U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
Notice of Funding Opportunity for Fiscal Years (FY) 2024-2026 Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program

AGENCY: U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA)

ACTION: Notice of Funding Opportunity (NOFO)

SUMMARY:

SUMMARY OVERVIEW OF KEY INFORMATION: NOFO for FY 2024 – 2026 NSFLTP	
Issuing Agency	FHWA
Program Overview	Grants under the NSFLTP Program are to be awarded on a competitive basis to projects of national significance for construction, reconstruction, or rehabilitation of transportation facilities within, adjacent to, or providing access to Federal or Tribal Lands.
Objectives	Construction, reconstruction, and rehabilitation of nationally significant projects on Federal or Tribal Lands.
Eligible Applicants	• Federal Land Management Agencies (FLMA) • Tribal Governments • States, counties, and units of local government may also apply, but only if sponsored by an FLMA or Tribal government.
Eligible Project Types	Construction, reconstruction, or rehabilitation of a single continuous project on a Federal Lands transportation facility, a Federal Lands access transportation facility, or a Tribal transportation facility, for which activities required under the National Environmental Policy Act (NEPA) are complete and which has an estimated total project cost equal to or exceeding $12,500,000.
Funding	This NOFO announces three application periods: • FY 2024 Funding: Up to $47.74 million • FY 2025 Funding: Up to $55 million • FY 2026 Funding: Up to $55 million The actual amount available to be awarded under this NOFO will be subject to the availability of funds.
Deadline	This NOFO announces three application periods with three different application deadlines:

	• FY 2024 Deadline: October 16, 2024, 11:59 p.m. EST • FY 2025 Deadline: August 1, 2025, 11:59 p.m. EST • FY 2026 Deadline: August 1, 2026, 11:59 p.m. EST
Cost-Share	90 percent of total project costs for projects on non-Tribal transportation facilities and 100 percent for projects on Tribal facilities.

The purpose of this NOFO is to solicit applications for each Fiscal Year 2024 through 2026 for the NSFLTP Programs and will result in the distribution of up to $165 million. The actual amount available to be awarded under this NOFO will be subject to the availability of funds.

The NSFLTP Program was authorized by Section 1123 of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114-94), as amended by Section 11127 of the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL) (Pub. L. 117-58). Funds made available for NSFLTP Program grants are to be awarded on a competitive basis to construct, reconstruct, or rehabilitate nationally significant Federal Lands and Tribal transportation projects. FAST Act § 1123(a). This NOFO describes the application requirements, selection and evaluation criteria, applicable program and Federal requirements, and available technical assistance during the grant solicitation period.

DATES:

Applications for FY 2024 funds must be submitted electronically through Grants.gov by 11:59 p.m., Eastern Standard Time, on October 16, 2024. The Grants.gov "Apply" function will close on October 17, 2024, and will reopen on May 1, 2025, for the FY 2025 application period.

Applications for FY 2025 funds must be submitted electronically through Grants.gov starting on May 1, 2025, and no later than 11:59 p.m., Eastern Standard Time, on August 1, 2025. The Grants.gov "Apply" function will close again on August 2, 2025, and will reopen on May 1, 2026, for the FY 2026 application period.

Applications for FY 2026 funds must be submitted electronically through Grants.gov starting on May 1, 2026, and no later than 11:59 p.m., Eastern Standard Time, on August 1, 2026.

FHWA plans to conduct outreach regarding the NSFLTP Program in the form of Webinars. For more information and to join the Webinars, see the NSFLTP Webpage: https://highways.dot.gov/federal-lands/programs/significant. The Webinar will be recorded and posted on FHWA's Website at https://highways.dot.gov/federal-lands/programs/significant. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

ADDRESSES:

Applications must be submitted electronically through https://www.Grants.gov. Refer to Catalog of Federal Domestic Assistance Number: 20.205 Highway Planning and Construction.

FOR FURTHER INFORMATION CONTACT:

Frances Ramirez
National Program Manager
Office of Federal Lands Programs
Federal Highway Administration
Building E1, Suite 150
22001 Loudoun County Parkway
Ashburn, VA 20147
email: NSFLTP-Program@dot.gov.

Alternate:
Veronica R. Jacobson, P.E.
Grants Management Specialist
Office of Acquisition and Grants Management
Federal Highway Administration (HCFA-42)
U.S. Department of Transportation
1200 New Jersey Avenue, SE.
Washington, DC 20590
email: NSFLTP-Program@dot.gov.

Office hours are from 9:00 a.m. to 5:00 p.m., Eastern Time, Monday through Friday, except Federal holidays.

Applicants are encouraged to refer to FHWA's Website at https://highways.dot.gov/federal-lands/programs/significant for more program information, including fact sheets, additional resources, and points of contact. The DOT Navigator is a tool with additional information and guidance to assist applicants in applying for DOT funding.

FHWA will not review applications in advance, but FHWA staff are available for general questions about the NSFLTP Program and this NOFO. FHWA will not provide technical assistance to any applicant, including providing guidance on how to address any information that should be included in an application. In addition, FHWA will post answers to questions and requests for clarification at Grants.gov under this NOFO's page and on the NSFLTP Program Website https://highways.dot.gov/federal-lands/programs/significant. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions.

SUPPLEMENTARY INFORMATION:
Each section of this NOFO contains information and instructions relevant to the application process for NSFLTP Program grants. Applicants should read this NOFO in its entirety so that they have the information needed to submit eligible and competitive applications.

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This NOFO contains collection of information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, 424C, 424D, and SF-LLL has been approved by the Office of Management and Budget (OMB) under OMB Control Number 2105-0520. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

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

SECTION A - PROGRAM DESCRIPTION

1. Overview

The FAST Act established the NSFLTP Program. Under Section § 1123(a) of the FAST Act, the purpose of the NSFLTP Program is to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal Lands and Tribal transportation projects.

The BIL provided $55 million per year in contract authority funding from the Highway Trust Fund for each of FYs 2022 through 2026. The BIL also modified the NSFLTP Program in several ways, such as:

- Reducing minimum project sizes from $25 million to $12.5 million;
- Requiring that half of the funding each fiscal year go to projects on Tribal transportation facilities and half of the funding go to projects on Federal Lands transportation facilities and Federal Lands access transportation facilities;
- Increasing the Federal share of projects on Tribal transportation facilities to 100 percent;
- Allowing all Federal funds, including those made available under Titles 23 and 49 of the United States Code (U.S.C.), to serve as the non-Federal share of the project; and
- Requiring the funding of at least one eligible project submitted by the National Park Service for a unit of the National Park System with 3 million annual visitors or more.

2. DOT Administration Priorities

The DOT seeks to fund projects that advance the DOT priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation as described in the USDOT Strategic Plan, Research, Development and Technology Strategic Plan, USDOT Strategic Plan FY 2022-2026, and in executive orders (E.O.).[1] These DOT Priorities will be considered in the application review process as provided in Section E of this NOFO, which outlines the Merit Criteria and describes the process for selecting projects that further these goals.

Section F.3 of this NOFO describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria, and the Administration's Priorities and Departmental Strategic Plan goals, as appropriate.

3. Additional Information

The NSLFTP program is described in the Federal Assistance Listings under the assistance listing program title "Highway Planning and Construction" and assistance listing number 20.205. FHWA is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. FHWA also recognizes that applicants may be

[1] E.O. 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619). E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009). E.O. 14025, Worker Organizing and Empowerment (86 FR 22829), and E.O. 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple DOT discretionary opportunities or seek a combination of funding from multiple DOT opportunities. The applicant should identify any other DOT programs and opportunities they intend to apply for (or use if the Federal funding is already available to the applicant), and what award amounts they will be seeking, in their applications, as further described in Section D.2.a.II of this NOFO.

4. Changes from the FY 2023 NSFLTP Program NOFO

While FHWA has modified the format of this NOFO compared to the FY 2023 NOFO for readability, much of the content remains the same.

The NOFO was also modified to announce multiple years of funding. This NOFO sets out the application requirements and dates for funding available in FY 2024 through FY 2026.

FHWA has also made slight revisions to the evaluation of the merit criteria under Section E.1.a and under Section E.1.b.

In addition, project readiness is a separate assessment under this NOFO, which FHWA will assess for all projects. See Section E.1.c. of the NOFO. Project readiness was a discretionary criterion under the FY 2023 NOFO.

SECTION B - FEDERAL AWARD INFORMATION

1. Award Amount Available

The total amount of funding available for awards under this NOFO is up to $47.74 million for the FY 2024 application period, up to $55 million for the FY 2025 application period, and up to $55 million for the FY 2026 application period, which comprises all of the remaining funding authorized by BIL for the NSFLTP Program. The actual amount available to be awarded under this NOFO will be subject to the availability of funds. If additional funding is appropriated for the NSFLTP during FYs 2024, 2025, or 2026, FHWA may amend this NOFO to include any such amount.

2. Award Size and Anticipated Number of Awards

Under Section § 1123(c)(3) of the FAST Act, eligible projects must have an estimated total eligible cost, based on the results of preliminary engineering, of at least $12.5 million. There are, however, no minimum or maximum award amount sizes assuming that the project's estimated cost is at least $12.5 million. An applicant may request or receive less than $12.5 million in NSFLTP Program funding, and FHWA reserves the right to award less than the maximum amount of NSFLTP Program funding requested in an application. The NSFLTP Program funding and any additional sources of funding, however, must cover all eligible project costs, which, at the time of application, must be at least $12.5 million based on the results of preliminary engineering.

The number of awards will be determined ultimately by the number and quality of applications received in response to this NOFO and the availability of funding. The Federal Government is not obligated to make any Federal award as a result of the announcement, and the announcement of an award does not guarantee funding to the successful applicant. FHWA will obligate funds only to successful applicants upon execution of a grant agreement as described in Section B.5.

3. Statutory Funding Provisions

Per Section § 1123(h)(1) of the FAST Act, of the amounts made available to carry out this program each fiscal year, 50 percent shall be used for eligible projects on Federal Lands transportation facilities and Federal Lands access transportation facilities (as those terms are defined in 23 U.S.C. 101(a); and 50 percent shall be used for eligible projects on Tribal transportation facilities (as that term is defined in 23 U.S.C. 101(a)).

Pursuant to Section § 1123(h)(2) of the FAST Act, at least one project funded using the 50 percent set-aside for projects on Federal Lands transportation facilities and Federal Lands access transportation facilities must be in a unit of the National Park System with at least 3 million annual visitors.

4. Types of Projects

An applicant may apply for additional NSFLTP Program funds during any or all application periods under this NOFO. Similarly, entities that received previous NSFLTP Program awards for a project under an earlier application period in this NOFO or prior NOFOs may also apply for additional NSFLTP Program funding to complete additional activities, phases, or components not covered by the previous awards. FHWA will not provide NSFLTP Program funding for the same activities covered by a previous NSFLTP Program award. The resubmission of an identical application that received NSFLTP Program funding will not be eligible to receive additional NSFLTP Program funds. Applicants should clearly identify the phase and deliverables of the project for which it is seeking NSFLTP Program funding in every application submitted.

5. Type of Award

If the grant recipient is a State department of transportation (State DOT), which must be sponsored by an eligible FLMA or federally recognized Tribe to be eligible, or if a State DOT will serve as a pass-through entity to another eligible applicant, NSFLTP Program funds will be allocated upon the execution of a project agreement, which is a type of grant agreement for the administration of funds to a State DOT, in Fiscal Management Information System (FMIS).

If the successful applicant is an FLMA, federally recognized Tribe, county, or unit of local government, NSFLTP Program funds will be obligated upon the execution of a grant agreement with FHWA. After selection, the grant recipient will need to determine whether the grant recipient will administer the grant, or at the request of the grant recipient, whether an applicable State DOT will administer the project.

6. Availability of Funds

Selected projects may be funded with FY 2024, FY 2025, or FY 2026 funds. Per Section § 1123(h)(3) of the FAST Act, the funds provided for this program shall remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated. The deadline for when each fiscal year funding must be obligated is described in the chart below. Once obligated, NSFLTP Program funds are available until expended, subject to the requirements and policies regarding inactive obligations.

Fiscal Year	Obligation Deadline	Expenditure Deadline
FY 2024	September 30, 2027	Available until Expended
FY 2025	September 30, 2028	Available until Expended
FY 2026	September 30, 2029	Available until Expended

Obligation of an NSFLTP Program grant occurs when a grant recipient enters into a project agreement or a grant agreement with FHWA and FHWA authorizes the project to proceed. For construction, this is generally after the grant recipient has satisfied applicable administrative requirements.

7. Period of Performance

If a grant recipient will be a State DOT or if a State DOT will serve as a pass-through entity to a non-State DOT awarded a grant, the DOT Payment System will be "FMIS" and the start of the period of performance will begin on the date the NSFLTP Program funds are obligated in FMIS and end on the project end date in FMIS.

If a grant recipient is an FLMA, federally recognized Tribe, county, or unit of local government, the DOT Payment System will be "DELPHI G-Invoicing" and the start of the period of performance will begin on the date of the grant agreement is fully executed by FHWA and end on the period of performance that is listed in the grant agreement.

SECTION C - ELIGIBILITY INFORMATION

1. Eligible Applicants

Per Section 1123(b)(1) of the FAST Act, entities eligible to receive funds under the Federal Lands Access Program (23 U.S.C. 204), the Federal Lands Transportation Program (23 U.S.C. 203), the Tribal Transportation Program (23 U.S.C. 202), and the Federal Lands Planning Program (23 U.S.C. 201) may apply for funding under the NSFLTP Program.

In addition, per Section 1123(b)(2) of the FAST Act, a State, county, or unit of local government may apply for funding under the NSFLTP Program but only if sponsored by an eligible FLMA or federally recognized Tribe.

The FLMA and Tribes should provide a list of project applications that they are sponsoring from their organization on behalf of States, counties, or units of local government. The list of sponsored projects should provide enough detail so that FHWA can match the projects to those received via Grants.gov.

To promote effective communication and coordination, an FLMA or Tribe should identify one individual within their organization who will serve as the Sponsorship Coordinator. The Sponsorship Coordinator is responsible for providing the list of sponsored projects to the NSFLTP Program contacts listed on page 2 of this NOFO. FHWA will consider projects from States, counties, or units of local governments to be eligible only if a Sponsorship Coordinator has included that project on a list of sponsored projects.

A list of Sponsorship Coordinators can be obtained from the NSFLTP Program contacts listed on page 2 of this NOFO, or at the following Website – https://flh.fhwa.dot.gov/programs/nsfltp/.

2. Cost Sharing (Non-Federal Match Requirement)

The Federal share of the total eligible project cost of projects on a Tribal transportation facility shall be up to 100 percent (FAST Act, Section 1123(g)(1)(B)), meaning that no cost sharing or matching funds are required for Tribal transportation facility projects.[2]
For projects on all other facilities, the Federal share shall be up to 90 percent (FAST Act, Section 1123(g)(1)(A)) of the total eligible project cost, meaning the recipient must provide at least 10 percent in matching funds.

The non-Federal share can be:

(1) Any other Federal funds (FAST Act, Section 1123(g)(2));
(2) Any private or public source;
(3) Donations of funds, materials, services, right-of-way acquisition, or utility relocation.

[2] As described in Primary Merit Criterion 4 under Section E.1.a, for projects on Tribal transportation facility where matching funds are not required for the project to be eligible, providing additional matching funds will result in a higher rating for that criterion and may make such a project more likely to receive an NSFLTP Program grant award.

To meet the cost share requirement, where applicable, the recipient is encouraged to show on each request for reimbursement that at least 10 percent of the invoiced cost will count towards the match. Alternatively, the matching ratio may vary over the life of a project so long as at the completion of the grant award, the match requirement is met, and NSFLTP Program funds do not exceed the project's maximum 90-percent Federal share. If the recipient will vary (i.e., flex) the matching ratio, it should communicate its plan to do so within the project narrative when describing how the non-Federal share will be funded.

FHWA will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project. Matching funds are subject to the same Federal requirements described in Section F.2 as awarded Federal funds. The costs of preliminary engineering and project design activities are not eligible for reimbursement under this program, meaning that the costs of such activities may not be applied as a match either.

For each project that receives a grant under this NOFO, FHWA expects the project to be completed using at least the level of non-Federal funding that was specified in the application. See Section D.2.a.II for information about documenting cost sharing in the application. Toll credits under 23 U.S.C. 120(i) cannot be used to satisfy the statutory cost sharing requirement of an NSFLTP award.

3. Other

a. Continuous Project

Per Section 1123(c) of the FAST Act, projects must be a single continuous project to be eligible. This is an eligibility requirement, and FHWA will only review applications that are single continuous projects. Projects that are not a single continuous project will not be eligible for funding.

b. Location of Project

Per Section 1123(c)(1) of the FAST Act, eligible projects must be on a Federal land's transportation facility,[3] a Federal Lands access transportation facility,[4] or a Tribal transportation facility,[5] except that such facility is not required to be included in an inventory described in 23 U.S.C. 202 or 23 U.S.C. 203. This is an eligibility requirement; FHWA will not review applications that are not on such facilities, and such applications will not be eligible for funding.

c. National Environmental Policy Act Completion

Per Section 1123(c)(2) of the FAST Act, eligible projects must demonstrate the completion of

[3] A Federal lands transportation facility means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title and maintenance responsibility is vested in the Federal Government (23 U.S.C. 101(a)(8)).

[4] A Federal lands access transportation facility means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title or maintenance responsibility is vested in a State, county, town, township, Tribal, municipal, or local government (23 U.S.C. 101(a)(7)).

[5] A Tribal transportation facility means a public highway, road, bridge, trail, or transit system that is located on or provides access to Tribal land (23 U.S.C. 101(a)(33)).

activities required under NEPA (42 U.S.C. 4321, et seq.) through (i) a record of decision (ROD), if the NEPA class of action is an environmental impact statement; (ii) a finding of no significant impact (FONSI), if the NEPA class of action is an environmental assessment; or (iii) a determination that the project is a categorical exclusion (CE) under the lead Federal Agency's NEPA procedures. This is an eligibility requirement; FHWA will not review applications that do not provide such documentation, and such applications will not be eligible for funding.

d. Minimum Estimated Eligible Project Cost

Per Section 1123(c)(3) of the FAST Act, eligible projects must have estimated total eligible project costs, based on the results of preliminary engineering, of at least $12,500,000. This is an eligibility requirement; FHWA will not review applications that do not demonstrate that the estimated total eligible project costs, based on the results of preliminary engineering, is at least $12.5 million, and such applications will not be eligible for funding.

e. Eligible Project Costs

A project receiving NSFLTP Program funds may use the funds only for construction, reconstruction, or rehabilitation of transportation facilities (FAST Act, Section 1123(d)(1)). Project design activities, including preliminary engineering, are not eligible for NSFLTP Program funds or allowable toward match requirements (FAST Act, Section 1123(d)(2)).

Maintenance activities are not construction, reconstruction, or rehabilitation activities and are not eligible project costs. For example, constructing publicly accessible facilities for a transit system, such as a bus shelter for awaiting passengers, would qualify as a construction activity. However, building a maintenance structure for buses as part of a transit facility is a maintenance activity and would therefore be ineligible for funding.

SECTION D - APPLICATION AND SUBMISSION INFORMATION

1. Address to Request Application Package

All application materials may be found on Grants.gov at http://www.Grants.gov.

Once at Grants.gov, select the Search Grants tab. Then enter one of the following:

- Opportunity Number: 693JJ324NF00027
- Opportunity Name: FY 2024-2026 Nationally Significant Federal Lands and Tribal Projects Program
- Assistance Listing Number: 20.205

When at one of these Webpages, select the Opportunity, which will open to a page with several tabs. The first tab is a synopsis of the opportunity. Select the Application Package tab to download the forms needed to submit an application.

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. If potential applicants are unable to download the application package from the internet, they may send a written request for a paper copy to the contacts listed on page 2 of this NOFO.

2. Content and Form of Application Submission

a. Application Submittals

All applications must be submitted electronically through Grants.gov.

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

Applicants must include in the application package the following:

(1) Standard Form 424 (Application for Federal Assistance);

Note: Applicants may leave fields 5a, 5b, 6, 7, and 12 blank on the form.

Note: Besides the Standard Form 424, Standard Form 424C, Grants.gov Lobbying Form, and Disclosure of Lobbying Activities form, all other documents must be attached to Standard Form 424 in Item 15 as flat PDF files. This includes the cover page, documentation of completed NEPA activities, and project narrative, which are described in further detail below.

Instructions for adding Item 15 Attachments:

- Click on "Add Attachments" in Item 15 to open the first pop-up window. Click "Add Attachment" and a second pop-up File Explorer/Directory window will appear, from which you can choose files to attach. Attachments can be added one at a time or all at once by holding down the CTRL key and selecting multiple files. Select "Open" to

add the selected files as attachments.
- Click "Done" to finalize the attachments.
- Click "View Attachments" to see a list of files that have been added as attachments.

(2) Standard Form 424C (Budget Information for Construction Programs);

Note: The Standard Form 424C should be supported by a budget narrative included as part of the project narrative, as described below in Section D.2.a.II.

(3) Grants.gov Lobbying Form (Certification Regarding Lobbying)
(4) Disclosure of Lobbying Activities form (SF-LLL)
(5) A cover page, including the following chart:

Project Name	
Total Project Cost	$
NSFLTP Program Grant Request Amount	$
Federal Funding including NSFLTP Program Funds Requested	$
Total non-Federal Funding	$
Is the project within, adjacent to, or accessing Federal and/or Tribal land?	Yes/No

(6) Documentation of completed NEPA activities (see section C.3.c);
(7) A project narrative – The project narrative should include information required for FHWA to determine that the project satisfies the eligibility requirements described in Section C above for the grant program and to evaluate the selection criteria specified in Section E.1. FHWA recommends that the project narrative follow the outline below. Following the outline will also assist evaluators in locating relevant information.

I. Basic Project Information – Description, Location, and Parties	See D.2.a.I
II. Grant Funds, Sources, and Uses of all Project Funding	See D.2.a.II
III. Primary Merit Criteria	See D.2.a.III
IV. Secondary Merit Criteria	See D.2.a.IV
V. Project Readiness	See D.2.a.V

To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by FHWA. FHWA may, but is not required to, request additional information, including additional data, to clarify supporting data and documentation submitted in an application, but FHWA encourages applicants to submit the most relevant and complete information that they can provide. FHWA also encourages applicants, to the extent practicable, to provide data in a form that is publicly available or verifiable.

FHWA recommends that the project narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with

1-inch margins). The project narrative should not exceed 10 pages in length. Appendixes may include documents supporting assertions or conclusions made in the 10-page project narrative and do not count towards the 10-page limit. If possible, Website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. FHWA recommends using appropriately descriptive final names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments.

FHWA recommends applications include the following sections in the project narrative:

I. Basic Project Information – Project Description, Location, and Parties

a. Project Description

The applicant should provide a concise description of the project including a discussion of the project's history, activities the requested NSFLTP Program funds and matching funds will support, and a description of any previously incurred project costs. The applicant may use this section to place the project into a broader context of other infrastructure investments being pursued by the project sponsor.

b. Project Location

The applicant should provide a concise description of the project's location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location (shapefiles will be accepted under 200MB file size).

If the project includes multiple sites, the applicant must demonstrate how the proposed project is a single continuous project for the project to be eligible for funding.
The applicant should include whether the project is located in an urban or rural community. For the purpose of this NOFO, FHWA will consider communities that are within Urbanized Areas (i.e., areas with a population of 50,000 or more) to be urban communities and all other communities to be rural. FHWA will rely on the digital maps and geographic shapefiles for the 2020 Census urban areas depicted on the FHWA HEPGIS maps of MPO and 2020 Census Urban Areas – FHWA HEPGIS Maps (dot.gov) (refer to the "MPO and Air Quality Tab" and then scroll to "MPO and 2020 Census Urban Areas") which correlates the definitions of "urban"[6] and "rural areas"[7] under 23 U.S.C. and Bureau of the Census data. A list of 2020

[6] The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area in each State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and note within any urbanized area. (23 U.S.C. 101 (a)(35)). The term "urbanized area" means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census. (23 U.S.C. 101 (a)(36)).

[7] The term "rural areas" means all areas of a State not included in urban areas. (23 U.S.C. 101 (a)(25))

census designated urban areas is available in the Census Bureau's December 29, 2022, Federal Register notice (87 FR 80114).

c. Lead Applicant

This section of the project narrative should provide details about the lead applicant. The details should include the lead applicant's demonstrated experience with the receipt and expenditure of Federal funds. FHWA will consider the degree of experience an applicant has with administering Federal funds as part of the project readiness evaluation. If an application is rated highly under other criteria, but the applicant has no or limited experience with the receipt and expenditure of Federal funds, FHWA may contact the applicant prior to final selection of FY 2024, FY 2025, or FY 2026 awards to discuss technical resources that may be available to assist the applicant in obtaining the capacity and expertise to ensure compliance with all applicable Federal requirements and timely delivery of the project.

d. Other Public and Private Parties

The applicant should describe in detail all of the other public and private parties who are involved in delivering the project, including a specific description of the role of each entity in delivering the project.

The applicant should state whether or not a private or non-private entity will receive a direct and predictable financial benefit if the project is selected for award. This includes, but is not limited to, private and non-private entities directly benefitting from completion of the proposed project. If this project directly involves or benefits a specific private corporation, a non-public entity, or a public entity, the project narrative should identify all such entities.

II. Grant Funds, Sources, and Uses of all Project Funding

The applicant should describe the project's budget in detail and the plans for covering the full cost of the project from all sources, including the Federal share and any applicable matching share.

Project budgets should show how different funding sources will share in each project activity and present the data in dollars and percentages of the total project cost. The budget should identify other Federal funds the applicant is applying for, has been awarded, or intends to use. The project budget should identify all Federal funds to be used for future eligible project costs of the project, including the requested NSFLTP Program grant amount, other Federal grants that have been awarded to the project or for which the project intends to apply for in the future, and any Federal formula funds that have already been programmed for the project or are planned to be programmed for the project. For each category of Federal funds to be used for future eligible project costs, the budget should provide the amount, nature, and source of any required non-Federal match for those funds.

Funding sources should be grouped into three categories: non-Federal, current application NSFLTP Program, and other Federal, with specific amounts for each funding source. The

project budget should further include a budget narrative with a breakdown of the costs for each cost classification used on the Standard Form 424C. FHWA will assess the extent to which budget and costs to perform the activities required to execute the NSFLTP Program grant are reasonable, necessary, and allocable based on the provisions of 2 CFR part 200.

For projects on non-Tribal transportation facilities, the budget should clearly demonstrate that the requested NSFLTP Program funds do not exceed 90 percent of eligible project costs. For projects on Tribal transportation facilities, the entire project may be funded with NSFLTP funds with no match or cost sharing required.

If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the NSFLTP statutory cost-sharing requirements described in Section C.2, if applicable, and those associated with each category of Federal funding.

An application may describe a project that contains more than one component and may describe components that may be carried out by parties other than the applicant. FHWA expects, and will impose requirements on fund recipients to ensure that all components included in an application will be delivered as part of the NSFLTP Program project, regardless of whether a component includes Federal funding. The status of each component should be clearly described (for example, in the project schedule). FHWA may award funds for a component instead of the larger project if that component: (1) independently meets all eligibility requirements described in Section C; (2) independently aligns well with the selection criteria specified in Section E.1; and (3) meets NEPA requirements with respect to independent utility.[8] All project components that are presented together in a single application must demonstrate a relationship or connection between them and constitute a single continuous project.

FHWA strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested NSFLTP Program grant funding for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces a benefit on its own, in addition to describing how the full proposal, of which the independent component is a part, addresses the selection criteria. The application should include information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated construction cost increases. In addition to the information enumerated above, the budget section of the project narrative should provide complete information on how all project funds may be used, fund availability, and funding commitments. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. Complete information about project funds will ensure that FHWA's expectations for award execution align with any funding

[8] Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of FHWA funds, even if no other improvements are made in the area and will be ready for intended use upon completion of that component's construction.

restrictions unrelated to FHWA, even if an award differs from the applicant's request .

The budget should clearly identify any expenses expected to be incurred between the applicant being selected for award, and prior to the fully executed grant award and obligation of NSFLTP Program funds because such expenses, except as authorized by FHWA, are not eligible for reimbursement and may not be used toward the match requirements.

III. Primary Merit Criteria

The applicant should describe how the proposal meets the Primary Merit Criteria listed in Section E.1. FHWA encourages applicants to address all applicable criteria. Insufficient information to assess any criterion will negatively impact the project's overall rating. Applicants should note that merit reviewers will focus on the project narrative section of the application when reviewing projects against the Primary Merit Criteria and will not be required to reference other sections in the application package; therefore, all relevant information in response to the Primary Merit Criteria should be included in this section of the application. Applicants should describe the criteria in the order in which they are described in the NOFO and address each criterion separately. Guidance describing how FHWA will evaluate projects against the Primary Merit Criteria is provided in Section E.1.a of this NOFO. Applicants should review that section before considering how to organize their application.

IV. Secondary Merit Criteria

For projects on Federal Lands access transportation facilities and Federal Lands transportation facilities, the project narrative should include a section that describes how the application aligns with the Secondary Merit Criteria listed in Section E.2.b. FHWA will not require nor consider these criteria in evaluating proposed projects on Tribal transportation facilities.

For projects on Federal Lands access transportation facilities and Federal Lands transportation facilities, FHWA encourages applicants to address each criterion. Insufficient information to assess any criterion will negatively impact the project's overall rating. Applicants should note that merit reviewers will focus on the project narrative section of the application when reviewing projects against the Secondary Merit Criteria and will not be required to reference other sections in the application package; therefore, all relevant information in response to the criteria should be included in this section of the application. Applicants should describe the criteria in the order in which they are described in the NOFO and address each criterion separately. Guidance describing how FHWA will evaluate projects against the criteria is provided in Section E.1.b of this NOFO. Applicants should review that section before considering how to organize their application.

V. Project Readiness

This section of the project narrative should include information that, when considered with the project budget information presented elsewhere in the application, is sufficient for FHWA to evaluate whether the project is reasonably expected to begin construction in a timely manner to meet the obligation deadlines described in Section B.6. To assist FHWA's project readiness

assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described below, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators.

(1) Technical Feasibility

The applicant should demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the NSFLTP application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed. The applicant must demonstrate compliance with Title VI/Civil Rights requirements, to ensure that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, on the basis of race, color, national origin, sex, age, or disability.

(2) Project Schedule

The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the Statewide Transportation Improvement Program); start and completion of NEPA[9] and other Federal environmental reviews and approvals, including permitting, design completion, right-of-way acquisition, approval of plans, specifications and estimates (PS&E); procurement; other State and local approvals; project partnership and implementation agreements, including agreements with railroads; and start and completion of construction. The project schedule should be sufficiently detailed to demonstrate that:

- All necessary activities will be completed to allow NSFLTP funds to be obligated sufficiently in advance of the statutory deadline described in Section B.6, and that any unexpected delays will not put the funds at risk of expiring before they are obligated.

- All real property and right-of-way acquisition will be completed in a timely manner in accordance with Title 49, Code of Federal Regulations (CFR), part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no acquisition is necessary. A plan for securing any required right-of-way agreements should be included. If applicable, this section should describe a right-of-way acquisition plan that minimally disrupts communities and maintains community cohesion.

[9] As noted in Section C.3.c, to be eligible for funding, projects must demonstrate the completion of activities required under NEPA. Therefore, these activities must be complete at the time of application, and the date for completion of these activities in the project schedule must be before the date the application is submitted.

(3) Required Approvals

a. Environmental Permits and Reviews.

The NEPA review must be complete at the time of application submittal, and applications should include documentation that NEPA has been completed. The application should provide in this section of the project narrative information about the NEPA determination of the project, including the date of completion of the NEPA process, and provide a Website link or other reference to the final ROD, FONSI, CE, and any other NEPA documents prepared. If the last Agency action with respect to NEPA documents occurred more than 3 years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA reconsideration requirements.

The application should further demonstrate receipt (or reasonably anticipated receipt) of all other environmental approvals and permits, besides NEPA, necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline described in Section B.6, including satisfaction of all Federal, State, Tribal, and local requirements. This section should also provide:

- Any information on reviews, approvals, and permits by other Federal, Tribal, and State agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies, indicate the status of such actions, and provide detailed information about the status of those reviews or approvals, demonstrate compliance with any other applicable Federal, State, Tribal, or local requirements, and indicate when such approvals are expected. Applicants should provide a Website link or other reference to copies of any reviews, approvals, and permits prepared.

- Environmental studies or other documents – preferably through a Website link – that describe in detail known project impacts and possible mitigation for those impacts.

- A description of discussions with the appropriate FHWA field or Headquarters office regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.

- A description of public engagement about the project that has occurred, including details on the degree to which public comments and commitments have been integrated into project development and design.

b. State, Tribal, and local approvals.

The applicant should demonstrate receipt (or the schedule for anticipated receipt) of additional State, Tribal, and local approvals on which the project depends, such as State, Tribal, and local planning approvals, and State Transportation Improvement Program (STIP) or Transportation Improvement Program (TIP) funding.

Additional support from relevant State, Tribal, and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

c. Federal Transportation Requirements Affecting State, Tribal and Local Planning.

The planning requirements applicable to the Federal-aid highway program apply to all NSFLTP Program projects.[10] Applicants should demonstrate that a project that is required to be included in the relevant State, Tribal, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for each grant will be specified in the project-specific agreements signed by FHWA and the grant recipient, will be based on critical path items that applicants identify in the application, and will be consistent with relevant State, Tribal, and local plans.

d. Assessment of Project Risks and Mitigation Strategies.

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local matches, pushback from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks.[11] The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

3. Unique entity identifier and system for Award Management (SAM)

The Data Universal Numbering System (DUNS), required for entities doing business with the Federal Government, was replaced by the Unique Entity Identifier (UEI) in the System for Award Management (SAM). Applicants must now use their UEI, issued during the SAM.gov registration process, to do business with DOT.

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[10] In accordance with 23 U.S.C. 134 and 135, all projects requiring an action by FHWA must be in the applicable plan and programming documents (e.g., metropolitan transportation plan, transportation improvement program (TIP), and statewide transportation improvement program (STIP)). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and metropolitan planning organization (MPO). Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a grant.

[11] FHWA considers an applicant's lack of experience with receipt and expenditure of Federal funds a material risk.

If your entity was actively registered, then your UEI was automatically assigned and is currently viewable in SAM.gov; there is no action for registered entities to take at this time to obtain your SAM UEI. If you are a new entity or your registration has expired, you must register your entity in SAM.gov and you will be assigned a UEI.

Please see https://www.Grants.gov/web/grants/applicants/applicant-faqs.html#UEI for more information on the transition from DUNS to SAM UEI, including what UEI to enter into the UEI field on Grants.gov and on application package forms.

Each applicant must:

I. Be registered in SAM.gov before submitting its application;
II. Provide a valid UEI in its application; and
III. Continue to maintain an active SAM.gov registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding Agency.

FHWA may not award a grant to an applicant until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time FHWA is ready to make a grant, FHWA may determine that the applicant is not qualified to receive a grant and use that determination as a basis for making a grant to another applicant.

NOTE TO APPLICANTS: SAM.gov requires the registrant to provide a valid UEI number to complete the registration. These processes can take several weeks to complete so should be started well before the applicable application deadline.

4. Submission Dates and Times

This NOFO announces three application periods, and the application start, and close dates are described in the table below:

Application Period	Application Period Start (Grants.gov "Apply" function opens)	Application Period Closes
2024	July 17, 2024	October 16, 2024
2025	May 1, 2025	August 1, 2025
2026	May 1, 2026	August 1, 2026

5. Intergovernmental Review

An application under this NOFO is not subject to the State review under E.O. 12372.

6. Funding Restrictions

Developmental phase activities including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities are

not eligible for funding under the NSFLTP Program.

Unless authorized by FHWA in writing after FHWA's announcement of FY 2024 NSFLTP Program awards, any costs incurred prior to FHWA's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement and are ineligible match for cost share requirements.

Grant funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

7. Other Submission Requirements

a. Scalable Project Options

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant advises that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FHWA may award a lesser amount whether or not a scalable option is provided.

b. Submission Location

Applications must be submitted to Grants.gov.

c. File Types and Size

Applicants should submit documents in .docx or .pdf format.

For the submitted application package, FHWA suggests that pictures, graphics, and other large files be reduced in number and quality to keep the size of the files of the application manageable and in line with the Grants.gov maximum size of 200 megabytes for the entire grant application package.

d. Consideration of Applications

Only eligible applicants who comply with all submission deadlines described in this NOFO and electronically submit valid applications through Grants.gov will be considered for award. Applicants are strongly encouraged to make submission in advance of the deadline.

e. Late Applications

Applications received after the deadline will not be considered.

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

FHWA encourages applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at https://www.access-board.gov/ict/.

SECTION E - APPLICATION REVIEW INFORMATION

1. Criteria

FHWA will award NSFLTP Program funds based on an evaluation of the merit criteria, and project readiness as described in this Section E.1 and the Review and Selection Process described in Section E.2.

a. Primary Merit Criteria

When selecting projects for funding under the NSFLTP Program, FHWA will consider the following nine Primary Merit Criteria. These criteria are statutorily required to be evaluated against all projects in accordance with § 1123(f) of the FAST Act:

Primary Merit Criterion 1: DOT Goals.

FHWA will assess the extent to which the project furthers the goals of DOT, including safety, state of good repair, economic competitiveness, and quality of life.

FHWA will consider:

i. The project's safety improvements compared to a baseline in which the project is not done;
ii. Technical data provided about existing facilities in poor repair or, where the project is new construction, the extent to which the existing conditions demonstrate a need for new transportation facilities;
iii. The project's economic benefits – such as travel time savings, vehicle operating cost savings, and emissions reductions – compared to a baseline in which the project is not done; and
iv. How the project is expected to improve the quality of life for a local community and the traveling public, providing data and analysis where relevant and feasible, such as estimates of trips and vehicle miles traveled.

Rating:

Highly Responsive: The project will make a profound and positive impact on furthering DOT's goals, including safety. The application addresses at least three elements described above.

Responsive: The project will make a generally positive impact on furthering the DOT's goals, including safety. The application addresses at least two elements described above.

Not Responsive: The project will not further the DOT's goals. The application does not address any of the elements described above.

Primary Merit Criterion 2: Improvement of Condition of Critical Transportation Facilities.

FHWA will consider the extent to which the project improves the condition of critical transportation facilities, including multimodal facilities.

FHWA will evaluate this criterion by considering the extent to which the project improves the condition of a transportation facility, whether the facility is multimodal, and the critical nature of the facility. Examples may include but are not limited to a bridge in poor condition that may be subject to closure in the absence of funds; or a primary transportation facility that provides access to critical community services, high use recreation destination areas, or other economic generators within Tribal and/or Federal Lands.

Rating:

Highly Responsive: The project will create or improve critical multimodal transportation facilities.

Responsive: The project will create or improve critical transportation facilities; however, the project will not be multimodal.

Not Responsive: The project would not adequately promote the outcomes described for the criterion under consideration.

Primary Merit Criterion 3: Need for Project.

FHWA will consider the extent to which the project needs construction, reconstruction, or rehabilitation.

FHWA will consider data provided by the applicant documenting any physical or operational deficiencies of the existing facility that would warrant construction, reconstruction, or rehabilitation, and how the proposed project will address those deficiencies.

Rating:

Highly Responsive: The facility is in a deficient condition that prevents its effective usage by all road users who could appropriate use it or needs to be created to improve connection and multimodal connectivity.

Responsive: The facility needs improvements or repair but is not in danger of failure, or new construction would benefit the facility and provide connection or multimodal connectivity when there are other connections are available.

Not Responsive: There is no apparent or pressing need for construction, reconstruction, or rehabilitation.

Primary Merit Criterion 4: Matched Costs.

FHWA will consider the extent to which the project has costs matched by funds that are not provided under the NSFLTP Program, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches.

Rating:

Highly Responsive: Non-NSFLTP Program funding will account for 50 percent or more of total eligible project costs.

Responsive: Non-NSFLTP Program funding will account for more than the minimum of non-NSFLTP Program funding required for the type of project[12] but less than 50 percent of total eligible project costs.

Not Responsive: The project meets the minimum in non-NSFLTP Program funding required under Section C.2.

Primary Merit Criterion 5: National Register of Historic Places.

FHWA will consider the extent to which the project is included in or eligible for inclusion in the National Register of Historic Places.

Rating:

Yes: The project is included in or eligible for inclusion in the National Register of Historic Places.

No: The project is not included in or eligible for inclusion in the National Register of Historic Places.

Primary Merit Criterion 6: New Technologies and Innovations.

FHWA will consider the extent to which the project uses new technologies and innovations that enhance the efficiency of the project.

In assessing this criterion, FHWA will assess the extent to which the applicant uses innovative strategies promoted by FHWA, especially those promoted by FHWA's Every Day Counts initiative.

For more information on the Every Day Counts initiative, see: https://highways.dot.gov/federal-lands/programs-tribal/partners-resources/every-day-counts.

[12] For projects on Tribal transportation facilities, any amount of non-NSFTLP Program funds, up to 50 percent total eligible project costs, will warrant a *Responsive* rating. For projects on Federal lands transportation facilities or Federal lands access transportation facilities, any amount of non-NSLFTP Program funds beyond the 10-percent Federal share requirement, up to 50 percent total eligible project costs, will warrant a *Responsive* rating.

Applicants should clearly indicate which technologies or innovations they are using in their proposed project and how those technologies or innovations will enhance the efficiency of the proposed project.

Rating:

Highly Responsive: The project will effectively employ at least one new technology or innovation currently promoted by FHWA's Every Day Counts initiative.

Responsive: The project will employ at least one new technology or innovation not currently promoted by FHWA that could enhance the efficiency of the project.

Not Responsive: The project would not adequately promote the outcomes described for the criterion under consideration.

Primary Merit Criterion 7: Support to Construct, Maintain, and Operate the Facility.

FHWA will consider the extent to which the project is supported by funds, other than funds received under the NSFLTP Program, to construct, maintain, and operate the facility.

FHWA will consider what other funds exist, besides those available for match, to aid in maintenance and operation of the facility, as well as the reasonable expectation that those funds will remain available. Historical trends, current policy, or future feasibility analyses can be used as evidence to substantiate or support the claims in the application.

Rating:

Highly Responsive: The facility to be improved has a secure source of funding to aid in the long-term maintenance and operation of the facility.

Responsive: The facility to be improved has a source of funding to aid in the future maintenance and operation of the facility, with reasonable expectation that those funds will remain available.

Not Responsive: A source of funding has not been identified to support operation and maintenance of the facility.

Primary Merit Criterion 8: Spans Two or More States.

FHWA will consider the extent to which the project spans two or more States.

Rating:

Yes: The project spans two or more States.

No: The project is within one State.

Primary Merit Criterion 9: Serves Land Owned by Multiple Federal Agencies or Indian Tribes.

FHWA will consider the extent to which the project serves land owned by multiple Federal Agencies or Indian Tribes.

Rating:

Yes: The project serves land owned by multiple Federal Agencies or Indian Tribes.

No: The project serves land owned by one Federal Agency or Indian Tribe.

FHWA will assign an overall rating for the Primary Merit Criteria Category on the following basis:

- *High* – Projects with four or more primary merit criteria rated as "Highly Responsive" or "Yes" when applicable.

- *Medium* – Projects with between one and three primary merit criteria rated as "Highly Responsive" or "Yes" when applicable, or projects with "Responsive" with 5 or more of the primary Merit Criteria.

- *Low* – The project has no primary merit criteria rated as "Highly Responsive" and less than 5 of the primary merit criteria rated as "Responsive" or "Yes" when applicable.

b. Secondary Merit Criteria

After evaluating applications based on the above nine Primary Merit Criteria, FHWA will evaluate applications based on the below Secondary Merit Criteria. As noted previously, FHWA will not require nor consider the below four Secondary Merit Criteria when reviewing applications for projects on Tribal transportation facilities. FHWA will consider all four Secondary Merit Criteria below for projects on Federal Lands transportation facilities and Federal Lands access transportation facilities.

Secondary Merit Criteria 1: Equity.

For projects located on a Federal Lands transportation facility or Federal Lands access transportation facility, applications will be rated higher on this criterion if they can clearly demonstrate that:

- The project will create positive outcomes that will reduce, mitigate, or reverse how a community is experiencing disadvantage through increasing affordable transportation options, improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life. Applicants are strongly encouraged to use

the USDOT Equitable Transportation Community (ETC) Explorer[13] (arcgis.com) to understand how their project area is experiencing a disadvantage in any of five areas that transportation projects with a direct relationship.

- The applicant identifies and implements programs and policies that ensure the benefits of investments while mitigating the economic displacement of economically susceptible residents and businesses, and engages the public, including disadvantaged communities, during all phases of the project, including planning, design, construction, and implementation.[14] Some examples of activities that can demonstrate such programs and policies include the preservation and/or production of affordable housing; expanding affordable, safe transportation and mobility options to areas where good jobs are concentrated; and supporting entrepreneurship, small business growth, tourism, and access to capital through local hiring.

FHWA will NOT require nor consider this criterion when reviewing applications for projects on Tribal transportation facilities.

Rating:

Highly Responsive: The project both (1) creates a positive outcome that will reduce, mitigate, or reverse how a community is experiencing disadvantage through increasing affordable transportation options, improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life; and (2) the applicant implements programs and policies that ensure the benefits of investments while mitigating economic displacement economically susceptible residents and businesses.

Responsive: The project will create a positive outcome that will reduce, mitigate, or reverse how a community is experiencing disadvantage through increasing affordable transportation options, improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life.

Not Responsive: The project does not address equity.

Secondary Merit Criterion 2: The Justice40 Initiative.

Projects will be rated higher on this criterion if the applicant can clearly demonstrate that the project supports the goals of the Justice40 Initiative, https://www.transportation.gov/equity-Justice40, which sets a goal of 40 percent of the benefits of certain Federal investments flowing to disadvantaged communities (also known as Justice 40 communities).

[13] https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/Homepage/
[14] Three Major Components of DOT's Justice40 Initiative | US Department of Transportation https://www.transportation.gov/priorities/equity/justice40/three-major-components-dots-justice40-initiative

In support of E.O. 14008, applicants are encouraged to use the White House definition of Historically Disadvantaged Communities as part of DOT's implementation of the Justice40 Initiative to demonstrate that the project supports the goals of the Justice40 Initiative. Consistent with the Interim Implementation Guidance and its Addendum for the Justice40 Initiative, Historically Disadvantaged Communities include: (a) certain qualifying census tracts identified as disadvantaged by the Climate and Economic Justice Screening Tool[15] (CEJST) due to categories of environmental, climate, and socioeconomic burdens; and (b) any federally recognized Tribes or Tribal entities, whether or not they have land.[16] Applicants should use CEJST as the primary tool to identify disadvantaged communities.

Applicants are strongly encouraged to also use the USDOT Equitable Transportation Community (ETC) Explorer to understand how their community or project area is experiencing disadvantage related to lack of transportation investments or opportunities and are encouraged to use this information in their application to demonstrate how their project will reduce, reverse, or mitigate the burdens of disadvantage.

FHWA is not requiring Tribal applicants to provide information for projects on Tribal transportation facilities for this criterion.

Rating:

> *Yes*: The applicant demonstrates that the project supports the goals of the Justice40 initiative.
>
> *No*: The applicant fails to demonstrate the project is in support of the goals of the Justice40 initiative.

Secondary Merit Criterion 3: Climate Change and Sustainability.

For projects located on a Federal Lands transportation facility or Federal Lands access transportation facility, FHWA will assess the extent to which the project reduces greenhouse gas (GHG) emissions and improves climate resilience. Applicants are encouraged to use the DOT Navigator Climate checklist[17] in responding to this criterion.

FHWA will NOT require nor consider this criterion when reviewing applications for projects on Tribal transportation facilities.

Applications that are rated highly on this criterion will be those that use data-driven and evidence-based methods to demonstrate that the project will:

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[15] https://www.transportation.gov/grants/dot-navigator/equity-and-justice40-analysis-tools.
[16] OMB, Council on Environmental Quality (CEQ), and Climate Policy Office (CPO), M-23-09, Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the CEJST (Jan. 27, 2023), whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf; OMB, CEQ, & CPO, M-21-28, Interim Implementation Guidance for the Justice40 Initiative (July 20, 2021), https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf.
[17] https://www.transportation.gov/grants/dot-navigator/checklist-strong-climate-change-mitigation-adaptation-and-resilience-grant.

- Significantly reduce GHG emissions in the transportation sector; and
- Incorporate evidence-based climate resilience measures or features and advance objectives in the National Climate Resilience Framework[18].

Applicants can demonstrate that the project significantly reduces GHG emissions in the transportation sector if they can demonstrate:

- They are making progress towards transportation GHG reduction targets, including those set under the FHWA Transportation Performance Management Program[19];
- The project would significantly reduce transportation GHG emissions, as shown through analysis with USDOT tools[20] or similar;
- The project is part of a State Carbon Reduction Strategy, State Electric Vehicle Infrastructure Deployment Plan, or other State, local, or Tribal GHG reduction plan;
- The project aligns with the U.S. National Blueprint for Transportation Decarbonization[21]; or
- The applicant has a plan to monitor the impact of the project on GHG emissions.

Applicants can demonstrate that the project incorporates evidence-based climate resilience measures or features if they can demonstrate the project:

- Uses best-available climate data sets, information resources, and decision-support tools (including DOT and other Federal resources) to assess the climate-related vulnerability and risk of the project;
- Develops and deploys solutions that reduce climate change risks;
- Incorporates nature-based solutions/natural infrastructure, including use of native plants, and, as applicable, avoids fragmenting lands with high conservation value, avoids barriers to fish and wildlife migration, and incorporates mitigation measures to address unavoidable impacts;
- Is included in a Resilience Improvement Plan or similar plan;
- Benefits communities most vulnerable to climate change impacts, such as (Federal Emergency Management Agency) designated Community Disaster Resilience Zones[22];
- Follows the Federal Flood Risk Management Standard, consistent with current law; or
- Includes plans to monitor performance of climate resilience and adaptation measures.

Rating:

> *Highly Responsive*: The project focuses on reducing GHG emissions AND incorporates evidence-based climate resilience measures or features.

[18] https://www.whitehouse.gov/wp-content/uploads/2023/09/National-Climate-Resilience-Framework-FINAL.pdf
[19] https://www.fhwa.dot.gov/tpm/
[20] https://www.transportation.gov/priorities/climate-and-sustainability/greenhouse-gas-analysis-resources-and-tools.
[21] https://www.transportation.gov/priorities/climate-and-sustainability/us-national-blueprint-transportation-decarbonization.
[22] https://www.fema.gov/partnerships/community-disaster-resilience-zones.

Responsive: The project focuses on reducing GHG emissions OR incorporates evidence-based climate resilience measures or features, but not both.

Not Responsive: The project does not address climate change; or does not focus on reducing GHG emissions and does not incorporate evidence-based climate resilience measures or features.

Secondary Merit Criterion 4: Workforce Development, Job Quality, and Wealth Creation.

For projects located on a Federal Lands transportation facility or Federal Lands access transportation facility, FHWA will evaluate the extent to which the project will support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships, consistent with E.O. 14025, *Worker Organizing and Empowerment* and E.O. 14052, *Implementation of the Infrastructure Investment and Jobs* Act.

FHWA will NOT require nor consider this criterion when reviewing applications for projects located on Tribal transportation facilities.

For projects located on a Federal Lands transportation facility or Federal Lands access transportation facility, applicants should demonstrate one or more of the below elements:

- The project creates good-paying, safe jobs with free and fair choice to join a union, including through the use of a project labor agreement;
- The project promotes investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships. These programs should have a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.);
- The project promotes local inclusive economic development and entrepreneurship, such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms;
- The project applicant provides supportive services and cash assistance to address systemic barriers to employment to be able to participate and thrive in training and employment, including childcare, emergency cash assistance for items such as tools, work clothing, application fees, and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups such as mentoring, support groups, and peer networking; and,
- The project applicant leverages formula and/or discretionary funds, outside of the NSFLTP Program, to support workforce development.

Rating:

Yes: The application addresses at least one element described above.

No: The application does not address the elements described above.

Following review of the secondary merit criteria for projects on Federal Lands transportation facilities and Federal Lands access transportation facilities, FHWA will provide an overall rating for the Secondary Merit Criteria as indicated below:

Secondary Merit Criteria Rating	**1**	**2**	**3**
Criteria 1: Equity	Not Responsive	Responsive	Highly Responsive
Criterion 2: The Justice40 initiative.	No		Yes
Criterion 3: Climate Change and Sustainability.	Not Responsive	Responsive	Highly Responsive
Criterion 4: Workforce Development, Job Quality, and Wealth Creation.	No		Yes

Rating	Description
High	All 3's
Medium-High	Any 3's
Medium	Any 2's AND no 3's
Low	All 1's

c. Project Readiness

FHWA will consider project readiness to assess the likelihood of a successful project. In that analysis, FHWA will consider three evaluation ratings: Environmental Risk, Technical Capacity, and Financial Capacity. The application should contain a section that explicitly addresses Environmental Risk (see Section D.2.a.V.3), but the Technical Capacity and Financial Capacity assessments will be based on information contained throughout the application.

The Environmental Risk assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation.

The Technical Capacity assessment will review the applicant's capacity to successfully deliver the project in compliance with applicable Federal, State, Tribal, and local requirements based on factors including, but not limited to, the recipient's experience working with Federal Agencies, previous experience with DOT discretionary grant awards, and the technical experience and

resources dedicated to the project. Technical capacity will also consider the project schedule with an emphasis on the completion of PS&E and projected timeframe to advertise the construction phase of the project.

The Financial Capacity assessment will review the availability of matching funds and whether the applicant presented a complete funding package. Risks do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks. All applicants should describe a plan to address potential cost overruns and how those costs will be funded.

The Project Readiness Ratings described above will be translated to a *High*, *Medium-High*, *Medium*, or *Low* rating, using the table below:

Rating	**1**	**2**	**3**
Technical Assessment	Uncertain: The team is not confident in the applicant's capacity to deliver this project in a manner that satisfies Federal requirements	Somewhat Certain/Unknown: The team is moderately confident in the applicant's capacity to deliver the project in a manner that satisfies Federal requirements	Certain: The team is confident in the applicant's capacity to deliver the project in a manner that satisfies Federal requirements
Financial Completeness	Incomplete Funding: The project lacks full funding, or one or more Federal or non-Federal match sources are still uncertain as to whether they will be secured in time to meet the project's construction schedule.	Partially Complete/Appear Stable and Highly Likely to be Available: Project funding is not fully committed but appears highly likely to be secured in time to meet the project's construction schedule.	Complete, Stable and Committed: The Project's Federal and non-Federal sources are fully committed and there is demonstrated funding available to cover contingency/cost increases.
Environmental Review and Permitting Risk	High Risk: There are known environmental, or litigation concerns associated with the project.	Moderate Risk: The project has not secured necessary Federal permits, and it is uncertain whether they will be able to secure necessary Federal permits in the time necessary to meet their project schedule.	Low Risk: The Project has completed, or it is highly likely that they will be able to complete other environmental reviews in the time necessary to meet their project schedule.

Rating	Description
High	All 3's
Medium-High	Two 3's, one 2
Medium	One 3, two 2's or all 2's
Low	Any 1's

d. Overall Application Rating

i. Overall Application Rating for Projects on Federal Lands Access Transportation Facilities or Federal Lands Transportation Facilities:

FHWA will assign each eligible application on a Federal Lands access transportation facility or a Federal Lands transportation facility an overall rating of *Highly Recommended, Recommended, or Not Recommended*. The rating for such projects will be assigned by FHWA on the following basis:

Highly Recommended projects are those that receive: (1) a *High* in the Primary Merit Criteria category; (2) a *High* or *Medium-High* in the Secondary Merit Criteria Category; and (3) a *High* or *Medium-High* in the Project Readiness Rating.

Recommended projects are those that are not rated as *Highly Recommended* or *Not Recommended*. This may include projects that receive: (1) a *Medium* in the Primary Merit Criteria category; (2) a *High, Medium-High*, or *Medium* in the Secondary Merit Criteria Category; and (3) a *High*, *Medium-High*, or *Medium* in the Project Readiness Rating. This may also include projects that receive: (1) a *High* in the Primary Merit Criteria Category; and (2) a *Medium* in either or both the Secondary Merit Criteria Category or Project Readiness, so long as there are no *Lows* in any category.

Not Recommended projects are those that receive a low in any category.

A model of how the ratings for each category result in an overall project rating for projects on Federal Lands access transportation facilities or Federal Lands transportation facilities is shown below:

Rating	**Not Recommended**	**Recommended**	**Highly Recommended**
Primary Merit Criteria	Low	Medium	High
Secondary Merit Criteria		High Medium-High Medium	High Medium-High
Project Readiness		High Medium-High Medium	High Medium-High

ii. Overall Application Ratings for Projects on Tribal Transportation Facilities

FHWA will assign each eligible application on a Tribal transportation facility an overall rating of *Highly Recommended, Recommended, or Not Recommended*. The rating for such projects will be assigned by FHWA on the following basis:

Highly Recommended projects are those that receive: (1) a High in the Primary Merit Criteria category; and (2) a High or Medium-High in the Project Readiness Rating.
Recommended projects are those that receive (1) a Medium in the Primary Merit Criteria category; and (2) a Project readiness rating that is not Low. Recommended projects are also those that receive (1) a High in the Primary Merit Criteria category; and (2) a Project Readiness Rating of Medium.

Not Recommended projects are those that receive a low in any category.
A model of how the ratings for each category result in an overall project rating for projects on Tribal transportation facilities is shown below:

Rating	***Not Recommended***	***Recommended***	***Highly Recommended***
Primary Merit Criteria	Low	Medium	High
Project Readiness		High Medium-High Medium	High Medium-High

2. Review and Selection Process

FHWA will conduct an application intake and eligibility review by providing an initial eligibility screening based on the criteria in Section C. Only eligible projects will be evaluated against the Primary Merit Criteria, Secondary Merit Criteria, and Project Readiness in Section E.1. The NSFLTP Program application evaluation and selection process consists of: (1) a Technical Review, (2) an FHWA Senior Review, and (3) Project Selections.

i. Technical Review

The evaluation of eligible applications will be conducted by a Technical Review Team who may consist of individuals from FHWA Headquarters and division offices. The Technical Review Team will evaluate each eligible application against the Primary Merit Criteria, Secondary Merit Criteria, and Project Readiness in Section E.1 and assign an overall application rating as described under Section E.1.d. Based on the outcome of these reviews, the Technical Review Team will assign an overall rating of *Highly Recommended*, *Recommended*, or *Not Recommended* to each application.

ii. FHWA Senior Review Team (SRT)

The Technical Review Team will send to the FHWA SRT the overall application rating for each eligible NSFLTP Program application.

The composition of the FHWA SRT is senior leadership who have been requested to serve by the FHWA Administrator. The SRT, which may include the FHWA Administrator's participation in the SRT review process, advises the FHWA Administrator which projects the FHWA Administrator should select for funding, taking into account the statutory requirement that half of the NSFLTP Program funding goes to projects on Tribal transportation facilities and that half goes to projects on Federal Lands transportation facilities and Federal Lands transportation facilities, as well as the statutory requirement that at least one eligible project shall be in a unit of the U.S. National Park Service with at least 3 million annual visitors.

The FHWA SRT may also recommend for selection an NSFLTP Program that is rated *Recommended* over a *Highly Recommended* project. When recommending a project that is *Recommended* over a *Highly Recommended* project, the FHWA SRT will select *Recommended* projects by considering how well the project addressed the Merit Criteria and the number of criteria rated *Highly Responsive*.

When recommending applications to the FHWA Administrator, the FHWA SRT may consider geographic diversity including, as applicable, the need for a balance between the needs of rural and urban communities.

iii. Project Selections

The FHWA Administrator makes final project selections and will select among the projects advanced by the FHWA SRT. The review process gives the Administrator the discretion to determine which applications best address the program requirements, advance the Administration's Priorities and Departmental Strategic Plan Goals, and should be selected. When selecting projects, the Administrator may also consider geographic diversity, including the need for a balance between the needs of rural and urban communities, and selecting projects that ensure the effective use of Federal funding.

FHWA is not obligated to make any award as a result of this NOFO.

3. Additional Information

i. Award Amount Discussion

FHWA may, during the selection process, discuss with an applicant the feasibility of potentially being awarded a lesser amount than originally requested in the application due to the quantity, size, and scope of the applications received in response to this NOFO and the results of the application review process. Discussions do not obligate FHWA to make an award.

ii. Budget Review

Prior to award, FHWA will conduct a budget review of each selected applicant to ensure the proposed costs are allowable and reasonable. The approved budget will be included in the resulting grant agreement. FHWA reserves the right to request additional information/documentation to inform the budget review. FHWA reserves the right after an application is selected for award, to request additional supporting information and or documentation for purposes of confirming costs proposed are allowable (2 CFR 200.403) Reasonable (2 CFR 200.404) and Allocable (2 CFR.405).

iii. Risk Assessment

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

FHWA reserves the right to request additional information and documentation to inform the risk evaluation and may deny an award based on the results of the risk assessment.

SECTION F - FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notices

Following the evaluation outlined in Section E, the FHWA Administrator will announce awarded projects by posting a list of selected projects at https://flh.fhwa.dot.gov/programs/nsfltp/.

Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following the announcement, FHWA will contact the point of contact listed in form SF-424 to initiate negotiation of a project-specific agreement. If the negotiations do not result in an acceptable submittal, FHWA reserves the right to terminate the negotiation and decline to fund the project.

Recipients of NSFLTP Program grant awards will not generally receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, FHWA will reimburse NSFLTP Program grant funds to recipients only after a project agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Unless authorized by FHWA in writing after FHWA's announcement of awards, any costs that a recipient incurs before FHWA executes a grant agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. In addition, applicable Federal laws, rules, and regulations of FHWA will apply to the projects that receive NSFLTP Program funds, including planning requirements, agreements, Buy America compliance, and other grant program requirements.

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

The E.O. 14005 directs the Executive Branch Departments and Agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Any grant projects involving vehicle

acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carriers Safety Regulations (FMCSR), or vehicles that are exempt from FMVSS or FMCSR in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

The online clauses entitled "General Terms and Conditions for Assistance Award" apply to direct awards to FLMAs and Tribes, and are available in full text online at: https://www.fhwa.dot.gov/cfo/contractor_recip/gtandc_generaltermsconditions.cfm

a. Critical Infrastructure Security, Cybersecurity and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber risks, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience, and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems.[23] Each applicant selected for NSFLTP funding must demonstrate, prior to the signing of the grant agreement, an effort to consider and address physical and cyber security risks relevant to the transportation mode, type, and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by DOT and the U.S. Department of Homeland Security, will be required to do so before receiving funds.

b. Domestic Preference Requirements

As expressed in E.O. 14005, Ensuring the Future Is Made in All of America by All of America's Workers (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this NOFO are subject to FHWA's Buy America requirements (23 U.S.C. 313), and domestic preference requirements under the Build America, Buy America Act (Pub. L. No 117- 58, div. G 70901–70927), or Buy American requirements (41 U.S.C. 8301 et seq.), as applicable. DOT expects all applicants to comply with those requirements.

c. Civil Rights and Title VI:

As a condition of a grant award, grant recipient should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR part 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI Plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and FHWA's Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

[23] https://www.cisa.gov/cross-sector-cybersecurity-performance- goals.

d. Federal Contract Compliance

As a condition of the grant award and consistent with E.O. 11246, Equal Employment Opportunity (30 FR 12319, and as amended), all federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for work being performed by people of color. Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing E.O. 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. The OFCCP will identify projects that receive an award under this NOFO and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally-assisted projects over which OFCCP has jurisdiction and that have a project cost above $35 million. DOT will require project sponsors with costs above $35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award.

e. Project Signage and Public Acknowledgments

Recipients are encouraged to post project signage and to include public acknowledgements in published and other collateral materials (e.g., press releases, marketing materials, Websites, etc.) satisfactory in form and substance to DOT, that identifies the nature of the project and indicates that "the project is funded by the Bipartisan Infrastructure Law."

In addition, recipients employing project signage are required to use the official Investing in America emblem in accordance with the Official Investing in America Emblem Style Guide. Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs.

3. Reporting

a. Progress Reporting on Grant Activities

For projects delivered by FLMAs, award recipients must submit quarterly performance progress reports and Federal Financial Reports (SF-425). For projects delivered by all applicants besides FLMAs, award recipients must submit semi-annual performance progress reports and Federal Financial Reports (SF-425).

b. Performance and Program Evaluation

As a condition of grant award, NSFLTP Program grant recipients may be required to participate in an evaluation undertaken by FHWA or another Agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. FHWA may require applicants to collect data elements to aid the evaluation and/or use information available through other reporting. As a part of the evaluation, as a condition of the award, grant recipients must agree to: (1) make records available to the evaluation contractor or FHWA staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; (4) access to right-of-way to contractor or FHWA staff for long-term data and observation collection; and (5) follow evaluation procedures as specified by the evaluation contractor or FHWA staff.

Recipients and subrecipients are also encouraged to incorporate program evaluations, including associated data collection activities, from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an Agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges Federal awarding Agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, improve equitable delivery, and elevate program service and delivery across the program lifecycle.

Evaluation means "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency." 5 U.S.C. § 311. Credible program evaluation activities are implemented with relevance and utility, rigor, independent and objectivity, transparency, and ethics (OMB Circular A-11, Part 6, Section 290).

For NSFLTP Program grant recipients, evaluation expenses are allowable costs (either as direct or indirect costs), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR Part 200).

c. Project Specific Reporting Requirements

Each applicant selected for NSFLTP Program grant funding must collect and report to FHWA information on the project's performance based on performance indicators FHWA identifies related to program goals and other information as requested by FHWA. Performance indicators should include measurable goals or targets that FHWA will use internally to determine whether the project meets program goals, and grant funds achieve the intended long-term outcomes of the NSFLTP Program. FHWA will work with the grant recipients to establish a recommended two to four performance measures that enable FHWA to measure and evaluate the outcomes of the individual grant. Performance reporting continues for several years after project construction is completed.

d. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected recipient's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding Agencies exceeds $10 million for any period of time during the period of performance of this Federal award, the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under Section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

e. Other

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

SECTION G - FEDERAL AWARDING AGENCY CONTACTS

For questions concerning this NOFO and the NSFLTP, please contact the POC listed on page 3 of this NOFO.

SECTION H -OTHER INFORMATION

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methods that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) note on the front cover that the submission "Contains Confidential Business Information (CBI)"; (2) mark each affected page "CBI"; (3) highlight or otherwise denote the CBI portions; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. FHWA protects such information from disclosure to the extent allowed under applicable law. In the event FHWA receives a Freedom of Information Act (FOIA) request for information that the applicant has marked in accordance with this section, FHWA will follow DOT procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under 49 CFR 7.29 will be exempt from disclosure under FOIA.

2. Publication of Application Information

Following the completion of the selection process and announcement of awards, FHWA may publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1, FHWA may make application narratives publicly available.

3. Feedback on Applications

Debriefs by FHWA are available to applicants not selected for award to receive information about the evaluation of their application.