

Notice of Funding Opportunity Number 693JJ321NF00008

"National Pedestrian and Bicycle Information Center"

Notice of Funding Opportunity Issue Date: 1/31/2022

Application Due Date: 3/31/2022

Estimated Cooperative Agreement Award Date: 9/30/2022

SUMMARY

Funding Opportunity Summary:	$2,670,000 in Federal funding available for operation of a National Pedestrian and Bicycle Information Center on a cost-sharing basis.
Federal Agency Name:	U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) Office of Acquisition and Grants Management 1200 New Jersey Avenue SE Mail Drop: E62-204 Washington DC 20590 Attention: Freida L. Byrd
Funding Opportunity Title:	"National Pedestrian and Bicycle Information Center"
Eligibility:	Eligibility for this funding opportunity is open to the National Academy of Sciences, the American Association of State Highway and Transportation Officials, any Federal laboratory, Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or any other person.
Announcement Type:	This announcement is a follow-on to Cooperative Agreement No. DTFH6116H00029 with the University of North Carolina entitled "National Pedestrian and Bicycle Information Center."
Funding Opportunity Number:	693JJ321NF00008
Type of Award:	Cooperative Agreement
Assistance Listing (*formerly Catalog of Federal Domestic Assistance (CFDA)*) Number:	20.200
Application Due Date:	Submission Deadline by 11:00 pm EDT on 3/31/2022 via Grants.gov (See Section D).
Questions:	Submit Questions by e-mail to Primary Point of Contact: Freida.Byrd@dot.gov Secondary Point of Contact: Robin.Hobbs@dot.gov

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NOTE: The 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 Notice. Approval of user registrations for the site may take multiple weeks. It is the Applicant's responsibility to monitor for any updates to this Notice.

SECTION A - PROGRAM DESCRIPTION

1. STATEMENT OF PURPOSE

The purpose of this Notice of Funding Opportunity (NOFO) is to solicit applications for award of one cooperative agreement to operate a national Pedestrian and Bicycle Information Center (PBIC); conduct pedestrian and bicycle research; and provide technical assistance on topics related to pedestrian and bicycle activities.

The national pedestrian and bicycle information center will support the U.S. Department of Transportation's (DOT) efforts to promote an integrated, convenient, and safe transportation system for all users, with an emphasis on pedestrians and bicyclists, including those using micromobility devices. The national information center will disseminate techniques and strategies for improving pedestrian and bicyclist safety; develop information and educational programs and products related to pedestrian and bicycle facilities; provide tracking and technical support to safety professionals at the State, Metropolitan Planning Organization (MPO), and local levels; and conduct research and technology activities for pedestrian and bicycle programs and activities to help reconnect communities divided by highway, transit, rail, or other transportation infrastructure, including network continuity for network gaps (such as bridges, overpasses, tunnels, highways caps, or other connectors).

2. LEGISLATIVE AUTHORITY

The statutory authority to enter into a cooperative agreement is found in Title 23, United States Code (U.S.C.) Sections 502(b) and 503(b)(2)(C)(ix), which state:

> 502(b)(1): "The Secretary may carry out research, development, and technology transfer activities with respect to—
> (A) motor carrier transportation;
> (B) all phases of transportation planning and development (including construction, operation, transportation system management and operations, modernization, development, design, maintenance, safety, financing, and traffic conditions); and
> (C) the effect of State laws on the activities described in subparagraphs (A) and (B)."
>
> 502(b)(3)(C): "The Secretary may carry out research, development, and technology transfer activities related to transportation… by making grants to, or entering into contracts and cooperative agreements with one or more of the following: the National Academy of Sciences, the American Association of State Highway and Transportation Officials, any Federal laboratory, Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or any other person."
>
> 503(b)(2)(C)(ix): "Research and technology activities carried out under this paragraph may include… safety measures for vulnerable road users, including bicyclists and pedestrians."

Per 23 U.S.C. § 502(c)(3), "The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this chapter shall not exceed 80 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share."

3. BACKGROUND

Since 1999, the Federal Highway Administration (FHWA) has sponsored the establishment and operation of a PBIC through 5-year cooperative agreements. See www.pedbikeinfo.org for additional background information. This planned cooperative agreement will support work for continued operation of a national pedestrian and bicycle information center and its related activities.

4. GOALS

The goals of the cooperative agreement are to:

1. Operate a national pedestrian and bicycle information center that provides information to Federal, State, MPO, and local government agencies, educational institutions, transportation professionals, and the public.
2. Conduct pedestrian and bicycle research and provide technical assistance on topics such as safe, accessible, comfortable, and connected multimodal network planning and design; documentation and promotion of pedestrian and bicycle networks; livability, equity, micromobility, curbside management, health, air quality, and economic impacts; network resiliency; and to promote best practices in pedestrian and bicycle planning, data collection, design, construction, operation, maintenance, and evaluation.
3. Provide technical assistance and resources to support nonmotorized goals, objectives, and activities outlined in DOT Strategic Plans, FHWA Strategic Implementation Plans, American Association of State Highway and Transportation Officials (AASHTO) Council of Active Transportation research roadmap, relevant National Cooperative Highway Research Program activities, and other pedestrian and bicycle research.
4. Support Safe Routes to School (SRTS) activities, including conference presentations, white papers, and production of Case Studies Around Child Safety.
5. Provide a transition plan to transfer data and Web content to FHWA, to close out the cooperative agreement.

5. STATEMENT OF WORK

Task Area 1: Operate a National Pedestrian and Bicycle Information Center

The Recipient shall operate a national pedestrian and bicycle information center. The Recipient shall provide technical assistance to transportation professionals, the general public, and decisionmakers related to planning, engineering, education, enforcement, encouragement, evaluation, and equity programs designed to increase the use and safety of walking and bicycling.

The major tasks include:

- Project Administration: kickoff meeting and initial workplan, and annual workplans.
- Disseminate techniques and strategies for improving pedestrian and bicycle safety and mobility.
- Conduct other coordination, communication, planning, and tracking activities related to walking and bicycling initiatives, including innovative marketing strategies to reach varied audiences and stakeholders.
- Provide logistical support and outreach for State, regional, and local coordinators for walking and bicycling and related programs.
- Support SRTS activities, including conference presentations, white papers, and production of Case Studies Around Child Safety.

Task 1.1: Project Administration: Kickoff Meeting and Workplans (for Tasks 1-4)

The Recipient shall participate in a kickoff meeting with the FHWA Agreement Officer (AO), Agreement Officer's Representative (AOR), and key Agreement partners. This meeting may take place at DOT Headquarters (1200 New Jersey Avenue, SE, Washington DC 20590), or through a teleconference or Webinar. During the kickoff meeting the Recipient shall:

- Discuss its workplan containing the technical approach, management approach, and detailed schedule needed to complete the tasks for Year 1 of the Agreement. In addition, the workplan shall include the following:
  - Timeline for roll-out of all tasks, including a schedule of anticipated meetings, teleconferences, Webinars, or other communication with FHWA staff.
  - Details that clarify each task as needed.
  - List of key stakeholders that the Recipient will engage in each task.
  - A revised scope of work and budget, to include hours allocation, for the continued operation of the information center.
- The Recipient shall provide a detailed draft workplan one week before the kickoff meeting.
- The AO, AOR, and Recipient will review roles, authorities, and responsibilities of involved individuals; reach agreement on common issues; identify and resolve any potential problems; and clarify understanding of technical aspects.

The AOR will review and return the draft workplan to the Recipient with comments within one week after the kickoff meeting. The Recipient shall incorporate the comments and submit the final workplan to the AOR within one week after receiving the AOR's comments.

The Recipient shall update the work plan on an annual basis and provide a draft revised work plan not less than 60 days prior to the anniversary date for the effective date of this Agreement. The FHWA will provide revisions not less than 30 days prior to the anniversary date.

<u>Task 1.1 Deliverables:</u>

- First draft management workplan: due 8 days after the effective date of this Agreement.
- Kickoff meeting: within 15 days of the effective date of this Agreement.
- Second draft management workplan: due 21 days after the effective date of this Agreement.
- Final detailed management workplan: due 28 days after the effective date of this Agreement.

- Annual Workplans due not less than 60 days prior to the anniversary date of this Agreement.

Task 1.2: Operate a National Pedestrian and Bicycle Information Center

The Recipient shall operate a national pedestrian and bicycle information center in accordance with the approved workplans developed in Task 1.1.

Note: As part of the application's technical volume, Applicants should include a timeline for the national pedestrian and bicycle information center to be operational (e.g., to establish the Website, listserv, develop and prepare to offer training programs, develop and disseminate best practices, and other tasks).

Note: Materials developed under this Agreement must include (as appropriate), FHWA's standard disclaimer (see footnote).[1]

Task 1.2.1: The Recipient shall provide technical assistance to transportation professionals, traffic safety advocates, the general public, and decisionmakers concerning planning, engineering, education, enforcement, encouragement, evaluation, and equity programs designed to increase the use and safety of walking and bicycling. In order to successfully operate the center, the Recipient shall, at a minimum:

- Develop and maintain a user-friendly Website or family of Websites to serve various user types. The Website(s) shall:
  - Contain materials relating to planning, engineering, education, enforcement, encouragement, evaluation, and equity related to walking and bicycling. This shall

[1] **Notice**

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Non-Binding Contents

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide information and clarity to the public regarding existing requirements under the law or agency policies.

Quality Assurance Statement

The Federal Highway Administration (FHWA) provides high-quality information to serve Government, industry, and the public in a manner that promotes public understanding. Standards and policies are used to ensure and maximize the quality, objectivity, utility, and integrity of its information. FHWA periodically reviews quality issues and adjusts its programs and processes to ensure continuous quality improvement.

include information regarding accessibility (e.g., Americans with Disabilities Act (ADA)).
    - Include an easy-to-navigate Frequently Asked Questions section.
    - Maintain a library of suitable pedestrian and bicycle materials and online visual images, including video clips.
    - Establish overall guidelines and a mechanism for accepting resources and images from users to share resources. Allow users to submit resources and images to the library that provide beneficial pedestrian and bicycle practices for others to use as examples.
    - As necessary, convert related hard copy documents to electronic format to post on the Website.
    - Ensure all images, videos, and other materials have sufficient permissions, account for privacy concerns, and avoid potential endorsements. A sample guideline is posted at https://www.pedbikeimages.org/usage.php.
- Annually, develop and publish a minimum of two case studies of best practices detailing how multimodal planning activities have contributed to making the transportation environment more comfortable and conducive to safer walking and bicycling. Case study topics will be identified in the annual work plan and will be provided on the Website.
- Plan, organize, host, facilitate, and participate in virtual meetings and conferences (approximately quarterly) with key partners and stakeholders (including video, Web, and teleconferences) to promote walking and bicycling.
- Host free monthly Webinars on important issues related to walking and bicycling. The Webinars will be 1-1.5 hours each and topics will be identified in the annual work plan. The Recipient will be responsible for all promotion and technical logistics for the monthly Webinars.
- Host additional Webinars on recent and ongoing pedestrian and bicycle research projects and products and "hot" topics mutually agreed upon with the AOR (anticipate 6 to 10 annually).
- Produce a monthly newsletter promoting FHWA resources and featuring news, articles, resources, and training targeting pedestrian and bicycle professionals and educators. The Recipient shall coordinate all aspects of newsletter development and will regularly solicit topics and content from FHWA staff and others. The newsletter shall be posted on Websites, distributed on social media, and highlighted on relevant podcasts.
- Provide targeted technical assistance to Federal, State, regional, and local agency staff, and advocacy organizations on pedestrian and bicycle issues, such as innovative treatments and designs, multimodal conflict points, bicycle and pedestrian performance measures, equity in bicycle and pedestrian planning, examples of developing and completed interconnected multimodal networks and curbside management, planning techniques, accelerated project development techniques applicable to pedestrian and bicycle projects, standardized bicycling and walking count forms, survey materials, and other data initiatives, and other appropriate materials to facilitate pedestrian and bicycle facility and network implementation.
- Produce an annual report for decisionmakers, practitioners, and the general public, assessing the state-of-the-practice for walking and bicycling (e.g., safety statistics, funding and spending, best practices, network completion, and other highlights) and highlighting information center accomplishments and trends and lessons learned during technical assistance. The annual report will be posted on the Website.

- Provide targeted material to meet emerging needs related to pedestrian, bicycle, and micromobility safety and network connectivity, identified by the AOR. As part of the development of the annual work plan, the AOR and the Recipient will identify quick turnaround tasks (4-8 weeks in duration) to include, such as issue briefs, case studies on a specific topic, or graphic design layout of information developed by FHWA staff. This information will be posted on the Website as appropriate. Example: if FHWA holds a series of workshops on Complete Streets and Complete Networks, the Recipient may be asked to develop a paper describing the current state of the practice to share with participants.

Task 1.2.2: The Recipient shall develop and disseminate techniques and strategies for improving pedestrian and bicycle safety and mobility. The Recipient shall:

- Identify and document what information and delivery mechanisms already exist, and those that are needed to provide effective engineering, educational, enforcement, encouragement, evaluation, and equity techniques and strategies.
- Identify and implement a strategy for delivering key information via appropriate delivery channels (including partnerships with other organizations) to Federal, State, MPO, and local officials, as well as international entities, advocacy organizations, and other stakeholders.
- Develop PowerPoint presentations and talking points, on an as-needed basis, related to pedestrian and bicycle activities suitable for technical audiences.
- Develop and maintain pedestrian and bicycle technical training modules for practitioners.
- Develop and maintain courses for a University-level curriculum related to pedestrians and bicyclists, and disseminate for public use. The current version is posted at https://www.pedbikeinfo.org/resources/resources_details.cfm?id=5174.

1. Produce research material on how incorporating schools as a destination in the Bike/Ped network can influence reduction in greenhouse gases (regional).

- Travel to targeted sites (2 to 3 per year) around the country that have been identified by key partners and stakeholders as eeding training and participate in conferences attended by key partners and stakeholders that should be aware of and using FHWA resources, such as those posted at https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/ and https://safety.fhwa.dot.gov/ped_bike/. This will be subject to agreement in the workplans. Location decisions will incorporate feedback from FHWA Division Offices. Lessons learned should be documented throughout.
- Help promote events such as National Bike to Work Day, Bike to School Day, Walk to School Day, and others that could encourage walking and bicycling and safety around walking, biking, or driving around pedestrians and bicyclists. Outreach will include announcements on relevant Websites, discussion as a part of ongoing Webinars, and communication on pedestrian and bicycle focused e-mail listservs.
- Develop, maintain, and encourage contributions to a clearinghouse of pedestrian and bicycle project costs of various scales and contexts. This resource would provide cost data and examples of comparable projects for use by practitioners in rough estimations of project costs, and by researchers and policymakers in developing larger-scale plans and policies.

Task 1.2.3: The Recipient shall support the State DOT Bicycle and Pedestrian Coordinators by:

- Establishing, hosting, and moderating a listserv for State pedestrian and bicycle coordinators.
- Scheduling and hosting bimonthly virtual Web conferences for State pedestrian and bicycle coordinators. The purpose of the listserv and bimonthly meetings is to share information about recent FHWA and other resources, solicit feedback on ongoing projects and activities, discuss topics identified by State pedestrian and bicycle coordinators, and prepare for and follow-up on the annual meeting noted below.
- Coordinate development of materials and provide logistical support for an annual meeting (may be virtual or in-person). Note: This annual meeting normally should take place as an addition to national conferences such as the Project for Public Spaces Walk/ Bike/ Places, the Association of Pedestrian and Bicycle Professionals Professional Development Conference, or similar events likely to have a large number of State coordinators. This agreement does not include hosting or sponsoring meetings. FHWA will sponsor meetings through separate contracts or agreements.

Task Area 2: Pedestrian and Bicycle Research and Technical Assistance

Task 2.1: Research Coordination, Planning, And Tracking Activities

The Recipient shall:

- Promote an integrated, convenient, and safe transportation system for all users, with an emphasis on pedestrians and bicyclists, in conjunction with partners, stakeholders, and other modal administrations. The Recipient shall assist with efforts to promote and disseminate DOT's initiatives relating to walking and bicycling by posting relevant information on the Website in coordination with the AOR.
- Identify and share strategies and opportunities to correct gaps in connectivity and accessibility, such as those identified in pedestrian and bicycle assessments or ADA Transition Plans.
- Assist States, MPOs, Federal Land Management Agencies, tribes, local agencies, and other stakeholders to identify, monitor, and assess how to improve transportation choices for walking and bicycling.
- Provide technical assistance to support locally-driven pedestrian and bicycle assessment follow-up activities. This technical assistance will be delivered virtually and will focus on directing practitioners to existing pedestrian and bicycle resources from FHWA, AASHTO, TRB, and other sources that address needs identified in the assessments.
- Develop a report highlighting examples of new or significantly improved pedestrian and bicycle transportation networks that provide functional connections and transportation choices. These examples will typically be identified by FHWA Division Office staff.
- Develop and produce resources (four to six per year) such as white papers, issue briefs, and summary reports to address bicycle and pedestrian planning and access to transit, as it relates to equity, mobility innovation, vehicle automation, multimodal networks, safety, sustainability, and accessibility. Promote lessons learned and results from the FHWA

Multimodal Network Connectivity Pilot grants,[2] by posting on the Website and disseminating the final report documenting lessons learned and assisting with follow-up activities identified in the pilot project. This task focuses on sharing material and lessons learned developed as a part of that process with partners and stakeholders.

- Promote SRTS activities by developing case studies and best practices for improving walking and bicycle conditions to and from school.

Task 2.2: Support Connected Pedestrian and Bicycle Transportation Networks

The Recipient shall promote FHWA's *Strategic Agenda for Pedestrian and Bicycle Transportation*, contribute knowledge and publicize updates to that document and other FHWA and DOT related strategic plans, including micromobility and other multimodal innovation implementation.

The Strategic Agenda establishes a collaborative framework for pedestrian and bicycle planning, design, and research efforts in the near to medium term (i.e., 1-5 years). It provides an assessment of the status and progress toward achieving recommendations in the DOT's 1994 National Bicycling and Walking Study It identifies critical gaps and near-term priorities for pedestrian and bicycling efforts within the DOT. It establishes goals that reflect Administration and Congressional direction while also providing a unifying framework for issues such as data collection and management, pedestrian and bicycle network implementation and documentation, research, training, and national design guidance. The strategic framework coordinates policies, leverages investment, promotes partnerships, and enhances access to opportunity in communities and neighborhoods throughout the United States. With the Strategic Agenda entering its final year of coverage, FHWA is reviewing status on the priorities identified, and contemplating potential follow-on actions going forward. The Recipient will participate in FHWA bicycle and pedestrian working group meetings (approximately six in the first year of performance) to contribute to the development of priorities that may be included in the next research roadmap for bicycle and pedestrian planning.

The Recipient shall assist FHWA in implementing targeted activities such as promoting existing FHWA resources, updating the FHWA Research in Progress (RiP) database, promoting university pedestrian and bicycle course material, developing a curriculum of key resources for new pedestrian and bicycle coordinators, updating the library of publicly available pedestrian and bicycle images, and creating an online community of practice for pedestrian and bicycle practitioners to share design resources. These activities and related products will be posted on the Website as appropriate and will focus on encouraging widespread use of recent FHWA resources and promoting connected pedestrian and bicycle networks, nonmotorized data, safety, and equity, as identified in the Strategic Agenda.

[2] See Guidebook for Measuring Multimodal Network Connectivity at https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/multimodal_connectivity/. The final report on the pilot grants is at https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/measuring_multimodal/.

Task Area 3: Pedestrian and Bicycle Crash Analysis Tool – Website Updates

The Recipient shall be responsible for updating Website content on the Pedestrian and Bicycle Crash Analysis Tool and provide URL links to the new Website location for the tool. The Recipient shall independently identify, repair, and update broken links.

Task Area 4: Support Safe Routes to Schools (SRTS) Activities and Produce Case Studies Around Child Safety

The Recipient shall develop resources and provide technical assistance to transportation professionals and the general public related to pedestrian and bicycle issues concerning racial equity, complete streets, multimodal networks, resiliency, and accessibility around schools. The Recipient shall perform the following duties:

Racial Equity:

- Focus efforts on schools in underserved communities that may also be plagued by a disproportionate share of fatal and severe crashes. Prepare fact sheets on SRTS lessons learned in low-income areas (having typically been identified as Title I schools offering free lunch) since the program's establishment in 2005. EO 13985 defines "Underserved communities" as populations sharing a particular characteristic and geographic communities that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as: Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.
- Develop a white paper on best practices for implementing SRTS projects in underserved communities
- Document the social impacts that the legacy of segregated schools has on biking and walking; identify community and built environment characteristics that may inhibit walking and bicycling around low-income area schools.
- Conduct an equity analysis of the distribution of SRTS funding and implementation of SRTSactivities in underserved communities.

Complete Streets and Networks and SRTS:

- Conduct research and provide SRTS data that focuses on design and barriers to walking and biking to school.
- Produce a Webinar and handbook that focuses on such topics as school crossings, incomplete sidewalks that prevent children from walking to school, and the importance of implementing complete streets, as it relates to safely accommodating people of all ages and abilities regardless of whether they are drivers, pedestrians, bicyclists, or public transportation riders.

Multimodal Networks:

- Produce analyses and case studies around multimodal network connectivity, such as planning walk sheds for walking to school.

Bike and Pedestrian Resiliency:

- Produce research material on the role that pedestrian and bicycle networks around school areas play or could play in reducing greenhouse gases (regional).

Accessibility:

- Develop white paper, webinar, and fact sheet on SRTS for students with accessibility and mobility challenges in rural areas. For more info see: https://www.saferoutespartnership.org/resources/publications/equity
- Develop a case study around SRTS using innovative finance and funding strategies, similar to the Jackson School Road Project profile: https://www.fhwa.dot.gov/ipd/project_profiles/or_jackson_school_road_project.aspx

Task Area 5: Transition Plan

The Recipient shall submit a transition plan to close out the cooperative agreement not less than 180 days prior to the expiration of the agreement. The plan shall document how all materials developed under this agreement will be archived, made available to the public, delivered to FHWA, and transferred to a subsequent recipient. If there is a subsequent agreement, the Recipient shall support a seamless transition to the Recipient of a subsequent agreement.

The transition plan shall include a detailed execution strategy for transferring all data and Web content from the existing host Website to the new host Website as applicable.

Table of Deliverables

Task	Deliverable(s)	Due Date	Section 508 Compliant
1.1	Kickoff meeting and work plan	8 days after the effective date of this Agreement	No
1.2.1	Provide technical assistance to transportation professionals	Ongoing (To be documented in annual workplan)	Yes
1.2.2	Strategies for improving pedestrian and bicycle safety and mobility.	Ongoing (To be documented in annual workplan)	No
1.2.3	Support the State DOT Bicycle and Pedestrian Coordinators	Bimonthly	No
2.1	Research Coordination, Planning, And Tracking Activities	Ongoing (To be Documented in annual workplans)	No
2.2	Support Connected Pedestrian and Bicycle Transportation Networks	Ongoing (To be Documented in annual workplans)	No
3	Ped/Bike Crash Analysis Tool	Ongoing (To be Documented in annual workplans)	Yes
4	Safe Routes to School Activities and Case Studies	1 Case Study (Quarterly)	Yes
5	Transition Plan	6 months before the end date of this Agreement	No
N/A	Annual Budget Review and Program Plan. Note: See NOFO Section F.2.O	Annually	No

N/A	Quarterly Progress Reports, including a Federal Financial Report. Note: See NOFO Section F.3.	Quarterly	No

Note: Section 508 requirements are included in the General Terms and Conditions available online at: http://www.fhwa.dot.gov/aaa/generaltermsconditions.cfm

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SECTION B – FEDERAL AWARD INFORMATION

1. FUNDING

The total estimated value of this cooperative agreement is $3,337,500 (which consists of a Federal Share of $2,670,000 and a Non-Federal Share of $667,500), to be expended over a 60-month period of performance, subject to the availability of Federal funds.

Federal funds (currently available):	$1,070,000.00
Federal funds (subject to availability):	$1,600,000.00
TOTAL FEDERAL VALUE:	$2,670,000.00

The Government's obligation under this award is contingent upon the availability of funding from which payment for agreement purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the AO and until the awardee receives notice of such availability, to be confirmed in writing by the AO.

2. NUMBER/TYPE OF ASSISTANCE

The Government anticipates making one (1) award as a result of this NOFO. The planned award type is a cost reimbursement cooperative agreement with cost-sharing.

3. PERIOD OF PERFORMANCE

The period of performance is 60 months. The period of performance will not exceed 60 months from the effective date of award.

4. DEGREE OF FEDERAL INVOLVEMENT

The FHWA anticipates substantial Federal involvement between FHWA and the Recipient during the course of this project. The anticipated Federal involvement will include:

- Technical assistance and guidance to the Recipient;
- Close monitoring of performance;
- Involvement in technical decisions;
- Participation in status meetings, including kick off meeting, technical committee and partner meetings, and annual budget reviews;
- Coordinating information with other FHWA offices and activities as needed;
- Reviewing and commenting on draft documents as appropriate.

<end of section>

SECTION C – ELIGIBILITY INFORMATION

1. ELIGIBLE APPLICANTS

This competition is open to all sources.

2. COST SHARING OR MATCHING

Cost sharing or matching is required.

In accordance with 23 U.S.C § 502(c)(3), the Federal share of the cost of activities under this cooperative agreement must be a maximum of 80 percent. Cost share must be a minimum of 20 percent. Program income must be handled in accordance with SECTION F.

Note: The "cost of activities" consists of the Federal share and the cost share combined. Accordingly, the Federal share shall not exceed 80 percent of the cost of the value of Federal share and cost share combined. The Federal share of the cost of activities can be less than 80 percent but cannot exceed 80 percent.

<end of section>

SECTION D - APPLICATION AND SUBMISSION INFORMATION

1. ADDRESS TO REQUEST APPLICATION PACKAGE

Applicants may obtain application forms at https://www.grants.gov/ under the Notice of Funding Opportunity Number cited herein.

2. CONTENT AND FORM OF APPLICATION SUBMISSION

- Applications must be prepared on 8½ x 11 inch paper. Pages that exceed this size, such as foldouts, are not allowable.
- Narrative text must be printed using a font size no less than 12-point font.
- Tables are permitted. Text in tables may be smaller than 12-point font but must be legible.
- Page margins must be a minimum of 1inch top, bottom, and each side.
- Page numbers may be located within the 1inch margin.
- A header or footer identifying the Applicant/Team and the Volume or Part, may be located within the 1inch margins.
- Resumes are limited to one page each.
- PAGE LIMITS: Application volumes shall adhere to the page limitations listed below. The page limit includes all narratives, figures, tables, appendices, and all other ancillary materials, with the exception of the following.

EXCEPTION ON PAGE LIMITS: The following items do NOT count against the page limitation.

a. Document covers;
b. Cover letters;
c. Title pages
d. Divider pages;
e. Table of contents;
f. Lists of acronyms;
g. Letters of intent to participate from proposed subcontractors, consultants, partners and proposed new hires; and
h. Resumes. (Note: Resumes shall not exceed 1 page each).

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

1) **Volume 1 – Technical Application** as described below – limited to 35 single-spaced pages (Parts I, II and III combined)

- Part I – Technical and Management Approach (*included* in the pages limitation)

- Part II – Experience (*included* in the pages limitation)
- Part III – Staffing Approach (*included* in the pages limitation; resumes are *not included* in the pages limitation and can be an Attachment to Volume I)

In the event a technical application exceeds the page limitation, the Government will evaluate only the pages identified within the limitation above.

2) **Volume 2 – Budget Application** as described below - no page limit
   - Part I – Application Forms
   - Part II – Cost Information and Other Financial

Submit your application in the following format:

Volume 1 - Technical Application

Volume 1 – Technical Application as described below (see page limitations above)

a. Part I – TECHNICAL AND MANAGEMENT APPROACH:

Provide a technical and management plan describing in detail how you would proceed to carry out the work specified in Section A if awarded this agreement.

The application will:

- Describe in detail the approach to carry out the work specified in Tasks 1 through 5 of the Statement of Work. Provide a technical and management approach to the Tasks, including the steps necessary to complete the tasks.
- Discuss and describe the ability of the proposed project to clearly meet the purpose and objectives of this program, and the manner in which they will be addressed by your project.
- Discuss and describe milestones and deliverables. Provide a table listing all proposed milestones/deliverables and estimated dates, based on time from award.

b. Part II –EXPERIENCE:

Provide a description of completed and/or ongoing projects that demonstrate organizational and staff experience relevant to this project, including:

- Project title, description, value, and dates;
- Sponsor/customer point of contact to include sponsor/customer name, title, organization, e-mail address, and phone number;
- Role of applicant in project;
- Explanation of why or how the project is considered relevant or similar to the effort required by this NOFO; and

Note: In determining relevancy, consideration should be given, but not limited to, such things as product/service similarity, size and complexity, agreement type, division of company proposing, and sub-recipient interaction.

- Explanation of the project goals accomplished and any cost growth or schedule delays encountered. For any project that did not/do not successfully achieve its goals, a brief explanation of the reason(s) for such shortcomings and any demonstrated corrective actions taken to avoid recurrence.

  Note: Prior to award, FHWA may contact past sponsor/customers to support the agency's risk assessment of the application.

b. Part III – STAFFING APPROACH:

Provide a staffing plan describing in detail how you would proceed to carry out the work specified in Section A if awarded this agreement. Provide an organizational chart identifying proposed staff members assigned to this effort. The chart must be supported with narrative text to include the title and a brief description of each position's responsibilities, as well as the proposed level of effort and allocation of time (percent in relation to their other duties) for each position on a yearly basis and in summary format. The level of effort may be displayed (single spaced) in a table format. One table can be presented if the level of effort will be constant over all years, and the table is annotated as such. The hours in this table must be consistent with the information presented in Volume II, Parts I and II, as part of the detailed budget plan. Provide a contingency plan to replace personnel, if necessary, over the period of performance without adversely affecting performance. Provide brief *tailored* resumes for the proposed Program Manager/Principal Investigator and other key personnel to include name, experience, education, and proposed role in project.

Volume 2 - Budget Application

Volume 2 – Budget Application as described below - no page limit

a. Part I - APPLICATION FORMS

1. SF424

Note: Applicants may leave fields 5a, 5b, 6, 7, and 13 blank on the form.

2. SF424A
   Note: Section A:

   - Block 1(a): Print opportunity title listed on page 1;
   - Block 1(b): Print Assistance Listing number (formerly CFDA number) listed on page 1;
   - Block 1(c): Print Total Federal Funds Requested in dollars; and
   - Block 1(d): Print Total Cost Share in dollars, and leave columns (e), (f), and (g) and rows 2, 3, and 4 blank.

3. SF424B

4. SFLLL
Note: The form must be completed and submitted even if no lobbying to report. If no lobbying to report insert none or n/a in the relevant blocks.

b. Part II – COST INFORMATION AND OTHER FINANCIAL INFORMATION

Note: Profit/fee is not allowable for the prime Recipient.

Provide a separate detailed budget plan for each year and summarize the information for all years for all activities. Clearly show Federal share; Non-Federal share; and Total.

Spreadsheets can be formatted similarly to the format in DOT Form 4220.44, located at: https://www.fhwa.dot.gov/cfo/pdf/frm4220_44.pdf

The detailed budget plan must include each of the following items/sub-items:

1. Detailed Excel (or compatible) workbook containing spreadsheets/tabs (formatted to be printed out) and supporting information clearly delineating and supporting all estimated costs: with columns for Federal Share, Cost Share, and Total Costs (per year and in summary form) as follows:

   a. Labor Rates- Direct labor-by-labor categories to include hours, rates, and escalation. Anticipated promotions for any personnel must be included with the escalation calculation. The annual direct labor escalations rate and its basis should be clearly stated with the proposal. Discuss your proposed rate as compared to historical experience and include when and how escalation will be calculated/implemented.

   b. Indirect Rates- Discuss your proposed rates for all years. Identify all the various specific indirect rates including what they are (pool and base), what they are based on (e.g., labor overhead based on direct labor dollars), and how they are applied/calculated. Provide dollar values as well as percentages. Please also provide any audit information to support these rates (for example, a copy of signed Department of Health of Human Services rate agreement).

      Note: Per 2 CFR 200.414(f), Indirect (F&A) Costs, an Applicant that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in 2 CFR Part 200 Appendix VII, paragraph D.1.b, may elect to propose a de minimis indirect rate of 10% of modified total direct costs.

   c. Other Direct Costs- Applicants must provide a breakout and justification of Other Direct Costs by Category (travel, equipment, etc.)

   d. Subcontractors/sub-recipients - If subcontractors/sub-recipients (lower-tiered organizations and/or individual consultants) will be used in carrying out this

project, the following minimum information concerning such, must be furnished:

i. Name and address of the organization or consultant.
ii. Description of the portion of work to be conducted by the organization or consultant.
iii. Cost details for that portion of work.
iv. Applicant's cost/price analysis of each sub-recipient/contractor(s) showinghow their price is fair and reasonable (this includes any sub-recipient/contractor(s) that will be included in the Federal share or the non-Federal share).
v. Letter of commitment from each sub-recipient/contractor(s) (this includes any sub-recipient/contractor(s) that will be included in the Federal share, the non-Federal share or in a non-paid (volunteer) capacity).
vi. Provide detail and support for cost share as part of overall project budget.
vii. Clearly delineate cost share match versus Federal share.

2. Identify any exceptions to the anticipated award terms and conditions as contained in Section F, Federal Award Administration Information. Identify any preexisting intellectual property that you anticipate using during award performance, and your position on its data rights during and after the award period of performance.

3. The use of a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is required on all applications for Federal grants or cooperative agreements. Please provide your organization's DUNS number in your budget application.

4. A statement to indicate whether your organization has previously completed an A-133 Single Audit and, if so, the date that the last A-133 Single Audit was completed.

5. A statement regarding Conflicts of Interest. The Applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present or planned organizational, contractual, or other interest(s) that may affect the Applicant's ability to perform the proposed contract in an impartial and objective manner.

   Actual or potential conflicts of interest may include, but are not limited to, any past, present, or planned contractual, financial, or other relationships, obligations, commitments, or responsibilities that may bias the Applicant or affect the Applicant's ability to perform the agreement in an impartial and objective manner. The AO will review the statement(s) and may require additional relevant information from the Applicant. All such information, and any other relevant information known to DOT, will be used to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the AO may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the United States to contract with the Applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.

6. A statement to indicate whether a Federal or State organization has audited or reviewed the Applicant's accounting system, purchasing system, and/or property control system. If such systems have been reviewed, provide summary information of the audit/review results, to include as applicable summary letter or agreement, date of audit/review, and the Federal or State point of contact for such review.

7. Terminated Contracts - List any contract/agreement that was terminated for convenience of the Government within the past 3 years, and any contract/agreement that was terminated for default within the past 5 years. Briefly explain the circumstances in each instance.

8. Describe how your organization will obtain the necessary resources to fund and fulfill the proposed cost share, as applicable.

9. The Applicant is directed to review Title 2 CFR Part 170 (http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl) dated November 12, 2020, and Appendix A thereto, and acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully comply with the reporting described in the term if it receives funding resulting from this Notice. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this Notice's Section F, Federal Award Administration Information.

10. Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 entitled Remedies for Noncompliance, including suspension or debarment. (See also 2 CFR Part 180 and 31 U.S.C. § 3321 and 41 U.S.C 2313).

11. If Applicant is claiming a nonprofit or not-for-profit status, please provide evidence of this status, preferably from the Internal Revenue Service.

12. Acknowledgement of acceptance of the NOFO terms and acknowledgement and acceptance of any Amendments issued to this NOFO. List Amendment numbers and issue dates, if any.

3. HOW TO REGISTER TO APPLY THROUGH GRANTS.GOV

a. Instructions: Read the instructions below about registering to apply for FHWA funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to 4 weeks to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required application submission deadlines.

Organization Applicants can find complete instructions here: https://www.grants.gov/web/grants/applicants/organization-registration.html.

1. Obtain a DUNS Number: All entities applying for funding, including renewal funding, must have a DUNS number from Dun & Bradstreet (D&B). Applicants must enter the DUNS number in the data entry field labeled "Organizational DUNS" on the SF-424 form.

For more detailed instructions for obtaining a DUNS number, refer to: https://www.grants.gov/web/grants/applicants/organization-registration/step-1-%20obtain-duns-number.html.

2. Register with the System for Award Management (SAM): In addition to having a DUNS number, organizations applying online through Grants.gov must register with SAM. Failure to register with SAM will prevent your organization from applying through Grants.gov. For more detailed instructions for registering with SAM, refer to:

https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html.

3. Register a Grants.gov Account: Before applying for a funding opportunity, you need to register an account with Grants.gov. Applicants must know their organization's DUNS number to complete this process. Completing this process automatically triggers an e-mail request for applicant roles to the organization's E-Business Point of Contact (EBiz POC) for review. The EBiz POC is a representative from your organization who is the contact listed for SAM. To apply for grants on behalf of your organization, you will need the Authorized Organizational Representative role.

For more detailed information about registering a Grants.gov Account, refer to: https://www.grants.gov/web/grants/applicants/registration.html.

4. EBiz POC Authorizes Profile Roles: After creating an account on Grants.gov, the EBiz POC receives an e-mail notifying them of your registration and request for roles. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been approved as an AOR. For more detailed instructions about authorizing profile roles on Grants.gov, refer to:
https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html.

5. Track Role Status: To track your role request, refer to: https://www.grants.gov/web/grants/applicants/registration/track-role-status.html.

b. Electronic Signature: When applications are submitted through Grants.gov, the name of the organization's AOR that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC must authorize individuals who are able to make legally binding commitments on behalf of the organization as an AOR; this step is often missed, and it is crucial for valid and timely submissions.

HOW TO SUBMIT AN APPLICATION TO FHWA VIA GRANTS.GOV

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different Webforms within an application. For each funding opportunity announcement, you can create individual instances of a Workspace.

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to: https://www.grants.gov/web/grants/applicants/apply-for-grants.html.

1. Create a Workspace: Creating a Workspace allows you to complete it online and route it through your organization for review before submitting.

2. Complete a Workspace: Add participants to the Workspace, complete all the required forms, and check for errors before submission.

    a. Adobe Reader: If you decide not to apply by filling out Webforms you can download individual PDF forms in Workspace so that they will appear similar to other Standard or FHWA forms. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.
    b. Note: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at: https://www.grants.gov/web/grants/applicants/adobe-software-%20compatibility.html.
    c. Mandatory Fields in Forms: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.
    d. Complete SF-424 Fields First: The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and DUNS number. To trigger this feature, an applicant must complete the SF-424 information first. Once it is completed, the information will transfer to the other forms.

3. Submit a Workspace: An application may be submitted through Workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

4. Track a Workspace: After successfully submitting a Workspace package, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the package. The number will be listed on the Confirmation page that is generated after submission.

For additional training resources, including video tutorials, refer to: https://www.grants.gov/web/grants/applicants/applicant-training.html.

Applicant Support: Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and e-mail at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for. If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist FHWA with tracking your issue and understanding background information on the issue.

4. UNIQUE ENTITY IDENTIFIER AND SYSTEM FOR AWARD (SAM)

NOTE TO APPLICANTS: Effective April 4, 2022, the Data Universal Numbering System (DUNS) number will no longer be required for entities doing business with the Federal government and will be replaced by the SAM UEI. As of that date, Applicants will need to use a UEI issued during the SAM.gov registration process. Active registrants in SAM.gov have had their SAM UEI automatically assigned and it is currently viewable within SAM.gov; there is no action for registered entities to take at this time to obtain their SAM UEI. Note that, prior to April 4, 2022, Applicants should have or obtain both a DUNS number and a SAM UEI as the DUNS will remain the authoritative identifier until that date. 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.

Effective April 4, 2022, each Applicant is required to:
a. Have an active registration in SAM.gov at the time the Applicant submits an application;
b. Provide a valid UEI in their application; and
c. Continue to maintain an active SAM registration with current information at all times during which the Applicant has an active Federal award or an application or plan under consideration by a Federal awarding agency.

The Federal Highway Administration (FHWA) may not make a Federal award 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 the Federal awarding agency is ready to make a Federal award, the Federal awarding

agency may determine that the Applicant is not eligible to receive a Federal award and use that determination as a basis for making a Federal award to another Applicant.

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

5. SUBMISSION DATES AND TIMES

The application must be received electronically through www.grants.gov by the application due date/time listed on pages 1 and 2 of this NOFO.

The deadline stated on page 1 is the date and time by which the agency must receive the full and completed application, including all required sections.

A late application will not be reviewed or considered unless the AO determines that doing so is in the FHWA's best interest.

6. INTERGOVERNMENTAL REVIEW

An application under this Notice of Funding Opportunity is not subject to the State review under E.O. 12372.

7. FUNDING RESTRICTIONS

The FHWA will not reimburse any pre-award costs or application preparation costs under this proposed agreement.

8. OTHER SUBMISSION REQUIREMENTS

In the event of system problems or technical difficulties with the application submittal, Applicants should contact the FHWA point of contact designated in Section G of the NOFO. If Applicants are unable to use the system due to technical difficulties, Applicants must e-mail applications to the FHWA point of contact listed on page 1 no later than the application deadline cited above.

<end of section>

SECTION E - APPLICATION REVIEW INFORMATION

1. EVALUATION CRITERIA

The Government will evaluate applications on the following criteria: Technical Merit and Cost. These criteria are distinct from eligibility criteria (see Section C) that are addressed before an application is accepted for review.

TECHNICAL MERIT: FHWA will evaluate and rank the applications against the following technical merit evaluation factors of equal importance:

- Demonstration of an adequate understanding of the task areas and goals.
- Demonstration of a sound, adequate, clear, and realistic technical approach for performing the work.
- Demonstration of the resources and ability to achieve the program goals and objectives.
- Demonstration of an understanding of all risks associated with implementation of task requirements and a clear, workable plan to mitigate such risks.
- Demonstration of potential to result in increased understanding, knowledge, and application in the field of pedestrian and bicycle transportation.
- Demonstration of a management approach that is sound, adequate, clear, and realistic to manage this effort and ensure successful and timely completion of work, including a soundapproach to project organization.
- Demonstration of a sound and realistic staffing approach to successfully perform the work including:
  - Proposed staff possess relevant experience, education, and expertise to successfullyperform the work;
  - Adequate contingency plan to replace personnel over the period of performance withoutadversely affecting performance;
  - Adequate labor mix and realistic level of effort to successfully complete the work; and
  - Demonstration of a multidisciplinary team with a focus on the areas of pedestrian andbicycle networks, safety, equity, and trips (i.e., encouraging more people to walk andbike).
- Demonstration of strong partnerships with other organizations and businesses.
- Demonstration of experience with issues and opportunities related to the tasks and requirement, as well as relevant prior experience with work of similar size, scope, and complexity to the work required under this NOFO.

COST: Relative cost will be considered in the award decision. The budget application will be analyzed to assess cost reasonableness and conformance to applicable cost principles. This evaluation factor will <u>not</u> be rated.

If applicable, the degree of cost share and leveraging of non-Federal funds will be considered in the award decision. Applicants must provide the required matching funds and supporting detail

for these funds. Additional cost sharing will be considered beneficial to break ties among applications with equivalent ratings after evaluation against all other factors.

2. DEPARTMENTAL OBJECTIVES

After applying the above criteria, DOT will consider the following key Departmental objectives in the selection process:

A. Supporting economic vitality at the national and regional level.

B. Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

C. RURAL OUTCOMES: Consistent with DOT's R.O.U.T.E.S. Initiative (https://www.transportation.gov/rural), DOT will consider how the project will address the challenges faced by rural areas. User-friendly information and resources regarding DOT's discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES).

D. OPPORTUNITY ZONES: The DOT will consider whether the project is located in a qualified opportunity zone, pursuant to 26 U.S.C. § 1400Z-1. A project located in a qualified opportunity zone is more competitive than a similar project that is not located in a qualified opportunity zone

3. REVIEW AND SELECTION PROCESS

DOT will utilize the following merit review process to evaluate applications:

A panel of agency experts will evaluate all eligible technical applications using the technical merit criteria listed above. The panel will individually evaluate the technical applications. The panel will then collectively rate applications based on the evaluation criteria.

The agency will award the application that is considered the most advantageous to the agency using the criteria and departmental objectives cited above, and subject to the results of an Applicant risk assessment.

Agency personnel from the FHWA Office of Acquisition and Grants Management will evaluate the cost criteria listed above and conduct a risk assessment of the selected Applicant prior to award as described below.

The Government reserves the right to not make an award to the Applicant based on the results of this risk assessment. The Secretary of Transportation is the official responsible for final award selection. The Government is not obligated to make any award as a result of this notice.

Risk Assessment

The Government will assess the risks posed by an Applicant before they receive an award. This risk assessment will include evaluation of some or all of the following items relative to the Applicant and/or sub-applicant as applicable:

(1) Applicant's financial stability;

(2) Applicant's quality of management systems and ability to meet the management standard prescribed in 2 CFR Part 200;

(3) Applicant's history of performance;

Note: History of performance includes the Applicant's record in managing Federal awards, if it is a prior Recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards. The Government will evaluate the relevant merits of the Applicant's history of performance based on its reputation and record with its current and/or former customers with respect to quality, timeliness, and cost control. The history of performance will be reviewed to assure that the Applicant has relevant and successful experience and will be considered in the risk assessment. In evaluating history of performance, the Government may consider both written information provided in the application, as well as any other information available to the Government through outside sources.

(4) Applicant's audit reports and findings from audits performed on the Applicant pursuant to 2 CFR Part 200 Subpart F—Audit Requirements or the reports and findings of any other available audits;
(5) Applicant's ability to implement statutory, regulatory, or other requirements imposed on non-Federal entities effectively;
(6) Applicant's potential for conflict of interest if applicable; and

Note: The FHWA will review information provided by the Applicant, and any other relevant information known to DOT, to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the AO may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the United States to award to the Applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.

(7) Applicant's eligibility to receive Federal funding. Per the guidelines on governmentwide suspension and debarment in 2 CFR Part 180, the Government will confirm that the Applicant and any named sub-applicants are not debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities.

4. REVIEW OF AVAILABLE INFORMATION

Pursuant to 2 CFR 200.206, prior to making a Federal award, the Federal awarding Agency is required to review information available through any OMB-designated repositories of governmentwide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), D&B, and "Do Not Pay." The Government's review of this information will occur as part of the risk assessment. An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FHWA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, 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 as described in 2 CFR 200.206.

Note: If an Applicant is determined to be high risk, additional reporting requirements or other special conditions may apply to the resulting award to mitigate risks.

5. ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

The FHWA anticipates, but does not guarantee, making award on or about September 30, 2022.

<end of section>

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

The following terms and conditions will apply to any award made based on this NOFO.

1. FEDERAL AWARD NOTICES

If your organization's application is selected for award, you will be notified and sent an award document for signature. Applicants not selected for award will be notified in writing by FHWA.

Only the AO can commit the FHWA. The award document, signed by the AO, is the authorizing document. Only the AO can bind the Federal Government to the expenditure of funds.

Notice that an Applicant has been selected as a Recipient does not constitute approval of the application as submitted. Before the actual award, FHWA will enter into negotiations concerning such items as program components, staffing and funding levels, and administrative systems, if necessary. If the negotiations do not result in an acceptable submittal, the FHWA reserves the right to terminate the negotiation and decline to fund the Applicant.

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 200, as adopted by DOT at 2 CFR Part 1201. Applicable Federal laws, rules, and regulations set forth in 23 U.S.C. and 23 CFR also apply.

General terms, conditions, and governing regulations that apply to this agreement are available online at: http://www.fhwa.dot.gov/aaa/generaltermsconditions.cfm.

The online list entitled "Contractors & Recipients General Terms and Conditions for Assistance Awards (for awards effective after June 22, 2015)," shall apply to the resulting award.

A. PUBLIC ACCESS TO DOCUMENTS

The Recipient agrees that the resulting deliverables/documentation submitted to the FHWA under this Agreement may be posted online for public access and/or shared by FHWA with other interested parties. The FHWA anticipates the documents cited herein may be posted on an FHWA Website or another appropriate Website.

B. INDIRECT COSTS

Indirect costs are allowable under this Agreement in accordance with the Recipient's Federally Negotiated Indirect Cost Rates as documented in writing and approved by the Recipient's cognizant Government agency.

In accordance with 2 CFR 200.414(f), any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in 2 CFR Part 200, appendix VII, paragraph D.1.b, may elect to charge a de minimis rate of 10 percent of modified total direct costs (MTDC), which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate.

This Indirect Cost provision does not operate to waive the limitations on Federal funding provided in this document. The Recipient's audited final indirect costs are allowable only insofar as they do not cause the Recipient to exceed the total obligated funding.

C. DATA RIGHTS

The Recipient must make available to the FHWA copies of all work developed in performance of this Agreement, including but not limited to software and data. Data rights under this agreement shall be in accordance with 2 CFR 200.315, Intangible property.

D. PERSONALLY IDENTIFIABLE INFORMATION (PII)

The PII as defined at 2 CFR Part 200.1 will not be requested unless necessary and only with prior written approval of the AO with concurrence from the Agreement Officer's Representative (AOR).

E. AVAILABLE FUNDING

The total estimated amount of Federal funding that may be provided under this Agreement is $2,670,000 for the entire period of performance, subject to the limitations shown below:

(1) Currently, Federal funds in the amount of $TBD (to be filled in upon award), are obligated to this agreement.

(2) Subject to availability of funds, and an executed document by the AO, the difference between the current funding and the total estimated amount of Federal funding may be obligated to this Agreement.

(3) The Government's liability to make payments to the Recipient is limited to those funds obligated under this agreement as indicated above and any subsequent amendments.

F. KEY PERSONNEL

Pursuant to 2 CFR 200.308(c)(2), the Recipient must request prior written approval from the AO for any change in Key Personnel specified in the award. The following person(s) are/have been identified as Key Personnel:

Name	Title/Position
(* to be filled in at award ***)**	

G. PROGRAM INCOME

Pursuant to 2 CFR 200.307, program income earned during the agreement period must be added to the Federal award and used for the purposes and under the conditions of the Federal award, unless otherwise approved by the AO. Program income must not be used to offset the Federal or Recipient contribution to this project.

H. SUBAWARDS

Recipients must have a procurement system in compliance with 2 CFR 200.317 through 200.326.

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the AO are exempt from the requirements of this clause.

Unless described in the application and funded in the approved award, the Recipient must obtain prior written approval from the AO for the subaward, transfer, or contracting out of any work under this award. This provision does not apply to the acquisition of supplies, material, equipment, or general support services.

The following subawards are currently approved under the agreement:

Name
(*** to be filled in at award ***)

Approval of each subaward is contingent upon a fair and reasonable price determination, and approval by the AO for each proposed subcontractor/sub-recipient. Consent to enter into subawards will be issued through a formal amendment to the Agreement.

I. ORDER OF PRECEDENCE

The Recipient's technical and budget applications are accepted, approved, and incorporated herein as Attachments. In the event of any conflict between this agreement document and the Recipient's proposal and/or application, this agreement document shall prevail.

J. DESIGNATION AS RESEARCH OR NON-RESEARCH AGREEMENT

This agreement is designated as: NON-RESEARCH

K. CONFERENCE SUPPORT RESTRICTIONS

The Recipient must obtain written approval from the AOR prior to incurring any costs for conference support. See the definition of conference as contained in 2 CFR 200.432.

Food and beverage costs are not allowable conference expenses for reimbursement under this Agreement.

Note: Costs of meals are allowable as a travel per diem expense for individuals on travel status and pursuant to the Travel clause of this Agreement.

L. AGREEMENT PERFORMANCE REQUIREMENTS SUMMARY

Not applicable.

M. DISPUTES

The parties to this Agreement will communicate with one another in good faith and in a timely and cooperative manner when raising issues under this provision. Any dispute, which for the purposes of this provision includes any disagreement or claim, between the FHWA and the Recipient concerning questions of fact or law arising from or in connection with this Agreement and whether or not involving alleged breach of this Agreement, may be raised only under this Disputes provision.

Whenever a dispute arises, the parties will attempt to resolve the issues involved by discussion and mutual agreement as soon as practical. In no event will a dispute which arose more than three months prior to the notification made under the following paragraph of this provision constitute the basis for relief under this article unless FHWA waives this requirement.

Failing resolution by mutual agreement, the aggrieved party will document the dispute by notifying the other party in writing of the relevant facts, identify unresolved issues, and specify the clarification or remedy sought. The AO will conduct a review of the matters in dispute and render a decision in writing within thirty calendar days of receipt of such written request. Any decision of the AO is final and binding unless a party will, within thirty calendar days, request further review as provided below.

Upon written request to the FHWA Director, Office of Acquisition and Grants Management, or designee, made within 30 calendar days after the AO's written decision or upon unavailability of a decision within the stated time frame under the preceding paragraph, the dispute will be further reviewed. This review will be conducted by the Director, Office of Acquisition and Grants Management or designee. Following the review, the Director, Office of Acquisition and Grants Management or designee will resolve the issues and notify the parties in writing. Such resolution is not subject to further administrative review and to the extent permitted by law, will be final and binding. Nothing in this Agreement is intended to prevent the parties from pursuing disputes in a United States Federal Court of competent jurisdiction.

N. CLOSEOUT OF AGREEMENT FILE

The Government will initiate the administrative closeout of the agreement after receiving evidence that all technical work and administrative requirements have been completed. The Recipient shall furnish all required documents in support of the closeout of the agreement within the timeframes requested by the Government. The Government anticipates the timeframe to complete administrative closeout of this agreement will not exceed 6 months.

O. ANNUAL BUDGET REVIEW AND PROGRAM PLAN

The Recipient must submit an electronic copy of the Annual Budget Review and Program Plan to the AO and AOR 60 days prior to the anniversary date of this Agreement. The Annual Budget Review and Program Plan must include the required certification pursuant to 2 CFR 200.415. The Annual Budget Review and Program Plan must provide a detailed schedule of activities, estimate of specific performance objectives, include forecasted expenditures, and schedule of milestones for the upcoming year. If there are no proposed deviations from the Approved Project Budget, the Annual Budget Review must contain a statement stating such. The Recipient must meet via teleconference or Web conference with the FHWA to discuss the Annual Budget Review and Program Plan. Work proposed under the Annual Budget Review and Program Plan must not commence until the AO's written approval is received.

P. TRAVEL

Travel and per diem authorized under the cooperative agreement will be reimbursed in accordance with the travel costs section of 2 CFR 200.475.

3. REPORTING

ADDRESSES FOR SUBMITTIAL OF REPORTS AND DOCUMENTS

The Recipient shall submit all required reports and documents, under transmittal letter referencing the cooperative agreement number, as follows:

Submit an electronic copy to the Agreement Specialist as the following address:
TBD **(*** to be filled in at award ***)**

Submit an electronic copy to the AOR at the following address:
TBD **(*** to be filled in at award ***)**

QUARTERLY PROGRESS REPORT

The Recipient shall provide Quarterly Progress Reports, including a Federal Financial Report, to the AO and AOR.

Calendar quarters are defined as:		Reports due on or before
1st:	January – March	April 30th

2nd:	April – June	July 30th
3rd:	July – September	October 30th
4th:	October – December	January 30th

The quarterly progress report must include the required certification pursuant to 2 CFR 200.415.

Quarterly Progress Reports shall include the following:

1. Standard Form – Performance Progress Report (SF-PPR). (The SF-PPR content directions are available https://www.sbir.gov/sites/default/files/SF%20PPR.pdf for applicant use. In block 10 of the form, state "see attached" and attach the remaining information).
2. A narrative of accomplishments by task for the reporting period, and projected activities by task for the next reporting period.
3. Identification of any problems, planned solutions, and/or requests for DOT assistance.
4. A summary of costs incurred for the reporting period and to date. Report costs incurred by major cost elements such as Direct Labor, Travel, Subcontractor Costs, Indirect Costs, etc.
5. A comparison of total costs incurred to the total budgeted costs for the reporting period and to date.
6. Projected total cost-to-complete.
7. Standard Form (SF) 425, Federal Financial Report, and SF-425A, Federal Financial Report Attachment (if applicable). The SF 425 is available online at: https://www.fhwa.dot.gov/cfo/contractor_recip/grant_agreement_form.cfm.

RECIPIENT INTEGRITY AND PERFORMANCE MATTERS

Because the Federal share of this award will be more than $500,000 over the period of performance, the reporting requirements in 2 CFR Part 200, Appendix XII (Award Term and Condition for Recipient Integrity and Performance Matters) will apply.

<end of section>

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Address any questions to:

Freida L. Byrd, Agreement Specialist
Federal Highway Administration
Office of Acquisition and Grants Management
E-mail: Freida.Byrd@dot.gov
Phone: 202-366-6547

Secondary point of contact is:

Robin K. Hobbs, Agreement Officer
Federal Highway Administration
Office of Acquisition and Grants Management
E-mail: Robin.Hobbs@dot.gov
Phone: 202-366-4004

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