, on Limited English Proficiency (LEP) clarifies the responsibilities associated with the "application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency." (U.S. Department of Justice Policy Guidance Document dated August 16, 2000, 65 Fed. Reg. at 50123; 3 C.F.R. § 289). When receiving Federal funds, Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (*See also* U.S. DOT's "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons," dated December 14, 2005, available at 70 Fed. Reg. at 74087 - 74100). The Guidance is a useful resource when performing a Four-Factor Analysis.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

> "No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA."

The Civil Rights Restoration Act of 1987 (Pub. L. No. 100-259) clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the programs are Federally-assisted. (Pub. L. No. 94-135; Pub. L. No. 93-112).

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted **FMCSA Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Motor Carrier Safety Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

   "The **(Title of Recipient)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.";
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in this Appendix D, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program;
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
   a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
   b. the period during which the Recipient retains ownership or possession of the property;

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance; and
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, [Name of the recipient] also agrees to comply (and require any subrecipients, subgrantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. The [Recipient] must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. [The Recipient] must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, [the Recipient] must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

[Name of Recipient] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program. This ASSURANCE is binding on [insert State], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

_____

(Name of Recipient)

by_____

(*Signature of Authorized Official*)

DATED_____

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or limited English Proficiency (LEP) in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix D, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21;
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP;
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information;
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
    a. withholding payments to the contractor under the contract until the contractor complies; and/or
    b. cancelling, terminating, or suspending a contract, in whole or in part; and
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such

direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the (***Title of Recipient***) will accept title to the lands and maintain the project constructed thereon in accordance with (***Name of Appropriate Legislative Authority***), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program,** and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (Pub. L. No. 88-352;78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (***Title of Recipient***) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto (***Title of Recipient***) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (***Title of Recipient***), its successors and assigns.

The (***Title of Recipient***), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the (***Title of Recipient***) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to

and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (***Title of Recipient***) pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that: In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (***Title of Recipient***) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (***Title of Recipient***) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by (***Title of Recipient***) pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex,

age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc. as appropriate) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will there upon revert to and vest in and become the absolute property of (***Title of Recipient***) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (prohibits discrimination on the basis of race, color, national origin) (Pub. L. No. 88–352, 78 Stat. 252, 42 U.S.C. § 2000d *et seq.*; 49 C.F.R. § 21.1 et seq. and 49 C.F.R. § 303) ;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects) (Pub. L. No. 91-646; 42 U.S.C. § 4601);
- Title IX of the Education Amendments of 1972, as amended (prohibits discrimination on the basis of sex) (Pub. L. No. 93-87; 20 U.S.C. §1681 *et seq*.);
- Section 504 of the Rehabilitation Act of 1973, as amended (prohibits discrimination on the basis of disability) (Pub. L. No. 93-112; 29 U.S.C. § 794 *et seq.*; 49 C.F.R. part 27);
- The Age Discrimination Act of 1975, as amended (prohibits discrimination on the basis of age) (Pub. L. No. 94-135; 42 U.S.C. § 6101 *et seq*.);
- Airport and Airway Improvement Act of 1982, as amended (prohibits discrimination based on race, creed, color, national origin, or sex) (Pub. L. No. 97-248; 49 U.S.C. § 47123);
- The Civil Rights Restoration Act of 1987 (which "restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.") (Pub. L. No. 100-259);

- Titles II and III of the Americans with Disabilities Act of 1990 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities) (Pub. L. No. 101-336; 42 U.S.C. §§ 12131 -- 12189, as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38);
- The Federal Aviation Administration's Non-discrimination Statute ,49 U.S.C. § 47123 (prohibits discrimination on the basis of race, color, national origin, and sex);
- Exec. Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Exec. Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP)" (ensures compliance with Title VI, requiring reasonable steps to ensure that LEP persons have meaningful access to Federal programs) (70 Fed. Reg. at 74087 to 74100).