

**UNITED STATES DEPARTMENT OF TRANSPORTATION (U.S. DOT)****National Highway Traffic Safety Administration (NHTSA)****Cooperative Agreement for****FOSTERING LEADERSHIP TO FACILITATE IMPAIRED DRIVING SYSTEM IMPROVEMENT**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT)

**ACTION:** Announcement of a request for applications to implement NHTSA's model for improving comprehensive impaired driving systems.

**SUMMARY:** NHTSA is planning to test the impaired driving leadership model developed and initially pilot-tested in cooperation with the New Mexico Department of Transportation, Traffic Safety Bureau. This model is based upon effective leadership to facilitate cross-agency engagement and collaboration with the ability to engage appropriate private sector organizations that may be a resource to the impaired driving system. A permanent, institutionalized Statewide impaired driving task force composed of various public and private stakeholders empowered to identify gaps, obtain resources, implement recommendations, and oversee activities conducted to improve a comprehensive impaired driving system is the major conduit for this leadership.

**DATES:** Application(s) must be submitted to: Reba Dyer, National Highway Traffic Safety Administration, Office of Acquisition Management (NPO-320), W51-117, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Number DTNH22-09-R-00217. **Only complete packages received on or before 3:00 P.M. Eastern Standard Time on Friday, May 29, 2009, will be considered.**

**Applicant(s) shall provide a complete mailing address where Federal Express mail can be delivered.**

**FOR FURTHER INFORMATION CONTACT:** General administrative and programmatic questions may be directed to Reba Dyer, Contract Specialist, Office of Acquisition Management, by email at [reba.dyer@dot.gov](mailto:reba.dyer@dot.gov) or by phone at 202-366-1772 and Chelly Johnson-Jones, Contracting Officer, Office of Acquisition Management, by email at [chelly.johnson-jones@dot.gov](mailto:chelly.johnson-jones@dot.gov) or by phone at 202-366-1943. To allow for sufficient time to address questions appropriately, all questions must be received no later than 2:00 P.M. **Eastern Daylight Time, Monday, May 11, 2009 via e-mail.**

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## ARTICLE I. SUPPLEMENTARY INFORMATION

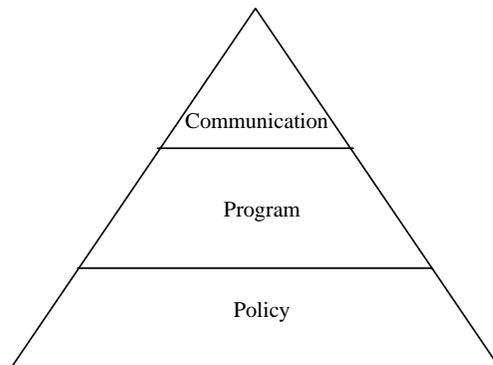
### A. BACKGROUND

Impaired driving is but one aspect of a larger public health problem related to alcohol abuse and impairment. The National Institutes for Alcohol Abuse and Alcoholism estimates that the total cost of this problem, including medical consequences, crime, and accidental injury, is \$184.6 billion annually. The costs of alcohol-related motor vehicle fatalities account for about 8.5 percent of this total.<sup>1</sup>

There is general agreement in the traffic safety community that the easy gains in reducing impaired driving were realized in the 1980s and early 90s, but more needs to be done. A comprehensive systems approach addressing impaired driving may provide the most effective means of reducing impaired driving crashes. It simply is not enough to focus on individual aspects of the system in isolation; what impacts one component will, in turn, affect others. All aspects must be addressed or gaps will appear, have detrimental effects, and hinder the process.

As with any traffic safety program, a comprehensive impaired driving system must be developed and implemented in a disciplined manner. For example, policy should serve as the foundation for program development and implementation. It is this policy-based foundation that guides program focus and direction. Once the program focus and direction have been established, communication activities support policy and program activities and inform the target audience of activities and outcomes most important to it. (Figure 1)

Figure 1 – Disciplined Process to Program Development



A comprehensive impaired driving program encompasses a broad range of programs and strategies to address the impaired driving problem. These various elements are described in detail in NHTSA's *Highway Safety Program Guideline Number 8 – Impaired Driving*,<sup>2</sup> which

<sup>1</sup> National Institutes for Alcohol Abuse and Alcoholism. (2000). *10th Special Report to the U.S. Congress on Alcohol and Health*, Washington, D.C. Department of Health and Human Services, Public Health Service, National Institute of Health.

<sup>2</sup> This document is available from the Office of Impaired Driving and Occupant Protection, National Highway Traffic Safety Administration, NTI-111, 1200 New Jersey Avenue, SE, Washington, DC 20590. (Phone: 202.366.2683)

States use to conduct impaired driving program assessments and relate to the following four components:

### **1. Prevention**

Prevention programs seek to reduce impaired driving through approaches commonly associated with public health – altering social norms, changing risky or dangerous behaviors, and creating protective environments. Prevention and public health programs promote activities to educate the public on the effects of alcohol and other drugs, limit alcohol and drug availability, and prevent those impaired by alcohol and other drugs from driving. Prevention programs are typically carried out in schools, work sites, medical and health care facilities, and community groups, and may include public information and education, responsible alcohol service, and transportation alternatives.

### **2. Deterrence**

Deterrence programs seek to reduce impaired driving by addressing both general and specific deterrence, and increasing both the perception and probability of detection, arrest, and punishment among persons who might be tempted to drive while impaired by alcohol or other drugs. Close coordination with law enforcement agencies on the municipal, county, and State levels is needed to create and sustain the perceived risk and probability of being detected and arrested. Equally close coordination with courts and the motor vehicle licensing and registration agency is needed to enhance the fear of punishment. Effective use of media is essential to create and maintain a strong public awareness of impaired driving enforcement and sanctions. The deterrence system should include laws, public information and education, enforcement, prosecution, adjudication, criminal sanctions, and driver licensing and vehicle registration activities. The goal should be to increase both the perception and probability of arrest for violators and imposition of swift, sure, and appropriate sanctions.

A basic tenet of a strong deterrence program is a coordinated State and local DWI high visibility enforcement effort consisting of sobriety checkpoints (where applicable), saturation patrols, and other enforcement activities. This coordinated enforcement effort demonstrates to the driving public that impaired driving laws are being enforced and there is a good possibility that if one drives under the influence of alcohol or other drugs, then one will be arrested for impaired driving.

### **3. Treatment and Rehabilitation**

Many first-time impaired driving offenders and repeat offenders have substantial substance abuse problems that affect their entire lives, not just their driving. They have been neither prevented nor deterred from driving impaired. A system should be in place to identify offenders with these needs and refer them to appropriate substance abuse treatment programs to change their dangerous behavior. In addition, strategies should be developed, working with medical and health care professionals, to identify individuals with these needs and refer them to appropriate treatment outside of the criminal justice system. Elements of this component include diagnosis, screening, treatment, and rehabilitation.

#### 4. Program Management

Good program management is essential for effective programs at both the State and local level. Planning and coordination are especially important for impaired driving activities, as many different parties are involved. The program management component of the impaired driving system should have an established process for planning, problem identification, program control, and evaluation activities. The system should provide for Statewide and local DWI task forces, data collection, and sufficient funding. It should also include planning and coordination of activities with other agencies involved in impaired driving programs.<sup>3</sup>

As noted above, a DWI task force is an important element of impaired driving program management. It offers the State an opportunity to coordinate cross-agency activities and resources. Gubernatorial support is crucial to create central and focused leadership for a Statewide DWI task force. With support from the Governor's office, a Statewide DWI task force has the legitimacy needed to direct activities and allocate resources. In lieu of direct support from a Governor's office, similar State officials, such as the Attorney General, Secretary of Transportation, or Secretary of Public Safety also have the political authority and stature to convene and support a Statewide DWI task force.

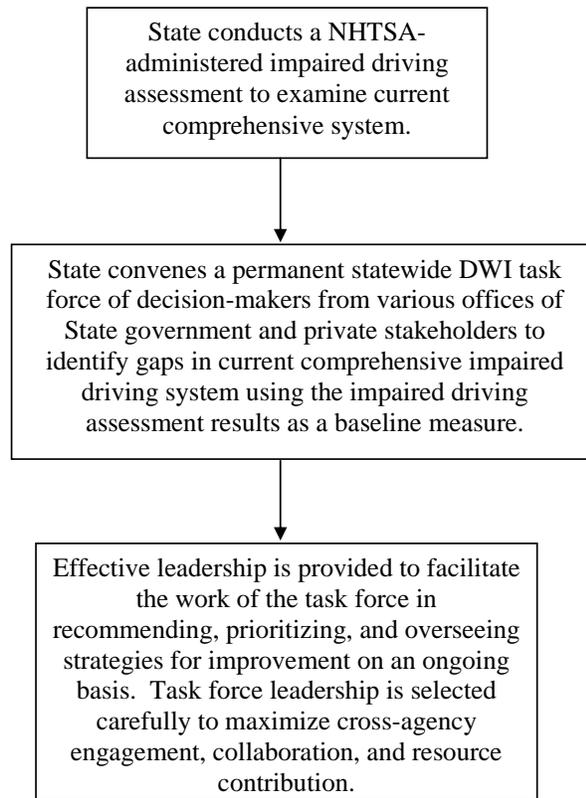
Because of their interrelated nature, the four components are all critical to the success of the impaired driving control system. The absence or ineffective implementation of any one component can weaken the others, critically undermining the system. For example, if prevention efforts focus on deterring the public from driving impaired, but the public does not perceive a risk of apprehension due to a lack of law enforcement presence, the prevention efforts may lose credibility and effectiveness. In addition, if enforcement efforts are increased, but prosecutors and the courts do not assign additional resources to handle the increased caseload, a backlog may occur and pressure may develop to dismiss. Further, if courts refer offenders to treatment, but there is not a sufficient number of treatment providers available in a community, offenders will be unable to obtain the assistance they need to help avoid recidivism.

The National Highway Traffic Safety Administration (NHTSA), working with the New Mexico Department of Transportation, refined a model that will allow a State to identify deficiencies, develop strategies to address those deficiencies, and garner support and resources to implement and oversee identified strategies to improve its comprehensive impaired driving program. The ultimate objective is to develop a process that is transferable to other States that are experiencing a high number or rate of alcohol-related traffic fatalities.

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<sup>3</sup> The use of the acronym "DWI" throughout this document refers to the criminal action of driving a motor vehicle, either 1) while "illegal *per se*" or 2) while intoxicated, while impaired, under the influence, or by either alcohol or other drugs. Usage of the term "DWI" and other acronyms (DUI, OWI, OUI) varies from State to State based on the different statutes in each State.

Figure 2 — Impaired Driving System Improvement Leadership Model



One of the model's critical components is political support at a high State level, (e.g. Governor) and effective leadership at the task force level. The individual(s) leading the task force should be able to facilitate cross-agency engagement and collaboration and be able to engage appropriate private sector organizations that may be a resource to the impaired driving system.<sup>4</sup>

In partnership with the New Mexico Department of Transportation, Traffic Safety Bureau (TSB), NHTSA tested this leadership model in New Mexico and the results are quite promising. Alcohol-related traffic fatalities declined steadily while this project was underway. This is not to imply that the reductions can be directly attributed to this model (the evaluation is not yet complete); however, NHTSA and TSB undertook initiatives to facilitate effective leadership during this pilot project and New Mexico realized substantial declines in impaired driving fatalities during this time.

<sup>4</sup> The task force itself is very similar to a State's traffic records coordinating committee. The leadership of this team is instrumental to its success. The task force itself is composed of those who have the authority to make decisions, commit resources (or pool resources), and oversee the implementation of impaired driving system improvement activities.

NHTSA and TSB established and/or strengthened several key system components, including criminal justice (high visibility enforcement, prosecutors, judges), communications, and planning and reporting. Once these activities were underway, NHTSA and TSB focused on the leadership component of the model and worked to establish a statewide DWI Leadership Team (Statewide task force) as a means for identifying remaining system gaps, initiating activities to fill these gaps, and overseeing implementation of key initiatives Statewide. One of the critical components to creating and sustaining the DWI Leadership Team was strong support from the Governor in the form of an executive level leadership position, DWI Coordinator (DWI Czar), housed in the Governor's Office.<sup>5, 6</sup> While not a member of the Governor's cabinet, the DWI Coordinator has inherent power and authority to convene department level officials to work collaboratively on DWI and other alcohol-related issues.<sup>7</sup> The DWI Coordinator and the Traffic Safety Bureau Chief co-chaired the DWI Leadership Team. Their leadership and guidance on impaired driving issues served as a catalyst to many of the activities the DWI Leadership Team addressed. Once seated, the DWI Leadership Team became a fully functioning, permanent partnership of public and private agencies and organizations dedicated to reducing impaired driving crashes and the related casualties – due in large part to its leaders.

Concurrently, law enforcement activities increased and intensified in six counties that were among the leading counties in the number of alcohol-related fatalities. To support law enforcement efforts, community outreach efforts were undertaken to get the word to local citizens of the impaired driving problem in their community and of the increased attention at the local level to the problem. In addition, New Mexico focused on coordinating State and local communication programs with enforcement activities. The Office of the Governor, the New Mexico Department of Transportation, and TSB worked in concert to coordinate publicity and earned media for the activities underway to combat impaired driving.

Finally, the leadership of the DWI Leadership Team provided a means of allowing other State agencies, such as the State Police, liquor control board, State health department, judiciary, and others, to pursue and to coordinate other impaired driving activities. The Governor's Office, the New Mexico Department of Transportation, and TSB provided technical assistance on planning and implementation through the DWI Leadership Team.

NHTSA believes that the essential effects of the New Mexico Leadership Team could be replicated in a variety of situations. This demonstration project seeks to test variation(s) that follow the general approach outlined in the leadership model (Figure 2).

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<sup>5</sup> This position is not the DWI Coordinator generally housed in the State's highway safety office.

<sup>6</sup> In New Mexico, this position is referred to as the "DWI Czar" and was initially funded by an executive request to support the position at the State-agency level.

<sup>7</sup> The DWI Czar has decision-making authority (through appropriate negotiations) over impaired driving and alcohol abuse prevention funds available through various State departments, in particular, Transportation, Public Safety, Health, and Regulations and Licensing Departments. This level of authority has translated into greater coordination of State resources for more collaborative, focused, and effective impaired driving program outcomes.

**B. GENERAL REQUIREMENTS**

This project's objective is to implement in up to two additional States, the *Impaired Driving System Improvement Leadership Model* developed and initially pilot-tested in New Mexico. The expected outcome is a refined model that other States may implement with the intent to improve the comprehensive impaired driving system in any given State.

Applications must address each component of the leadership model and how the applicant proposes to implement the model. This presentation must provide evidence as to a commitment to implement the model as presented; a commitment to a high degree of NHTSA involvement with the project; and strong financial and in-kind support for this project.

**C. SPECIFIC REQUIREMENTS**

Specifically the Grantee shall:

1. Execute the *Impaired Driving System Improvement Leadership Model* (Figure 2);
2. Work closely with NHTSA Headquarter and Regional staff to execute the terms of this cooperative agreement and to develop and execute implementation and support evaluation activities developed under this cooperative agreement;
3. Establish and institutionalize a Statewide impaired driving task force under the auspices of a high level, influential government official or office such as the Governor, Secretary of Transportation, Secretary of Public Safety (or equivalent), or Attorney General (or equivalent) to develop, implement, and oversee a strategic plan for addressing identified gaps in the State's impaired driving system;
4. Provide effective, ongoing leadership to facilitate the work of a Statewide impaired driving task force in addressing problems indentified in the State program assessment. The individual(s) leading the task force should be selected carefully to maximize cross-agency engagement and collaboration and to engage private sector organizations that focus on impaired driving issues;
5. Conduct a NHTSA-facilitated assessment of its impaired driving program using the latest version of NHTSA's impaired driving technical assistance instrument, a panel of outside experts, and *Highway Safety Program Guideline Number 8 – Impaired Driving*. NHTSA will waive this requirement if the State has conducted an impaired driving program assessment or has undergone an Impaired Driving Special Management Review within 24 months of the date of award of this cooperative agreement;
6. Assign one full-time person to manage this cooperative agreement. This individual may be an existing staff member or the Grantee may use funds under this agreement to hire an individual to serve as a full-time project manager. (Experience gained during the pilot test strongly indicates that a full-time project manager is required to ensure success of the program.);

7. Work actively and closely with an independent evaluation firm to document project activities and evaluate the effectiveness of the project's effort.<sup>8</sup> The Grantee will ensure that all necessary data elements are captured and provided in a timely manner to the independent evaluator for analysis. Such data elements may include but are not limited to, processing data such as funding levels before and after task force establishment, minutes from task force meetings, planning documents and accompanying activities, such as media events; intermediate measures such as levels of enforcement, arrests, and convictions; and outcome measures such as crashes, injuries, and fatalities. NHTSA may request that the Grantee prepare draft and final reports in addition to those of the independent evaluation contractor. If this is the case, the Grantee shall work closely with the independent evaluator in preparing and finalizing these reports; and
8. Develop and execute plans to address identified gaps in the Grantee's comprehensive impaired driving program once those gaps have been identified by the Statewide impaired driving task force.

Information on the activities undertaken in the pilot project in New Mexico can be found at [www.nhtsa.gov](http://www.nhtsa.gov) under the *Traffic Safety* link on the *Impaired Driving* page at *News and Notes from New Mexico* under "Related Links."

## **ARTICLE II. NHTSA INVOLVEMENT**

NHTSA will be actively involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide a Contracting Officer's Technical Representative (COTR) to participate in the planning and management of this cooperative agreement and to coordinate activities between the Grantee and NHTSA;
2. Provide information and technical assistance as determined appropriate by the COTR;
3. Serve as a liaison between NHTSA Headquarter and Regional Offices staff and others (Federal, State, and local) interested in reducing alcohol-related injuries and fatalities and promoting the activities of the Grantee;
4. Review and provide comments on program content, materials, and evaluation activities;
5. Promote the transfer of information among cooperative agreement recipients and others engaged in impaired driving program activities; and
6. Acquire an independent evaluation firm under a separate agreement to conduct an independent evaluation of this project's effectiveness.

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<sup>8</sup> NHTSA will obtain the services of an independent evaluator under a separate agreement.

### **ARTICLE III. FUNDING**

Funding for projects in up to two States is available to defray expenses to develop and implement the *Impaired Driving System Improvement Leadership Model* (Figure 2). The not-to-exceed amount of funding available (\$2,000,000) will be distributed among the total number of awards. The total number of awards will depend on the quality of the applications submitted for consideration. Given the amount of funds available for this effort, applicants are encouraged to supplement this project's costs. NHTSA will give preference to applicants that identify additional funding sources in their applications. Grantees are not permitted to supplement an award with Federal funds provided under 23 U.S.C. §402. An applicant's proposed level of cost sharing will be considered when determining the "best value" cost proposal. At the discretion of the Government, funds may be obligated fully at the time of award of the cooperative agreement or incrementally over the period of the cooperative agreement. Nothing in this solicitation should be construed as committing NHTSA to make any award.

### **ARTICLE IV. PERIOD OF PERFORMANCE**

The period of performance for this cooperative agreement shall not exceed 36 months from the effective date of award. This agreement also includes two 12-month option periods for a total possible performance period of 60 months. However, the actual period of performance will depend on the scope of work for the submitted project.

### **ARTICLE V. TERMINATION**

The Government may terminate this agreement in whole or in part, upon providing written notification to the Grantee, if the Contracting Officer determines that a termination is in the Government's best interest or the Grantee defaults in performing the work and fails to cure the default within the time specified in writing by the Contracting Officer. The Grantee may terminate this agreement by providing NHTSA with a 60 day advance written notice. The Grantee must deliver acceptable reports on work accomplished as part of any such termination process.

### **ARTICLE VI. ELIGIBILITY REQUIREMENTS**

A State government agency or a consortium of State government agencies that has a key role in the State's comprehensive impaired driving program and has demonstrated the ability to provide effective leadership to a State-level working group such as a Statewide impaired driving task force or similar type of working group may submit an application.

To be eligible to participate in this cooperative agreement, applicants must meet the following requirements. The applicant(s) must:

1. Be a State agency or a consortium of State agencies that are key components in the impaired driving system;

2. Show evidence of support at the highest levels of the State and provide a process for selecting one or more individuals to provide effective, ongoing leadership to facilitate the work of an impaired driving task force in addressing problems indentified in the State program assessment or Impaired Driving Special Management Review;
3. Obtain a letter of commitment from the Governor's Office of Highway Safety or designee to be a full partner in this project and support the project financially as appropriate (if the applicant is not the Governor's Office for Highway Safety);
4. Include a statement of commitment to conduct an impaired driving assessment (without using funds from this cooperative agreement) within 4 months from date of award or certify that the State has conducted an impaired driving assessment or has undergone an Impaired Driving Special Management Review within 24 months from the effective date of this cooperative agreement; and
5. Include a statement acknowledging and agreeing to the fact that NHTSA will be highly involved in the planning, implementation, and evaluation of this cooperative agreement.

## **ARTICLE VII. CONFLICT OF INTEREST**

It is U.S. DOT policy to award cooperative agreements only to those applicants whose objectivity is not impaired because of any related past, present, or planned interest, financial or otherwise, in organizations regulated by the U.S. DOT, or in organizations whose interests may be substantially affected by Departmental activities and which is related to work specified in this cooperative agreement announcement. Based on this policy, if, after award, the Grantee discovers a conflict of interest with respect to the cooperative agreement that could reasonably have been known prior to the award, an immediate and full disclosure shall be made in writing to the Contracting Officer. The disclosure shall include a full description of the conflict along with a description of the action the recipient has taken, or proposes to take, to avoid or mitigate such conflict.

- (a) The applicant shall provide a statement in its proposal which describes in a concise manner all past, present, or planned organizational, financial, contractual, or other interest(s) with an organization regulated by the U.S. DOT, or with an organization whose interests may be affected substantially by Departmental activities, and which is related to the work under this cooperative agreement announcement. The interest(s) described shall include those of the applicant, its affiliates, proposed consultants, proposed subcontractors, and key personnel of any of the above. Past interest shall be limited to within one year of the date of the applicant's technical proposal. Key personnel shall include any person owning more than 20 percent interest in the applicant, and the applicant's corporate officers, its senior managers, and any employee who is responsible for making a decision or taking an action under this cooperative agreement where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

- (b) The applicant shall describe, in detail, why it believes, in light of the interest(s) identified in (a) above, that performance of the proposed cooperative agreement can be accomplished in an impartial and objective manner.
- (c) In the absence of any relevant interest identified in (a) above, the applicant shall submit in its proposal a statement certifying that to its best knowledge and belief no affiliation exists relevant to possible conflicts of interest. The applicant must obtain the same information from potential subcontractors prior to award of a subcontract under the resultant cooperative agreement.
- (d) The NHTSA Contracting Officer will review the statement submitted and may require additional relevant information from the applicant. All such information, and any other relevant information known to the U.S. DOT, will be used to determine whether an award to the applicant may create a conflict of interest. If any such conflict of interest is found to exist, the NHTSA Contracting Officer may (1) disqualify the applicant, or (2) determine that it is otherwise in the best interest of the agency to contract with the applicant and include appropriate provisions to mitigate or avoid such conflict in the cooperative agreement awarded.
- (e) The refusal to provide the disclosure or representation, or any additional information required, may result in disqualification of the applicant for award. If nondisclosure or misrepresentation is discovered after award, the resulting cooperative agreement may be terminated. If after award, the Grantee discovers a conflict of interest with respect to the cooperative agreement awarded as a result of this cooperative agreement announcement, which could not reasonably have been known prior to award, an immediate and full disclosure shall be made in writing to the NHTSA Contracting Officer. The disclosure shall include a full description of the conflict, a description of the action the Grantee has taken, or proposes to take, to avoid, or to mitigate such conflict. The NHTSA Contracting Officer may, however, terminate the cooperative agreement for convenience if the NHTSA Contracting Officer deems that termination is in the best interest of the Government.

### **ARTICLE VIII. REPORTING REQUIREMENTS AND DELIVERABLES/MILESTONES OF THE COOPERATIVE AGREEMENT**

An awarded cooperative agreement will include the following requirements:

#### **A. MONTHLY PROGRESS REPORTS**

The Grantee must furnish one electronic copy of a *Monthly Progress Report* to the COTR within 10 days of the month being reported. The first *Monthly Progress Report* is due one month from effective date of the cooperative agreement.

*Monthly Progress Reports* shall include at a minimum a narrative description of the following items:

- Cooperative Agreement Number;
- Activities undertaken during the reporting period;

- Accomplishments achieved during the reporting period;
- Funds status by major cost element, the month's obligations, cumulative obligations, estimated cost to complete, and percent of cost expended versus percent of project completion;
- Plans for the next reporting period;
- Preliminary or interim results, conclusions, trends, or other items of information that are of interest to NHTSA;
- Problems or delays that the Grantee has experienced in the conduct of this cooperative agreement that need the attention of the COTR and/or Contracting Officer; and
- Specific action that the Grantee would like NHTSA to undertake to alleviate a problem.

In cooperation with the Grantee, NHTSA may require supplemental information in addition to above listed items depending on the nature of the project.

*Monthly Progress Reports* shall contain enough information to allow the COTR to make a determination as to whether invoices should be approved or revised based upon the activities and accomplishments for which payment is sought. The COTR may reject a *Monthly Progress Report* that does not provide sufficient detail and may request the Grantee to submit a revised *Monthly Progress Report* with the additional detail.

The *Monthly Progress Report* shall contain enough detail to serve as a significant resource for the project's final report discussed in items D and E below.

#### **B. INITIAL AND SUBSEQUENT MEETINGS WITH THE COTR**

The Grantee shall meet with the COTR, Contract Specialist and/or Contracting Officer, appropriate NHTSA staff, and the independent evaluation contractor in Washington, D.C. at NHTSA's offices within 4 weeks of the cooperative agreement's effective date. The meeting's purpose is to discuss and refine the development, implementation, and evaluation of the project as well as cooperative agreement administration. The Grantee shall prepare a 30 to 45 minute presentation describing the project and shall be prepared to answer questions from the COTR and others present at the briefing. After this initial meeting with the COTR, the Grantee shall meet at least once a year with the COTR in Washington, D.C. at NHTSA's offices, at the appropriate NHTSA Regional Office or within the Grantee's State to discuss the project's progress and results.

#### **C. WORK PLANS**

Based on discussions held during the initial meeting with the COTR, the Grantee shall submit a revised project work plan incorporating verbal and written comments from the COTR, Contract Specialist and/or Contracting Officer, and appropriate NHTSA staff. This revised plan shall be submitted no more than 4 weeks from the date of the initial meeting with the COTR.

After award of the Cooperative Agreement and for each subsequent year that the agreement is in effect, the Grantee shall submit a detailed work plan for the upcoming 12 month

period.<sup>9</sup> The Grantee and COTR shall work cooperatively to determine the dates the subsequent year work plans shall be submitted to the COTR. The requirement for a revised project plan may be waived by the COTR.

**D. DRAFT FINAL REPORT (TO BE DETERMINED)**

The Grantee shall prepare a draft final report that includes a description of the project with an emphasis on leadership issues, other issues addressed, program implementation, findings, and recommendations. With regard to information transfer, it is important to know what worked and what did not work under what circumstances, what can be done to enhance replication in similar communities, and what can be done to avoid the problems identified in future efforts. In effect, this draft final report will “tell the story of the project.” The Grantee shall submit the draft final report to the COTR at least 12 calendar weeks prior to the end of the performance period and shall work with a NHTSA independent evaluator to prepare this draft final report. NHTSA will review the draft final report and provide comments to the Grantee within six calendar weeks of receipt of the document.

**E. FINAL REPORT (TO BE DETERMINED)**

The Grantee, in cooperation with a NHTSA independent evaluator, shall revise the draft final report to reflect NHTSA’s comments. The revised final report shall be delivered to the COTR at least three calendar weeks before the end of the performance period.

**F. FINAL NHTSA PROJECT BRIEFING**

The Grantee shall conduct a final project briefing for NHTSA in Washington, D.C., at NHTSA’s offices to review project implementation, evaluation, and results. This presentation shall last no less than 60 minutes and the Grantee shall be prepared to answer questions from briefing attendees. The Grantee shall provide the COTR the presentation at least three calendar weeks prior to the final project briefing for review and comments to be incorporated into the final briefing.

**G. FINAL STATE BRIEFING**

The Grantee shall repeat the final project briefing in the Grantee’s State to allow State leadership and other interested parties to review the project and its results. This presentation may be revised based upon comments provided by NHTSA staff at the final project briefing discussed in Item F above.

**H. PRESENTATION AT SELECTED NATIONAL/REGIONAL MEETINGS**

In consultation with the COTR, NHTSA may request that the Grantee deliver presentations at select national or regional meetings to discuss project implementation, evaluation, and results. The Grantee shall provide the COTR the presentation at least three calendar weeks

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<sup>9</sup> These work plans may include, but not be limited to, coordinated law enforcement and communications plans to enhance high visibility impaired driving enforcement activities.

prior to the presentation for review and comments to be incorporated into the presentation. **If the COTR determines travel expenses are needed**, NHTSA will cover these travel expenses under a separate agreement.

All briefings shall be supplemented by Microsoft PowerPoint presentations.

#### **I. REQUIREMENTS FOR PRINTED MATERIAL**

- Printed material must be provided to NHTSA in both printed form (original and one copy) and electronic form in CD-ROM format or other appropriate format acceptable to the COTR.
  
- All program materials shall be submitted
  - Original application format
  - Section 508 compliant version
  - A PDF file for viewing with Adobe Acrobat
  - An HTML file
  
- Grantees preparing publications for NHTSA must submit them in a format ready for posting on the World Wide Web. All documents must be Section 508 compliant and both Netscape (versions 4.0 or later) and Internet Explorer (versions 5.0 or later) compliant. All HTML documents must comply with the accessibility standards of 36 CFR §1194.22 that implement Section 508 of the Rehabilitation Act of 1973. All submissions shall include a completed Web-based Internet Information and Application Section 508 Checklist. These standards and guidelines are available for viewing in greater detail on the Access Board Web Site at: <http://www.access-board.gov/508.htm>.

#### **J. 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 NHTSA and the Grantee 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 that 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 NHTSA 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 Contracting 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 Contracting 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 Contracting Officer is final and binding unless a party shall, within thirty calendar days, request further review as provided below.

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

#### **ARTICLE IX. APPLICATION PROCEDURES**

The application must include a reference to NHTSA Cooperative Agreement Number **DTNH22-09-R-00217**. Unnecessarily elaborate applications beyond what is sufficient to present a complete and effective response to this request are not desired. Only complete application packages received on or prior to the established due date and time will be considered.

Programs with multiple partners must submit a single application. Only one award will be made per eligible program.

***Important – The application shall be considered the project's Proposed Work Plan and should be prepared with sufficient detail for NHTSA to fully understand the applicant's proposed approach to meet project objectives and general and specific requirements.***

**If not using the Grants.gov "Apply" function:**

The applicant shall submit eight CD-ROMs (formatted as Microsoft "Word," "Excel," or PDF documents) of its application to the following address by no later than 3:00 PM EDT, **Friday, May 29, 2009**.

**Reba Dyer**

US Department of Transportation  
National Highway Traffic Safety Administration  
Office of Acquisition Management (NPO-320)  
1200 New Jersey Avenue, S.E., W51-117  
Washington, DC 20590

***Important:*** The timely submission of application packages is the ***sole responsibility of the applicant***. All prospective applicants are cautioned that, due to increased security concerns, documents transmitted via US Postal Service (USPS) can be delayed. NHTSA therefore recommends that when transmitting CD-ROM applications, methods other than USPS be used.

## ARTICLE X. APPLICATION PACKAGE

### A. BUDGET INFORMATION

The cost proposal shall include the following information:

1. One original hardcopy of Office of Management and Budget (OMB) Standard Form (SF) 424 (Rev. 9-2003, including 424A and 424B), *Application for Federal Assistance*, with the required information filled in and certified assurances signed. These forms are available at [www.whitehouse.gov/OMB/grants/index.html](http://www.whitehouse.gov/OMB/grants/index.html).
2. A detailed budget, by year and cost category, for the initial 36 month period of performance plus a separate budget for each of the two 12-month option periods if the applicant is seeking funding for 36- or 60-month period of performance.
3. Each applicant shall clearly and thoroughly set forth its proposed costs by submitting a spreadsheet or spreadsheets, (along with any appropriate subsidiary schedules and attachments), in its application. Spreadsheets shall be submitted in either Excel or PDF format. The applicant's cost proposal shall cover not only the costs proposed within the prime recipient's organization, but also the costs proposed to be incurred by every lower-tier organization serving under the prime recipient (e.g., sub-recipients, consultants, subcontractors, and partners). The cost proposal shall clearly identify and display the following information as applicable:
  - Labor rates. The direct labor rates by person/labor category, showing the number of proposed hours for each particular person/labor category, and also showing the starting un-loaded hourly pay rates for each person/labor category and any pay "escalations" that are being proposed.
  - Non-federal contributed amounts. The amount of the budget that is to be paid with funds identified from non-federal sources. Applicants shall ensure that all proposed non-federal contributions are reasonable, allowable, and allocable costs according to the cost principles stated in OMB Circular A-102 or any other applicable OMB Circular.
  - Indirect cost percentage and amounts. The indirect cost percentage rates and dollar amounts for items such as overhead, fringe benefits, general and administrative (G&A), and/or facilities & administration (F&A). Applicants shall provide support for each particular indirect cost element that is contained in their proposal including copies of any negotiated rate agreements. This information shall be stated as a percentage rate and a total dollar amount.
  - Travel costs. The travel costs by person-trip for any proposed travel, including the point of origin, outbound destination, purpose of the trip, estimated number of days,

and the estimated travel costs for each trip; showing air fare, lodging, meals, and incidental per diem costs.

- Other direct costs. Any proposed other direct costs that are not already included as part of another cost category (such as overhead). The term “other direct costs” typically includes the following: (1) photocopying; (2) postage; (3) long distance telephone calls; (4) facsimile; (fax) transmissions; (5) overnight shipping (6) materials; and (7) equipment, including computer equipment or computer software, where not included as part of another cost category.
  - Fee. No fee may be proposed for the applicant or any applicant partner. However, fees may be proposed for vendors and/or subcontractors.
4. If any sub-recipient, any sub-Contractor, any affiliate, any partner, any joint venture, any other entity other than the applicant’s own organization, or any individual consultant will be used in carrying out the work of this project, full support for the costs and pricing proposed for each such entity or individual consultant shall be provided. The applicant shall include for each such entity or individual consultant being proposed, the same kinds of cost and pricing support, and the same level of detail, as are required above to support the general applicant’s own internal costs. For each proposed individual consultant, the person’s proposed starting hourly pay rate should be supported by at least two recent invoices wherein that consultant has both: (1) billed a client at an hourly pay rate equal to or greater than the one being proposed as the starting rate under this cooperative agreement, and (2) been paid by the client, at the hourly pay rate billed in that invoice. If the proposed individual consultant’s work history does not include two such invoices, please provide an explanation.
  5. Non-Federal Funding  
An applicant shall identify non-federal funding sources in its cost proposal. Since activities may be performed with a variety of financial resources, applicants need to fully identify all project costs and their funding sources in the proposed budget. The proposed budget must identify all funding sources in sufficient detail to demonstrate that the overall objectives of the project will be met. The level of cost-sharing proposed by the Grantee will be considered when comparing the overall financial value of the project to the level of federal funding invested.
  6. Additional Cost Information  
The Government reserves the right to request, at any time after the receipt of applications and before award, additional cost or price information necessary to perform an analysis. However, because an award may be made without negotiations and without any discussion, each applicant shall document and support the proposed costs so thoroughly that no additional information is needed by NHTSA.
  7. Special Equipment  
Facilities and Special Equipment, Including Tooling: It is the policy of NHTSA not to provide general or special purpose equipment, facilities, or tooling of a capital nature

except in unusual circumstances. NHTSA does not plan to provide such items under this cooperative agreement.

## **B. TECHNICAL INFORMATION**

The technical application shall include the following information (*and be separated from the cost proposal – no cost information shall be included or referenced in the technical proposal*):

1. A table of contents page that provides an easy method to identify the major sections of the technical proposal;

### **(Impaired Driving Problem Analysis)**

2. A discussion of the State's impaired driving problem, including past and present activities that address the problem, a thorough statistical description and, to the extent possible, a statistical analysis of the impaired driving problem;
3. A comprehensive discussion of past interventions to address the impaired driving problem. This discussion should include a discussion of what worked and what did not work. Additionally, the applicant should identify known gaps in the comprehensive impaired driving system and what steps were taken to address these gaps. Furthermore the application should include a discussion of current weak links in the comprehensive impaired driving system – detection, arrest, prosecution, sentencing, records, warrants, and how these weaknesses are inhibiting improvement;

### **(Technical Approach/Project Description)**

4. A description of the applicant's goal and how the applicant plans to meet that goal. The applicant must be **specific** with respect to the particular approach being addressed and how it will be implemented. The program goal should focus on the nature of this effort, which is to implement the *Impaired Driving System Improvement Leadership Model* (Figure 2) with an emphasis on effective leadership;
5. A detailed description of specific activities proposed by the applicant. Primarily the application must address the process used to choose the individual(s) selected or to be selected to provide the degree of support at the highest State level and ongoing leadership described in the leadership model (Figure 2). NHTSA considers this to be a crucial component of the application. Additionally, the application shall be able to answer the following questions, as applicable:
  - What actions will be undertaken to support the proposed project?
  - How does the proposed project contribute to implementing the leadership model to improve the State's impaired driving system?
  - Does a Statewide DWI Taskforce exist? If no, how will one be established?

- If a Statewide impaired driving task force exists, who serves (or would serve) on such a taskforce?
  - How does the proposed project contribute to reducing impaired driving crashes, injuries, and fatalities?
  - How is success defined and how will it be measured for each separate goal, issue, and/or approach?
  - What does the applicant define as a “successful” outcome and how will it be achieved?
  - What strategies exist to institutionalize appropriate activities?
6. A detailed schedule that includes milestones and product deliverables (including monthly reports and draft and final reports), and provides information on how the effort will be completed within the stated period of performance;
  7. An explanation of any major existing or potential changes within the State that may enhance or, more importantly, jeopardize the program. Specifically, the applicant must identify any barriers that exist in the State that would limit the success of the program, and provide a plan to mitigate or remove the barriers;
  8. A description of areas of responsibility for any organization(s) where partners and other organizations (sub-recipients, etc.) are required to complete the proposed effort and provide proof of partner commitment to the cooperative agreement effort. The application must contain letters of support from partners and other organizations involved in the effort;

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**(Personnel Qualifications/Organization)**

9. A description of how the proposed project will be managed that specifically identifies the project manager and other personnel considered critical to the successful completion of the project, including a description of their qualifications, and respective organizational responsibilities. The applicant shall submit résumés or biographical summaries (not-to-exceed 10 pages per person) that demonstrate education level and relevant experience for all proposed personnel the applicant plans to use;
10. An organizational chart that details the structure of the applicant organization (and its proposed partners and other organizations) including areas of responsibility for the effort inside and outside of the applicant organization; and

**(Experience/Past Performance)**

11. A narrative description of past programs the applicant has conducted similar to the effort outlined in this notice. The applicant shall include a list of the required start and completion dates to be compared to the actual start and completion dates for each past effort described, including a description of any past scheduling problems and how these scheduling problems were remedied. The applicant shall provide contact information (e.g., name and phone number) of the sponsoring agency or organization for which the effort was performed. Please include samples of final project reports and any evaluation results for these efforts.

**ARTICLE XI. APPLICATION REVIEW PROCESS AND EVALUATION FACTORS**

Each application will be reviewed initially to confirm that the applicant is an eligible candidate (as described under Article VI, Eligibility Requirements) and has included all of the items specified in the Application Package (Article X) section of this announcement. The NHTSA Evaluation Committee will evaluate applications submitted by eligible candidates. NHTSA anticipates that awards will be made in September 2009.

**A. TECHNICAL EVALUATION FACTORS**

The NHTSA Evaluation Committee will evaluate each application using the following criteria:

|           | Factor                                 | Weight     |
|-----------|--|------------|
| Factor 1. | Impaired Driving Problem Analysis      | 15 Percent |
| Factor 2. | Technical Approach/Project Description | 45 Percent |
| Factor 3  | Personnel Qualifications/Organization  | 25 Percent |
| Factor 4. | Experience/Past Performance            | 15 Percent |

**Factor 1. Impaired Driving Problem Analysis (15 percent)**

This factor evaluates the significance of the State's impaired driving problem and past efforts to address the problem. Preference will be given to States with a high number and/or rate based on 100 million vehicle miles traveled and a high degree of understanding that may lead to significant improvements.

The applicant must discuss both the number of alcohol-related traffic fatalities and the alcohol-related fatality rate based on 100 million vehicle miles traveled. The applicant must demonstrate a clear understanding of its impaired driving problem and factors that contribute to that problem. Additional discussion must include where the State ranks nationally in the two measures mentioned above, location of the alcohol-related crashes (urban/rural), time of alcohol-related crashes (time of day, day-of-week, month), alcohol-related fatalities by blood

alcohol concentration, and other significant variables describing the impaired driving problem.

The applicant must discuss its past intervention to address the impaired driving problem. What worked? What did not work? How was this determined? How has the applicant previously identified gaps in its system? How were these gaps addressed? Currently, what are weak links in the system – detection, arrest, prosecution, sentencing, records, warrants – and how are these issues being addressed?

**Factor 2. Technical Approach/Project Description (45 percent)**

This factor evaluates the applicant's proposed technical approach and project description anticipated to meet the project's intent. In essence this is the proposed project work plan.

The NHTSA Evaluation Committee will determine the extent to which the applicant's goals are clearly articulated and the objectives are time-phased, specific, action-oriented, and achievable and how realistic the proposed approach is by examining:

- The activities to be undertaken to support the proposed project and how these actions will contribute to implementing the *Impaired Driving System Improvement Leadership Model* to improve the State's impaired driving system;
- The process used to choose the individual(s) selected or to be selected to provide the ongoing leadership described in the leadership model;
- The extent that leadership at the highest level of State government is committed to impacting the impaired driving problem and support the work of the DWI task force (see below);
- The ability to establish a Statewide DWI task force/leadership team representing the full range of a comprehensive State DWI system. If an existing task force is in place, how would it contribute to this project? Who would chair the proposed DWI task force/leadership team? Who would serve on the task force/leadership team and what authority to make budget and policy decisions would those individuals possess?;
- If timelines and milestones are meaningful, reasonable, and realistic;
- The degree to which the project could be maintained beyond the period of performance of the cooperative agreement;
- The degree to which the applicant has identified potential barriers to the project and the provided plans for mitigating or eradicating those barriers;
- Other factors that may have influence on the success or failure of this effort; and
- The extent to which the applicant has demonstrated the support and commitment of its proposed partners.

**Factor 3. Personnel Qualifications/Organization (25 percent)**

This factor evaluates the applicant's staffing and organizational approach to this project. The NHTSA Evaluation Committee will determine if the proposed staffing is such to enhance the applicant's approach. NHTSA considers strong interpersonal skills, meeting deadlines, and reporting requirements essential. Proposed staff should be appropriate to accomplish project objectives and requirements.

Specifically, this factor evaluates:

- The extent to which the project staff can negotiate with and influence policymakers to support financially, programmatically, and policy-wise activities and efforts to improve a comprehensive impaired driving system using the model identified in this announcement;
- The extent to which the proposed personnel have clearly described roles and appropriately assigned positions, and the proper level of education and experience to carry out the project; and
- The soundness of the applicant's organizational chart and designated areas of responsibility inside and outside its organization.

**Factor 4. Experience/Past Performance (15 percent)**

This factor evaluates the applicant's experience and past performance in developing, implementing, and institutionalizing traffic safety programs at the State and community level. Key to this factor is the demonstrated ability to meet deadlines and to manage programs in fiscally responsible manner.

Specifically, the applicant must:

- Discuss the extent of experience in program development and evaluation projects;
- Demonstrate capability to successfully design, conduct, and evaluate programs implemented at the State and community levels;
- Demonstrate capability of meeting milestones and delivery schedules on time and within budget;
- Demonstrate satisfactory history of Grantor/Grantee relationships, as demonstrated by on-time completion of past efforts and reports, indicating a high level of satisfaction from government agencies and other organizations; and
- Demonstrate a good record of financial responsibility and accountability as it relates to the use of federal funding, and a demonstrated history of compliance with regulations that apply to federal assistance agreements.

**B. COST EVALUATION**

The applicant's prepared budget will be evaluated for fairness and reasonableness of costs. The total financial value of the project (as determined by adding the requested federal funding to the non-federal funding being proposed by the applicant) will be reviewed to determine "best value" to the Government. Cost proposals will not be provided any specific numerical rating. If there are no significant technical proposal differences, costs may be used as a determining factor for making awards.

NHTSA will give preference to applications that identify additional funding sources. Any Federal funds identified need to meet their intended statutory purpose. This preference does not establish a matching requirement and allows an application to identify any combination of additional resources to add to this project.

**C. NEGOTIATIONS**

NHTSA reserves the right to make an award without discussion, that is, an award of a cooperative agreement without conducting any negotiations or discussions with any applicant. As an alternative to making an award without discussion, NHTSA is also reserving the right to negotiate with competing applicants, prior to making any award. Negotiations will be conducted if NHTSA concludes that, after studying the initial applications, negotiations are in fact necessary or are in the Government's best interests.

**ARTICLE XII. TERMS AND CONDITIONS OF AWARD**

Prior to award, each applicant shall comply with the certification requirements of 49 CFR Part 20, U.S. DOT New Restrictions on Lobbying, and 49 CFR Part 29, U.S. DOT Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirement for Drug Free Work Place (Grants). Certification requirements are electronically available for download at <http://www.whitehouse.gov/omb/grants/index.html>.

In addition, prior to award each applicant shall comply with the NHTSA General Provisions for Assistance Agreements, dated July 1995 (see Appendix A).