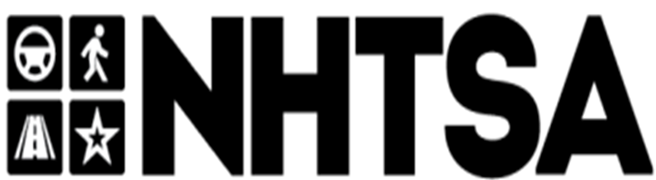
****

|  |  |
| --- | --- |
| **SUMMARY OVERVIEW OF KEY INFORMATION:**  ***Judicial Tools to Combat Impaired Driving*** | |
| **Issuing Agency** | National Highway Traffic Safety Administration (NHTSA) |
| **Program Overview** | Impaired driving is a leading contributor to motor vehicle crash fatalities and injuries. Data show many of these fatalities involve drivers who drank to BACs of .15 and above and or are repeat offenders. Changing the behavior of these high-risk drivers is an important component towards making future improvements in reducing recidivism, and ultimately fatalities and injuries caused by impaired driving. This program will provide training to both DWI Court teams and Judges presiding over impaired driving cases in non-DWI Courts to improve outcomes in adjudication and post-adjudication processes/treatment to reduce recidivism. |
| **Objective** | The purpose of this Agreement is to deliver and improve judicial training and develop tools for use by the DWI court field, as well as judges presiding over DUI cases in non-DWI Courts. The judicial training focuses on elements of DWI courts that a judge can use effectively to reduce impaired driving recidivism including screening and assessment, therapeutic alliance skills, individualized sentencing, and motivational interviewing. |
| **Eligible Applicants** | This NOFO is open to all types of domestic applicants that demonstrate that they have the infrastructure in place, as well as the necessary staff and support to carry out the responsibilities of administering, coordinating, and implementing the activities of this NOFO, as explained in Section E, and based upon the documentation submitted by the applicant as required in Section D. |
| **Funding** | A total of ***up to $7,000,000.00*** is available to fund up to one (1) discretionary Cooperative Agreement and is subject to the availability of funds. |
| **Deadline:** | **October 4th, 2024, at 1:00 pm EST: Application Due** |

**NOTICE OF FUNDING OPPORTUNITY (NOFO)**

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

**ACTION:** Notice of Funding Opportunity for ***Judicial Tools to Combat Impaired Driving***

**NHTSA NOTICE OF OPPORTUNITY NUMBER:**  **693JJ924R000087**

**DATES:** Applications must be submitted no later than **1:00 p.m. EST on October 4th, 2024**

**ADDRESSES:** Applications must be submitted via email to [NHTSAOAM@dot.gov](mailto:NHTSAOAM@dot.gov,).

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this notice, please contact the Office of the Acquisition Management (“OAM”) via email at [NHTSAOAM@dot.gov,](mailto:NHTSAOAM@dot.gov,) or email Anoko Zankli @ [Anoko.Zankli.Ctr@dot.gov](https://usdot-my.sharepoint.com/personal/caroline_cash_ad_dot_gov/Documents/Microsoft%20Teams%20Chat%20Files/Anoko.Zankli.Ctr@dot.gov)**.** In addition to the application deadline, the U.S. Department of Transportation DOT/NHTSA will post answers to common questions and requests for clarifications on Grants.gov.

**SUPPLEMENTARY INFORMATION:** Each section of this notice contains information and instructions relevant to the application process for the Judicial Tools to Combat Impaired DrivingOpportunity, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

**TABLE OF CONTENTS**

| **SECTION** | **TITLE** |
| --- | --- |
| **N/A** | **AGENCY MISSION** |
| **A** | **PROGRAM DESCRIPTION** |
| A.1 | Purpose and Objective |
| A.2 | Program Authority |
| A.3 | Assistance Listing |
| A.4 | Background |
| A.5 | Administration Priorities |
| **B** | **FEDERAL AWARD INFORMATION** |
| B.1 | awarding Agency |
| B.2 | Funding and Type of Award |
| B.3 | Type of Applications |
| B.4 | Period of Performance |
| B.5 | Acronyms |
| B.6 | Statement of Responsibilities |
| B.7 | Deliverables (D) and Milestones (M) |
| B.8 | Place of Delivery |
| **C** | **ELIGIBILITY INFORMATION** |
| C.1 | Eligible Application |
| C.2 | Cost Sharing or Matching |
| **D** | **APPLICATION AND SUBMISSION INFORMATION** |
| D.1 | Address to Request Application Package |
| D.2 | Content and Form of Application Submission |
| D.3 | Unique Entity Identifier and System for Award Management (SAM) |
| D.4 | Submission Dates and Times |
| D.5 | Funding Restrictions |
| **E** | **APPLICATION REVIEW INFORMATION** |
| E.1 | Criteria |
| E.2 | Review and Selection Process |
| E.3 | System for Award Management Review |
| E.4 | Risk Assessment Review |
| E.5 | Anticipated Announcement and Federal Award Dates |
| **F** | **FEDERAL AWARD ADMINISTRATION INFORMATION** |
| F.1 | Federal Award Notices |
| F.2 | Administrative and National Policy Requirements |
| F.3 | Reporting |
| **G** | **FEDERAL AWARDING AGENCY CONTACTS** |
| **H** | **OTHER INFORMATION** |
| H.1 | Disclosure of Information |
| H.2 | Limited Use of Data |
| H.3 | Payment for Unauthorized Work |
| H.4 | Place of Performance |
| H.5 | Seat Belt Use Policies and Programs |
| H.6 | Protection of Human Subjects |
| H.7 | Encouraging Policies to Ban Text Messages while Driving |
| H.8 | NHTSA Review of Announcements or Publications |
| H.9 | Conflict of Interest |
| H.10 | ROUTES Information |
| H.11 | Public Access to Publications and Digital Data Sets |

**MISSION**

The mission of the National Highway Traffic Safety Administration (NHTSA), an operating administration of DOT, is to save lives, prevent injuries and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement activity. To accomplish this, NHTSA awards assistance agreements to state and local governments, not-for-profit organizations, and other entities in support of motor vehicles and road traffic safety initiatives.

# SECTION A - PROGRAM DESCRIPTION

## A.1 PURPOSE

The purpose of this Agreement is twofold. The first is to determine and understand roadblocks to state implementation of DWI Courts (e.g., resources, lack of State stakeholder interest/politics, legislation, judges’ perceptions, lack of client interest, etc.). Based on the findings, the Recipient will develop a toolkit and training that will assist jurisdictions to start a DWI Court or improve outcomes in an existing DWI court.

The second purpose of this Agreement is to conduct a study that evaluates non-DWI Courts in the use of evidence-based tools and practices during the adjudication of impaired driving cases to reduce recidivism. Based on the findings of the study, the Recipient will produce a second toolkit that contains best practices for non-DWI courts and training on how to use these tools to reduce recidivism.

## A.2 PROGRAM AUTHORITY

NHTSA may enter into an assistance agreement with a State or local agency, authority, association, institution, or person to carry out activities authorized by the Highway Safety Act of 1966, P.L. 89-564, as amended (see 23 U.S.C. § 403 (b)(2)(c)).

## A.3 ASSISTANCE LISTING PROGRAM NUMBER

20.614 – National Highway Traffic Safety Administration (NHTSA) Discretionary Safety Grants

## A.4 BACKGROUND

Impaired driving is a leading contributor to motor vehicle crash fatalities and injuries. Data shows most of these fatalities involve drivers who drank to BACs of .15 and above or are repeat offenders, the definition of high-risk drivers. Many of these drivers have a substance use disorder enmeshed with other mental health problems (National Center for Statistics and Analysis. (2017 October). Alcohol Impaired Driving (Traffic Safety Facts. Report No. DOT HS 812 450). NHTSA.) Data shows that these high-risk drivers are responsible for almost 2/3 of alcohol-impaired driving fatalities (A Guide to Sentencing the Repeat DWI Offender, 2nd Edition (2005). NHTSA. https://www.nhtsa.gov/sites/nhtsa.gov/files/a20guide2.pdf). Thus, changing an impaired driver’s behavior offers an opportunity to reduce traffic injuries and fatalities on our nation’s highways by preventing recidivism. Yet the depth to which drinking and associated problems are ingrained within these individuals makes it unlikely that such change will occur unless proven, effective strategies are applied to overcome complex substance use disorders (National Center for Statistics and Analysis. (2017 October.) Alcohol Impaired Driving (Traffic Safety Facts Report No. DOT HS 812 450). NHTSA).

One strategy that has shown promise to reduce impaired driving recidivism is DWI Courts, which are specialized, comprehensive court programs that provide individual treatment, supervision, and accountability for high-risk DWI offenders. These specialty courts follow the well-established Drug Court Model and are based on the public health premise that impaired driving can be prevented if the underlying causes, such as substance use disorder and mental health issues, are identified, and addressed. DWI Courts focus on a rehabilitative approach, rather than on punishment only. DWI Court teams consist of judges, prosecutors, defense counsel, law enforcement, probation officers, treatment practitioners, and other stakeholders who work collaboratively within the judicial system to ensure accountability and provide support to participants.

Some research on DWI Courts appears to show positive outcomes to reduce recidivism. The NHTSA evaluation of three Georgia DWI Courts (An Evaluation of the Three Georgia DUI Courts (2011 February) (Traffic Tech No. 402.) NHTSA; <https://rosap.ntl.bts.gov/view/dot/2055>) found that DWI Court participants had a recidivism rate of 15% (this includes participants who were terminated from the program in addition to those who graduated) compared to a recidivism rate of 35% among DWI offenders who were processed through non-DWI courts. A multisite evaluation of Minnesota’s DWI Courts determined that they were effective in reducing recidivism (up to 69%) and in reducing taxpayer costs due to positive outcomes (e.g., fewer rearrests, less time in jail, and less time in prison) for DWI Court participants (Hennepin County DWI Court Evaluation, 2013-2016 (September 2020) Dana Hurley Swayze, MSW. Research Analyst II Jackie Braun-Lewis, MPP. Research Analyst II <https://www.mncourts.gov/mncourtsgov/media/fourth_district/documents/Research/Hennepin-County-DWI-Court-Evaluation,-2013-2016_1.pdf> ).

**A.5 ADMINISTRATION PRIORITIES**

The Department seeks to fund projects that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation, as applicable, as described in the USDOT Research, Development and Technology Strategic Plan (https://www.transportation.gov/rdtstrategicplan) and in executive orders.

# SECTION B - FEDERAL AWARD INFORMATION

## B.1 AWARDING AGENCY:

Department of Transportation (DOT)

National Highway Traffic Safety Administration (NHTSA)

## B.2 FUNDING AND TYPE OF AWARD

A total of ***up to $7,000,000.00*** is available to fund up to one (1) discretionary Cooperative Agreement and is subject to the availability of funds. NHTSA will only accept one (1) application from each eligible applicant (see Section C.1, Eligible Applicants). Submission of an application is **not** a guarantee of award. The Government’s obligations under this Cooperative Agreement are contingent upon the availability of appropriated funds from which payment for Cooperative Agreement purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available.

## B.3 TYPE OF APPLICATION

NHTSA will accept only new applications under this Notice of Funding Opportunity.

## B.4 PERIOD OF PERFORMANCE

All work required hereunder including preparation, submission, review, and acceptance of the final reports shall be completed within sixty (60) months of the effective date of the Cooperative Agreement. NHTSA currently anticipates the start date for this new Federal award to be on or about **February 2025**.

## B.5 ACRONYMS and definitions

The acronyms and definitions listed below are used during the performance of the project. If the Recipient is currently using or has used any of the acronyms listed below differently, the Recipient will use the acronym listed below as defined under the Assistance Agreement only.

ACOR (CA) Alternate Contracting Officer Representative Cooperative Agreement

CA Cooperative Agreement

CO Contracting Officer

COR (CA) Contracting Officer Representative Cooperative Agreement

CS Contract Specialist

DOT Department of Transportation

DWI Driving While Impaired

NHTSA National Highway Traffic Safety Administration

PM Project Manager

RCAM Recipient’s Cooperative Agreement Manager

SOP State of Practice

WBS Work Breakdown Structure

As used in this NOFO:

“**COR (CA)**” means “Contracting Officer’s Representative (Cooperative Agreements.)” This individual is assigned by the Contracting Officer and designated in writing to serve as the government’s liaison with the Recipient for technical and administrative matters regarding the Cooperative Agreement.

**“Contracting Officer”** refers to that federal government employee who possesses a warrant authorizing him/her to obligate the government financially. The Contracting Officer is the only individual who is authorized, on behalf of the federal government, to execute the Cooperative Agreement.

**“RCAM”** means the “Recipient’s Cooperative Agreement Manager.” This individual is identified as the Recipient’s liaison with the federal government for technical and administrative matters concerning the Cooperative Agreement.

## B.6 STATEMENT OF RESPONSIBILITIES

* 1. **Under the Cooperative Agreement NHTSA will:**

1. Designate a professional, qualified staff member, designated as the Contracting Officer’s Representative (COR (CA)), to provide coordination between the Recipient and NHTSA;
2. Provide all essential background information and assistance to perform the Cooperative Agreement; and
3. Stimulate the exchange of ideas and information among recipients of related projects through periodic meetings.
4. **Under the Cooperative Agreement, the Recipient shall:**
5. Carry out the project as described in the Recipient’s approved project plan to meet the activities in Section B.6.C;
6. Advise the COR (CA) of any problems or issues involved in the implementation or progress of this Cooperative Agreement;
7. Adhere to the activities and requirements specified in this Cooperative Agreement and approved project plan unless a deviation is submitted to the COR (CA) and approved in writing by the Contracting Officer (CO); consistent with 2 C.F.R. § 200.308; and

1. For the period of performance set forth in *B.4, “Period of Performance,”* furnish personnel, equipment, and facilities and otherwise perform all things necessary to complete the work required to accomplish the Cooperative Agreement’s objective as specified.
2. **Specific Activities for the Cooperative Agreement**

The Recipient shall perform the following activities:

**C.1 Activity 1: Kick-off Meeting**

Within thirty (30) days of Cooperative Agreement award, the Recipient shall meet with the CO, Contract Specialist (CS), COR(AA) and other interested NHTSA personnel via teleconference, to discuss the administration of the Cooperative Agreement and the project’s purpose, planned course of action, schedule, and milestones and deliverables. The meeting will also serve as a forum to resolve any differences between NHTSA and the Recipient’s approach.

**C.2 Activity 2: Assess barriers to implementation of DWI Courts**

The Recipient shall identify barriers to jurisdictions from implementing a DWI Court; what is preventing the expansion of this program (e.g., resources, lack of State stakeholders interest/politics, legislation, judges personalities, lack of client interest, etc.). In addition, the Recipient shall identify the challenges to adhering to the Drug Court/DWI Court Standards and 10 Guiding Principles (e.g., unique populations, resources, etc.). The Recipient shall conduct its analysis that include the following steps.

**Activity 2.a: Develop Data Collection and Analysis Plan**

The Recipient shall develop a Data Collection and Analysis Plan no later than 6 months after award to serve as the framework for the analysis moving forward. The Recipient shall use a combination of existing archival data (e.g., number of current DWI Courts), new survey data, interviews with law makers, judges, law enforcement, prosecutors, etc. as appropriate. Outcomes from the analysis must identify areas for development of, or updates to, educational materials, training, and DWI court guiding principles.

**Activity 2.b: Conduct Data Collection and Analysis and Prepare Findings**

Based on the plan developed in 2.a, the Recipient will conduct an analysis and assess the barriers to implementation for DWI Courts between 16-36 months after award. Following the analysis, the Recipient shall produce a report with its findings.

**C.3 Activity 3: Start up Toolkit, Training Development and Delivery of Training**

The Recipient shall develop a toolkit and training that instructs jurisdictions how to establish a DWI Court. The Recipient shall provide this training to new DWI courts. When conducting this activity, the Recipient shall include the following steps.

**Activity 3.a: Create a Toolkit for Starting a DWI Court**

The Recipient shall create a toolkit between 42-48 months after award that provides the steps necessary to create a DWI Court. The toolkit should provide comprehensive information for pre-planning, new court demonstration program and training opportunities, and post-evaluation tools. The toolkit should include information to assist with equity, inclusion, and best practices on how to evaluate the courts outcomes and success.

**Activity 3.b: Provide Training to New DWI Courts**

The Recipient shall develop a training program that includes information on how to implement a new DWI Court. The training program for new courts should be designed for courts interested but not yet operating a DWI Court program, DWI Court teams that have had significant staff changes, or teams operating a DWI Court who have not received training. The training should include observation of successful DWI Courts who follow the 10 Guiding Principles and the processes outlined in the toolkit from 3.a so the new court can see how best to achieve the desired outcomes.

The Recipient shall conduct a minimum of 3 DWI court trainings per year of the Agreement starting in year 1. Programs should be offered in rural areas and tribal nations as well as over-represented communities in alcohol related fatalities and communities with racial and ethnic disparities in the impaired driving recidivist population. Each training should be evaluated for effectiveness.

**Activity 3.c: Provide Tune-up Training to Existing DWI Courts**

The Recipient shall conduct an additional 3 “Tune-Up” training programs per year of the Agreement, starting in year 1 for jurisdictions with operational DWI Courts that request training on the latest practices and research for DWI Courts. Staff turnover, advances in technology, and additional research are a few reasons for hosting these tune-up training programs. To ensure continued success, the trainings should build upon topics covered in the new court training, providing more advanced topics relevant to functioning teams that have a solid foundation of best practices and need a refresher or time to probe more deeply into their current practices to make sure they align with the toolkit designed in 3.a. Each training should be evaluated for effectiveness.

**C.4 Activity 4: Study of non-DWI Courts, Development of Best Practices and Toolkit**

The Recipient shallselect up to three jurisdictions to participate in a study that examines all facets of the justice system’s response to impaired driving after arrest to determine the best practices and tools available to non-DWI Court judges to reduce instances of impaired driving recidivism. The primary components to be examined shall include, but are not limited to:

* Early identification, screening, and assessment;
* Immediate delivery of services (treatment and supervision);
* Quick resolution of cases;
* Informed sentencing;
* Development and delivery of interventions based on risk and need;
* Appropriate use of technology and resources;
* Individualized effective treatment;
* When barriers exist that require legislative changes, recommendations and/or assistance; may be provided to aid in those changes; and
* Identify barriers for judges in committing to establish and run a DWI Court

**Activity 4.a: Participant Court Selection and Implementation**

The Recipient shall select up to three jurisdictions to participate in a program that examines every facet of the justice system’s possible response to impaired driving starting after arrest (see above). The Recipient shall make court selections no later than 6 months after award and implement the study between 7 and 36 months after award.

**Activity 4.b.: Develop Best Practices based on Program Results**

Based on the results from the demonstration program, the Recipient shall analyze which evidenced based tools and promising practices were most effectively utilized by judges in non-DWI Courts to reduce impaired driving and recidivism. If the Recipient determines that new tools are appropriate, the Recipient shall create those tools and include them in the Toolkit developed under Activity 4.c.

**Activity 4.c.: Create a Toolkit for Judges Hearing Impaired Driving Cases in Non-DWI Courts**

Based on the findings of the demonstration program, the Recipient shall create a new toolkit to assist non-DWI Court judges with the steps necessary to utilize the most effective tools available in reducing recidivism within thirty (39) months of award. The toolkit should provide comprehensive information of innovative and effective strategies that reduce recidivism rates including information on pre-planning, utilization, and post-evaluation tools to determine effectiveness. The toolkit should include information to assist with equity, inclusion, and best practices on how to evaluate the courts outcomes and success.

**Activity 4.d.: Provide Training Options**

The Recipient shall provide training to judicial personnel, e.g., judges, prosecutors, defense attorneys, parole officers, etc. on the best practices developed in Activity 4.b and to use the Toolkit developed in Activity 4.c. The Recipient shall conduct a minimum of 3 trainings between 43-56 months after award. The training shall include tools and best practices from the toolkit developed in 4.c. The Recipient shall evaluate the training for effectiveness.

**C.5 Activity 5: Final Briefing**

The Recipient shall participate in a final briefing in Washington, DC, or virtually no later than sixty (60) months after the effective date of this Cooperative Agreement, to discuss the resulting project deliverables, challenges and issued encountered. In preparation for this meeting, the Recipient agrees to prepare a presentation that summarizes their work conducted, training events, problems encountered, lessons learned, and future recommendation for training requirements.

## B.7 DELIVERABLES (D) AND MILESTONES (M)

The deliverables and milestones are established and defined within the Cooperative Agreement issued under the authority listed within Section A.2 of this NOFO.

The deliverable schedule and descriptions are provided below. With final deliverables, the Recipient shall provide a table detailing how each Government comment was addressed. Deliverables will be submitted in a replicable electronic format that is printable, unless specifically required for submission in hard copy form.

|  |  |  |  |
| --- | --- | --- | --- |
| ***Item #*** | ***Activity #*** | ***Deliverable (D)/Milestone (M)*** | ***Due Date*** |
| 1 | C.1 | Kick-off Meeting (M) | Within 30 days after award |
| 2 | C.2 | Assess barriers to new DWI Courts (M) | Ongoing |
| 3 | C.2a | Develop Data Collection and Analysis Plan for DWI Court State of Practice (SOP) (D) | No later than 6 months after award |
| 4 | C.2b | Conduct Data Collection and Analysis for SOP (M) | Between 16-36 months after award |
| 5 | C.2b | Submit Barriers to DWI Courts Report (D) | No later than 36 months after award |
| 6 | C.3a | Create Toolkit for Starting a DWI Court (D) | Between 42-48 months after award |
| 7 | C.3b | Develop Curriculum and Conduct Training for new DWI Courts (D) | 3 per year starting in year 1 of the Agreement |
| 8 | C.3c | Develop Curriculum and Conduct Tune-Up training for existing DWI Courts (D) | 3 per year starting in year 1 of the Agreement |
| 9 | C.4a | Develop Criteria and select non-DWI Court participants (D) | No later than 6 months after award |
| 10 | C.4a | Observe and analyze non-DWI Courts (M) | Between 7-36 months after award |
| 11 | C.4b | Develop Best Practices based on Study program results (M) | On-going |
| 12 | C.4c | Create Toolkit for NON-DWI Court judges based on findings (D) | No later than 39 months after award |
| 13 | C.4d | Develop Curriculum and Provide Training Options for NON-DWI Courts (D) | Between 43-56 months after award |
| 14 | C.4d | Evaluate training outcomes (M) | Between 43-56 months after award |
| 15 | F.3.1 | Submit Quarterly Project Reports (D) | 15th of the month following the end of the quarter |
| 16 | F.3.2 | Annual Report (D) | No later than the 11th month of each fiscal year |
| 17 | F.3.3 | Submit Final Report (D) | No later than 59 months award |
| 18 | C.5 | Final Briefing (M) | Within 60 months of award |
| 19 | F.3.4 | Submit Federal Financial Report (SF-425) (D) | Annually by October 1 |

## B.8 PLACE OF DELIVERY

All items shall be delivered electronically to the following email addresses specified below:

|  |  |
| --- | --- |
| **Item no.** | **Address** |
| 3, 5, 6, 7, 8, 9, 12, 13, 15  17, 19 | **Department of Transportation**  National Highway Traffic Safety Administration  Impaired Driving Division (NPD-110) |
| Email: **TBD** |
|  |
| 15, 17 & 19 | **Department of Transportation**  National Highway Traffic Safety Administration |
| Office of Acquisition Management (NFO-300) |
| Email: **TBD** |
|  |

**SECTION C - ELIGIBILITY INFORMATION**

## C.1 ELIGIBLE APPLICANTS

This NOFO is open to all types of domestic applicants that demonstrate that they have the infrastructure in place, as well as the necessary staff and support to carry out the responsibilities of administering, coordinating, and implementing the activities of this NOFO, as explained in Section E, and based upon the documentation submitted by the applicant as required in Section D. Only organizations capable of fulfilling the criteria listed within this NOFO will be considered for an award.

**Interested applicants are advised that no fee or profit will be allowed.**

## C.2 COST SHARING OR MATCHING

Cost-sharing or matching requirements are not required under this NOFO. While not mandatory, applicants are encouraged to seek funds from other Federal, State, local, and private sources to augment those Federal funds available under this NOFO.

# SECTION D - APPLICATION AND SUBMISSION INFORMATION

**Submission of an application is *not* a guarantee of an award.**

**D.1 CONTENT AND FORM OF APPLICATION SUBMISSION**

Each application package must include the following required documents:

* The application shall not exceed **twenty-five (25) pages** (not including resumes or appendices). The application must be in English.
* Format with a cover page that clearly identifies the **Applicant’s name**, NOFO number **693JJ924R000087,** and **submission date.** Within, include the following sections:
  + Table of Contents including page number references and method identifying major sections;
  + Technical Approach and Understanding;
  + Qualifications of Project Personnel; and
  + Corporate Experience/Past Performance
* Resumes are limited to **one (1) page** each and must provide: 1) Evidence of the knowledge, skill, experience, and overall qualifications of the proposed personnel; and

2) Include each person’s role and specific actions and responsibilities in a study or project; and 3) Include dates for projects listed.

* ***No cost/price data*** shall be included in the Technical Application.
* Be written in electronic format (e.g., using MS Office) Use Times New Roman 12-point font, with pages that have at least one (1) inch margins.
* Adhere to the style detailed in the 7th edition, Publication Manual of the American Psychological Association (APA).
* Cost data shall be provided in current Microsoft supported version of Microsoft EXCEL.
* **NHTSA cannot receive email messages containing a ZIP attachment.  The file will be removed, as all ZIP files are blocked.  Other file types (e.g., Word, PowerPoint, PDF, etc.) can be received.**
* OMB Standard Form (SF) 424 (including 424 “Application for Federal Assistance,” 424A “Budget Information for Non-Construction Programs,” and 424B “Assurances for Non-Construction Programs”), with the required information filled in and certified assurances signed. These forms can be accessed by going to <https://www.grants.gov/web/grants/forms/forms-repository.html>.
* A statement and certify that it agrees to comply with the requirements in 49 CFR Part 32, Governmentwide Requirements for Drug -Free Workplace (Financial Assistance), subpart B.
* SF-LLL: Disclosure of Lobbying Activities. The Applicant shall provide with its application signed certification forms covering the requirements in 49 CFR Part 20, U.S. Department of Transportation New Restrictions on Lobbying. This form can be accessed by going to <https://www.gsa.gov/forms-library/disclosure-lobbying-activities>.
* Consistent with the Department's R.O.U.T.E.S. Initiative (<https://www.transportation.gov/rural>), the Department encourages applicants to describe how activities proposed in their application would address the unique challenges facing rural transportation networks, regardless of the geographic location of those activities.
* The Applicant must provide a detailed breakdown of the proposed costs, as well as any in-kind costs, by year. This cost breakdown shall not only identify cost categories but shall also identify specific sub-categories (and associated costs). For example, Labor Costs should include labor categories, associated levels of effort, and rates; Direct Materials costs including itemized equipment and supplies costs; Travel and transportation costs, including projected trips and number of people traveling; Subcontractor/ Sub-recipient costs with similar detail, if known; and overhead. The Applicant must also justify each proposed cost by explaining how each cost was calculated and determined to be fair and reasonable. Finally, the Applicant should also include copies of any supporting documentation it may have (i.e., indirect cost rate agreements, etc.) as part of the budget package.
* Non-Federal funding sources are encouraged. 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. All other factors being equal, preference will be given to those that have proposed cost-sharing strategies and/or other proposed funding sources in addition to those in this announcement.

**D.2 TECHNICAL APPLICATION**

The application shall fully describe the scope of the project, providing a project plan detailing the activities and costs for which funding is being requested. ***The technical application shall be*** ***separated from the cost application – no cost information shall be included or referenced in the technical application***.

The technical approach must be clearly written, complete, reasonable, and include a realistic timeframe for completing the activities.

Applications for the program must address the following in the program narrative statement:

**D.2.1 Factor 1: Technical Approach and Understanding**

The Applicant shall demonstrate its understanding of the project’s overall objectives and scope of work. Within the technical application, the Applicant shall indicate any assumptions made in conducting the effort. This section allows the Applicant to demonstrate familiarity and expertise with the area, including issues faced when work requires the Applicant to work jointly and cooperatively with other agencies to complete the Applicant’s work.

The applicant shall address:

* Background – Clearly identify the ability to understand and meet the goals of the project as described in the background;
* Purpose – Clearly identify how the strategy advances the purpose and goals of the project;
* Project Management Plan – Includes a detailed work breakdown structure (WBS) that is aligned to the project’s goals and objectives; a detailed, step-by-step approach for achieving the specific Activities described. The strategy should be comprehensive, logical, and include a clear description of how:
  + - Each Activity will be implemented and completed;
    - A plan for monitoring/managing quality control processes;
    - Where appropriate a clear marketing plan for dissemination of product(s) to appropriate target audience(s);
    - A risk mitigation strategy to identify risks and methods for addressing, mitigate or eliminate problems; and
    - Identifying necessary travel to complete the activities.
* Administration Priorities:
  + Safety—Applicants must address how their project provides substantial safety benefits. Prior to receiving funds, all projects are expected to, at a minimum, identify and mitigate to the extent practicable any significant safety risks that could result after the project completion. Applicants should include how their project will not have an adverse impact to the overall safety of the traveling public.
  + Racial Equity and Barriers to Opportunity— Applicants must address how their project will include an equity assessment which evaluates whether a project will create proportional impacts and remove transportation related disparities to all populations in a project area. Applicants should demonstrate how meaningful public engagement will occur throughout a project’s life cycle.
  + Civil Rights—Applicants should demonstrate that it has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR § 21), the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. This may include, as applicable, providing a Title VI plan, community participation plan, and other information about the communities that will be benefited and impacted by the project.

**D.2.2 Factor 2: Qualifications of Project Personnel**

The Applicant shall demonstrate experience and capacity to carry out the activities described in Section B.6.C.

* Identify a Project Manager (PM) to serve as a liaison to coordinate and manage all aspects of the project;
* Provide a detailed breakdown linking key personnel to clearly defined roles, activities, deliverables, and time commitments necessary to complete the project; it is not sufficient to merely state the person’s title and describe the project in general terms;
* Demonstrate that staff and/or sub-contractors possess the experience and subject matter expertise, knowledge, and skills necessary to successfully perform and complete the work outlined in Section B.6.C. Examples of qualifications that Applicants may use to demonstrate expertise include, but are not limited to, educational background and relevant experience on similar projects;
* Identify partnerships or stakeholders, contractors or consultants who shall play a role in the implementation of the project the specific subject matter expertise they bring and their responsibilities;
* Include resumes or curricula vitae that highlight qualifications, areas of expertise, and cites work-related experience for key personnel;

**D.2.3 Factor 3: Corporate Experience/Past Performance**

The Applicant shall demonstrate its ability to conduct the work required in this NOFO and performance with similar efforts, including its corporate experience and past performance with other work similarly described in this solicitation and that require, at a minimum, the following:

* The Applicant and/or sub-contractors have sufficient professional and/or corporate organizational experience and a background in the field of human behavioral factors, their effect on highway and traffic safety and State laws;
* Is capable of exercising organization influence in managing relationships with aligned professional organizations in traffic safety to meet the objectives of the project;
* Experience organizing and facilitating productive meetings; coordinating communication among all project members (staff/personnel, key partners, stakeholders, contractors, consultants, or others) using a variety of means including in-person and electronic communication networked meetings/discussions; facilitating processes to come to consensus; and summarizing and synthesizing the results of discussions; and
* Experience in designing and conducting observational studies to support the development and deployment of plans designed to support update, and/or develop new materials to improve judicial outcomes.

**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. Regular invoicing (monthly or quarterly) is required. Irregular invoicing could result in a reduction of available funding for subsequent years;
* Given that 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;
* Applicants shall ensure that all proposed costs, including non-federal contributions and contributions from other federal sources, are reasonable, allowable, and allocable according to the cost principles stated in 2 CFR Parts 200 and 1200, 1201; and
* Grant Funds, Sources and Uses of Project Funds: Project budgets should show how different funding sources will share in each activity and present those data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for, or has been awarded, if any, that the applicant intends to use. Funding sources should be grouped into three categories: non-Federal, Judicial Tools to Combat Impaired Driving, and other Federal sources with specific amounts from each funding source.

**Sharing of Application Information**

NHTSA may share application information within the U.S. Department of Transportation or with other Federal agencies if the NHTSA or the Department determines that sharing is relevant to the respective program’s objectives.

## D.3 System for Award Management and Universal Identifier Requirements

A. Requirement for System for Award Management (SAM)

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest-level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.

B. Requirement for Unique Entity Identifier

If you are authorized to make subawards under this Federal award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.

2. May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

C. Definitions

For purposes of this term:

1. System for Award Management (SAM) means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site (currently at https://www.sam.gov).

2. Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.

3. Entity includes non-Federal entities as defined at 2 CFR 200.1 and also includes all of the following, for purposes of this part:

a. A foreign organization;

b. A foreign public entity;

c. A domestic for-profit organization; and

d. A Federal agency.

4. Subaward has the meaning given in 2 CFR 200.1.

5. Subrecipient has the meaning given in 2 CFR 200.1.

## D.4 SUBMISSION DATES AND TIMES

**Application Due Date and Time:**

Applications must be submitted no later than **1:00 PM ET** on **October 4th, 2024.**

Only complete packages received on or before the published due date will be considered. Applications received after the due date will not be evaluated for consideration. Facsimile submission of applications will not be accepted. **NHTSA will only accept one (1) application from each Applicant.** NHTSA will provide acknowledgments of receipt of applications via email.

**Questions Due Date and Time:**

General administrative and programmatic questions must be directed to NHTSAOAM@dot.gov. To allow for sufficient time to address questions appropriately, all questions must be submitted, via email, no later than **1:00 PM EST** on **September 11th, 2024**.

## D.5 FUNDING RESTRICTIONS

* Funds awarded under the Cooperative Agreement cannot be used for any activity intended to or designed to lobby Congress or a State legislative body, or to urge a U.S., State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.
* All NHTSA awards are subject to the terms and activities in the Cooperative Agreement and cost principles in 2 CFR Parts 180, 200, 1200 and 1201.
* NHTSA will not reimburse Applicants for Pre-Award costs.
* The Government’s obligation under the Cooperative Agreement is contingent upon the availability of appropriated funds from which payment for the Agreement purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Contracting Officer for the Cooperative Agreement and until the Recipient receives notice of such availability, to be confirmed in writing by the Contracting Officer.
* Funds awarded under the Cooperative Agreement are subject to 23 U.S.C. § 313, Buy America, which prohibits the use of the Government’s funds to purchase steel, iron, and manufactured products, unless they are produced in the United States. NHTSA expects all recipients to comply with this requirement, without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in their project.
* No funds awarded under the ***Judicial Tools to Combat Impaired Driving*** project shall be used to support international activities of the Recipient.
* Interested Applicants are advised that no fee or profit will be allowed under this Agreement.

**Important:** The timely submission of application packages is the **sole responsibility of the Applicant**.

# SECTION E - APPLICATION REVIEW INFORMATION

## E.1 CRITERIA

NHTSA will evaluate the applications using the evaluation factors below to rate and select competing applications. Technical approach is the most important criterion followed by qualifications of personnel and corporate experience/past performance. Evaluation Factor 4 will be evaluated but will not be considered in the application’s final rating.

After completing the merit review, among projects of similar merit, NHTSA will prioritize projects that use data-driven and evidence-based methods that also best meet the Administration’s priorities.

Submission of an application is not a guarantee of award. NHTSA may, at its discretion, award a Cooperative Agreement based on an application in its entirety, award only portions of an application, or not make an award.

For each factor, the agency will determine whether the Applicant has provided an acceptable explanation of its qualifications.

1. **EVALUATION FACTOR 1: Technical Approach and Understanding**

The Applicant will be evaluated on its technical approach to meeting the objectives, requirements, and the deliverable schedule associated with the project. The Applicant’s technical approach will be evaluated for the following:

* Background – How the Applicant identifies the ability to understand and meet the goals of the project as described in the background;
* Purpose – How the Applicant clearly identifies how the strategy advances the goals and objectives of the project;
* Project Management Plan – How the Applicant’s application is comprehensive, logical, and includes:
  + A plan for monitoring/managing quality control processes;
  + A plan for implementing the activities in Sections B.6.C;
  + A risk mitigation strategy to identify risks and methods for addressing, mitigate or eliminate problems; and
  + Identifying necessary travel to complete the tasks and activities

1. **EVALUATION FACTOR 2: Qualifications of Project Personnel**

The Applicant will be evaluated on the suitability and quality of its proposed staff. The Applicant’s staffing plan is clearly described in the written proposal through the Project Management Plan, and work breakdown structure, and includes personnel’s resumes/curriculum vitae. The Applicant’s application will be evaluated on the following:

* 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.
* The extent to which the applicant’s proposed staff has demonstrated their ability to provide leadership, technical assistance, and the resources to accomplish the milestones and deliverables of this project.
* The soundness of the applicant’s organization, proposed staff and designated areas of expertise.
* The extent to which the proposed personnel have knowledge of or demonstrated skills in training, curriculum development and knowledge of evidenced-based, judicial tools used to reduce recidivism, including DWI Courts.
* The extent to which the proposed personnel demonstrate the ability to work closely with partners and other organizations.
* The extent to which the applicant demonstrates the ability to develop programming for the target audience of their projects and an understanding for the overall safety and well-being of road users across the country.

1. **EVALUATION FACTOR 3: Corporate Experience/Past Performance**

The Applicant will be evaluated on its ability to conduct the work required in this NOFO and performance with similar efforts, including its corporate experience and past performance with other work similarly described in this solicitation and that require, at a minimum, the following:

* The Applicant and/or sub-contractors have sufficient professional and/or corporate organizational experience and a background in the field of human behavioral factors, their effect on highway and traffic safety, and judicial education.
* Is capable of exercising organization influence in managing relationships with aligned professional organizations in traffic safety to meet the objectives of the project;
* Experience organizing and facilitating productive trainings; coordinating communication among all project members (staff/personnel, key partners, stakeholders, contractors, consultants, or others) using a variety of means including in-person and electronic communication networked meetings/discussions; facilitating processes to come to consensus; and summarizing and synthesizing the results of discussions; and
* Experience in designing and conducting observational studies to support the development and deployment of plans designed to support update, and/or develop new materials to improve judicial outcomes.

1. **EVALUATION FACTOR 4: Cost/Budget Evaluation**

The Applicant’s proposed budget will be evaluated for accuracy and feasibility, based on the provisions of 2 CFR Parts 200, 1200 and 1201.

## E.2 REVIEW AND SELECTION PROCESS

Each application package will be reviewed initially to confirm that the applicant meets the eligibility requirements as set forth in Section C.1, Eligible Applicants, and has included all items specified in Section D.2, Content and Form of Application Submission. A Technical Evaluation Committee (TEC) will then review each completed application that meets the eligibility requirements and provide recommendations for award.

The TEC will rate the application using the following rating definitions:

| **Rating Definitions** |
| --- |
| **Outstanding** – The application demonstrates a highly detailed, superior approach for accomplishing program objectives. The application is fully responsive to every aspect of the NOFO, within most or all areas covered by the announcement. The application demonstrated a large capability for excellent or highly productive results. |
| **Good** – The application demonstrates a comprehensive and fully acceptable approach for accomplishing program objectives. The application is fully responsive to every aspect of the NOFO, with capability for highly productive results for the activities described in the announcement. |
| **Acceptable** – The application meets minimum requirements of the NOFO; is responsive to all major aspects of NOFO; and is capable of achieving desired program objectives. |
| **Unacceptable** – The application demonstrates an incomprehensible or unacceptable approach, methods, organization, or capabilities; provided little to no detail as to how the program would be accomplished. The application is not capable of being evaluated. |

After completing the merit review, among projects of similar merit, DOT will prioritize projects that address the following Administration priorities.

* Safety—detail how the applicant’s approach will provide positive safety benefits for all roadway users and detail how the applicant’s approach will not result in adverse safety impacts for all roadway users.
* Equity--a detailed plan to address racial equity and barriers to opportunity. For example, the applicant may include an equity and inclusion program/plan or equity-focused policy to ensure racial equity in the overall project delivery and implementation or submit a plan to hold meaningful public engagement on the project to ensure that underserved communities are provided a full and equitable opportunity to have meaningful engagement on the project.
* Civil Rights-- a detailed plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR § 21), the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations.

The TEC may recommend a project to the Secretary following its evaluation, but the Secretary makes the final selection. The Secretary will select a qualified application that best addresses the project’s requirements and are most worthy for funding.

## E.3 SYSTEM FOR ACQUISITION MANAGEMENT REVIEW

NHTSA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through the System for Acquisition Management (SAM).

Each applicant may review information in the SAM and provide a comment(s) in its application about itself that a Federal awarding agency previously entered and is currently in SAM.

NHTSA will consider any comment submitted by the applicant, in addition to the other information in SAM, when determining the applicant’s integrity, business ethics, and record of performance, under Federal awards, when completing the review under section D.3, Unique Entity Identifier and System for Award Management (SAM). Prior to award, each selected applicant will be subject to a risk assessment, as required by 2 CFR § 200.206.

## E.4 RISK ASSESSMENT REVIEW

Prior to award, the selected applicant will be subject to a risk assessment, as required by 2 CFR § 206.  NHTSA will review the selected entity’s SAM.gov registration and Federal Awardee Performance Integrity and Information System (FAPIIS) records; the Department of Treasury’s DO NOT PAY website; the Department of the Treasury list of Specially Designated Nationals; the selected entity’s Disclosure of Lobbying Activities Form (SF-LLL); available information on USASpending.gov; available audit findings; and any other available past performance information.

Specifically, NHTSA may consider any items such as the following:

(i) Financial stability;

(ii) Management systems and standards. Quality of management systems and ability to meet the management standards prescribed in this part;

(iii) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;

(iv) Audit reports and findings. Reports and findings from audits performed under subpart F of this part or the reports and findings of any other available audits; and

(v) Ability to effectively implement requirements. The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

## E.5 ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

It is anticipated that an award will be made on or before **February 2025**. HOWEVER, SUBMISSION OF AN APPLICATION DOES NOT GUARANTEE AN AWARD WILL BE MADE.

# SECTION F - FEDERAL AWARD ADMINISTRATION INFORMATION

## F.1 FEDERAL AWARD NOTICES

The NHTSA Contracting Officer will award Cooperative Agreements to responsible and eligible applicants whose applications are judged most meritorious under the procedures set forth in this NOFO. All funds provided by NHTSA must be expended solely for the purpose for which the funds are awarded in accordance with the approved application and budget, the Uniform Administration Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Parts 1200 and 1201).

The Cooperative Agreement award will provide pertinent instructions and information including, at a minimum, the following:

* General Federal Award Information:
  + Recipient name;
  + Recipient’s unique entity identifier;
  + Unique Federal Award Identification Number (FAIN) assigned by NHTSA;
  + Federal Award Date;
  + Period of Performance Start and End Date;
  + Amount of Federal Funds Obligated by the action;
  + Total Amount of Federal Funds Obligated;
  + Total Amount of the Cooperative Agreement Award;
  + Budget Approved by NHTSA;
  + Total Approved Cost Sharing or Matching, where applicable;
  + Cooperative Agreement project description;
  + Agency name and contact information for awarding official;
  + Assistance Listing Program Number (formerly CFDA) and Name;
  + Identification of whether the award is R&D; and
  + Indirect cost rate for the Cooperative Agreement.
* General Terms and Activities as applicable including:
  + Cooperative Agreement Administrative Requirements;
  + National Policy Requirements; and
  + Recipient integrity and performance matters.
* Cooperative Agreement Performance Goals

## F.2 ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. The Cooperative Agreement shall be subject to the administrative requirements contained in the following regulations which are incorporated by reference, with the same force and effect as if they were provided in full text:

a. 2 C.F.R. Parts 200 and 1200 - Uniform Administration Requirements, Cost Principles and Audit Requirements for Federal Awards

b. 2 C.F.R. Parts 180 and 1200 –Non-procurement Suspension and Disbarment

c. 2 C.F.R. Part 25—Universal Identifier and System for Award Management

c. b. 49. C.F.R. Part 11—Protection of Human Subjects;

d. 49 C.F.R. Part 20 – Department of Transportation New Restrictions on Lobbying;

e. 49 C.F.R. Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of The Civil Rights Act of 1964;

f. 49 C.F.R. Part 25 - Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance;

g. 49 C.F.R. Part 27 - Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance; and

h. 49 C.F.R. Part 32 -Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).

2. The Recipient will acknowledge in writing that no funds provided under the Assistance Agreement will used for lobbying activities as defined in 2 C.F.R. § 200.450.

3. The Recipient will have procedures in place to respond to an unauthorized disclosure or breach of an individual’s personally identifying information (PII). The Assistance Agreement Recipient will notify NHTSA within seven (7) days of an incident involving the unauthorized disclosure or breach of PII. In the event of an unauthorized disclosure or breach, the Assistance Agreement Recipient will cooperate and exchange information with NHTSA, as needed, to properly escalate, refer, and respond to the incident.

4. As expressed in Executive Order 14005, ‘Ensuring the Future Is Made in All of America by All of America’s Workers’ (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirement at 23 U.S.C. 313. The Department expects all applicants to comply with that requirement.

5. The Recipient will ensure access to Limited English Proficiency (LEP) persons in accordance with the U.S. Department of Transportation (DOT) LEP guidance, dated December 7, 2005 (74 Fed Reg, 74087), which will assist the Recipient in fulfilling its responsibilities pursuant to Title VI of the Civil Rights Act of 1964 and DOT’s implementing regulations at 49 C.F.R. Part 21 (incorporated by reference above).

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

7. Pursuant to Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, dated January 20, 2021, the Recipient will comply with all guidance during the performance of the Cooperative Agreement.

8. Critical Infrastructure Security and Resilience: It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Presidential Improving Cybersecurity for Critical Infrastructure Control Systems.

9. Performance and Program Evaluation: As a condition of an assistance award, recipients may be required to participate in an evaluation undertaken by DOT or another agency or partner. The evaluation may take different forms such as an implementation assessment across recipients, an impact and/or outcomes analysis of all or selected sites within or across recipients, or a benefit/cost analysis or assessment of return on investment. DOT may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, recipients must agree to: (1) make records available to the evaluation contractor or DOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges Federal awarding agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” 5 U.S.C. § 311. Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

10. Project Signage and Public Acknowledgements: Recipients are encouraged for construction and non-construction projects to post project signage and to include public acknowledgments in published and other collateral materials (e.g., press releases, marketing materials, website, etc.) satisfactory in form and substance to DOT, that identifies the nature of the project and indicates that “the project is funded by the Bipartisan Infrastructure Law”. In addition, recipients employing project signage are required to use the official Investing in America emblem in accordance with the Official Investing in America Emblem Style Guide. Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs.

11. Each non-Federal entity that applies for Federal financial assistance must have the necessary processes and systems in place to comply with the reporting requirements of 2 C.F.R. Part 170 Reporting Subwards and Executive Compensation Information to receive Federal funding, unless the applicant has an exception under 2. C.F.R. § 170.110(b).

## F.3 REPORTING

The following reporting requirements will be required under the program. All reports will be submitted electronically, unless otherwise requested by NHTSA.

**F.3.1 Quarterly Reports**

The Recipient will submit quarterly reports to the COR (CA) no later than the 15th day of each month of each quarter beginning three (3) months after Agreement award. The report shall include an up-to-date summary of accomplishments by the Recipient; obstacles and problems encountered and proposed solutions; noteworthy activities, events, or successes; and a Financial Statement of funds expended to date.

Quarterly Reports shall include the following details about the relevant Milestones and Deliverables:

* A detailed accounting of the activities from the previous quarter so that the COR (CA) can determine whether invoices should be approved or revised based upon the accomplishment(s) for which payment is sought;
* Problems or delays that the Recipient has experienced in the conduct of the agreement and suggestions to overcome the problems or delays;
* Noteworthy activities, events, or successes;
* Submit copies of any findings or created documents as a result of work conducted;
* Copies Technical Assistance Reports completed within 30-days of completing a technical assistance request;
* Details of travel, including activities performed/accomplished, meetings attended, persons contacted, and other necessary details or points of interest related to completing the project activities;
* Financial Statement of funds expended to date and any proposed actions to correct budget concerns;
* Plans for accomplishments in the next reporting period; and
* Planned travel for the upcoming quarter.

The Recipient will be permitted to submit an invoice for reimbursement each month, provided that the invoice includes the justification for each invoiced item for the period of time.

**F.3.2 Annual Report**

The Recipient will prepare and submit an Annual report to the COR (CA) on the eleventh (11) month of the current fiscal year. Submission of the annual report may be in electronic format.

The annual reports will provide a summary of activities, milestones and deliverables accomplished during the fiscal year, an accounting of funds expended during the reporting period, to include the amount of any in-kind contributions. The annual report will also include summary of problems or delays encountered while conducting services or other items of information that the Recipient believes is of interest to NHTSA.

**F.3.3 Final Report**

No later than ***fifty-nine (59) months*** after the award of the Cooperative Agreement, the Recipient will submit a draft final report to the COR (CA). At a minimum, the final report will include a narrative description of the activities conducted, an analysis of the program including problems encountered, lessons learned, and general outcomes of the project. The final report shall include in a separate section or as an attachment to the final report copies of all: training materials/curriculum, tool kits, evaluations develop by the Recipient and all data relied upon by the Recipient to develop or produce products under this Award.

Within ***two (2) weeks after receipt,*** the COR (CA) will review the final report and may provide comments to the Recipient for consideration.

Within **sixty (60) months** of Cooperative Agreement award, the Recipient will submit a final report to the COR (CA).

**F.3.4 Financial Status Reports**

The Recipient will prepare and submit federal financial reports (SF-425) to the NHTSA COR (CA) and the Contracting Officer (CO), annually, by October 1 of each year, to document the status of funds.

# SECTION G – FEDERAL AWARDING AGENCY CONTACTS

**Primary NOFO Point of Contact**

Anoko Zankli, Contract Specialist

Email: [Anoko.Zankli.Ctr@dot.gov](mailto:Anoko.Zankli.Ctr@dot.gov)

**Secondary NOFO Point of Contact**

Sherese Gray, Contracting Officer

Email: [Sherese.Gray@dot.gov](mailto:Sherese.Gray@dot.gov)

# SECTION H – OTHER INFORMATION

## H.1 Disclosure of Information

Information made available to the Recipient or employee(s) of the Recipient by the Government for the performance or administration of the effort shall be used only for those purposes and shall not be used in any other way without NHTSA’s express written approval.

The Recipient will assume responsibility for protecting the confidentiality of Government records, which are not public information. Each contractor or employee of the Recipient to whom information may be made available or disclosed shall be notified in writing by the Recipient that such information may be disclosed only for a purpose and to the extent authorized herein.

## H.2 Limited Use of Data

Performance of the effort may require the Recipient to access and use data and information proprietary to a Government agency or Government contractor that is of such a nature that its dissemination or use, other than in performance of the effort, would be averse to the interests of the Government or others.

The Recipient and employee(s) of the Recipient will not divulge, or release data or information developed or obtained in performance of the effort, until made public by the Government, except to authorize Government personnel or upon the written approval of NHTSA. The Recipient will not use, disclose, or reproduce proprietary data that bears a restrictive legend, other than as required in the performance of the effort. Nothing herein shall preclude the use of any data independently acquired by the Recipient without such limitations or prohibit an agreement at no cost to the Government between the Recipient and the data owner which provides for greater rights to the Recipient.

## H.3 Payment for Unauthorized Work

No payments will be made for any unauthorized supplies or services or for any unauthorized changes to the work specified herein. This includes any services performed by the Recipient of their own volition or at the request of an individual other than a duly appointed Contracting Officer. Only a duly appointed Contracting Officer is authorized to change the specifications, terms, and activities under the effort.

## H.4 Place of Performance

**TBD**

## H.5 Seat Belt Use Policies and Programs

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Recipient is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program or for statistics on the potential benefits and cost-savings to your company or organization, please visit the Click it or Ticket seat belt safety section of NHTSA's website at [*https://www.nhtsa.gov/campaign/click-it-or-ticket*](https://www.nhtsa.gov/campaign/click-it-or-ticket) and [*https://www.nhtsa.gov/risky-driving/seat-belts.*](https://www.nhtsa.gov/risky-driving/seat-belts.)

## H.6 Protection of Human Subjects

The Recipient will comply fully with 49 C.F.R. Part 11, DOT’s regulation governing Protection of Human Subjects, and with NHTSA Order 700-5, which sets forth the Agency’s policies and procedures for the protection of human subjects participating in research supported directly or indirectly by NHTSA, including through contracts, grants and cooperative agreements.

The Recipient will obtain prior written authorization from NHTSA for all consent and release forms to be presented to human subjects participating in NHTSA conducted or funded research, including but not limited to informed consent and media releases.

## H.7 Encouraging Policies to Ban Text Messaging while Driving

* 1. As used in the Agreement; “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, emailing, 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.

* 1. The Recipient is encouraged to –
     + 1. Adopt and enforce policies that ban text messaging while driving –
          1. Recipient-owned or rented vehicles or government-owned vehicles; or
          2. Privately-owned vehicles when on performing under the cooperative agreement.
       2. Conduct initiatives in a manner commensurate with size of the Recipient, such as –
          1. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
          2. Education, awareness, and other outreach to employees about the safety risks associated while texting while driving.

## H.8 NHTSA Review of Announcements or Publications

The Recipient agrees that neither the Recipient, nor any Sub-Recipient, shall make public releases of information or any matter pertaining to this NOFO and the Cooperative Agreement, including, but not limited to, media, advertising in any medium, or presentation before technical, scientific, or industry groups, without the prior written approval of the Contracting Officer. The provisions of this clause shall survive the expiration of the NOFO and Cooperative Agreement. The provisions of this clause shall be included in all sub-award at any tier.

## H.9 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 U.S. DOT, or in organizations whose interests may be substantially affected by Departmental activities, and which is related to work specified in this Notice of Funding Opportunity (NOFO). Based on this policy, if, after award, the Recipient 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 application which describes in a concise manner all past, present or planned organizational, financial, contractual or other interest(s) with an organization regulated by 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 Notice of Funding Opportunity (NOFO). 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 application. Key personnel shall include any person owning more than 20% 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 the 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 application 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 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 Recipient discovers a conflict of interest with respect to the Cooperative Agreement awarded as a result of the 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 Recipient has taken, or proposes to take, to avoid, or mitigate such conflict. The NHTSA Contracting Officer may, however, terminate the Cooperative Agreement for convenience if he or she deems that termination is in the best interest of the Government.

## H.10 ROUTES INFORMATION

User-friendly information and resources regarding DOT’s discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at <https://www.transportation.gov/rural>.

**H.11 PUBLIC ACCESS TO PUBLICATIONS AND DIGITAL DATA SETS**

The Recipient shall ensure public access to publications and digital data sets it develops under this Cooperative Agreement Cooperative Agreement consistent with the DOT’s Plan to Increase Public Access to the Results of Federally-Funded Scientific Research Results. A copy of the DOT plan is located at <https://www.transportation.gov/mission/open/official-dot-public-access-plan-v11>

**[END OF Notice of Funding Opportunity (NOFO)]**