U.S. Department of Transportation
Federal Motor Carrier Safety Administration

Fiscal Year 2017 – Commercial Driver's License Program Implementation Grant Program

Notice of Funding Availability

Announcement Type:	Discretionary (competitive) grant or cooperative agreement
Catalog of Federal Domestic Assistance Number:	20.232
Program Purpose:	The Commercial Driver's License Program Implementation Grant (CDLPI) provides financial assistance to States to achieve compliance with the requirements of 49 CFR parts 383 and 384. The CDLPI grant program also provides financial assistance for other entities capable of executing national projects that aid States in their compliance efforts and that will improve the national Commercial Driver's License (CDL) program. FMCSA provides financial assistance to States and other entities in complying with the requirements of section 31311; to improve the State's implementation of its commercial driver's license program; and, for research, development and testing, demonstration projects, public education, and other

	special activities and projects relating to commercial driver's licensing defined in the body of this NOFA.
Eligible Recipients:	Eligible applicants include agencies in each State (including the District of Columbia) responsible for the development, implementation, and maintenance of the CDL program or that have a direct impact on a State's compliance with 49 CFR parts 383 and 384. For High Priority/Emerging Issues funding, eligible applicants include States (including the District of Columbia), local governments, or other persons. NOTE: Requested funding must serve a public purpose.
Application Due Date:	**June 23, 2017 (11:59 P.M. Eastern Time)**

A. CDLPI GRANT FUNDING ANNOUNCEMENT

I. GRANTS OVERVIEW

The Federal Motor Carrier Safety Administration (FMCSA) announces the Fiscal Year (FY) 2017 Commercial Driver's License Program Implementation (CDLPI) grant program Notice of Funding Availability (NOFA) to solicit applications from State agencies, local governments, and other persons and organizations representing government agencies that support CDLPI activities. All grants must serve a public purpose.

The goal of the national CDL program is to reduce the number and severity of commercial motor vehicle crashes in the United States by ensuring that only qualified drivers are eligible to receive and retain a CDL. This goal focuses on maintaining the concept that for every driver, there is only one driving record and only one licensing document, commonly referred to as "One Driver — One License — One Record". States are required to conduct knowledge and skills testing before issuing a CDL; to maintain a complete and accurate driver history record for anyone who obtains a CDL and to impose driver disqualifications as appropriate.

Under part 383, the regulation

(1) Prohibits a commercial motor vehicle driver from having more than one commercial motor vehicle driver's license;
(2) Requires a driver to notify the driver's current employer and the driver's State of domicile of certain convictions;
(3) Requires that a driver provide previous employment information when applying for employment as an operator of a commercial motor vehicle;
(4) Prohibits an employer from allowing a person with a suspended license to operate a commercial motor vehicle;
(5) Establishes periods of disqualification and penalties for those persons convicted of certain criminal and other offenses and serious traffic violations, or subject to any suspensions, revocations, or cancellations of certain driving privileges;
(6) Establishes testing and licensing requirements for commercial motor vehicle operators;
(7) Requires States to give knowledge and skills tests to all qualified applicants for commercial drivers' licenses which meet the Federal standard;
(8) Sets forth commercial motor vehicle groups and endorsements;
(9) Sets forth the knowledge and skills test requirements for the motor vehicle groups and endorsements;
(10) Sets forth the Federal standards for procedures, methods, and minimum passing scores for States and others to use in testing and licensing commercial motor vehicle operators; and
(11) Establishes requirements for the State issued commercial license documentation.

Part 384 of the regulation,

(1) Includes the minimum standards for the actions States must take to be in substantial compliance with each of the 22 requirements of 49 U.S.C. 31311(a);
(2) Establishes procedures for determinations to be made of such compliance by States; and
(3) Specifies the consequences of State noncompliance.

States are required to conduct knowledge and skills testing before issuing a CDL to maintain a complete and accurate driver history record for anyone who obtains a CDL and impose driver disqualification as appropriate.

Program funding is authorized by the Fixing America's Surface Transportation (FAST) Act, Pub. L. No. 114-94, §§ 5101 and 5104 (2015). The CDLPI grant program is governed by 49 U.S.C. §§ 31104 and 31313.

This NOFA provides important information about the FY 2017 CDLPI program activities/projects, guidance related to preparing and submitting a grant application, and the evaluation criteria used to assess proposals. Unless indicated otherwise, references to the CDLPI grant program include both Basic and High Priority/Emerging Issues activities/projects. The FMCSA Grants Management Office (GMO) will make changes to the announcement via Grants.gov if there are statutory changes to the CDLPI program for FY 2017 prior to the closing date of the application period.

The FMCSA expects to award up to $31,200,000 in CDLPI grant funding for FY 2017. This amount is subject to the availability of appropriations. In accordance with the provisions of the Further Continuing and Security Assistance Appropriations Act, 2017, H.R. 2028, P.L. 114-254, approximately $17,000,000 is available to award at the time of this announcement.

CDLPI grant funds are awarded through a competitive grant process and no assurance of funding is implied or can be inferred.

The FY17 grant program does **not require matching funds** from participants.

NOTE: **Information will be drawn from successful applications and used by FMCSA for the Secretary's Annual Report on the CDLPI Program.**

II. FY 2017 NATIONAL PRIORITIES

The FMCSA's three core principles are: 1) raising the bar to enter the motor carrier industry; 2) requiring compliance with high safety standards to remain in the industry; and 3) removing high-risk carriers, drivers, and service providers from operation. In support of this mission, FMCSA will partner with CDL stakeholders including, but not limited to, State Driver Licensing Agencies (SDLAs), commercial motor vehicle drivers and employers, the U.S. Armed Forces, State court officers, and multi-State partnerships.

All applications must support a public purpose. The FMCSA cannot award grant funding to individuals for personal gain, such as obtaining the specialized training required for CDL licensing or to any private business for direct financial gain or profit that does not provide benefit to the national CDL program, such as purchasing a new tractor-trailer for a driving school. The FMCSA will award grants under this announcement in two separate categories:

CDLPI Basic Grants: Only SDLAs are eligible. Applications that support the development, implementation, and maintenance of all or part of the CDL program or that have a direct impact on a State's compliance with the provisions of 49 CFR parts 383 and 384. Priority is given to funding projects that will enable States to achieve and/or sustain full compliance or, in the case of a State that is making a good faith effort toward substantial compliance with the requirements in sections 31311 and 31313, to improve the implementation of its commercial driver's license program.

For FY 2017, priority will be given to applications that also assist States in achieving or sustaining compliance with the requirements of related rulemakings, such as the CDL Testing and Commercial Learner's Permit (CLP) Standards Final Rule, and the Medical Examiner's Certification Integration Rule.

Compliance with CDL regulations includes addressing existing or repeat open findings shown in the Automated Compliance Review System (ACRS) and proposing strategies for mitigating those findings. Open findings and proposed strategies should be described in the CDL Program Self-Assessment section of the application.

The FMCSA encourages proposals from States to acquire resources that will enable the SDLA to develop a documented self-auditing process for sustained, ongoing, self-directed CDL program monitoring.

Although full compliance with FMCSA regulations and Federal statutes is the primary focus of the CDLPI grant program, FMCSA also encourages applications for projects that promote partnership efforts that lead to higher levels of substantial compliance. Examples include partnerships among several States to resolve compliance issues that are common among the partner States, partnerships between SDLAs and courts within the same State, partnerships among SDLAs and Federal or non-Federal stakeholders, partnerships among law enforcement agencies across several jurisdictions to promote CDL compliance, and/or partnerships between SDLAs and employers, including military CDL employers, to ease the transition from military service and to assist in obtaining a CDL. Specifically, FMCSA will give priority to proposals for multi-jurisdictional partnerships that support workforce development and communication or on-site consultation on best practices and/or the resolution of barriers to compliance. Priority will also be given to proposals that enable SDLAs to modify existing systems to transmit Canadian convictions electronically.

The CDLPI grant program is not intended to supplement ongoing operational costs of State CDL programs. Its primary purpose is to assist States in achieving and sustaining compliance with the provisions of 49 C.F.R. parts 383 and 384. For this reason, funding for annually recurring State administrative costs receives a lower priority than funding associated with compliance issues or innovative CDL program improvements.

CDLPI High Priority/Emerging Issues Grants: States, local governments, and other entities capable of executing national projects that aid States in their compliance efforts and that will improve the national CDL program are eligible. Examples include projects that support research, development, demonstration projects, public education, and other activities that directly relate to improving the commercial driver licensing process and increasing motor vehicle safety, that are of benefit to all jurisdictions of the United States, or are designed to address national safety concerns and circumstances. Applications for CDLPI grant funding that provide training and/or technical assistance, facilitate the timeliness, accuracy, and completeness of CDL data exchange; offer direct guidance or consultation to CDL stakeholders on best practices, or demonstrate an innovative approach with potential benefit to the national CDL program are also eligible for High Priority/Emerging Issues grant funding.

The FMCSA encourages applications for projects that enhance the expertise of court officers in prosecuting, adjudicating, and transmitting CDL violations. The FMCSA also encourages applications for projects that facilitate the detection and prevention of fraud in the CDL process including, but not limited to, issuance, testing, record-keeping, and data reporting.

In addition, FMCSA encourages projects that demonstrate partnerships between States and non-State stakeholders, as well as partnerships among several States, to achieve the stated goals of the grant program.

Projects for organizing meetings or conferences to address persistent and common CDL compliance issues among the SDLAs are also eligible for CDLPI High Priority/Emerging Issues funding. Applications for this type of project must include a detailed budget, timelines for completion of the application's components, and a detailed plan for execution, including venue selection, assistance with attendee travel, development of the meeting's agenda in consultation with FMCSA, on-site support during the meeting, and post-meeting requirements. Post-meeting requirements include, but are not limited to, processing attendee travel vouchers; preparing a final report that includes a general overview of the meeting's successes and areas for improvement, a list of attendees, attendee feedback, and minutes from the meeting's sessions. NOTE: Indirect costs cannot be charged on non-staff travel.

The FMCSA encourages proposals that improve the national CDL program by providing a State perspective to national CDL decision-making and policy development. To accomplish this purpose, States are encouraged to submit applications for State personnel to participate in a temporary detail to FMCSA Headquarters offices similar to the Intergovernmental Personnel Act (http://www.opm.gov/policy-data-oversight/hiring-authorities/intergovernment-personnel-act/). All support provided by a State employee through this type of application must serve a public purpose in terms of providing a State perspective so as to improve the efficiency and effectiveness of the national CDL program. Possible assignments may include, but are not limited to, assisting in the development of a standardized best practice approach for use by States in the detection and prevention of fraud. This assignment is expected to begin on or about April

1, 2018, and is expected to last four to 12 months. The FMCSA will provide up to100% of the costs of employee salary, fringe benefits, travel (both official travel on behalf of the assignment and routine trips home), lodging and per diem rates, and other expenses associated with working at FMCSA headquarters for up to one year.

III. IMPORTANT CHANGES FOR FY 2017

1. THE FIXING AMERICA'S SURFACE TRANSPORTATION ACT

Although this grant program has traditionally not included any **required matching funds** from participants in the past, the FAST Act makes provision for a match of up to 15 percent of the total project cost, to be implemented at the Agency's discretion. However, given this recent legislative change on matching requirements where there previously was none, and the potential impact to State budgets this fiscal year, FMCSA has determined that there is no matching funds requirement for FY 2017 CDLPI grants. In future years, FMCSA anticipates phasing in this matching requirement, but information on specific matching requirements in future fiscal years will be announced in forthcoming notices of funding availability.

Prior to the FAST Act, the CDLPI grant program was limited to awarding not more than 20 percent of the program's $30,000,000 annual funding appropriation, totaling $6,000,000, for High Priority/Emerging Issues grants, reserving the remaining $24,000,000 exclusively for State Driver Licensing Agency (SDLA) awards under the CDLPI Basic program. This limitation was eliminated under the FAST Act but, to date, has remained in effect for the CDLPI grant program. Effective FY 2017, FMCSA **may choose to award more than 20% of appropriated funding for High Priority/Emerging Issues projects**. Implementation of this change will depend on the applications received for this type of project.

2. TITLE VI ASSESSMENTS

There will be two required Title VI Program documents for FY 2017 including the FMCSA Title VI Program Assurance and the FMCSA Title VI Program Compliance Plan. These documents are located on Grants.gov in the "Full Announcement" tab. These forms are required and must be submitted by all FMCSA direct grant applicants into Grants.gov.

The self-certification assurance ensures that the grant applicant will comply with Title VI and related nondiscrimination authorities 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. FMCSA's Office of Civil Rights is currently working with all FY 2016 and FY 2017 grant applicants to develop the Compliance Plans. Grant applicants will sign and date the Assurance form and will submit the Assurance and the approved Plan with the application. Please note that an approved Title VI Program Compliance Plan is required before an award may be made. For more information, please contact Mr. Lester Finkle, FMCSA National Title VI Program Manager, at 202-366-4474 or lester.finkle@dot.gov.

IV. 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:	$31,200,000
Anticipated number of awards/ cooperative agreements:	50
Expected Amounts of Individual Awards	Other than the program appropriation, there is no prerequisite minimum or maximum funding amount for a single award. Minimum and maximum award amounts are required by Grants.gov when creating a funding notice and are shown in the announcement

	solely for that purpose.
Anticipated start date/periods of performance:	Upon execution of a Notice of Grant Award through the award's end date. Funds are available up to five fiscal years total, until September 30, 2021). 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 awards only and for activities or projects occurring during the stated period of performance. Although the applicant's CDLPI program may be an ongoing one, each fiscal year requires a new grant. No FY 2017 grant funding can be added to a previous or current award. Funding amounts made available for reimbursement may be impacted by limitations placed on the spending authority and appropriations enacted for FMCSA. The FMCSA will reimburse 100 percent (100%) of eligible costs. **<u>There is no recipient matching funds requirement for FY 2017 grant applications. See the FAST Act section of Important Changes and Reminders for FY 2017 above for an explanation of future matching funds projections.</u>**

V. CDLPI PROGRAM AND PROJECT/ACTIVITIES

The CDLPI grant program is not intended to supplement ongoing operational costs of State CDL programs. Its primary purpose is to assist States in achieving and sustaining compliance with the provisions of 49 CFR parts 383 and 384. For this reason, funding for annually recurring State administrative costs receives a lower priority than funding associated with compliance issues or innovative CDL program improvements.

To be eligible for a Basic CDLPI Grant, States must:

- Assume responsibility for adopting and administering State safety laws and regulations that are compatible with the Federal CDL requirements of 49 C.F.R. parts 383 and 384;

- Comply with the requirements of related rulemakings, such as the CDL Testing and Commercial Learner's Permit (CLP) Standards Final Rule and the Medical Examiner's Certification Integration Final Rule. The FMCSA may make a grant to a State under this program only if it complies with or is making a good faith effort toward substantial compliance with the requirements of 49 U.S.C.§ 31311; and

- As a condition of the grant per § 32306 of MAP-21, States must provide FMCSA with access to all State licensing status and driver history records via an electronic information system, subject to 18 U.S.C.§ 2721.

At its discretion, FMCSA will consider applications received from SDLAs to be for Basic CDLPI grant funding unless the application specifically indicates otherwise

Applications received from non-State organizations are only eligible for High Priority/Emerging Issues grant funding. It is expected that these grants will be issued as cooperative agreements, and applications must include all required documents and in addition, must clearly describe the anticipated level and nature of FMCSA participation until the grant is closed.

VI. PROGRAM COST ELIGIBILITY INFORMATION

For fiscal year 2017 CDLPI awards, there is no cost sharing or matching requirement for this grant program.

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 in 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. Contact the FMCSA Grants Management Office for additional information.

Eligible CDLPI grant program costs may 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 but not limited to per diem expenses directly related to the enforcement of CDL regulations, vehicles, uniforms, supplies, materials, communications equipment, vehicle maintenance, fuel, and oil.

- Indirect expenses for facilities, other than fixed scales, used to conduct CDL testing or program support or to house CDL personnel, support staff, and equipment to the extent that those costs 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., refurbishing of paved areas for conducting off-road skills tests) that do 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.

  Note: Applications requesting information technology funding, such as upgrades or modifications to existing software or equipment, are subject to review by FMCSA's Office of Research and Information Technology.

- 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. <u>An indirect cost agreement must be included with the application if indirect costs are a part of the application's budget.</u>

The FMCSA will not approve pre-award costs. The incurrence of pre-award costs in anticipation of receiving 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.

B. Application and Submission Information

The FMCSA utilizes Grants.gov (*www.grants.gov*) for accepting application forms under this program. Unsolicited applications will not be accepted. See Appendix A for a checklist to ensure your application package is complete and submitted correctly.

Step 1: To apply, the applicant must first complete the Grants.gov registration process. Note that the registration process for new users can take as long as four weeks.

Step 2: Every applicant must 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, you will receive 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. The applicant assumes responsibility for a timely and complete submission. Click here for more information

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 an application that has already been submitted to and validated by Grants.gov without contacting the FMCSA GMO could significantly delay application submission and may result in the application not being accepted as complete.

The FMCSA will not consider a late application except under extraordinary circumstances. A late application will only 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 submit or complete the program application or complete required registrations by the submission deadline are not considered system issues.

1) <u>Content and Format of Application Submission</u>

Refer to Attachment B for budget narrative guidance.

Refer to Attachment C for project narrative guidance.

2. <u>Application Package Requirements</u>

Please see **Appendix A – Application Package Checklist** for a list of required documents and their respective locations.

C. APPLICATION REVIEW INFORMATION

All applications received by the due date are subject to an initial intake review to determine if: (1) the application includes all required documents – see Attachment A; and (2) the application is eligible for award in accordance with the program's priorities. Applications that meet those two criteria are then evaluated by a cross-discipline team made up of a technical review panel (TRP), grant specialists, program officers, and FMCSA staff responsible for day-to-day grant management and oversight.

1) <u>TRP Merit Review</u>

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.

TRP reviewers will evaluate each application to determine the extent to which it:

- describes a CDLPI project that reflects the program's priorities and statutory requirements and that will likely achieve successful completion within the award's period of performance;
- uses the components described in the Content and Format of Application Submission section shown above; components will be evaluated on their clarity,

completeness, and appropriateness and the extent to which they demonstrate: that the project can be implemented and managed as described, that the Applicant has the resources to perform the project's tasks, and that the performance goals and measures associated with the defined outcomes include quantitative and qualitative measures that will accurately define success and results; **this information will be drawn from successful applications and used by FMCSA for the Secretary's Annual Report on the CDLPI Program;**

   - demonstrates that resource allocation is sufficient to achieve the project's objectives; the reviewers will consider whether budget components such as staffing, equipment, training, and travel components are clearly linked to the project's goal(s) and are necessary to adequately compensate, equip, train, and enable personnel to conduct the activities included in the project plan and whether proposed expenditures are eligible, reasonable, allowable, allocable, and necessary;

   - includes clearly-identified performance goals and measurements that are supported by an appropriate and identified data source and that includes benchmarks and timelines that will facilitate evaluating the applicant's progress towards project completion; and

   - includes a monitoring and evaluation component that indicates how the recipient will continuously contribute to the success of the project by evaluating performance and outcomes and making adjustments as necessary; this component also enables FMCSA to properly monitor the grant-funded activities.

TRP members will utilize the ratings shown below for each of these components as a 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 and demonstrates the likelihood of meeting the Government's expectations and 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 but 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 or a reduction to requested funding.

- **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) <u>Budget Review/Cost Analysis</u>

This review provides an assessment of: whether costs are allowable in accordance with Federal grant requirements, including the appropriateness and reasonableness of the budget estimate and the resources to be dedicated to the project; the reasonableness and feasibility of the schedule relative to the application timeline. The budget evaluation helps identify project-related risks which must be considered prior to recommendation, in addition to those risks arising from technical uncertainty. 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;

- Costs in each cost category are allowable, allocable, necessary and reasonable per the Office of Management and Budget Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards and are not duplicative of other budget line items.

3) Federal Awarding Agency Review of Risk Posed by Applicants

This review provides a risk assessment of each applicant's organization. The risk assessment is conducted in several parts:

- a debarment and suspension review that includes a review of the applicant's administrative capability self-certification form and a check against the records in SAM;

- a review of the applicant's history with other Federal agencies as shown in the Single Audit Clearinghouse Database and

- 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.

Based on the Agency's risk assessment findings, FMCSA may determine that the applicant is not eligible and/or qualified to receive the award and may use that determination as a basis for making an award to another applicant. The FMCSA may also require additional grant award terms and conditions.

4) Applicant Past Performance with FMCSA

This review provides information that is considered a possible indicator of future performance. Applicants that have previously received FMCSA grant funding will be evaluated in part on their ability to complete prior year awards on time; their compliance with those grant terms and conditions, and the results of FMCSA grant monitoring activities. Applicants that have not previously received grant funding from FMCSA are not subject to this review and their applications will not be eliminated from funding consideration.

Reviewers will evaluate each application to determine the extent to which:

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

- The proposed project/program is reasonable in scope, addresses existing and emerging commercial driver's license safety issues, and is likely to succeed in achieving its goals;

- The proposed expenditures are reasonable and necessary for the project's success, based on prior personnel, budgetary practices, and past performance, and costs are allowable under applicable Federal regulations and

- The applicant has effectively managed current project tasks (e.g., performance is within budget and on schedule).

Reviewers will also:

- Document any issues or findings from monitoring activities (e.g., audit, program, or process reviews) that demonstrate the applicant's violation of the grant terms and conditions;

- Consider whether the applicant's previous performance and financial reports were submitted late, were incomplete or incorrect, and/or consistently required an extension of the deadline for submission;

- Provide feedback on the application's significance, approach, and feasibility.

5) Consideration of Program-Specific Aspects

The FMCSA may consider other factors in reviewing applications in addition to the application's technical merit, budget, risk assessment, and past performance. These factors relate to program-specific policy areas that may be considered when preparing award recommendations. CDLPI program-specific factors may include but are not limited to:

- The extent to which a project complements the applicant's existing program or enhances its capabilities;

- The extent to which a project supports the applicant's potential for continued success in achieving and maintaining compliance with all CDL program requirements currently in effect or scheduled to take effect in the near future;
- The extent to which a project demonstrates an innovative approach with potential benefit to the nationwide CDLPI program, if applicable.

6) Communications

After the application review process, FMCSA may find it necessary to contact the applicant with additional questions or for clarification of the application's components. Contact with applicants by FMCSA does not constitute any assurance that funding will be awarded. The FMCSA also reserves the right to make reductions in the scope of work, funding level, period, or method of support) prior to recommending any project for funding. Although the process is intended to be collaborative, FMCSA reserves the right to make final decisions on all awards. Applicants 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 awards prior to August 2017.

D. AWARD ADMINISTRATION INFORMATION

The FMCSA reviews all applications as required in 2 CFR §§ 200.204 and 205 and in accordance with program-specific legislative/regulatory requirements to evaluate the applicant's responsiveness to the NOFA. Following that review, FMCSA will either approve an application for award (in full or in part) or decline the application; all awards are subject to the availability of funds. Applicants chosen for grant funding are formally notified electronically by the FMCSA grant management system (GrantSolutions, www.grantsolutions.gov). Unsuccessful applicants are notified by electronic mail. The FMCSA cannot award grants or release information concerning applications recommended for funding until approval is obtained from the Agency's Secretary. Further, FMCSA cannot 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 issue partial funding awards up to the level authorized. Additional information on the budget process may be found in OMB A-11: http://www.whitehouse.gov/omb/circulars_default/.

The FMCSA may award a grant or a cooperative agreement under this program. Cooperative agreements are defined in the Federal Grant and Cooperative Agreement Act (31 U.S.C. §§ 6301-6308) and function as grants but require more substantial involvement by FMCSA than required for grants. Two factors may affect FMCSA's decision to award a grant rather than a cooperative agreement: 1) the principal purpose of the award and; 2) the degree of Federal involvement. Notwithstanding these factors, all awards to non-SDLA entities will be issued as cooperative agreements. The Notice of Grant Award (NGA) to the recipient will specify whether the award is a grant or a cooperative agreement and will include any special award terms and conditions, if applicable.

If an applicant is approved for award, the GMO will issue the NGA to the applicant via GrantSolutions. The NGA is the document used to enter into a relationship whose principal purpose is to transfer something of value from the Federal awarding agency to a grant recipient (or pass-through entity or sub-grantee) to carry out a public purpose authorized by a law of the United States. Grants cannot be used to acquire property or services for the Federal awarding agency or for a pass-through entity or sub-grantee's direct benefit or use. Acceptance of the grant award constitutes the grantee's agreement to comply with all applicable statutes, regulations, executive orders, OMB circulars, and terms and conditions of the award, including the reporting requirements shown below.

1) Reporting Requirements

The grant terms and conditions outline the reporting requirements that the recipient must meet after award. Reporting responsibilities include quarterly program performance reports using the Performance Progress Report (SF-PPR) and quarterly financial status using the Federal Financial Report (SF-FFR, also known as the SF-425). Recipients may elect to submit financial reports electronically through GrantSolutions and/or by email; contact the GMO for additional information. Recipients should submit quarterly performance reports via email. Additional quarterly report information and other required forms and templates are available at:

http://www.fmcsa.dot.gov/mission/grants/grantee-resources.

2) Cost Reimbursement Requirements

All FMCSA grant programs are cost reimbursable, which means that grant recipients must first expend their own money before vouchering by submitting an invoice to FMCSA for costs associated with activities identified in the grant agreement. Recipients will be reimbursed by FMCSA for actual costs incurred provided that the costs are reasonable, eligible, allowable, and allocable in accordance with the OMB regulations and FMCSA policy, within the approved budget, and supported by documentation.   Recipients must request reimbursement at least once each quarter.

The FMCSA will not reimburse an amount that is more than the Federal share of costs incurred as of the date of the voucher.

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.

Additional provisions that apply to this solicitation and/or awards made under this solicitation, including but not limited to those related to DUNS, SAM, and administrative capability, can be found in the Grants.gov application package under the “Related Documents” tab. Applicants are strongly encouraged to review all documents when preparing applications. Contact FMCSA’s GMO if you have questions on these provisions.

E. OTHER INFORMATION

This NOFA is intended for informational purposes and reflects current planning. If there is any inconsistency between the information contained in this NOFA and the terms of any resulting funding agreement, the terms of the funding agreement are controlling. Additionally, FMCSA may make changes or additions to this NOFA. All changes will be announced through Grants.gov. We encourage you to sign up for Grants.gov emails to be notified of the changes at: http://www.grants.gov/web/grants/manage-subscriptions.html

The FMCSA plans to conduct an informational web-based conference for all prospective applicants. During this conference, FMCSA staff will review NOFA requirements; share best practices and lessons learned; and answer questions from prospective applicants as allowed by Agency policy. Conference registration information will be posted to this NOFA announcement on Grants.gov.

The FMCSA is not obligated to make any Federal award as a result of this announcement. Funding amounts made available under this program 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 and is not responsible for any monies expended prior to the award date on the grant agreement.

Issuance of the NOFA and communication with prospective applicants do not constitute an award commitment on the part of FMCSA. The FMCSA reserves the right to reduce or revise applicant budgets as necessary. 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.

As an applicant, your submission certifies that the statements made in the grant application are true and correct.

You may find the following documents helpful in developing your application:

- The FAST Act is the U.S. Department of Transportation's $305 billion authorization (over fiscal years 2016 through 2020) for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. The FMCSA authority is located in Title VI of the FAST Act. https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf.

- FMCSA Grant and Program Regulations can be found at:
    - https://www.fmcsa.dot.gov/regulations
    - e-CFR Part 200 – Uniform Administrative Requirements (Omni-Circular)
    - https://www.whitehouse.gov/omb/grants_circulars
- Analysis and Information Online (A&I) is FMCSA's online resource center for analytical data, statistics, recent studies, and reports on truck and bus safety: https://ai.fmcsa.dot.gov/.
- FMCSA Grantee Resources: http://www.fmcsa.dot.gov/mission/grants/grantee-resources
- Catalog of Federal Domestic Assistance, which contains detailed program descriptions for 2,296 Federal assistance programs available to State and local governments (including the District of Columbia), Federally-recognized Indian tribal governments, Territories (and possessions) of the United States, domestic public, quasi-public, and private for-profit and nonprofit organizations and institutions, specialized groups, and individuals. The CDLPI program can be found at: https://www.cfda.gov/index?s=program&mode=form&tab=step1&id=ccc813b35cf1ec40cf14947dbe5f08d0.
- Requirements for State Participation 49 USC § 31311

- ## Agency Contact

For questions about this NOFA, please contact the FMCSA GMO by:

- **E-mail:** FMCSA_GrantMgmtHelpdesk@dot.gov
- **Telephone:** (202) 366-0621
- **Mail:** U.S. Department of Transportation, Federal Motor Carrier Safety Administration Grants Management Office (MC-BG), 1200 New Jersey Ave, SE, West Building, Washington, DC 20590
- **Office hours**: 9 a.m. to 5 p.m., Eastern Time, Monday through Friday, except Federal holidays.

F. ATTACHMENTS

The following attachments have been added to Grants.gov under this announcement. These attachments are available in Grants.gov under the "Related Documents" tab.

- **Attachment A:** Application Package Requirements Checklist
- **Attachment B:** Budget Narrative Guidance
- Attachment C: Program Narrative Guidance
- **Attachment D:** United States Department of Transportation Standard Title VI/Non-Discrimination Program Assurance and Plan

Attachment A - Application Package Checklist

Careful review of the application notice of funding availability and use of this checklist are strongly encouraged to ensure that a complete application is submitted. Application packages that do not contain all of the required forms and documents may not be considered for funding. The table below lists the required documents that must be contained in the application package (if applicable), the document description and its location. This checklist is provided for your convenience and does not have to be submitted with your application.				
Document Name		**Document Description & Location**	**Document Included?**	
1	Standard Form (SF) 424 Application for Federal Assistance *(Required Form)*	Standard application form for all Federal assistance requests. This form is available in the Grants.gov application kit.	YES ☐	NO ☐
2	SF-424A Budget Information for Non-Construction Programs *(Required Form)*	Standard application form for all Federal assistance requests relating to non-construction grant programs. This form is available in the Grants.gov application kit.	YES ☐	NO ☐
3	SF-424B Assurances for Non-Construction Programs *(Required Form)*	Standard application form for all Federal assistance requests relating to non-construction grant programs indicating that the applicant organization is in substantial compliance with applicable Federal laws to accept and manage Federal funds. This form is available in the Grants.gov application kit.	YES ☐	NO ☐

Attachment A - Application Package Checklist

4	Grants.Gov Lobbying Form *(Required Form)*	Standard application form for all Federal assistance requests relating to the limitation on the use of appropriated funds to influence certain Federal contracting and financial transactions under Title 31 U.S.C. Section 1352. This form is available in the Grants.gov application kit.	YES ☐	NO ☐
5	SF-LLL Disclosure of Lobbying Activities *(If Applicable)*	Standard application form for all Federal assistance requests to disclose lobbying activities. Only applicable to applicants that have lobbying activities to disclose. This form is available in the Grants.gov application kit.	YES ☐	NO ☐
6	Key Contacts Form *(Required Form)*	Standard application form for all Federal assistance requests that must contain contact information for the following three roles *(indicate in the form if a contact is performing more than one role):* 1) Authorized Designated Official (*individual for review and acceptance of award*); 2) Principal Investigator/Program Director (*individual responsible for the technical completion of the proposed work.*); and 3) Financial Official (i*ndividual authorized to accept payments).* This form is available in the Grants.gov application kit.	1)YES ☐ 2)YES ☐ 3)YES ☐	1)NO ☐ 2)NO ☐ 3)NO ☐

Attachment A - Application Package Checklist

7	Attachment Form	Form used to submit supplemental attachments, such as project and budget narratives, to support the grant application. This form is available in the Grants.gov application kit.	YES ☐	NO ☐
8	Project Narrative *(Required Document)*	Project narrative that includes: brief introduction, program overview, problem statement, performance objective(s), program activity plan(s), and performance measurement plan(s). Use the “Attachments Form” located in the Grants.gov application package to attach the various files that make up your grant application.	YES ☐	NO ☐
9	Budget Narrative *(Required Document)*	Includes a thorough description and clear justification of each project’s cost budget category (object class or type of expense) listed on the SF-424A budget form, and shows how the cost was derived. Budget Narrative Guidance is available in Grants.gov under the “Related Documents” tab and is included in Attachment B. Use the “Attachments Form” located in the Grants.gov application package to attach the various files that make up your grant application.	YES ☐	NO ☐
10	Indirect Cost Rate Information *(If Applicable)*	If the application’s budget includes indirect costs, the applicant must provide either the fully executed, negotiated agreement from its cognizant Federal agency – or – if the rate will not be approved by the application due date, the letter of renewal or letter of request that was sent to the cognizant agency. Use the “Attachments Form” located in the Grants.gov application package to attach the various files that make up your grant application.	YES ☐	NO ☐

Attachment A - Application Package Checklist

11	FMCSA Administrative Capability Questionnaire	Applicant self-certification that enables FMCSA to assess the adequacy of the applicant's administrative management systems. The questionnaire is located within the Grants.gov announcement under the "Related Documents" tab. Use the "Attachments Form" located in the Grants.gov application package to attach the various files that make up your grant application.	YES ☐	NO ☐
12	Standard Title VI/Non-Discrimination Program Assurance and Plan *(Required Documents)*	Required self-certification assurance that the applicant will comply with Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities (including other related 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. A physical signature is required. A draft Title VI Program Plan is available in Grants.gov under the "Related Documents" tab. The Plan must be submitted with your application and approved by FMCSA before grant funding can be awarded. Use the "Attachments Form" located in the Grants.gov application package to attach the various files that make up your grant application.	YES ☐	NO ☐

Attachment B – Budget Narrative Guidance

What is a Budget Narrative? (for Project Narrative Guidance, refer to Section E Application and Submission Information above)

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 that supports the costs of the proposed work. The budget narrative should describe why each budget item is required to achieve the proposed project goals and objectives. It should also explain in detail how budget costs were calculated.

The budget narrative should be clear, specific, detailed, and mathematically correct.
The FMCSA reviews the budget narrative to confirm that 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 to assess financial performance over the life of the project. The budget narrative serves a number of critical functions:

- Describes your need for or the necessity of an expense;
- Documents how reasonable the request is and conveys your judgment as well as the feasibility of the project based on available and proposed resources; and
- Helps FMCSA review high-risk cost items to determine funding.

What Costs are included in a Budget Narrative?

Personnel: Personnel costs are salaries for employees 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 sub-grantee 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 includes 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 whether or not the salary ranges proposed are reasonable.

Attachment B – Budget Narrative Guidance

Personnel Budget Narrative					
Position(s)	**# of Staff**	**% of Time**	**Work Year Hours**	**Hourly Rate**	**Total Cost**
Supervisor	1	100	2,080	$21.63	$44,990
Staff member	1	100	2,080	$19.00	$39,520
Staff member	10	50	2,080	$19.00	$197,600
Total Cost for Personnel:					**$282,120**
Total Personnel					***1.5***

The Supervisor oversees activities of the project. She/he spends 100% of the 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. There are 11 staff members (1 FT, 10 PT) who provide additional program support. Each is paid an hourly wage of $19; part-time staff members will average 50% of their time on grant activities. The FT staff member wages equal $39,520 annually, with the PT (10) staff members averaging 1,040 hours or 50% on grant activities @ $19,760 per year for a cumulative total (for all 10 PT staff members) of $197,600.

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 performing grant-related duties 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 benefit percentages or a fringe 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.

Fringe Benefits Budget Narrative			
Position(s)	**Rate**	**Base Amount**	**Total Cost**
1 Staff member	Fringe	16.72	100
10 Staff members (Part-Time)	Fringe	16.72	50
		Total Cost for Fringe:	**$39,648**
Fringe benefits include the 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 $19 per staff member, with projected annual hours worked as 2,080 hours for full-time staff. The full-time staff member's annual wages of $39,520 x 16.72% results in a $6,608 total fringe cost. The 10 part-time staff members average 50% of time worked per person on grant-related activities; using an average of 1,040 hours multiplied by $19,760 per year results in a fringe cost of $3,304 per part-time staff member.			

Travel: Travel costs include field work activities or 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's purpose. Some helpful tips:

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

Attachment B – Budget Narrative Guidance

- Explain the reason for travel expenses for project personnel (e.g., staff 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. Costs for employee attendance at conferences, such as with FMCSA, can be put into the budget without the need to break out what the daily cost will be; however, when vouchered, costs should be reported as actuals. 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).

Travel Cost Budget Narrative			
Purpose	**# of Staff**	**Days**	**Total Cost**
Routine Travel	10	10	$4,600
San Diego Conference	15	5	$28,410
Total Cost for Travel:	**$33,010**		

Costs represent necessary travel funds for staff members to perform their assigned duties. Reimbursement is based upon the current state per diem and rules. The per diem rate for each day is $46.00. (NOTE: travel by contractors should be included as part of the contract's cost.)

Training in San Diego for 15 staff members with an average cost per person of $600 for airfare or $9,000; $204 state-approved per diem or $3,060; $290 for hotel accommodation or $$4,350; and $800 for registration fees or $12,000 for a total of $28,410.

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., ratio 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 verifies that the cost has been prorated accurately. Additionally, 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:

- If your equipment threshold is below $5,000, indicate that in the narrative so that FMCSA can verify why lower cost items are included in this line. Items costing less than $5,000 each should be categorized as 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 as a single unit) are considered equipment if the total cost of each of those unites exceeds the threshold. If these same items are purchased individually (and not as a package) and each component is below the threshold, list these costs as supplies.

- When developing your budget analyze the cost/benefit of purchasing versus leasing equipment, particularly high-cost items and those subject to rapid technical obsolescence. 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.

Equipment Cost Budget Narrative			
Item Name	**# of Items**	**Cost per Item**	**Total Cost**
Vehicles	12	$36,000	$432,000
Total Cost for Equipment:			**$432,000**
The Applicant requests 12 new vehicles to perform covert monitoring as replacements for vehicles that have reached their useful life as determined by the state's vehicle replacement policy. These vehicles will only be used for grant eligible purposes and are needed to achieve the activities proposed in the application. The cost for purchasing the vehicles is approximately $36,000 each based on the state's procurement contract.			

Supplies: Supplies are tangible personal property other than equipment. The FMCSA evaluates supplies costs to ensure that enough detail is provided to enable an informed reader to understand that the cost is 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:

Attachment B – Budget Narrative Guidance

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

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

Supplies Cost Budget Narrative				
Item Name	**# of Units/Items**	**Unit of Measurement**	**Cost per Unit**	**Total Cost**
General office supplies	12	month	$39	$468
Laptop computers	12	each	$2,000	$24,000
Sub-Total Supplies				**$24,468**
General office supplies include paper, printer ink, etc. for 26 staff members in the program. These 26 staff members require supplies that are estimated at $39 for 12 months. Ten part-time staff members require laptop computers and these computer shall be utilized only to fulfill planned activities. There are 10 part-time staff members needing laptops; the extra 2 laptops are requested for replacement purposes. These staff members perform assigned duties as described in the project's narrative.				

Contractual: Contractual object class costs include the cost of any contract or sub-grant agreement between the applicant and another organization (for example a vendor or local government organization). Contractual costs can be categorized two ways: contract or sub-grant. 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/sub-grantee, if known. If not, indicate that the selection is pending and an estimated timeframe by which the vendor/sub-grantee will be selected. In the application, the most important component of the contractual budget narrative is the purpose of the contract/sub-grant and how the cost was estimated or 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; and 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 that 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 using non-Federal funds. Non-competitive procurements should only be used in limited circumstances and should be a last resort.

Guidance for Sub-grant Costs: A sub-grant means an award provided by the grantee (also known as a pass-through entity) to a sub-grantee. A sub-grantee's performance is measured in relation to whether objectives of a Federal program were met; a sub-grantee is responsible 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 sub-grant 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 sub-grantees 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 sub-award, provide a new object class budget narrative and line item budget for each sub-grantee organization.

Contractual Cost Budget Narrative	
Description of Services	**Total Cost**
Contract services for programming: 800 hours @ $250	$200,000
Total Cost for Contractual:	**$200,000**

Attachment B – Budget Narrative Guidance

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: 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 occasional project activities, for leases, and for printing costs. The FMCSA reviews Other costs to determine whether these costs are consistent with the proposed work plan, are necessary to complete the approved work plan, and are not duplicative of costs included in the indirect cost amount. The FMCSA also evaluates the costs to ensure that no unallowable costs, such as entertainment expenses, are included. Below is a sample Other 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; include a description by cost of each expense classified as Other.

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

Other Cost Budget Narrative				
Item Name	**# of Unit/ Items**	**Unit of Measurement**	**Cost Per Unit**	**Total Cost**
Printing materials	1000	$.50	$500	Printing materials
			Total Cost for Other:	**$500**
Printed materials are used during outreach activities and at national stakeholder meetings. The average cost per unit is $.50.				

Attachment B – Budget Narrative Guidance

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 project's budget will include indirect costs. 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.

To support the budgeted indirect costs, include the base to which the indirect cost rate was applied, the rate, and the total amount.

IMPORTANT - this is provided for general guidance only – any detailed content is not intended to necessarily correlate to the above mentioned program or be construed as required content.

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Fiscal Year 2017 – Commercial Driver's License Program Implementation
Program Narrative

Applicants are not required to use the project narrative format described below, but doing so helps ensure that the application meets the established minimum requirements.

Brief Introduction

Include a 1-2 sentence description of the goal(s) of the application and the applicable program priority(s) 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, budget, and performance measurement plan.

For SDLA Applicants Only: CDL Program Self-Assessment (Program Overview)

Applications from SDLAs must include a CDL program self-assessment. This requirement applies to SDLAs only; if the applicant is not the State's primary CDL agency, this section of the application should be coordinated with that agency. Applications that fail to include the required information will be considered incomplete and may be deferred from further review.

The Program Overview is not a comprehensive description or history of the applicant's entire CDL program or an acceptable substitute for the compliance plan mandated by MAP-21, Pub. Law No. 112-141, § 32305 (2012). The Program Overview is a summary of key elements of the applicant's program and must include the following three components:

1. A list of all open findings in the Automated Compliance Review System (ACRS), including the finding's citation and a brief description; the reason for the finding; the proposed resolution; and the expected date by which the finding will be closed.

2. A list of all open CDLPI grant awards, including the award number, amount, and purpose; progress made to date in achieving the award's objectives; the expected date of completion; and how the application's requested funding supports those

grants without duplicating their costs or activities.

3. The total number of noncommercial and the total number of commercial driver’s licenses issued annually, listed separately by type of CDL.

Problem Statement

A 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). Data should support proposed project(s).

Example: *The Applicant proposes to implement strategies that remove barriers to compliance and improve customer confidence to ensure accuracy, completeness, and timeliness of CDL data and to sustain a status of zero open findings in ACRS. Specifically, this application requests funding to expand the existing suite of online services to add identification of CDL duplicates, driver address changes, license reinstatement, and calendared reminders about the approaching expiration of the driver’s current medical certificate. A successful pilot at the Applicant’s expense has confirmed that this approach reduces the potential for fraud and for unqualified drivers being issued a CDL.*

Performance Objective(s)

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: *This application’s performance objective is strengthening CDL program control and oversight to ensure continued compliance with all current program requirements by purchasing and installing 15 Motion Computer Scoring Tablets; this technology will limit each examiner to a unique ID, and will use GPS to record and log the comprehensiveness and thoroughness of the required CDL road test. These capabilities are both considered best practices in detecting and preventing fraud.*

Program Activity Plan

A description of the activities the applicant believes will help mitigate the problem. Description should include details such as number and frequency of activities, milestones, benchmarks, and so forth. Specify the strategies that the applicant will use to ensure that the project is completed on schedule and include any additional information necessary to support how the applicant will accomplish the above goals. If appropriate, the applicant can choose to summarize activities in a tabular format and may wish to provide a separate table for each type of activity, e.g., covert and/or overt audits.

Example: *Expanding the program to automate pre-trip, basic control skills, and road test scoring for all tester/examiners conducting 50 or more CDL skills tests annually by purchasing*

15 tablets, providing training in using the equipment, and coordinating with the vendor to ensure that test results can be successfully transmitted.

Performance Measurement Plan (Monitoring and Reporting)

Specify how the applicant will monitor and report on the results of project activities. Include a description of how the applicant will measure progress towards the performance objective goal, such as quantifiable and measurable outputs (hours, examiners monitored, number of broken or missing pointers corrected, 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 monitor and report on the number and percentage of mid-to-high volume examiners whose tests are performed using automated scoring equipment, and will increase the number of unscheduled examiner audits by 10% as compared to the previous 12-month period. The Applicant will provide status updates through quarterly progress and financial reports. The Applicant will also provide a final report that includes a process evaluation describing how the project was conducted and how it met the desired objectives.*

Attachment D - United States Department of Transportation Standard Title VI Non-Discrimination Program Assurance and Plan

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

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)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq*., 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq*.), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq*.), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq*.), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq*.), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq*.), (prohibits discrimination on the basis of disability);
- 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 Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 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.

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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 (1995), 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. 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/environmental_justice/index.cfm

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), 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*." 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, (70 Fed. Reg. at 74087 to 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 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 program is Federally-assisted.

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**:

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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 the FMCSA Program 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 Appendix C and Appendix D of this Assurance, 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.

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 sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You 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, you 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______________________________

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APPENDIX A

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 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 E, 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.

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.

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CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY APPENDIX B

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 (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

APPENDIX C

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:

   1. 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

APPENDIX D

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.) 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.)

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APPENDIX E

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 (78 Stat. 252, 42 U.S.C. § 2000d *et seq*.), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq*. and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq*.) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq*.) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq*.) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) ("*....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*.");
- Titles II and III of the Americans with Disabilities Act, which prohibit 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 (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);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which 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;
- Executive Order 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). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq*).

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FMCSA APPLICANT TITLE VI PROGRAM COMPLIANCE PLAN

CHECKLIST

Purpose

Each FMCSA Applicant is responsible for submitting a Title VI Program Compliance Plan to the FMCSA Office of Civil Rights within the stipulated application timeframe for a sufficiency review. All Office of Civil Rights comments must be addressed prior to the issuance of the Grant. If the Applicant has developed one or more of the required items for another Federal Funding Agency and this item or items are deemed by the Applicant to meet FMCSA requirements, the Applicant may include the item or items in the Title VI Program Compliance Plan submission.

Title VI Program Compliance Plan: Elements

- **Policy Statement** – The Policy Statement will include the following:
  - Applicant's commitment to comply with 49 C.F.R. part 21 and 49 C.F.R. part 303;
  - Identify an Agency-wide Title VI Program Coordinator;
  - Reference the Title VI Program Assurance;
  - Delegate sufficient responsibility and authority to the Title VI Program Coordinator and Bureau/Division/Office Managers to effectively implement the Agency's Title VI Program; and
  - Be signed by the Applicant's CEO.

- **FMCSA Title VI Program Assurance** – Insert the CEO-signed Title VI Program Assurance here.

- **Description of Federal-Aid Programs** – The applicant will describe the Federal-Aid Program for which it is applying for funding and will identify how this Program impacts members of the Public. This will include the benefits or services that will be provided by the Program to members of the Public and especially how minority groups are beneficiaries of the Program.

- **Notification to Beneficiaries/Participants** – This includes written documents (i.e., Plans, Reports, pamphlets, brochures, etc.), information posted on websites, and posters provided on-site. The Applicant will detail its Title VI Program obligations and notify members of the Public of the protections against discrimination afforded to them by Title VI Program requirements:
  - **Dissemination Of Information:** The Applicant should disseminate this information to members of the Public via accessible printed and electronic media, including posting on the Applicant's website; and
  - **Contents Of Notification**: At a minimum, the Notification should include the following–

1. Statement that the Applicant operates the Program(s) without regard to race, color, national origin, sex, age, or disability, including income-level and LEP;
2. Identify procedures to be followed by members of the Public to request additional information regarding the Applicant's Nondiscrimination obligations; and

➢ Identify procedures to be followed by members of the Public to file a discrimination complaint against the Applicant, to include the name of a contact representative, address, and telephone number/e-mail address.

- **Sub-Recipient Compliance Reports** – If an Applicant intends to or is presently providing Federal funding to another entity, the Applicant is responsible for monitoring how the entity (i.e., Sub-Recipient of Federal funding) is effectively implementing Title VI Program requirements. This section should detail how the following:
  - ➢ How the Applicant identifies Sub-Recipients;
  - ➢ How does the Applicant ensure that Sub-Recipients understand their Title VI Program responsibilities;
  - ➢ How the Applicant intends to or is already monitoring the effective implementation of Sub-Recipient Title VI Program requirements (i.e., how will or does the Applicant determine the number of Sub-Recipient reviews to conduct annually, whether the review is composed of a Desk Audit and how the Applicant determines when and how often to conduct On-Site visits, how doe s the Applicant determine that the Sub-Recipient is in compliance, and how does the Applicant ensure that the Sub-Recipient eliminates discrimination once identified);
  - ➢ Will or does the Applicant require periodic reporting, Program Plans, Title VI Program Assurances, identification of a Title VI Program Coordinator, etc., from Sub-Recipients.

- **Training** – Please identify how the Applicant conducts periodic Title VI Program training to Applicant personnel, to include using the Title VI Program Policy Statement, power-point presentation, etc., how often, and by whom.

- **Access to Records** – An Applicant is responsible for ensuring that all records relating to the effective implementation of Title VI Program requirements are expected to be available for review by the FMCSA. The Applicant should describe how these documents are made available to FMCSA staff either through periodic submission and/or upon request by FMCSA staff. This should also include documents required for compliance reviews and/or complaint investigations conducted by the FMCSA.

- **Complaint Disposition Process** -- The Applicant is responsible for implementing timely and effective Title VI Program Complaint Disposition procedures. The Applicant should define a minimum number of steps to be followed by Applicant staff to include complaint disposition (including intake), investigation planning and conducting the investigation, writing the Report of investigation, and ultimate disposition of the complaint. This will include complaints filed against the Applicant and against Sub-Recipients of the Applicant. Sample documents should be included or referenced in this section. The

Applicant shall maintain a Title VI Complaint Log to include the following information: name of complainant, identification by demography (i.e., race, color, national origin, etc.), allegation(s), complaint date, date of Report of Investigation, determination made and date, and any other relevant information as deemed appropriate. The Applicant shall make the Complaint Log available to the FMCSA upon request.

- **Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review** – If the Applicant has previously been reviewed by FMCSA OCR or other Federal Agency and deficiencies were identified, the Applicant will reference the Title VI Program Compliance Review Report, will identify the deficiencies, and will provide a status regarding the progress made to develop and implement corrective actions to address the deficiencies. If the compliance review was conducted by another Federal Agency, please provide a copy of the Report.