

***Federal Funding Opportunity  
Request for Applications (RFA)  
Executive Summary***

Federal Agency Name: U.S. Department of Transportation  
Federal Highway Administration  
Office of Technical Services  
1310 North Courthouse Road, Suite 300  
Arlington, VA 22201  
Attention: Henry C. Murdaugh, DTS-TP-20

Funding Opportunity Title: ***“Dwight David Eisenhower Transportation Fellowship Program”***

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

Funding Opportunity Number: RFA Number DTFH64-12-RA-00001

Catalog of Federal Domestic Assistance (CFDA) Number: 20.215

Dates: RFA Issue Date is December 20, 2011  
Application Due Date is February 10, 2012

Direct Questions to: Henry C. Murdaugh, (703) 235-0536  
[Henry.Murdaugh@dot.gov](mailto:Henry.Murdaugh@dot.gov)

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## SECTION I – FUNDING OPPORTUNITY DESCRIPTION

### A. STATEMENT OF PURPOSE

The **EISENHOWER GRADUATE FELLOWSHIP** provides funding for the pursuit of Masters or Doctorate Degrees in a transportation related discipline. The program objectives are: **1) to attract the nation's brightest minds to the field of transportation, 2) to enhance the careers of transportation professionals by encouraging them to seek advanced degrees, and, 3) to retain top talent in the transportation industry of the United States.** The Program is intended to bring innovation and enhance the breadth and scope of knowledge of the entire transportation community in the United States. The Eisenhower Graduate Fellowship Program encompasses all modes of transportation.

### B. LEGISLATIVE AUTHORITY

The authority to award a grant for this effort is found in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 5204 (i)(1) (Public Law 109-59, p.119 Stat. 1795 (Aug 10, 2005)) which states, (i) Eisenhower Transportation Fellowship Program.--Of the amounts made available by section 5101(a)(2) of this Act, \$2,200,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504 (c)(2) of such title. Authority is also found in 23 USC 504 (c)(2) and 23 USC 502 (b)(3).

FHWA Surface Transportation Programs, including the highway and highway safety Programs under SAFETEA-LU, have been extended pursuant to Public Law 105-59, through March 31, 2012.

### C. BACKGROUND

Individual students apply for Eisenhower Graduate Fellowship. If a student is selected to receive a fellowship, the student, their faculty advisor and the university\* will be responsible for completing and submitting all required paperwork to execute the fellowship. Funding will be sent to the university on behalf of the student. The university will be responsible for allocating funds to the student as outlined in the budget. The university will also be responsible for submitting all required federal financial reports to FHWA.

### D. STATEMENT OF WORK

The U.S. Department of Transportation, Federal Highway Administration (FHWA), is soliciting applications for the Eisenhower Transportation Fellowship Program to 1) to attract the nation's brightest minds to the field of transportation, 2) to enhance the careers of transportation professionals by encouraging them to seek advanced degrees, and 3) to retain top talent in the transportation industry of the United States.

**\*University is defined as an accredited institution of higher education located in the United States.**

## **Section 508**

While the requirements of Section 508 of the Rehabilitation Act do not apply to assistance agreements, the FHWA is subject to the Act's requirements that all documents posted on an FHWA or FHWA-hosted website comply with the accessibility standards of the Act. As such, all electronic and information technology products that are submitted under this agreement must be Section 508-compliant so that they can be web posted without further modification.

All final deliverable 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 [Section 508 of the Rehabilitation Act \(http://www.access-board.gov/508/508standards.htm - PART 1194\)](http://www.access-board.gov/508/508standards.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 shall 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 shall 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.

## SECTION II – AWARD INFORMATION

### A. FUNDING

Currently, total federal funding in the amount of \$900,000 is available for up to 76 awards. Note: The Government reserves the right to award less than the anticipated number of awards and less than the estimated amount per grantee.

### B. COST SHARING OR MATCHING

Although this program does not require cost sharing or matching, universities are encouraged to contribute resources to help leverage fellowship funding.

### C. NUMBER OF AWARDS ANTICIPATED

FHWA intends to award up to 76 grants as a result of this RFA.

### D. PERIOD OF PERFORMANCE

The project period for this grant ranges from one to three years.

### E. TYPE OF AWARD

Type of Award: Discretionary grants

Estimated Available Funds at time of Award: \$900,000.

Estimated Award per grantee: \$5,000 - \$100,000

### F. DEGREE OF FEDERAL INVOLVEMENT

The Federal Highway Administration (FHWA) anticipates Federal involvement between FHWA and the Recipient during the course of this project. FHWA anticipates the Federal involvement will include:

- Technical assistance and guidance;
- Close monitoring during performance;
- Involvement in technical decisions.

### SECTION III - ELIGIBILITY INFORMATION

#### A. ELIGIBLE APPLICANTS

Applicants of the Eisenhower Graduate Fellowship Recipients **must**:

- Possess a baccalaureate degree from an accredited U.S. Institution;
- Be enrolled in an accredited U.S. Institution of Higher Education
- Be pursuing a degree in a full-time program in a transportation-related discipline
- Have at least one (1) full academic year remaining in program of study;
- Conduct ongoing research in one or more transportation-related disciplines; and
- Plan to enter the transportation profession after completing their higher level education.

Non-U.S. citizens **must** attach a **valid** copy of their I-20 or I-551 ID issued by the U.S. Citizenship & Immigration Service (CIS).

### SECTION IV – APPLICATION AND SUBMISSION INFORMATION

#### A. APPLICATION FORMS

The Eisenhower Graduate Transportation Fellowship application and supporting materials must be received at the following address [www.Grants.gov](http://www.Grants.gov) by **5:00 p.m. EST, Friday, February 10, 2012**. Fellowship applications can be obtained from the website listed below and at [www.Grants.gov](http://www.Grants.gov)

**Mr. Henry C. Murdaugh, Program Manager  
Universities and Grants Programs  
Technology Partnership Programs, DTS-TP-20  
1310 North Courthouse Road, Suite 300  
Arlington, VA 22201**

**TEL: (703) 235-0538**

**FAX: (703) 235-0593**

**Website: <http://www.fhwa.dot.gov/tpp/ugp.htm>**

**General Instructions:** Please read the Eisenhower Graduate Fellowships Announcement and these instructions before preparing the application materials. Applicants must submit **one (1) original (with original signatures) and one (1) copy of all materials. APPLICANTS MUST SUBMIT THE REQUESTED NUMBER OF COPIES. All materials must be typed.**

**Complete Application:**

- **Must** be typed;
- Eisenhower Graduate Fellowships Application, Parts 1 - 3; applicant and faculty advisor signatures are **required**;
- Academic records, including class standing, GPA and official transcripts;
- Four (4) letters of recommendation from 4 different individuals: (an Original in a sealed envelope and 1 copy), and/or endorsement; and
- **One (1) official sealed** transcript to be sent to the above address;
- **One (1) unsealed copy** to be sent with application materials;
- Resume/CV (Must be limited to two pages).

**NOTE: It is permissible to use copies of the application forms:**

B. CONTENT AND FORM OF APPLICATION SUBMISSION

**Application - Part 1:** All requested information must be provided unless labeled "optional." If an item is not available, state "NA". Non-U.S. citizens **must** attach a **valid** copy of their I-20 ID or I-551 Permanent Resident Card issued by the U.S. Citizenship & Immigration Service (CIS).

The application **must** have an **original signature**.

**Application - Part 2:** List **only** those universities where a **degree was obtained**. Each applicant must submit **four (4)** recommendation and/or endorsement letters only. If an applicant submits fewer than the required four letters of recommendation their application **will be considered incomplete**. If currently employed in a transportation function, it is imperative that your employer submits an endorsement letter. The letters of recommendation must come from four different individuals. Letters of recommendation should come from a diverse group of individuals (professors, former employers, etc.) The recommendation and/or endorsement letters should contain:

- Length and nature of the person's relationship with the applicant;
- Comments on the applicant's overall ability, applicants suitability for graduate school; and
- Potential for major contributions in one or more areas of transportation.

**Application - Part 3:** The narrative should demonstrate an applicant's intent to pursue a plan of graduate study and a career in transportation. The applicant should link their graduate study, research plans to their career goals in transportation. **Part 3 must be limited to two pages.**

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

C. SUBMISSION DATES AND TIMES

Note: Applications must be received 5:00 pm EST time on February 10, 2012.

The deadline cited herein 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 determines it is in the Government's best interest to consider the late application.

D. STIPEND, TUITION AND TAXES

All recipients **may not** receive a full award (i.e. tuition, stipend, and travel to Transportation Research Board (TRB) Annual Meeting). Recipient awards will be based on the rankings from the National Selection Panel. **Recipients will receive a minimum of \$5,000.00, based on the ranking from the National Selection Panel.**

Fellowship recipients should be advised that **the stipend portion of the fellowship is subject to taxation** in accordance with the U.S. Internal Revenue Service (IRS) regulations (Publication 520, revised June 2002).

The anticipated stipends for the Eisenhower Graduate Fellowship are based on academic level and are as follows:

- Master' Level - \$1,700/mo.
- Doctoral Level - \$2,000/mo.

**Actual stipend level may vary based upon available funding.**

E. FUNDING RESTRICTIONS

**Restrictions** on the use of fellowship funds are as follows:

- No dependency allowances;
- Fellowship recipients are eligible for funding only during months of enrollment in full-time programs leading to graduate degrees;
- The recipient's university has the responsibility of administering the funds and for making periodic payments to the recipient; and
- Unused funds must be returned to the Federal Highway Administration (FHWA) within **90 days** of the termination date of the fellowship;
- There is a \$10,000 tuition cap per year of Eisenhower Funding.

## SECTION V – APPLICATION REVIEW INFORMATION

### A. EVALUATION CRITERIA

The Eisenhower Graduate Fellowship will be awarded on the basis of merit. Merit includes:

- Class standing, GPA, and official university transcripts;
- Transportation work experience, if any, including employer's endorsement;
- Letters of recommendation regarding the applicant's qualifications;
- Proposed plan of study.

### B. REVIEW AND SELECTION PROCESS

The Eisenhower Graduate Fellowship National Selection Panel will evaluate all **eligible** applications. This panel will be composed of prominent national transportation professionals who will review each applicant's qualifications. The recommendations for selection will be ranked in merit order and submitted to the Program Manager, to make final selections based on the Panel's recommendation. The Program Manager is the official responsible for final award selections. The Government is not obligated to make any award as a result of this announcement. It is imperative that applicants provide an accurate and current email address for themselves and their faculty advisor.

**NOTE: AWARD IS EXPRESSLY CONDITIONED UPON THE ACCEPTANCE BY THE APPLICANT'S UNIVERSITY OF THE TERMS AND CONDITIONS SET FORTH IN THE GRANT AGREEMENT.**

### C. ANTICIPATED ANNOUNCEMENT AND AWARD DATES

FHWA anticipates making awards on or about May 18, 2012.

### D. AWARD NOTICES

If your application is selected for award, you will be notified via email and your university will be sent an award document for signature. Applicants not selected for award will be notified via email by FHWA. Only the Agreement Officer (AO) can commit the Government. The award document, signed by the Agreement Officer, is the authorizing document.

## SECTION VI – AWARD ADMINISTRATION INFORMATION

### A. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

#### 1. GOVERNING REGULATIONS

Performance under this grant shall 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 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](http://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](http://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>].
- OMB Circular A-133, “Audits of States, Local Governments, and Non-Profits” [[www.whitehouse.gov/omb/circulars/a133/a133.html](http://www.whitehouse.gov/omb/circulars/a133/a133.html)];
- 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](http://www.access.gpo.gov/nara/cfr/waisidx_05/2cfr215_05.html)]; and
- Any other applicable Federal regulation or statute.

#### 2. CONDITIONS OF ACCEPTANCE

All fellowship recipients must conduct original research and prepare a paper or report suitable for publication on the topic for which they are selected. Recipients must make the results of their research available to the U.S. Department of Transportation (DOT) and the DOT will retain an unlimited royalty-free privilege to use the results of the research.

Student academic programs may include a reasonable amount of teaching, as deemed appropriate by the institution, as contributing to their academic progress. Fellowship recipients may only accept remuneration for tuition from another fellowship for funding the difference above the \$10,000 limitation for tuition and the actual tuition amount.

**Once an award is made, the initial graduate study plan and research topic may be changed *only* after consultation between the fellowship recipient's Faculty Advisor and the Program Manager, Universities and Grants Manager.**

Award funding is contingent upon the recipient's satisfactory academic progress as determined by university policies.

### 3. PROGRAM MANAGER (PM)

The AO has designated Henry C. Murdaugh as Program Manager (PM) to assist in monitoring the work under this grant. The Program Manager will oversee the technical administration of this grant and act as technical liaison with the performing organization. The PM 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 grant 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 shall not be construed to authorize the revision of the terms and conditions of performance. The Agreement Officer shall authorize any such revision in writing.**

### 4. OBLIGATION CEILING RATIO

Pursuant to Section 1102 of SAFETEA-LU, the FHWA is required to annually redistribute a portion of allocated program authorization. Funds available for subsequent years of this agreement shall be adjusted for each fiscal year, which may increase or decrease the total estimated funding available.

### 5. DATA RIGHTS

The Recipient shall 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 shall 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 19.

## 6. ACKNOWLEDGEMENT OF SUPPORT AND DISCLAIMER

An acknowledgment of FHWA support and a disclaimer must appear in any publication of any material, whether copyrighted or not, based on or developed under the grant, in the following terms:

“This material is based upon work supported by the Federal Highway Administration under Grant No. DTFH64-12-G-(to be filled in)”.

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 Federal Highway Administration."

## 7. 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 under this agreement, the Performing Organization shall 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 shall be performed in such a manner as will not unduly delay work.

## 8. TERMINATION AND SUSPENSION

The Government may terminate this agreement in whole or in part in accordance with 49 CFR Part 19.

## 9. BUDGET REVISION/REALLOCATION OF AMOUNTS

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 19.4

Note: The Recipient must obtain prior written approval from the Program Manager 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. When requesting such approval, an E-mail request suffices.

#### 10. FINANCIAL MANAGEMENT SYSTEM

By signing this agreement, the Recipient's university 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 19. The Recipient's failure to comply with these requirements may result in agreement termination.

#### 11. ALLOWABILITY OF COSTS

Allowable costs will be determined in accordance with the applicable Federal cost principles, e.g. Educational Institutions - 2 CFR Part 220.

#### 12. AVAILABLE FUNDING

The total not-to-exceed amount of Federal funding that may be provided for up to 76 grants is \$900,000 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 grant.
- (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 grant.

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.

#### 13. CENTRAL CONTRACTOR REGISTRY (CCR)

The Recipient's university 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 Recipient universities 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](http://www.ccr.gov).

#### 14. DEBARMENT AND SUSPENSION REQUIREMENTS

The Recipient's university shall comply with the Subpart C of 49 CFR Part 29, Government Debarment and Suspension (Nonprocurement). 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/agreement/regs.html>).

## 15. DRUG FREE WORKPLACE

The Recipient's university shall comply with Subpart B of 49 CFR Part 32, Government-wide 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/agreement/regs.html>).

## 16. DISPUTES

The parties to this agreement shall 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 shall attempt to resolve the issues involved by discussion and mutual agreement as soon as practical. In no event shall 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 shall 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 shall 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 shall 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 shall, 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 shall be further reviewed. This review shall 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, shall 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.

17. OMB PAPERWORK REDUCTION ACT

If the Recipient intends to perform survey(s) of any kind, the Recipient shall coordinate with the Program Manager to ensure compliance with OMB Paperwork Reduction Act requirements as applicable.

18. ENCOURAGING RECIPIENT POLICIES TO BAN TEXT MESSAGING WHILE DRIVING

(a) Definitions. As used in this clause—

“Driving”—

(1) Means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise.

(2) Does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely 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 glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.

(b) This clause implements Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving, dated October 1, 2009.

(c) The Recipient is encouraged to—

(1) Adopt and enforce policies that ban text messaging while driving—

(i) Company-owned or -rented vehicles or Government-owned 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 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.

(d) *Assistance Awards*. All Recipients and subrecipients of financial assistance to include: grants, cooperative agreements, loans and other types of assistance, shall

insert the substance of this clause, including this paragraph (c), in all assistance awards.

19. REPORTING EXECUTIVE COMPENSATION

Appendix A to Part 170—Award term

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 [www.fsrs.gov](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 [www.fsrs.gov](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 [www.sec.gov/answers/execomp.htm](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 [www.ccr.gov](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 shall 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

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 [www.sec.gov/answers/execomp.htm](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.

## **SECTION VII – AGENCY CONTACT**

Address any questions to:

Henry C. Murdaugh, DTS-TP-20  
Program Manager  
Federal Highway Administrations  
Office of Technical Services  
1310 North Courthouse Road, Suite 300  
Arlington, VA 22201

[Henry.Murdaugh@dot.gov](mailto:Henry.Murdaugh@dot.gov)  
703-235-0536