U.S. Department of Transportation

Federal Motor Carrier Safety Administration

Fiscal Year 2016 Performance and Registration Information Systems Management Grant Program Notice of Funding Availability

Announcement Type:	Discretionary Grant
Catalog of Federal Domestic Assistance Number:	20.231
Program Purpose:	The Performance and Registration Information Systems Management (PRISM) grant program is a cooperative Federal-State safety program developed to reduce commercial vehicle accidents. The PRISM program encompasses two major processes registration and enforcement, which are integrated to identify motor carriers and hold them responsible for the safety of their operations. The performance of unsafe carriers is improved through a comprehensive system of identifications, education, data gathering, safety monitoring, and treatment.
Eligibility Information:	State agencies located in one of the fifty States, the District of Columbia, Puerto Rico, Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands. State agencies must work on highway traffic safety activities and must demonstrate a capacity to work with highway traffic safety stakeholders.
Application Due Date:	March 7, 2016 (11:59 P.M. Eastern Standard Time)

A. PRISM Grant Program Description

The Federal Motor Carrier Safety Administration (FMCSA) announces this Fiscal Year (FY) 2016 Performance and Registration Information Systems Management (PRISM) grant program Notice of Funding Availability (NOFA) to solicit applications from State agencies that support highway traffic safety activities. The goal of the PRISM grant program is to support State commercial motor vehicle (CMV) registration and enforcement agencies that conduct two interrelated tasks to promote CMV safety. The first is determining the operating status of a motor carrier when licensing or registering the carrier or by monitoring the operating status while the license or registration is in effect. The second activity is denying, suspending, or revoking CMV registrations of a motor carrier that has been issued an operations out-of-service order by FMCSA.

The PRISM program is authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU), Pub. L. No. 109-59, §§ 4101(c)(3), 4109 (2005), *as amended by* Moving Ahead for Progress in the 21st Century (MAP-21), Pub. L. No. 112-141, §§ 32602 and 32603(c) (2012), and the Fixing America' s Surface Transportation Act. PRISM grants are governed by 49 United States Code (U.S.C.) §§ 49 31106(b) and 31109 (2006), *as amended*. The FMCSA Grants Management Office (GMO) will make changes to the announcement via Grants.gov if there are statutory changes to the PRISM program for FY 2016.

The FMCSA provides PRISM funds to link State commercial motor vehicle registration and licensing systems with Federal motor carrier safety information systems. This connection enables a State to determine if a motor carrier or registrant has been ordered to cease interstate operations by FMCSA when that carrier or registrant applies for or renews vehicle registration, or while the registration is in effect and enables the State to take action on that information. Law enforcement activities are funded by PRISM grants as an enhancement to track and improve safety performance of carriers with demonstrated poor safety performance. This also includes funding for States' intrastate HAZMAT motor carrier activities. Below is a list of PRISM activities that meet these objectives:

PRISM Program Registration Program Requirements	
Legislative	1. Seek authority to suspend (or revoke) and deny registration if the motor carrier responsible for safety of the vehicle is under a Federal out of service (OOS) order, including authority to deny registration to motor carriers attempting to avoid FMCSA enforcement sanctions by obtaining a new USDOT number under a different name and motor carriers under Federal operating authority sanctions. 2. Seek authority to retrieve license plates from carriers whose registration has been suspended based on FMCSA sanctions.

Registration Processes	3. Check carrier safety status before issuing credentials and deny the registration if the motor carrier is prohibited from interstate operations. 4. Check carrier safety status during the registration period on a daily basis, and suspend the registrations of any vehicles assigned to motor carriers under a Federal OOS order or under Federal operating authority sanctions.
	5. Check every VIN entered into the IRP system against the PRISM Target File to see if the vehicle is associated with a motor carrier that is under a Federal OOS order or under Federal operating authority sanctions. This check is used to investigate suspected reincarnated carriers. Complete updates of the IRP system are not an eligible activity, but updates to the IRP system necessary to implement the PRISM program requirements are eligible activities, so applicants should detail how the updates to the IRP will achieve PRISM objectives. 6. Update the PRISM-SAFER database daily with vehicle registration information by uploading either a PRISM Vehicle File or CVIEW T0022 transactions. 7. Maintain/update the IRP Status Code within the vehicle registration records, and apply the 950 status code to vehicles that are suspended due to a Federal OOS order.
Data Collection and Forms	8. Identify, collect and maintain the USDOT Number and TIN for the motor carrier responsible for the safe operation of each vehicle being registered. 9. Validate the USDOT Number and TIN before adding any USDOT Number and TIN combination to the IRP registration files at the vehicle level (VIN). 10. Print and barcode the motor carrier information on the cab card if the motor carrier responsible for the safety of the vehicle is not expected to change during the registration year. 11. Incorporate PRISM requirements in temporary authority processes.

Communications and Training	12. Collect the number of registration denials and suspensions/revocations due to a motor carrier being identified as under a Federal OOS order, and report to the Division Office on a quarterly basis. 13. Provide assistance to FMCSA Division Office for carrier-related registration information requested. 14. Provide assistance to State motor carrier law enforcement for carrier-related registration information requested. 15. Ensure PRISM training is provided to all appropriate IRP staff, motor carriers, and other interested parties, including training of IRP staff on key FMCSA applications such as MCMIS and Query Central, where applicable.
Law Enforcement	Law Enforcement Requirements 1. Identify vehicles assigned to carriers under a Federal OOS order or operating without operating authority when operating authority is required and take the appropriate enforcement action by placing the vehicle OOS. 2. Identify vehicles assigned to carriers on the PRISM target file and prioritize those carriers for inspection. 3. In probable cause states, obtain authority to consider as a probable cause the FMCSA OOS condition and/or OOS order against the USDOT number of the motor carrier responsible for safety. 4. Seek and implement authority to remove the license plates from vehicles associated with motor carriers that have been suspended for operating under a Federal OOS order. 5. Implement procedures to determine how to correct the unassigned or incorrectly assigned safety events. 6. Ensure PRISM training is provided to all enforcement officers.

B. FY 2016 PRISM Grant Program National Priorities—

Priority funding consideration in FY2016 will be given to applications that meet the criteria listed below.

- Non-PRISM jurisdictions that plan to address vehicle registration systems changes to implement PRISM registration program requirements 1 – 15 and implementation changes to address law enforcement requirements 1 – 6.

- PRISM jurisdictions that are addressing system changes and processes to increase their level of PRISM implementation.

- Vehicle registration systems changes to implement registration processes to maintain/update the IRP Status Code within the vehicle registration records (requirement 7) and apply the 950 status code to vehicles that are suspended due to a Federal OOS order.

- PRISM Workshop attendance in the November 2016 Washington, DC metropolitan area.

- Commercial motor vehicle law enforcement strategies using mobile enforcement technologies (i.e. mobile license plate readers) will be prioritized over fixed site technologies.

C. 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:	Up to $5,000,000
Anticipated Number of Awards:	15
Expected Amounts of Individual Awards:	Award Ceiling: $1,000,000 Award Floor: $750
Anticipated Start Date/Period of Performance:	Upon execution of a Notice of Grant Award through the awarded end date. NOTE: when requesting a period of performance on the SF-424 application form, applicants should carefully consider how long it will take to complete the grant's activities and objectives. An application requesting a realistic and feasible four-year period of performance is preferable to an application requesting a two-year period of performance that results in a grant with multiple extension requests.

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 eligible costs. There are no matching requirements.

D. PRISM Grant Program Eligibility Information

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.

E. 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 Grants Management Office (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.

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.

STEP #2: Every applicant must be: 1) 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.

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 March 7, 2016**. 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 prior to the due date 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 not accept a late application. An exception may be granted 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 submit the program application or complete required registrations by the submission deadline are not considered system issues.

F. Application Submission Content and Format

Applicants are not required to use the project or budget narrative format below, however; doing so helps ensure that the application meets the established minimum requirements. 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.

Application Project Plan Narrative Content and Format:

1. **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.

   Example:

   - [The Applicant] will deny and/or suspend vehicle registrations that are under a Federal Out-of-Service Order through the use of the Quarterly Report Form.

   - [The Applicant] will use enforcement technologies to screen vehicles at interstate commerce entry points.

2. **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 identified that a Mobile Enforcement Unit weighed 21,734 trucks which resulted in the issuance of 6,085 overweight citations; 2487 vehicles were identified and taken out of service by the Infra-Red Inspection System (IRIS) due to either credentialing issues or defective equipment.

- [The Applicant] has identified one of the national priorities is to encourage carriers to use the FMCSA MCS-150 portal, so as to eliminate States having to enter this information for the carriers. The State is seeking funding to assist in this effort, preparing mailings and other customer service initiatives to encourage the carriers to use the MCS-150 portal.

3. **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 conduct vehicle screenings at roadside to reduce out-of-service activity by using the PRISM Target File.

   - [The Applicant] will increase their denial and/or suspension of vehicle registration rates to 100% of carriers that are under a Federal Out-of-Service Order.

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

   - [The Applicant] will conduct PRISM-based ramp screening technology at weigh stations along high-traffic corridors and/or ports of entry.

   - [The Applicant] will address implementing registration processes to maintain and update the IRP Status Code within the vehicle registration records (Requirement 7), applying the 950 status code to vehicles that are suspended due to a Federal OOS order (Requirement 7), and eliminating the requirement for vehicle registration agencies to verify the MCS-150 update prior to issuing valid registrations.

5. **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] will use its IRP system to track the number of registration denials and suspensions (including the number of vehicles associated with carriers) and provide this information on the quarterly report form submitted to FMCSA.

- [The Applicant] will electronically identify and screen all vehicles on the ramp, without need for manual data entry – using the e-screen reporting features, compile statistics on the number of vehicles screened and related safety / compliance violations identified, as well as, the related interdiction / inspection results.

6. **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 B.

   NOTE FOR APPLICANTS REQUESTING EQUIPMENT: Applicants must fully describe the purpose and use of the equipment. Equipment is defined in 2 C.F.R. part 215 as tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit, unless the applicant's threshold is lower than $5,000. However, the applicant must use its own definition of equipment and include the different definition in the budget narrative. Each equipment budget narrative must contain (at a minimum):

   - How the equipment will be used to promote the PRISM program;
   - The number and unit cost of the equipment requested;
   - Who will be using the equipment;
   - How the equipment will be pro-rated if not dedicated 100% to the grant; and,
   - The equipment definition threshold used (Federal or State).

G. 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 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. **Project Narrative:** Project narrative includes: brief introduction, problem statement, performance objective(s), program activity plan(s), and performance measurement plan(s). Applicant generated and attached to the Grants.gov application package.

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. **Budget Narrative:** Budget narrative includes a thorough and clear justification of each budget category (object class) on the SF-424A. Applicant generated and attached to the Grants.gov application package.

10. **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. The FMCSA does not require indirect cost rate information if the applicant is not claiming indirect costs.

11. **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 response to a FY 2016 NOFA, you do not need to send a new one.

12. **PRISM-Specific Attachment:** Applicant self-certification to certify that the Applicant applying for FY 2016 PRISM funding meets the conditions for participation under

SAFETEA-LU §4109(a)(3). Applicant generated and attached to the Grants.gov application package. See Attachment C in this NOFA for the format.

13. **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.

H. Application Cost Guidance/Funding Restrictions—

Costs charged to FMCSA grants must be in accordance with the applicable cost principles. 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.

Eligible PRISM 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).
- Clerical and administrative expenses, to the extent necessary and directly attributable to the grant project.
- Expenses related to the improvement of real property (e.g., installation of lights for the inspection of vehicles at night) that does not materially increase the value of the property.
- 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 grant program, pro-rating the expense as applicable.

- 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.

- 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.

I. 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 applications to determine the extent to which it:

   - Describes an enforcement and/or registration program that will meet the stated objectives of the NOFA to reduce crashes, injuries and fatalities involving commercial motor vehicles and preventing new registrations or suspending existing registrations of out-of-service carriers, or achieve the other listed goals of the program.

   - Includes components that address specific program priorities; and

   - Proposes work based on sound principles of CMV safety enforcement and will likely result in project success.

   TRP reviewers will also evaluate applications to determine the extent to which it describes specific IRP/DMV registration requirements and law enforcement activities that support the objectives of the program. In evaluating this, the reviewers will consider:

   - How well do the application's problem statement, goals, and objectives describe proposed project(s) that will address FMCSA's national priorities outlined in the NOFA?

- How well does the application describe project goals and objectives that are accomplishable within the period of performance and easily monitored by FMCSA?

- How well does the applicant describe baseline data that serves as a resource for performance measures used to 1) gauge performance and project success; and 2) facilitate programmatic evaluation by FMCSA?

- How well does the application describe specific task, personnel, and resources that will 1) help achieve the project objectives; 2) mitigate potential problems; and 3) achieve project objectives that are feasible and reasonable?

- How well does the budget and budget narrative support the objectives and activities described in the application? Are all costs allowable, allocable, reasonable, and necessary?

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

- Includes clearly-identified performance goals and measurements of the projects goals and objectives.

- Includes a monitoring and evaluation component that indicates how the recipient will continuously ensure success of the project by evaluating performance and outcomes and making adjustments as necessary (this will also allow FMCSA and the recipient 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 minimal or 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 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 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 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 PRISM 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 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. PRISM 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

   - Projects with a broad or specific geographic distribution.

J. 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 does not expect to make final awards prior to June 2016. Any contact made by FMCSA with an applicant shall not be inferred as a precursor to a final award at any level or that an award will made after questions are responded to, or additional documents are provided by, the applicant.

K. 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: 1) be approved for award from currently available funds (in its entirety or in part); or 2) be declined due to insufficient funds or unfavorable review.

In addition to Administrator approval, FMCSA may not award grants until 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/.

After approval, 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. The FMCSA will notify grantees when the Grant Solutions functionality is available.

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, they will not receive any communication until all

funding recommendations have been approved by the United States Secretary of Transportation. 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.

K. 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

L. 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 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

Appendix A— Required Documents Checklist

Each document and/or certification below is REQUIRED to be considered as being responsive to this announcement. Use of the required documents checklist is encouraged as it ensures your application will proceed forward for further review. The table below lists the documents, location, and a description.

	Document Name	Document Description & Location	Document Included	
1	SF-424 Application for Federal Assistance	Standard application form for all requests for Federal assistance. Available in the Grants.gov application kit.	YES ☐	NO ☐
2	SF-424A Budget Information for Non-Construction Programs	Standard budget form for requests for Federal assistance. Available in the Grants.gov application kit.	YES ☐	NO ☐
3	SF-424B Assurances for Non-Construction Programs	Standard assurances form associated with accepting Federal assistance funds. This document indicates that the applicant organization is in substantial compliance with various programs, regulations, and Federal laws. Available in the Grants.gov application kit.	YES ☐	NO ☐
4	Grants.Gov Lobbying Form	Form that allows applicants to indicate that they do not engage in lobbying activity. Available in the Grants.gov application kit.	YES ☐	NO ☐
5	SF-LLL Disclosure of Lobbying Activities (if applicable)	Form that requests information related to the lobbying activities of the applicant. Standard form applicants to report their lobbying activities available in the Grants.gov application kit. Only applies to applicants that have lobbying activities to disclose.	YES ☐	NO ☐
6	Key Contacts Form	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). This form is available in the Grants.gov application kit.	YES ☐	NO ☐
7	Attachment Form	Form used to submit supplemental attachments to support the grant application. Available in the Grants.gov application kit.	YES ☐	NO ☐

Appendix A— Required Documents Checklist				
	Document Name	**Document Description & Location**	**Document Included**	
8	Project Narrative	Project narrative includes: brief introduction, problem statement, performance objective(s), program activity plan(s), and performance measurement plan(s). Applicant generated and attached to the Grants.gov application package.	YES ☐	NO ☐
9	Budget Narrative	Budget narrative includes a thorough and clear justification of each budget category (object class) on the SF-424A. Applicant generated and attached to the Grants.gov application package.	YES ☐	NO ☐
10	Indirect Cost Rate Agreement (if applicable)	Applicant's signed current approved indirect cost rate from the cognizant Federal agency. Attached by the applicant to the Grants.gov application package.	YES ☐	NO ☐
11	FMCSA Administrative Capability Questionnaire	Applicant self-certification for FMCSA to assess the adequacy of the applicant's administrative management systems. Completed by the applicant and attached to the Grants.gov application package. 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.	YES ☐	NO ☐
12	PRISM-Specific Attachment	Applicant self-certification to certify that the applicant applying for FY 2016 PRISM funding meets the conditions for participation under SAFETEA-LU §4109(a)(3). Applicant generated and attached to the Grants.gov application package. See Attachment C in this NOFA for the format.	YES ☐	NO ☐
13	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. All applicants must submit a current FMCSA Title VI form if one has not already been submitted for FY 2016.	YES ☐	NO ☐

Appendix B— Budget Narrative Guidance

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.
- 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.

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, we ensure that the correct fringe is attributed to the correct grant.

Travel: Travel costs include field work activities or for 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 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 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).

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. The FMCSA evaluates the need for the equipment (e.g., ration of employees to equipment) in the budget narrative and how it 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 if 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.

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, say, $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.

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.

Appendix B— Sample Budget Narrative

Personnel Budget Narrative (SF-424A, Line 6a)					
Position(s)	**# of Staff**	**% of Time**	**Work Year Hours**	**Hourly Salary/Wage**	**Total Cost**
PRISM Supervisor	1	100			$45,000
				Total Cost for Personnel:	**$45,000**

The Supervisor supervises activities of the project. She/he spends 100% 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.

Fringe Benefits Budget Narrative (SF-424A, Line 6b)				
Position	**Benefits**	**Rate**	**Base Amount**	**Total Cost**
1 PRISM Supervisor	Fringe	16.72	100	$7,524
			Total Cost for Fringe:	**$7,524**

Fringe benefits include cost of health insurance, retirement, workers' compensation and unemployment benefit plans. It is calculated at the average fringe rate of 16.72 as recognized by the cognizant agency. This fringe rate is applied to the average hourly rate of $21.63 for a supervisor, with a projected annual hours worked at 2,080 hours. The full-time supervisor would have an annual wages of $45,00 x 16.72% or $7,524 total fringe cost.

Travel Cost Budget Narrative (SF-424A, Line 6c)				
Purpose	**# of Staff**	**Method of Travel**	**# of Days**	**Total Cost**
PRISM Workshop in DC	2	Air	3	$2,700
			Total Cost for Travel:	**$2,700**

Cost will cover expenses associated with attending the PRISM workshop in DC. This cost will cover air travel, per diem, lodging, and incidentals. Average cost for each: Airfare $600, Hotel $500, State Approved Per Diem $250.

Equipment Cost Budget Narrative (SF-424A, Line 6d)			
Item Name	**# of Items**	**Cost per Item**	**Total Cost**
Mobile Camera License Plate Reader System (LPR)	4	$18,186.40	$72,745.60
		Total Cost for Equipment:	$72,745.60
MPH-900 MS3 (140003) Is a three camera mini split mobile license plate reader system, permanently mounted with two cameras mounted on push bar-rear and one camera light bar mount or roof magnet mount. Mobile Camera License Plate Reader System to be installed on four mobile Motor Carrier Compliance Division vehicles. This system will promote the goals of the PRISM grant by implementing a new system which electronically identifies high risk carriers, OOS carriers, current DOT # and additional violations of carriers entering the State. The system uses optical character reading technology that interfaces with the centralized Active Directory for authentication that will query the State's CVIEW data and other data sources such as vehicle registration and titles as supplied by the State for use by commercial vehicle enforcement officers. The Federal equipment definition threshold was used. Estimated cost is $18,186.40 per unit, and $72,745.60 total. This equipment will not be pro-rated because it is dedicated 100%.			

Supplies Cost Budget Narrative (SF-424A, Line 6e)			
Item Name	**# of Units**	**Cost per Unit**	**Total Cost**
Computers	4	$4,250	$17,000
Rack Mount Switch	4	$1,000	$4,000
		Total Cost for Supplies:	**$21,000**
The screening computers, rack mount switches, monitors, and monitor arms will be purchased for each site. This equipment is essential for enforcement to interact with the screening system.			

Contractual Cost Budget Narrative (SF-424A, Line 6f)	
Description of Services	**Total Cost**
Contract services for programming: 800 hours at $250 per hour	$200,000
Total Cost for Contractual:	**$200,000**
Contract services for programming include an assessment of the timeliness and quality of our data systems; in addition, the contractor oversees the development of plans to implement improvements to the system that support the state's highway safety programs. The contractor will install the necessary software and ensure that it is compatible with all existing platforms.	

Other Cost Budget Narrative (SF-424A, Line 6h)			
Item Name	**# of Units**	**Cost per Unit**	**Total Cost**
Copy machine rental	12	$50	$600
		Total Cost for Other:	**$600**

The rental of the copy machine is shared with the administration. The machine is used on a daily basis to print reports regarding OOS carriers/vehicles. A code is punched in whenever it is used for grant purposes. Based on the average usage of the machine for grant activities: $50.00 per month times 12 months

Appendix C— PRISM-Specific Attachment

The [State Organization Name] (hereby known as State) certifies that the State applying for Federal Fiscal Year 2016 Performance and Registration Information Systems Management (PRISM) funding meets the conditions for participation under Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. No.109-59,§4109(a)(3) as amended by Moving Ahead for Progress in the 21st Century (MAP-21), Pub. L. No. 112-141, §§ 32602 and 32603(c) (2012), and the Fixing America's Surface Transportation Act (2015). PRISM grants are governed by 49 United States Code (U.S.C.) §§ 49 31106(b) and 31109 (2006), as amended. This section requires PRISM program States to use grant funds to:

1. Comply with PRISM uniform policies, procedures, and technical and operational standards;

2. Possess (or seek the authority to possess) sanctions relating to commercial motor vehicle registration on the basis of a Federal safety fitness determination; and

3. Establish and implement a process to cancel the motor vehicle registration and seize the registration plates of a vehicle of a carrier with an out-of-service order.

Signature of State Authorizing Official: _____

Date: _____

Appendix D—United States Department of Transportation Standard Title VI/Non Discrimination Assurance (DOT Order No. 1050.2A)

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.
2. §§ 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;
3. 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.";
4. 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;
5. 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;
6. 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;
7. 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;
8. 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;
9. 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;

10. 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
11. The Recipient agrees that the United States has a right to seek judicial enforcement with
12. 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_____