

Federal Grant Opportunity
Request for Applications (RFA)

Executive Summary

Federal Agency Name: U.S. Department of Transportation
Federal Highway Administration
Office of Acquisition Management
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Washington DC 20590
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Funding Opportunity Title: *“2011 Work Zone Safety Grants”*

Announcement Type: This is the initial announcement of this funding opportunity.

Funding Opportunity Number: *RFA Number DTFH61-11-RA-00012*

Catalog of Federal Domestic Assistance (CFDA) Number: **20.200**

Dates: RFA Issue Date is May 13, 2011
Application Due Date/Time is June 15, 2011 at 4:00PM
Eastern Time (ET)

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TABLE OF CONTENTS

<u>Section Title</u>	<u>Page</u>
SECTION I - FUNDING OPPORTUNITY DESCRIPTION	3
SECTION II - AWARD INFORMATION	10
SECTION III - ELIGIBILITY INFORMATION	11
SECTION IV - APPLICATION AND SUBMISSION INFORMATION	12
SECTION V - APPLICATION REVIEW INFORMATION	18
SECTION VI - AWARD ADMINISTRATION INFORMATION	20
SECTION VII - AGENCY CONTACT	34

Attachments

- Attachment A – Work Zone Training Guidance Needs: Stakeholder Input – 12 pages
- Attachment B – Highlights from 2011 Practitioner Work Group Meeting – 6 pages
- Attachment C – Previous Work Zone Safety Grant Awards -1 page

To Download Attachments:

1. Go to www.Grants.gov.
2. Select “Find Grant Opportunities” under “For Applicants” section on left side of webpage.
3. Select “Basic Search.”
4. Search by Funding Opportunity Number: DTFH61-11-RA-00012
5. Select the Funding Opportunity “*2011 Work Zone Safety Grants*”
6. Select “Full Announcement” button in center of page.
7. Download Attachments.

Informational Websites:

- http://ops.fhwa.dot.gov/wz/outreach/wz_grants.htm
- http://www.workzonesafety.org/fhwa_wz_grant

Section I. Funding Opportunity Description

A. STATEMENT OF PURPOSE

The Federal Highway Administration (FHWA) hereby requests applications for assistance to result in the award of up to ten Work Zone Safety Grant agreements that would build on work already completed under the Work Zone Safety Grants Program.

B. LEGISLATIVE AUTHORITY

Section 1409 of SAFETEA-LU, Public Law 109-59, as extended, authorizes "... a work zone safety grant program under which the Secretary may make grants to nonprofit organizations and not-for-profit organizations to provide training to prevent or reduce highway work zone injuries and fatalities." The Grants may be used to (1) provide training for construction craft workers on the prevention of injuries and fatalities in highway and road construction; (2) develop guidelines for the prevention of highway work zone injuries and fatalities; and (3) conduct training for State and local government transportation agencies and other groups implementing guidelines for the prevention of highway work zone injuries and fatalities.

Section 120 of Title 23 United States Code states "the Federal share payable on account of any project or activity carried out under this title (other than a project subject to subsection (a)) shall be-- (1) 80 percent of the cost thereof." There is a mandatory minimum cost share of 20 percent of the total project costs.

C. BACKGROUND

While work zone fatalities have been trending down since reaching a high of 1,186 in 2002, the 667 fatalities that occurred in work zones during 2009 is still significant, and work zone safety continues to be an area of emphasis for the FHWA.

During 2006, four grants were awarded to non-profit organizations under Section 1409 for a total of more than \$17M:

- American Traffic Safety Services Association (ATSSA) - \$11.8M
- Laborer's Health and Safety Fund/American Road and Transportation Builders Association (LHSFA/ARTBA) - \$4.1M
- Illinois Institute of Technology (IIT) - \$750K
- Wayne State University (WSU) - \$400K

These grantees were competitively selected and each have been involved in at least two of the three emphasis AREAs. Each recipient identified topics and subject AREAs for development, and FHWA provided input on final topic AREAs to better coordinate between Grantees. In some instances topics addressed within products were similar, but tailored for a specific audience or developed in alternative formats.

As a result of extensions to SAFETEA-LU, approximately \$10M in additional funding is anticipated to be available to expand the Work Zone Safety Grants Program.

To date the Work Zone Safety Grants Program has generated a wealth of products, publications, and training resources for roadway construction industry practitioners. At least 46,000 practitioners and craft workers have received training made accessible through the Grant. More than 25 guideline publications have been developed, with 24 training modules developed to date, and 2 software application/programs. Some products are still in the process of being developed. These guidelines, training, and resources will continue to provide benefits and positive impacts long after the Grants are completed. The Grant Product Summary Table below provides a high level overview of the products/resources available by audience type, subject AREA, and product format. More detailed information on each product/resource, including access to the actual guide or course materials where appropriate, can be found at http://www.workzonesafety.org/fhwa_wz_grant.

Grant Product Summary Table

Work Zone Safety Grant		Topic Areas									
		Worker/ Construction Safety	Vehicles and Heavy Equipment	Flagging Operations	Utility/Maintenance Work Zones	ITS and Technology	Temporary Traffic Control	Public Information	Operations Strategies	Impacts Analysis	Traveler Safety
Audience	Field Worker	G2, G8, G9 F7, F8, F10, F11, F12, F13, F14, F15, F16, F17, F20, F21, F22, F24, F27 T3, T10, T11, T12, T13, T14, T15, T17, T35	F7, F8, F18, F24, F25, T2, T10, T12, T16, T30	F9 T9, T12, T16, T30	G2, G7 F3, F4 T18, T19, T24, T25, T31		G2, F1, F2, F5, F19 T8, T11, T12, T22, T23, T27		T6		G2, G13 T4, T11
	Technical Staff	G1, G2, G3, G8, G9, G14 F20, F21, F22, F26, F27 T1, T2, T3, T10, T11, T13, T14, T15, T17, T35, T36	G5 F26 T2, T10, T12, T30	G3 F23 T12, T21	G1, G2, G7 T18, T19, T31	G15	G1, G2, G6, G10, G16, G18 F19 T12, T20, T26, T29, T30, T32	G15 T4	G4, G14 G17 F5 T6, T33	G11, G19 F5 T5, T34	G1, G2, G4, G10, G11, G13, G14 T1, T2, T4, T11, T37
	Executive	T36					G18				

Grant products by audience and topic AREA
G=Guidelines. F=Field Guide. T=Training

The information cited above was used as part of an outreach effort at the beginning of 2011 to inform affected stakeholders of what has been developed under the Work Zone Safety Grants Program. In conjunction with the outreach effort, input was solicited from users of the Work Zone Safety Information Clearinghouse on training impediments, and additional training/guidance needs under this program. In addition, a practitioner workshop was held on February 15, 2011 to discuss the following:

1. Better ways to get Grant products into the hands of practitioners in order to maximize their value through increased use.
2. Existing gaps and needs that could benefit from further investigation under this Grant program

A summary of the Clearinghouse user input is included as Attachment A, and highlights from the practitioner workshop is included as Attachment B.

D. OBJECTIVES

The objective of the Work Zone Safety Grant program is to support the development of guidelines and the provision of training to enhance highway work zone safety. AREAs of emphasis for this program expansion include:

- Implementation of products already completed under the program;
- Strategic extension on provision of existing training;
- Continued identification of gaps in available training and guidance and provisions to address these gaps

E. STATEMENT OF OBJECTIVES

Work Zone Safety Grant Recipients will perform within the following AREAs, making use of and building on the products already developed under this program as appropriate:

1. Highway Work Zone Worker Safety Training;
2. Highway Work Zone Safety Guidelines Development; and
3. Highway Work Zone Safety Guidelines Training.

Note: Applicants may propose to perform activities under one, two or three of the above AREAs. General descriptions of each of the three objective AREAs are presented below.

AREA 1. Highway Work Zone Worker Safety Training

A variety of highway work zone worker safety training programs exist that are sponsored by various organizations and government agencies. The Work Zone Safety Grants Program provides funding that may be used to support the continuation and/or expansion of existing training programs, as well as the development of new training programs. The objective for AREA 1 is to award funding to qualified applicants to conduct training nationally for a wide range of work zone worker populations on the prevention of injuries and fatalities in highway and roadway work zones. The recipient will:

- a. Establish national level training program(s) that will provide safety training for one or more of the worker groups listed below. The training program should cover multiple

regions/States and may include instructor-led and web-based training. Activities for this task may include, but are not limited to, assessing and prioritizing gaps and needs, selecting/developing training curriculums and materials, and outreach and coordination with training coordinators to recruit trainees. The trainees should include both private sector and public agency workers. Develop a training program plan. **

- b. Implement and conduct the worker safety training program. **
- c. Develop and implement an outreach plan for the training course(s). **
- d. Work with partners to expand participation in the training at all levels of the work force.
- e. Develop a training evaluation plan and conduct evaluation of effectiveness of the training offered. **

** All the training, prioritization, outreach/recruiting, and evaluation materials and plans produced from the above will be submitted in draft form to FHWA. FHWA will provide comments, suggestions and or approval within in 30 days after receipt of the material. Recipients will address/incorporate same into final versions of materials and plans for approval prior to proceeding.

The FHWA anticipates that the grants be used to provide training for the following highway work zone worker groups on elimination of major occupational safety and health hazards posed to work zone workers for injuries, fatalities, and health problems:

- Safety training for “craft” workers and other related disciplines involved in highway and road survey, construction, and maintenance activities;
- Safety training for work zone traffic management workers, including those who plan, design and implement work zone traffic control;
- Safety training for utility workers who perform utility work activities that result in partial or full closure of a roadway;
- Safety training for highway work zone law enforcement personnel and responders to work zone incidents.

Note: Applicants may propose to address single or multiple subject worker groups.

AREA 2. Highway Work Zone Safety Guidelines Development

The objective of AREA 2 is to provide guidelines that will assist State and local government transportation agencies and other entities in preventing and reducing work zone injuries and fatalities.

Many rules/regulations, policies, standards and guides for work zone safety and operations have been issued by transportation and safety agencies/entities as efforts to improve safety in highway work zones. Proper implementation and follow-through on these rules and standards can be a challenge for many transportation agencies or entities that are affected. Guidelines that would help these agencies/entities better understand key work zone safety considerations/applications and how they could be incorporated into their project development processes would be beneficial. Currently, a variety of material of this nature exist in the form of directives, bulletins,

memoranda, executive orders, special provisions, work zone safety toolboxes, etc., that have been developed by individual agencies/entities to address specific work zone safety issues and/or applications. A few examples of this type of guidance material can be found via the following links:

- <http://www.marylandroads.com/index.aspx?pageid=405>
- <http://www.wsdot.wa.gov/Safety/WorkZones/resources.htm>
- <https://www.nysdot.gov/divisions/operating/oom/transportation-systems/safety-program-technical-operations/work-zone-control/workzone-eb-ed-ei>
- http://www.michigan.gov/documents/mdot_IM04-09_84688_7.pdf

A synthesis of this type of work zone safety guidance would enable more wide-spread application of useful knowledge and help in the prevention and reduction of work zone injuries and fatalities. Guidelines should address work zone safety and operations issues and practices that cut across the spectrum of project development and implementation.

The Recipient will develop a compendium of work zone safety guidelines, and/or new guidelines, that can be used on a national scale ready to be adapted/customized to a State or local application. Maximum use will be made of existing guidelines and useful knowledge. Additional guidelines may be developed where gaps are identified. The Recipient may develop guidelines in the format of a handbook, toolbox, recommended processes and procedures, etc. The format chosen will be easily updatable to accommodate new additions, and may include a supporting software component(s).

The Recipient will at a minimum:

- a. Identify Federal, State, and local work zone regulations and policies, as well as available guidelines and related useful knowledge such as directives, bulletins, memoranda, executive orders, special provisions, work zone safety toolboxes, etc.**
- b. Identify and assess gaps and needs for work zone safety guidelines **
- c. Identify intended users/audience for the guidelines **
- d. Develop new guidelines according to the needs identified **
- e. Develop a compendium of work zone safety guidelines that will assist transportation agencies and entities towards the prevention and reduction of work zone injuries and fatalities **
- f. Develop and implement an outreach plan and materials to promote the use of guideline compendium **
- g. Develop and implement a training plan and materials for the training on implementing the guidelines in the compendium **
- h. Develop and implement an evaluation plan for evaluating the effectiveness of the guideline compendium **

** All the training, prioritization, outreach/recruiting, and evaluation materials and plans produced from the above will be submitted in draft form to FHWA. FHWA will provide comments, suggestions and or approval within in 30 days after receipt of the material.

Recipients will address/incorporate same into final versions of materials and plans for approval prior to proceeding.

Notes:

- The Recipient will produce deliverable documentation for each step above to be submitted to the FHWA for review and approval prior to proceeding with the next step.
- Applicants may propose to develop one or more specific guidelines (rather than the compendium) that address gaps in currently available guidance, such as those identified in the attachments.
- All developed guidelines will be incorporated into the compendium of work zone safety guidelines.

AREA 3. Highway Work Zone Safety Guidelines Training

The objective of this AREA is to provide training to State and local transportation agencies and other transportation groups/organizations on implementing work zone safety guidelines and to promote best practices to prevent work zone injuries and fatalities. The Recipient may make use of existing guidelines, including those already developed under the Work Zone Safety Grants Program. Applicants may choose to propose activities under this AREA that are directly linked to what will be developed under AREA 2 as part of this program expansion.

The Recipient may use or modify existing guideline training materials or develop new training materials, and will perform the following tasks as a minimum:

- a. Develop a national work zone safety guideline training program(s) by identifying and assessing needs, selecting/developing training curriculums and materials, as well as identifying and recruiting trainees. **
- b. Implement the training program(s) to conduct work zone safety guideline training.
- c. Develop and carry out an outreach plan for the training activities and course(s). **
- d. Work with partners to expand participation in the training at all levels of the work force.
- e. Develop a training evaluation plan and conduct evaluation of the effectiveness of the training offered. **

** All the training, prioritization, outreach/recruiting, and evaluation materials and plans produced from the above will be submitted in draft form to FHWA. FHWA will provide comments, suggestions and or approval within in 30 days after receipt of the material. Recipients will address/incorporate same into final versions of materials and plans for approval prior to proceeding.

F. SECTION 508 OF THE REHABILITATION ACT OF 1973

Accessibility Requirements: Section 508 of the Rehabilitation Act of 1973

All electronic documents prepared under this agreement must meet the requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The act requires that all electronic products

prepared for the Federal Government be accessible to persons with disabilities, including those with vision, hearing, cognitive, and mobility impairments. View [E-Learning: Conforming to Section 508 \(http://www.access-board.gov/sec508/e-learning.htm\)](http://www.access-board.gov/sec508/e-learning.htm), and ([Section 508 of the Rehabilitation Act – Part 1194 \(http://www.access-board.gov/sec508/standards.htm\)](http://www.access-board.gov/sec508/standards.htm)) and the [Federal IT Accessibility Initiative Home Page \(http://section508.gov\)](http://section508.gov) for detailed information.

The following paragraphs summarize the requirements for preparing FHWA reports in conformance with Section 508 for eventual posting by FHWA to an FHWA-sponsored website.

a. *Electronic documents with images*

Provide a text equivalent for every non-text element (including photographs, charts and equations) in all publications prepared in electronic format. Use descriptions such as “alt” and “longdesc” for all non-text images or place them in element content. For all documents prepared, vendors must prepare one standard HTML format as described in this statement of work AND one text format that includes descriptions for all non-text images. “Text equivalent” means text sufficient to reasonably describe the image. Images that are merely decorative require only a very brief “text equivalent” description. However, images that convey information that is important to the content of the report require text sufficient to reasonably describe that image and its purpose within the context of the report.

b. *Electronic documents with complex charts or data tables*

When preparing tables that are heavily designed, prepare adequate alternate information so that assistive technologies can read them out. Identify row and column headers for data tables. Provide the information in a non-linear form. Markups will be used to associate data cells and header cells for data tables that have two or more logical levels of row and column headers.

c. *Electronic documents with forms*

When electronic forms are designed to be completed on-line, the form will allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

Draft documents developed under this Agreement will be delivered as electronic files compatible with Microsoft Word 2000, or verified to be error free when read using Microsoft Word 2000 and Adobe PDF formats. Any other electronic format will receive prior approval from the AOTR. With prior approval of the AOTR, artwork or graphics not embedded in the electronic (MS Word) document may be submitted in camera ready format. Deliverables must follow the Turner Fairbanks Highway Research Center (TFHRC) [Communications Reference Guide \(http://www.fhwa.dot.gov/publications/research/general/03074/index.cfm\)](http://www.fhwa.dot.gov/publications/research/general/03074/index.cfm) unless otherwise indicate in this scope of work.

The final deliverables to be delivered under this Agreement must comply with Section 508 of the Rehabilitation Act and the Access Board Standards available online at: <http://www.section508.gov/>. Unless otherwise indicated, the Recipient represents by signature on

this agreement that all deliverables will comply with the Access Board Standards. Final documents will be delivered in Microsoft Word 2000, PDF, and HTML formats. These documents will be prepared in electronic GPO-required format and will meet the Section 508 requirements to allow them to be posted and viewed on the Internet. Files should be organized so that they are readable without requiring an associated style sheet. The html versions will include a text equivalent description (e.g., via “alt”, “longdesc”, or in element content) for every non-text (e.g., graph, table, photo, diagram, etc.) element in the document. The best location for information on regulations for 36 CFR 1194, which implements Section 508 of the Rehabilitation Act of 1973, as amended, is at <http://www.access-board.gov/sec508/guide/index.htm>.

If the information center website existed before the effective date of this agreement, information presented prior to the date of execution of this agreement does not need to be modified to comply with Federal accessibility requirements. However, if a web page is modified or updated during this agreement’s period of performance, the modified or updated page must be presented in accessible format.

SECTION II – AWARD INFORMATION

A. FUNDING

FHWA anticipates Federal funding up to \$10.8M may be made available in total for these grant awards - subject to the availability of funds.

B. NUMBER OF AWARDS ANTICIPATED

The FHWA anticipates making up to ten (10) awards from this RFA. The minimum amount of each award will be \$250,000, and the final amount of each award may vary based on the proposed and approved activities of each award.

C. PERIOD OF PERFORMANCE

The period of performance (POP) for this (these) grant agreement(s) is expected to be no more than three years, commencing on the effective date stated on the agreement. However, POPs greater than three years up to five years will be considered based on technical merit and need. The application package will include a plan to accomplish all item *within* the POP.

The U.S. DOT anticipates the effective date of this agreement will be on or about September 30, 2011.

D. TYPE OF AWARD

FHWA intends to award up to ten (10) more Cooperative Agreements as a result of this RFA.

E. DEGREE OF FEDERAL INVOLVEMENT

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

- Participate in status meetings including a kick off meeting with the Recipient and annual budget reviews (as applicable).
- Technical assistance and guidance;
- Close monitoring during performance;
- Review, comment on, and propose edits to draft documents,
- Provide final approval on deliverables and for major items on the website, newsletters, and publications prior to posting or publication, and
- Involvement in technical decisions

SECTION III. ELIGIBILITY INFORMATION

A. Eligible Applicants

In accordance with Section 1409 of SAFETEA-LU, Public Law 109-59, competition is restricted to nonprofit and not-for-profit organizations (e.g., trade associations, universities, etc.) for the prime recipient(s). State and local Governments are not eligible for this award as primary recipients but are eligible as sub-awardees/subcontractors.

***Note:* Applications not containing verification that they are either a nonprofit or a not-for-profit organization will not be evaluated or considered for award. Suitable verification can include submitting a copy of the organization's IRS certificate.**

Applicants must demonstrate that they are a nonprofit or a not-for-profit organization. There is no limitation on the number of subcontractors that each applicant may propose.

Note: Proposed sub-awardees/subcontractors are not subject to this eligibility requirement to be nonprofit or not-for-profit.

B. Cost Sharing or Matching

Pursuant to [23 U.S.C. 120](#), the Federal share of this award will not exceed 80 percent of project costs. Therefore, the Recipient must contribute a minimum of 20 percent of the total project costs. The cost share can be satisfied with either cash or 'in-kind' contribution.

Note: "Total project costs" consist of two parts: (1) the Federal share plus (2) the Recipient's share. Applicants must ensure the budgeted cost share amount proposed meets the minimum required cost share percentage cited above. Applicants are advised to calculate required cost share as a percentage of total project costs, not as a percentage of the Federal share. For example, if the amount of Federal

funds requested is \$200,000, then a 20% cost share match requirement is \$50,000. This amount of \$50,000 represents 20% of the total project costs of \$250,000, not 20% of the Federal share only.

For details on costs eligible to satisfy cost share requirements, see 49 CFR Part 19.23 or 49 CFR Part 18.24 as applicable.

<http://www.dot.gov/ost/m60/grant/49cfr19.htm#19.23>.
<http://www.dot.gov/ost/m60/grant/49cfr18.htm#18.24>.

Note: Cost sharing contributions will not consist of funds or costs paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching. Only funds expended after the effective date of the award will be eligible for consideration as cost share.

The matching requirements will be monitored by FHWA over the life of this effort. At the conclusion of the agreement, FHWA will determine whether the cost sharing percent matching requirement has been achieved. The Recipient must ensure a clear audit trail of the matching share costs and in-kind contributions over the life of the agreement.

NOTE: See Section IV for the documentation necessary to support the proposed cost-share.

SECTION IV – APPLICATION AND SUBMISSION INFORMATION

A. APPLICATION FORMS

Applicants will complete all forms included in the Application Package for this RFA as contained at www.grants.gov. Applicants will submit the Application Package online at www.grants.gov.

B. CONTENT AND FORM OF APPLICATION SUBMISSION

Applicants may submit an application for one, two or all three AREAS (AREA 1. Highway Work Zone Worker Safety Training; AREA 2. The Highway Work Zone Safety Guidelines Development; Area 3. Highway Work Zone Safety Guidelines Training). Within each AREA, applicants may address multiple groups. Applicants must clearly specify the work AREA(s) for which they are applying.

The Government reserves the right to make a partial award for a specific AREA or AREAS. That is, if an applicant submits an application that proposes for AREAS 1, 2 and 3, in the award decision the Government may make a partial award for less than the 3 AREAS, taking into account SECTION V's Evaluation Criteria and considering other awards being made.

Note: Applications under this RFA are not subject to the State review under E.O. 12372.

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

- SF424 (*Note: Applicants may leave 5a, 5b, 6, 7, 13 and blank on the form.*)
- SF424A (*Note: Section A: block 1(a) print opportunity title listed on page 1; block 1(b) print the CFDA number listed on page 1; block 1(c) print \$ Total Federal Funds Requested; block 1(d) print \$ Total Cost Share, and leave blank columns (e), (f), and (g) and rows 2, 3, and 4.*)
- SF424B
- SF-LLL (*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.*)
- Grants.gov Lobbying Form
- Attachments Forms

1) **Volume 1 – Technical Application** as described below: - 50 double spaced pages maximum

- Part I – Technical and Management Approach
- Part II – Staffing Approach
- Part III – Experience
- Part IV – Past Performance
- Part V – Evidence of Endorsement

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

- Part I – Verification of status as a nonprofit or not-for-profit organization
- Part II – Cost/Cost Share Information and Other Financial Information

Submit your application in the following format.

Volume 1 - Technical Application

Note: The Technical Application cannot exceed 50 pages double spaced. In the event an application exceeds the 50 - page limitation, the Government will evaluate only the first 50 pages of the application.

- Applications will be prepared on 8½ x 11 inch paper except for foldouts used for charts, tables or figures, which will not exceed 11 x 17 inches. Foldouts will not be used for text, and will count as two pages.
- A page is defined as one side of an 8 ½ by 11 inch paper. Therefore, a piece of paper with printing on both sides is considered two pages.
- Text will be printed using a font size no less than 12 cpi.
- Page margins will be a minimum of 1 inch top, bottom and each side.
- No cost/price data will be included in Part I.

Technical applications must contain:

Part I - Technical and Management Approach

The application will include a program narrative statement that describes the technical and management approach. Describe in detail how you would proceed if awarded this agreement and how you propose to meet the program objectives, grant activities, and the anticipated outcomes. Include a discussion on proposed AREA outcomes, work products, and timeframes/timelines. If the proposed application is for a multi-year period of performance, include a detailed work plan for the first year and an outline work plan for each additional year. The plan will also address how the applicant will complete all activities *within* the planned period of performance.

Applicants are expected to propose a grant period of performance ranging from one to three years. Applicant's technical and management approach will cover all years proposed.

- **AREA 1 Highway Work Zone Worker Safety Training**
Include as a minimum: a description of the training materials that will be used or developed, the potential targeted trainees, the number of states/localities where the training will take place, a description of how the training will be conducted (classroom-based, on-site demonstration, web-cast, self-paced web-based, or combination of the above, etc.), the total estimated number of training sessions that will be delivered, and an explanation of the rationale for the preceding items. Present your overall plan to correspond with those activities described in work AREA 1, pages 5 and 6 of this RFA. For each activity, explain what will be done, who will do it, when it will be done, and the expected results of the activity, as well as a flowchart/timetable which summarizes the overall plan, including submittal of deliverables in draft and final format.
- **AREA 2 Highway Work Zone Safety Guidelines Development**
Indicate specific targeted work zone safety issues that the proposed guideline(s) and/or guideline compendium will address. Present your overall plan to correspond with those activities described in the work AREA 2, pages 6 to 8 of this RFA. For each activity, explain what will be done, who will do it, when it will be done, and the results of the activity, as well as a flowchart/timetable which summarizes the overall plan, including submittal of deliverables in draft and final format.
- **AREA 3 Highway Work Zone Safety Guidelines Training**
Include as a minimum: a description of the training materials that will be used or developed, the potential targeted trainees, the number of states/localities where the training will take place, a description of how the training will be conducted (classroom-based, on-site demonstration, web-cast, self-paced web-based, or combination of the above, etc.), the estimated number of training sessions that will be delivered, and an explanation of the rationale for the preceding items. Also include the following additional information: the guidelines that will be used; the duration of training; the potential targeted agencies/groups that will be receiving the training; and "a timeframe," and the expected locations for delivering the training. Present your overall plan to correspond with those activities described in work AREA 3, page 8 of this RFA. For each activity, explain what will be done, who will do it, when it will be done, and the results of the activity, as well as a flowchart/timetable

which summarizes the overall plan, including submittal of deliverables in draft and final format.

Part II - Staffing Approach:

- Provide a program organizational chart identifying proposed staff members assigned to the project by work AREA. Include the title and a brief description of each position's responsibilities, as well as the proposed level of effort and allocation of time for each position. Provide the level of effort for each position for each work AREA for each year within the period of performance. Identify your Key Personnel.
- Provide brief tailored resumes for the proposed Program Manager and other Key Personnel to include name, experience, education, and proposed role in project. (Note: resumes **do** count against the designated page limitations.)

Part III - Experience:

- For each work AREA proposed, provide a summary of the applicant's recent (within the last 5 years) and relevant experience related to this project.

Part IV - Past Performance:

- Provide a minimum of three current (within the last five years) or completed references from different customers (commercial and/or Government) for projects involving similar or related services. Provide customer name, point of contact, title, contact information (Email and phone number), project title, project duration, project value, and how it relates to the program objectives of this RFA. The Government may contact the customer point of contact for verification and to obtain past performance information. Contact information must be accurate and current.

Part V - Evidence of Endorsement

- Provide at least 2 letters of support on training and/or guideline development from agencies/groups that are potential recipients of the trainings and guidelines. The letters can be included as an attachment and will not be counted as part of the 50-page limit.

Volume 2 - Budget Application

***Note:* There is no page limit on budget applications.**

Part I – Verification of Status As A Nonprofit or Not-For-Profit Organization

Provide evidence/documentation of your organization's status as a nonprofit or not-for-profit organization, preferably from the Internal Revenue Service.

Part II – Cost/Cost Share Information and Other Financial Information

Provide a separate detailed budget plan for each work AREA applied for (i.e. AREA 1 Highway Work Zone Worker Safety Training, AREA 2 Highway Work Zone Safety Guidelines Development, AREA 3 Highway Work Zone Safety Guidelines Training), per each year, and then summarized for all years for each AREA. Each Year will be summarized and then a grand summary for all years for all AREAs. Spreadsheets can be formatted similarly to the format in DOT Form 4220.44 located at: http://www.fhwa.dot.gov/aaa/pdfs/frm4220_44.pdf

For example, an application proposing for 3 AREAs for 3 years would require 16 spreadsheets as follows:

	AREA 1	AREA 2	AREA 3	Yearly Summary
Year 1	Spreadsheet 1-1	Spreadsheet 2-1	Spreadsheet 3-1	Summary Spreadsheet for Year 1 for all AREAs
Year 2	Spreadsheet 1-2	Spreadsheet 2-2	Spreadsheet 3-2	Summary Spreadsheet for Year 2 for all AREAs
Year 3	Spreadsheet 1-3	Spreadsheet 2-3	Spreadsheet 3-3	Summary Spreadsheet for Year 3 for all AREAs
AREA Summaries	Summary Spreadsheet for AREA 1 for all years	Summary Spreadsheet for AREA 2 for all years	Summary Spreadsheet for AREA 3 for all years	Summary Spreadsheet for all AREAs for all years

The detailed budget plan will consist of the following:

1. Detailed spreadsheet and supporting information clearly delineating and supporting all estimated costs by AREA (per year and in summary form) as follows:
 - Provide labor categories, labor hours (or percentage of time), labor rates.
 - Provide indirect rates and bases, include any audit information to support rates.
 - Provide supporting information to justify estimates for Other Direct Costs such as equipment, travel, etc.
 - Provide detail and support for cost share as part of overall project budget.
 - Clearly delineate cost share match versus Federal share.

Note: Travel will be reimbursed at cost in accordance with the Federal Travel Regulations in effect at the time of travel.

2. Identify any exceptions to the anticipated award Administrative Information in Section VI. 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. If sub-recipients (lower-tiered organizations and/or individual consultants) will be used in carrying out this project, the following minimum information concerning such, should be furnished:
 - Name and address of the organization or consultant.
 - Description of the portion of work to be conducted by the organization or consultant.
 - Cost details for that portion of work.
 - Letter of commitment from sub-recipient.
4. 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.
5. 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.
6. Include 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, Federal or State point of contact for such review.
7. Terminated Contracts - List any contract that was terminated for convenience of the Government within the past 3 years, and any contract 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.
9. The applicant is directed to review Title [2 CFR §170](#) dated September 14, 2010, 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 Request for Applications. Appendix A will be incorporated in the award document.

C. SUBMISSION DATES AND TIMES

Applications must be received electronically through www.Grants.gov by the application due date/time listed on page 1 of this Request for Application package.

The deadline stated on page 1 is the date and time by which the agency must receive the application.

Late applications will not be reviewed or considered unless the Agreement Officer (AO) determines it is in the Government's best interest to consider the late application.

D. FUNDING RESTRICTIONS

This award will not allow reimbursement of pre-award costs.

E. OTHER SUBMISSION REQUIREMENTS

FHWA uses www.Grants.gov for receipt of all applications. Applicants must register with www.Grants.gov and use the system to submit applications electronically. **Applicants are encouraged to register with www.Grants.gov in advance of the submission deadline.** In the event of system problems or technical difficulties with the application submittal, applicants should contact the FHWA point of contact designated on page 1. If applicants are unable to use the www.Grants.gov 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.

SECTION V – APPLICATION REVIEW INFORMATION

A. EVALUATION FOR RESPONSIVENESS

Applications will be checked for non profit or not-for-profit organizational compliance status. Noncompliant organization's applications will be found nonresponsive. FHWA will then evaluate the application for responsiveness to the request for applications. If an application is found to be nonresponsive at any time during evaluation, the FHWA will notify the applicant of the non-responsive determination, and the application will not receive further consideration, unless otherwise determined by the Agreement Officer that further consideration is in the best interest of the Government. The FHWA also will consider the application non-responsive for any of the following reasons:

- The application is received after the specified receipt date;
- The application is incomplete;
- The application does not comply with the content and format requirements of the solicitation;
- The application does not comply with the requirements of the solicitation; or
- The material presented is insufficient to permit an adequate review.

B. EVALUATION CRITERIA

Applications received will be evaluated in accordance with the evaluation criteria specified herein.

The Government will evaluate the competing applications on the basis of the following factors listed in order of descending importance:

- a. Technical Merit;
- b. Past Performance, and
- c. Cost and Cost Share.

Technical Merit

FHWA will evaluate technical applications based on the following criteria listed in descending order of importance with sub factors of equal importance:

1. Technical merit of the application

- a. Adequacy of the technical and management approach and likelihood of successful achievement of program objectives.
- b. Demonstrated understanding of the needs and challenges relating to the program.

2. Organization's qualifications to perform the tasks

- a. Qualifications of the proposed staff including the Program Manager and other team members—knowledge and relevant experience in completing the proposed tasks.
- b. Organization's experience relevant to the proposed tasks.
- c. Evidence of Endorsement – at least 2 letters of support

Past Performance

The Government will evaluate the relevant merits of each applicant's past performance based on its reputation and record with its current and/or former customers with respect to quality, timeliness and cost control. Past performance will be reviewed to assure that the applicant has relevant and successful experience and will be considered in the ultimate award decision, but will not be rated. In evaluating past performance, the Government may consider both written information provided in the application, as well as any other information available to the Government through other sources. In the event an applicant does not have a record of relevant past performance, the applicant's past performance will not be evaluated favorably or unfavorably.

Cost and Cost Share

In addition to the criteria listed above, relative cost will be considered in the ultimate award decision. The budget application will be analyzed to assess cost reasonableness and conformance to applicable principles. Applications will be evaluated to ensure compliance with the minimum cost share requirement cited above.

B. REVIEW AND SELECTION PROCESS

The Government will accept the application(s) that is (are) considered the most advantageous to the Government taking into account the best use of available funds to meet the objectives of the program legislation. The three evaluation factors are in descending order of importance: (1) Technical Merit, (2) Cost and Cost Share, and (3) Past Performance, with Technical Merit more important in the resultant award decision than Cost and Cost Share and Past Performance factors combined.

The Agreement Officer is the official responsible for final award selection(s). The Government will select for award the applicant(s) that, when taken into consideration as a group, best meet(s) the objectives of the program legislation.

The Government is not obligated to make any award as a result of this announcement.

C. ANTICIPATED ANNOUNCEMENT AND AWARD DATES

FHWA anticipates making up to ten awards on or about September 9, 2011.

D. AWARD NOTICES

If your 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 Agreement Officer can commit the Government. The award document, signed by the Agreement Officer, is the authorizing document.

Notice that an organization 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 the negotiations do not result in an acceptable submittal, the FHWA reserves the right to terminate the negotiation and decline to fund the applicant.

SECTION VI – AWARD ADMINISTRATION INFORMATION

A. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. GOVERNING REGULATIONS

Performance under this agreement will be governed by and in compliance with the following requirements as applicable to the type of organization of the Recipient and any applicable subrecipients:

- “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 CFR Part 18),” [located at www.dot.gov/ost/m60/grant/49cfr18.htm];
- “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations (49 CFR 19)”, [located at: www.dot.gov/ost/m60/grant/49cfr19.htm];
- “New Restrictions On Lobbying (49 CFR Part 20),” [located at www.dot.gov/ost/m60/grant/49cfr20.htm];
- 2 CFR Part 220 (OMB Circular A-21), “Cost Principles for Educational Institutions” [located at <http://edocket.access.gpo.gov/2005/05-16648.htm>];
- 2 CFR Part 225 (OMB Circular A-87), “Cost Principles for State and Local Governments” [located at www.whitehouse.gov/omb/circulars_a087_2004];
- 2 CFR Part 230 (OMB Circular A-122), “Cost Principles for Non-Profit Institutions” [located at edocket.access.gpo.gov/2005/05-16650.htm];
- OMB Circular A-102, “Grants and Cooperative Agreements With State and Local Governments” [located at www.whitehouse.gov/omb/circulars/a102/a102.html];
- OMB Circular A-133, “Audits of States, Local Governments, and Non-Profits” [located at www.whitehouse.gov/sites/default/files/omb/circulars/a133/a133.pdf];
- 2 CFR Part 215 (OMB Circular A-110), “Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations” [located at www.access.gpo.gov/nara/cfr/waisidx_05/2cfr215_05.html]; and
- Any other applicable Federal regulation or statute.

2. RESPONSIBILITIES OF THE RECIPIENT

The Recipient will provide overall program management. Specifically, the Recipient will be responsible for the following, as a minimum:

- Performing the Statement of Work as described in Section I, Funding Opportunity Description.
- Coordinating and managing work, including issuing and managing subcontracts/sub awards and consulting arrangements, as necessary.
- Submitting all required reports including Quarterly Progress Reports. (See Paragraph B of this Section, entitled Reporting.)
- Meeting with the Agreement Officer’s Technical Representative (AOTR) as necessary.

- Participate in monthly meetings via teleconference or web conference with the AOTR.
- Participating in a kick-off meeting with the AO and/or the AOTR to discuss agreement expectations and procedures.

3. TRAVEL AND PER DIEM

Travel and per diem authorized under this agreement will be reimbursed in accordance with the travel costs section of 2 CFR Part 225 (OMB Circular A-122), “Cost Principles for State and Local Governments” or 2 CFR Part 220 (OMB Circular A-21), “Cost Principles for Educational Institutions,” and 2 CFR Part 230 (OMB Circular A-122), “Cost Principles for Non-Profit Institutions” as applicable. Per the Circular, in the absence of an acceptable, written institution policy regarding travel costs, the rates and amounts established in the Federal Travel Regulations in effect at the time of travel will apply. In addition, all non-domestic travel will be approved by the AO prior to incurring costs. Travel requirements under this agreement will be met using the most economical form of transportation available. If economy class transportation is not available, the request for payment vouchers must be submitted with justification for use of higher class travel indicating dates, times, and flight numbers.

4. AMENDMENTS

Amendments to this cooperative agreement may only be made in writing, signed by both parties for bilateral actions and by the AO for unilateral actions, and specifically referred to as an amendment to this cooperative agreement.

5. AGREEMENT OFFICER’S TECHNICAL REPRESENTATIVE (AOTR)

The AO has designated (to be filled in at award) , as Technical Representative to assist in monitoring the work under this agreement. The AOTR will oversee the technical administration of this agreement and act as technical liaison with the performing organization. The AOTR is not authorized to change the scope of work or specifications as stated in the agreement, to make any commitments or otherwise obligate the Government or authorize any changes which affect the agreement funding, delivery schedule, period of performance or other terms or conditions.

The AO is the only individual who can legally commit or obligate the Government for the expenditure of public funds. The technical administration of this agreement will not be construed to authorize the revision of the terms and conditions of performance. The Agreement Officer will authorize any such revision in writing.

6. PUBLIC ACCESS TO DOCUMENTS

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

7. INDIRECT COSTS (for cost sharing portion)

Indirect costs are allowable under this agreement as follows:

<i>Indirect Rate Type</i>	<i>Rate (%)</i>	<i>Base</i>
(Information	to be filled in at award)	

In the event the recipient determines the need to adjust the above listed rates, the Recipient will notify the U.S. DOT Agreement Officer of the planned adjustment and provide rationale for such adjustment. In the event such adjustment rates have not been audited by a Federal agency, the adjustment of rates must be pre-approved in writing by the Agreement Officer.

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.

8. DATA RIGHTS

The Recipient will make available to the Government copies of all work developed in performance with this cooperative agreement, including but not limited to software and data. The Government and others acting on its behalf will have unlimited rights to obtain, reproduce, publish or otherwise use the data developed in the performance of this cooperative agreement pursuant to 49 CFR Part 18 or 19 as applicable.

- Personally Identifiable Information (PII)¹ will not be requested unless necessary and only with prior approval of the Agreement Officer (AO) or Agreement Specialist (AS), with concurrence from the Agreement Officer’s Technical Representative (AOTR).
- The Recipient will not provide information about private individuals or customers to others without prior approval of the Agreement Officer (AO) or Agreement Specialist (AS), with concurrence from the Agreement Officer’s Technical Representative (AOTR). This includes mailing lists that may have personal addresses.
- Written materials intended for the general public, whether posted on a website, electronically, or in print, must comply with the standards of the U.S. Government Printing Office’s Style Manual, available at <http://www.gpoaccess.gov/stylemanual/browse.html>.

¹ Any information about a human being, living or dead, regardless of nationality, that is maintained by an agency and that permits identification of that individual to be reasonably inferred by either direct or indirect means (as in data mining), including, but not limited to, name, social security number, date and place of birth, mother’s maiden name, biometric records, education, financial transactions, medical history, non-work telephone numbers, and any other personal information that is linked or linkable to an individual

9. PAYMENT

The Recipient may request advances or reimbursement of costs incurred in the performance hereof as are allowable under the applicable cost provisions [see 49 CFR Part ____] not-to exceed the funds currently available as stated in herein. The Recipient will submit an electronic copy of the SF 270, Request for Advance or Reimbursement, no more frequently than monthly, to the finance office in Oklahoma City.

Advance Payments: Recipients may be paid in advance, provided they maintain or demonstrate the willingness to maintain the following in accordance with 49 CFR Part ____: (1) written procedures that minimize the time elapsing between the transfer of funds and disbursement by the Recipient, and (2) financial management systems that meet the standards for fund control and accountability. When these items are not met, reimbursement will be the method for payment.

Payments by Reimbursement: When requesting reimbursement of costs incurred and credit for cost share incurred, the Recipient will submit supporting cost detail with the SF 270 to clearly document costs incurred. Cost detail includes a detailed breakout of all costs incurred including direct labor, indirect costs, other direct costs, travel, etc.

The Agreement Specialist and the AO reserve the right to withhold processing requests for reimbursement until sufficient detail is received. In addition, reimbursement will not be made without AOTR review and approval to ensure that progress on the Agreement is sufficient to substantiate payment. After AOTR approval, the Agreement Specialist will certify and forward the advance or request for reimbursement to the payment office.

Note: Standard Forms may be located at <http://www.fhwa.dot.gov/aaa/forms2.htm> .

SUBMISSION INSTRUCTIONS

The Recipient will submit an electronic copy of the Standard Form (SF) 270, “Request for Advance or Reimbursement,” no more frequently than monthly, to the FHWA finance office in Oklahoma City using the submission instructions below.

Instructions for Submission of SF 270, Requests for Advance or Reimbursement:

The Recipient will submit the SF 270 and required supporting documents via e-mail to the following e-mail address: 9-AMC-AMZ-FHWA-Invoices@faa.gov.

- a) Include the SF 270 and supporting documents as one attached PDF document.
- b) Include in the e-mail subject line the following:
 - i. Number of the Request (i.e. Invoice Number)
 - ii. Agreement Number
 - iii. Name of your Company/Organization
 - iv. Attn: (insert name of FHWA Agreement Specialist)

Example: Invoice No. 1, DTFH61-10-G-000##, XYZ Company, Attn: Jane Doe

If the SF 270 and supporting documents exceed 8 MB, as an e-mail attachment, the Recipient must select one of two non-electronic submission options presented below:

1. Submit SF 270 and supporting documents via regular U.S. Postal Service to the following P.O. Box address:

Federal Highway Administration
Markview Processing
P.O. Box 268865
Oklahoma City, OK 73126-8865
Attention: (insert name of FHWA Agreement Specialist)

1. SF 270's submitted via an overnight service must use the following physical address because delivery services other than the U.S. Postal Service will not deliver to the P.O. Box address noted above:

MMAC
FHWA/AMZ-150
6500 MacArthur Blvd.
Oklahoma City, OK 73169
Attention: (insert name of FHWA Agreement Specialist)

Express Delivery Point of Contact: April Grisham, 405-954-8269

NOTE: All three request for advance or reimbursement submission options described above (e-mail, U.S. Postal Service or overnight service) result in the delivery of the request for advance or reimbursement to the same FHWA finance office in Oklahoma City, OK.

10. ACKNOWLEDGEMENT OF SUPPORT AND DISCLAIMER

An acknowledgment of U.S. DOT support and a disclaimer must appear in any publication of any material, whether copyrighted or not, based on or developed under the cooperative agreement, in the following terms:

“This material is based upon work supported by the U.S. Department of Transportation under cooperative agreement No. DTFH61-11-(to be filled in at award)”.

All materials must also contain the following:

"Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the Author(s) and do not necessarily reflect the view of the U.S. Department of Transportation."

11. SITE VISITS

The Federal Government, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the Federal Government on the premises of the Performing Organization or a subrecipient under this cooperative agreement, the Performing Organization will provide and will require their subrecipients to provide all reasonable facilities and assistance for the safety and convenience of the Government representative in the performance of their duties. All site visits and evaluations will be performed in such a manner as will not unduly delay work.

12. BUDGET REVISION/REALLOCATION OF AMOUNTS (for cost share portion)

The Recipient is required to report deviations from budget and program plans, and request prior approval for budget and program plan revisions in accordance with 49 CFR Part 18.30 or 49 CFR Part 19.25 as applicable.

Note: The Recipient must obtain prior written approval from the Agreement Officer to transfer amounts budgeted for direct cost categories when the cumulative value of such transfers will exceed 10% of the value of Federal share of this agreement.

13. FINANCIAL MANAGEMENT SYSTEM

By signing this agreement, the Recipient verifies that it has, or will implement, a financial management system adequate for monitoring the accumulation of costs and that it complies with the financial management system requirements of 49 CFR Part 18 or 49 CFR Part 19, as applicable. The Recipient's failure to comply with these requirements may result in agreement termination.

14. ALLOWABILITY OF COSTS

Allowable costs will be determined in accordance with the applicable Federal cost principles, e.g., For-profit organizations, FAR 31.2; Non-profit organizations, 2 CFR Part 230; Educational Institutions, 2 CFR Part 220, and 2 CFR Part 225; Cost Principles for State and Local Governments.

15. AVAILABLE FUNDING

The total estimated amount of Federal funding that may be provided under this cooperative agreement is \$_____ (to be filled in at award) for the entire period of performance, subject to the limitations shown below:

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

(2) Subject to availability of funds, and an executed document by the Agreement Officer, \$_____ (to be filled in at award) 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.

16. CENTRAL CONTRACTOR REGISTRY (CCR)

The Recipient must be registered in the CCR in order to receive payments under this agreement. Use of the CCR is to provide one location for applicants and Recipients to change information about their organization and enter information on where government payments should be made. The registry will enable Recipients to make a change in one place and one time for all Federal agencies to use. Information for registering in the CCR and online documents can be found at www.ccr.gov.

17. KEY PERSONNEL

The Recipient will request prior written approval from the AO for any change in Key Personnel specified in the award.

18. PROGRAM INCOME

Program Income earned during the project period will be retained by the Recipient and added to funds committed to the project by the Federal awarding agency and the Recipient and used to further eligible project or program objectives, unless otherwise approved by the Agreement Officer. Program income will not be used to satisfy the cost share requirements or used to offset the Federal contribution to this project.

19. SUBAWARDS

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

20. COST SHARING OR MATCHING

The applicant will provide a minimum of a 20% match to the total cost of the project, excluding any program income. The applicant's 20% match requirement can be met through direct financial support or through "in-kind" services. By the completion date of the agreement, the applicant must have met the cost-sharing requirement. All cost share contribution must be submitted with sufficient detail and/or documentation to support the fair market value of the contribution. If additional detail and/or documentation are determined necessary in order to verify the contribution, the applicant will provide the requested information in a timely fashion.

21. PRINTING

The Recipient shall obtain prior written approval from the AOTR to print more than ten copies of any deliverable under this agreement. The Recipient shall submit such requests in writing or by email to the AOTR, to include specifics on the deliverable, requested printing quantity, and estimated costs for printing.

22. OPEN TRAINING COURSES

Training courses funded by this agreement shall be open enrollment courses. Enrollment eligibility in the courses may not be limited in any manner unless otherwise authorized by the AOTR.

23. DRUG FREE WORKPLACE

The Recipient will comply with Subpart B of 49 CFR Part 32, Governmentwide Requirements for a Drug-Free Workplace (Financial Assistance). See 49 CFR Part 32 for details of the requirement. (Note: 49 CFR Part 32 is available online at <http://www.dot.gov/ost/m60/grant/regs.htm>).

24. DEBARMENT AND SUSPENSION REQUIREMENTS

The Recipient will comply with the Subpart C of 49 CFR Part 29, Government Debarment and Suspension (Nonprocurement). Further, the Recipient will flow down this requirement to applicable subawards by including a similar terms or condition in lower-tier covered transactions. See 49 CFR Part 29 for detail of the requirement. (Note: 49 CFR Part 29 is available online at <http://www.dot.gov/ost/m60/grant/regs.htm>).

25. TERMINATION AND SUSPENSION

FHWA may terminate or suspend this agreement, in whole or in part, at any time prior to its expiration date in accordance with 49 C.F.R. Part 18 or Part 19, as applicable. The Recipient may appeal a decision by the U.S. DOT, to terminate or suspend this agreement, in writing to the next level above the Agreement Officer within 30 days after receipt of the decision letter.

26. 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 Disputes 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. Within five working days after providing written notice to the other party, the aggrieved party may, in writing, request a decision from the Agreement Officer. The other party will submit a written position on the matters in dispute within thirty calendar days after being notified that a decision has been requested. The Agreement Officer will conduct a review of the matters in dispute and render a decision in writing within thirty calendar days of receipt of such written position. Any decision of the Agreement Officer 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 Management or designee, made within thirty calendar days after the Agreement Officer'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 Management. Following the review, the Director, Office of Acquisition Management, 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.

27. FINANCIAL ASSISTANCE POLICY TO BAN TEXT MESSAGING WHILE DRIVING

a) *Definitions*. The following definitions are intended to be consistent with the definitions in DOT Order 3902.10 and the E.O. For clarification purposes, they may expand upon the definitions in the E.O.

"Driving"- (1) Means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise. (2) It does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

"Text Messaging" ---means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answer an incoming call, unless the practice is prohibited by State or local law.

(b) In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, financial assistance recipients and subrecipients of grants and cooperative agreements are encouraged to:

(1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving-- (i) Company-owned or -rented vehicles or Government-owned, leased or rented vehicles; or (ii) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.

(2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as- (i) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and (ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(c) *Assistance Awards.* All recipients and subrecipients of financial assistance to include: grants, cooperative agreements, loans and other types of assistance, will insert the substance of this clause, including this paragraph (c), in all assistance awards.

28. REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUB-AWARDS (2 CFR Part 170, Appendix A)

I. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

- (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <http://www.ccr.gov>.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. *Reporting of Total Compensation of Subrecipient Executives.*

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you will report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

- i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. *Exemptions*

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards, and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. *Definitions*. For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State, local government, or Indian tribe;
- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus*.
- ii. *Awards of stock, stock options, and stock appreciation rights*. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. *Earnings for services under non-equity incentive plans*. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- iv. *Change in pension value*. This is the change in present value of defined benefit and actuarial pension plans.
- v. *Above-market earnings on deferred compensation which is not tax-qualified*.
- vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

B. REPORTING

1. ADDRESSES FOR SUBMITTAL OF REPORTS AND DOCUMENTS

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

Submit an electronic copy and one hard copy and on to the Agreement Specialist at the following address:

Federal Highway Administration
Office of Acquisition Management
1200 New Jersey Ave., SE
Mail Stop E65-101
Washington, DC 20590
Attention: [To be filled in at time of award]

Submit an electronic copy and one hard copy to the AOTR at the following address:

Federal Highway Administration
Office of Acquisition Management
1200 New Jersey Ave., SE
Mail Stop _____
Washington, DC 20590
Attention: [To be filled in at time of award]

2. QUARTERLY PROGRESS REPORT

The Recipient will submit an electronic copy of the SF-PPR, in PDF format, to the AOTR and the Agreement Specialist on or before the 30th of the month following the calendar quarter being reported. Final PPRs are due 90 days after the end of the agreement period of performance. The SF-PPR is available online at http://www.whitehouse.gov/omb/grants/grants_forms.html. The quarterly submittal will consist of the SF-PPR cover page and the following required attached information. Block 10 (Performance Narrative) and Block 11 (Other Attachments) of the SF-PPR will include the following information as attached pages:

<u>Calendar quarters are defined as :</u>	<u>Reports due on or before:</u>
1 st : January – March	April 30 th
2 nd : April – June	July 30 th
3 rd : July – September	October 30 th
4 th : October – December	January 30 th

Each report will contain concise statements covering the activities relevant to the project, including:

- A summary of work performed for the current quarter;
- A summary of work planned for the upcoming quarter;

- A description of any problem encountered or anticipated that will affect the completion of the work within the time and fiscal constraints as set forth in the grant agreement, together with recommended solutions to such problems; or, a statement that no problems were encountered;
- For Cost Share portion: A tabulation of the current and cumulative costs expended by cost element (labor, travel, indirect costs, subcontractors, etc.) by quarter versus budgeted costs, for cost share; and
- SF425, Financial Status Report.

3. ANNUAL BUDGET REVIEW AND PROGRAM PLAN (for multi-year awards)

The Recipient will submit an electronic copy and one hard copy of the Annual Budget Review and Program Plan to the AOTR and one electronic copy and one hard copy to the Agreement Specialist 60 days prior to the end of each year. The Annual Budget Review and Program Plan will 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 will contain a statement stating such. The Recipient will meet via teleconference or web conference with FHWA to discuss the Annual Budget Review and Program Plan. Work proposed under the Annual Budget Review and Program Plan will not commence until Agreement Officer's written approval is received.

SECTION VII - AGENCY CONTACT

Address any questions to:
Rick Murray, Agreement Officer
Federal Highway Administration
Office of Acquisition Management
Email rick.murray@dot.gov
Phone (202) 366-4250

Secondary point of contact is
Mr. Carl Rodriguez, Team Leader
Email Carl.Rodriguez@dot.gov
Phone (202) 366-4240.