

Notice of Funding Opportunity for FY25 Support of the American Association of State Highway Transportation Officials (AASHTO) Innovation Management (AIM) Program.

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SECTION A - BASIC INFORMATION

AGENCY: U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA).

ACTION: Notice of Funding Opportunity for Support of the American Association of State Highway Transportation Officials (AASHTO) Innovation Management (AIM) Program.

FUNDING OPPORTUNITY NUMBER: 693JJ325NF00006

ASSISTANCE LISTING NUMBER: 20.200 Highway Research & Development

TOTAL AMOUNT AVAILABLE: This NOFO will result in the distribution of up to \$1,800,000. The actual amount available to be awarded under this notice will be subject to the availability of funds. This NOFO will result in the award of one cooperative agreement to the American Association of State Highway Transportation Officials (AASHTO).

*Please note that the Government's obligation under any resulting award is contingent upon the availability of funding. No legal liability on the part of the Government for any payment may arise until funds are available and obligated to an award. The Government reserves the right to make no award under this NOFO.

PERIOD OF PERFORMANCE

The award period of performance is anticipated to be sixty (60) months from the effective date of the Agreement.

DEADLINE FOR APPLICATIONS: February 3, 2025, 5:00PM EST

SUBMIT APPLICATIONS TO: The application must be received via grants.gov by the application due date/time listed above (or as updated by a NOFO Amendment, if applicable). The due date/time is the date and time by which FHWA must receive the full and completed application, including all required sections. Applicants are encouraged to register well in advance at www.grants.gov; ahead of the submission deadline and to register to receive notifications of updates/amendments to this Notice. Approval of user registrations for the site may take multiple weeks. It is the Applicant's responsibility to monitor for any updates to this Notice.

EXECUTIVE SUMMARY:

The goal of this Cooperative Agreement is to establish a collaboration between the FHWA Office of Technical Services/Center for Accelerating Innovation, and the AASHTO Innovation Management (AIM) technical service program, to foster a culture of innovation in the surface transportation industry. This effort will enhance the delivery of key innovation deployment programs of mutual benefit and interest to both parties, such as the

FHWA Every Day Counts, State Transportation Innovation Council, and Accelerating Market Readiness programs and the AASHTO AIM Focus Technologies. This Cooperative Agreement will also enable a more robust and widespread information exchange for and adoption of diverse innovations from a variety of sources, and will enhance opportunities for recognizing both successful strategies in deploying innovative practices and technologies and in fostering the innovation culture at transportation agencies.

FHWA POINT OF CONTACT:

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Each section of this notice contains information and instructions relevant to the application process. The applicant should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

The FHWA will not review applications in advance, but FHWA staff are available for technical questions and assistance. In addition, FHWA will post answers to questions and requests for clarifications at Grants.gov under this NOFO's page.

SECTION B - ELIGIBILITY

1. ELIGIBLE APPLICANTS

This is a sole source notice with application eligibility limited to the American Association of State Highway Transportation Officials (AASHTO).

2. COST SHARING OR MATCHING

Cost sharing or matching is required under this award. The Federal share of the cost of activities carried out by the Recipient shall not exceed 80 percent in accordance with 23 U.S.C. 502 (C) (3).

FHWA will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project. Matching funds are subject to the same Federal requirements as awarded funds.

Cost sharing or matching means the portion of project costs not paid by Federal funds or contributions (unless otherwise authorized by Federal statute). For a more complete definition, please see the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 Code of Federal Regulations (CFR) Part 200, including section 200.306 on Cost Sharing or matching.

Note: If applicable, any program income generated under the project must be handled in accordance with SECTION F.

SECTION C - PROGRAM DESCRIPTION

1. STATEMENT OF PURPOSE

The purpose of this proposed Cooperative Agreement is for the American Association of State Highway Transportation Officials (AASHTO), through the AASHTO Innovation Management (AIM) Program, to advance innovation deployment activities under the Every Day Counts (EDC) initiative; and to foster a culture of innovation within the highway community. The Cooperative Agreement will result in the distribution of up to \$1,800,000. The actual amount available to be awarded under this notice will be subject to the availability of funds.

2. LEGISLATIVE AUTHORITY

Specific statutory authority for conducting this agreement is found in 23 U.S.C. 502(b)(3)(C), which authorizes the Secretary of Transportation to “carry out, research, development, and technology transfer activities related to transportation...by making grants to, or entering into contracts and cooperative agreement with one or more of the following: the National Academy of Sciences, the American Association of State Highway Transportation Officials (emphasis added), and Federal laboratory, Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or any other person.”

In accordance with 23 U.S.C. 502(c)(3) titled Federal Share, “The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this chapter shall not exceed 80 percent.”

3. BACKGROUND

Since its formation, the Federal Highway Administration (FHWA) has been a leader in technology transfer and innovation deployment. In 2009, the FHWA launched the Every Day Counts (EDC) initiative in cooperation with state, local, and industry partners to speed up the delivery of highway projects and to create a broad culture of innovation within the highway community. The FHWA formed the Center for Accelerating Innovation (FHWA-CAI), to lead development of strategic programs, such as EDC, in support of creating a culture of innovation within the highway community. EDC is a State-based model that identifies and rapidly deploys proven, yet underutilized innovations that make our transportation system adaptable, sustainable, equitable and safer for all. Proven innovations promoted through EDC facilitate greater efficiency at the State, local and Tribal levels, saving time, money, and resources to ensure our infrastructure is built better, faster, and smarter.

Every two years, FHWA works with State departments of transportation, local governments, Tribes, private industry, and other stakeholders to identify a new set of innovative technologies and practices that merit widespread deployment. The EDC initiative has made a significant positive impact in accelerating the deployment of innovations and in building a culture of innovation within the highway community. Since the inception of EDC, each state has used 20 or more of the 52 innovations promoted through Every Day Counts, and some states

have deployed more than 45. Many of these innovations have become mainstream practices across the country.

The Fixing America's Surface Transportation (FAST) Act (P.L. 114-94) Act authorized the FHWA to "continue the Every Day Counts initiative to work with States, local transportation agencies, and industry stakeholders to identify and deploy proven innovative practices and products that- (1) accelerate innovation deployment; (2) shorten the project delivery process; (3) improve environmental sustainability; (4) enhance roadway safety; and (5) reduce congestion." In May 2016, in support of the FAST Act, former FHWA Administrator Nadeau and former AASHTO Executive Director Wright signed a Memorandum of Understanding between FHWA and AASHTO to advance innovation deployment activities and foster a culture of innovation within the highway community through AASHTO's AASHTO Innovation Initiative (now known as AASHTO Innovation Management, AIM, Technical Services Program). It is anticipated that AASHTO and FHWA will collaborate to renew and refresh the MOU in the near future.

Since the 2016 MOU between AASHTO and the FHWA, and the subsequent Cooperative Agreement (DTFH6116H00041), FHWA's innovations have continued to evolve, with the State Transportation Innovation Council (STIC) Inventive funding; the Accelerating Innovation Deployment Demonstration discretionary grant program (AID Demo); and the newer Accelerating Market Readiness program all providing information and resources to transportation stakeholders to foster a culture of innovation. AASHTO has initiated the Special Committee on Research and Innovation (R&I), in which is closely related to the AIM Technical Service Program and acts as AASHTO's driving force for high-quality transportation research and innovation to improve the nation's mobility of people and goods. Its mission is to support AASHTO and the transportation community by delivering strategic, high-quality research results while addressing development, technology transfer, and implementation.

AASHTO also chartered the Innovation Community of Practice (ICOP), in October 2021 after several years as a less formalized group. The ICOP supports AIM and R&I by staying current with all initiatives of these AASHTO groups and sharing these with ICOP membership. Among the goals of the Innovation Community of Practice group are sharing information about each states' efforts; sharing best practices; promoting understanding of the products and documents being created that would benefit other states; and discussing advancement of innovation through a variety of implementation efforts. Since chartering, the engagement and information exchange facilitated through the ICOP has grown significantly.

FHWA-CAI participation in the Special Committee on R&I and ICOPs has been increasing since the establishment of the original Cooperative Agreement with AII and the execution of the 2016 MOU. FHWA-CAI has facilitated several stakeholder engagement events ("State Innovation Forums") with an emerging cohort of State DOT "Chief Innovation Officers" or similar roles. These forums have been very valuable to exchange information about the state of innovation programs (within an organization and in support of advancing innovation in transportation programs/projects). It was in this setting where considerations of a national-level approach to repositing information on innovations began to accelerate. Continued collaboration between FHWA and AIM is essential for these connections to strengthen and FHWA's continued support

of efforts to enhance knowledge exchange ultimately will benefit FHWA and AASHTO members.

4. PROGRAM GOALS

The goal of this Cooperative Agreement is to support AASHTO’s Innovation Management (AIM) Program in the deployment of selected EDC innovations; accelerate the market readiness of other innovations for inclusion in EDC or other technology deployment programs; and help accelerate a more robust and widespread information exchange for and adoption of diverse innovations from a variety of sources.

5. AGENCY AND ADMINISTRATION GOALS

As noted above, and in alignment with the goals of 23 U.S.C. 502(b)(3)(C), FHWA seeks to fund a Cooperative Agreement under this NOFO to foster with FHWA stakeholders a culture of innovation that accelerates adoption of proven innovative practices as standard practice; encourages demonstration of proven but underutilized technologies and practices; and facilitates peer-to-peer technical assistance and technology transfer. This NOFO advances the “Transformation” Strategic Objective in the FHWA 2022-2026 Strategic Plan, with attention to the “Experimentation” strategy:

“Identify new ideas, new innovations, and new possibilities. Evaluate the opportunities and risks so the Department can support public benefits: Advance the use of demonstration projects and opportunities for experiential learning with an emphasis on legacy programs.”

This NOFO also supports efforts across the transportation community to provide the transportation workforce opportunities to learn about and eventually implement a wider variety of innovations that enhance transportation project and program delivery.

This NOFO also provides heightened awareness of innovations that support Departmental priorities, including but not limited to: practices that can promote an understanding of the importance of advancing safe and efficient transportation; contribute to the reduction of greenhouse gas emissions; address climate change impacts; and provide economic benefits through more effective use of transportation resources and efficient project delivery.

6. STATEMENT OF WORK

The statement of work includes the following tasks:

Task 1 – Overall Program Management

Program Management shall include the tasks identified below:

- AASHTO shall provide staff and other support necessary to manage the requested work.

- AASHTO shall attend a kick-off meeting within two (2) weeks of Agreement award execution, or as mutually agreed upon by the parties. The kick-off meeting will be held in Washington, D.C., at the United States Department of Transportation (DOT) headquarters or other location in Washington, D.C. proposed by AASHTO and agreed to by the FHWA.
- AASHTO shall develop and deliver a project schedule that identifies dates for deliverables, as well as major project activities and any interdependencies. AASHTO will identify on the schedule any requested or necessary actions by FHWA. A draft schedule will be provided at the kick-off meeting, and the final schedule delivered one (1) week after receipt of FHWA comments. As necessary, AASHTO shall update the deliverable schedule to reflect changes from the original. Deliverable schedule changes, and their reasons, shall be documented by AASHTO.
- AASHTO shall coordinate quarterly telephonic status meetings with the Agreement Officer's Representative (AOR), in addition to the required written progress reporting. Status meetings will address any issues or risks, and their mitigation efforts. As needed, non-routine communication is encouraged for significant issues or problems.
- AASHTO shall attend a project close-out meeting one (1) week prior to the end of the period-of-performance. The close-out meeting will be held in Washington, DC, at DOT headquarters or other location in Washington, DC proposed by AASHTO and agreed to by the FHWA.

Task 2-Stakeholder Outreach and Engagement in Support of FHWA Technology Deployment Programs

A proactive engagement of the State DOTs will be critical to the continued success of the EDC program and the complimentary innovation deployment programs administered by FHWA. AASHTO shall establish a strategy for engaging the State DOTs in the EDC initiative process. This should include opportunities for offering guidance and advice on potential and active EDC innovations.

Stakeholder outreach and engagement may include, but is not limited to the following activities:

- AASHTO will informally solicit recommendations in advance of the FHWA processes used to solicit suggested innovations for each EDC cycle (NOTE: two cycles are anticipated during the duration of this Agreement), to aid State DOTs in identifying proposed innovations;
- AASHTO will participate as a key stakeholder in formal discussions with FHWA Leadership during the final selection of the EDC innovations to be included in each EDC cycle;
- Following FHWA's formal announcement of the EDC innovations for each EDC cycle, AASHTO will promote the selected EDC innovations through online publications, social media outlets, publications, peer exchanges, webinars, workshops, and presentations at conferences or other meetings;
- AASHTO will assist in the dissemination of innovation deployment activity results through AASHTO publications, peer exchanges, webinars, workshops, presentations at conferences or other meetings;

- AASHTO will assist in the identification of State DOTs interested in championing a specific EDC innovation, which may include, but is not limited to, being a member of an EDC deployment team, organizing peer exchanges, workshops, and testing and evaluating an innovation;
- AASHTO will assist FHWA in the identification of potential speakers to exchange notable practices and success stories at the National State Transportation Innovation Council (STIC) Network meetings, conducted virtually by FHWA (typically twice during a calendar year); and,
- AASHTO shall document the stakeholder engagement strategy and provide a draft stakeholder engagement plan three (3) weeks after the kick-off meeting.

AASHTO shall deliver the final stakeholder plan within two (2) weeks of receipt of FHWA comments. AASHTO shall provide a draft final report at a date to be determined at the kick-off meeting that summarizes the activities conducted under the stakeholder plan. AASHTO shall deliver the final stakeholder engagement report within two (2) weeks of receipt of FHWA comments.

Task 3 – Accelerate the Market Readiness of Innovations through the Lead State Model, and support of the FHWA Accelerating Market Readiness program.

Before innovations can be nationally deployed, they need testing and evaluation under real world conditions. Where appropriate, AASHTO shall continue to employ its Lead State model to help accelerate the market readiness of innovations. The purpose of the process is to identify innovations that have the potential to be promoted nationally on a more widespread manner (including by FHWA through the EDC initiative) but may need further advancement by champion transportation organizations before they can be deployed on a national level.

AASHTO shall employ its Lead State model to accelerate and assess the market readiness of innovations. AASHTO shall engage FHWA subject matter experts as appropriate during the identification of innovations for selection as Focus Technologies. AASHTO shall collaborate with the FHWA on the specific timing of these activities.

In addition, AASHTO shall:

- Develop an on-line Fact Sheet for each selected innovation. The Fact Sheet shall include: a brief description of the innovation; benefits of the innovation; and current state-of-the-practice;
- Maintain an on-line resource of active Lead State teams for selected innovations. The on-line resource shall include: Fact Sheet(s); presentation(s); and contacts;
- Develop an on-line report and resource for completed innovations. The on-line report shall include: innovation descriptions; innovation benefits; and resources, such as: Fact Sheet(s), Presentation(s), Manual(s), Checklist, Draft Guidance, and Case Studies
- Conduct education and outreach activities in support of the selected Lead State innovations; and,

- Confer with FHWA on no less than an annual basis to assess the progress achieved with the Lead State teams to determine if any initiatives show potential for inclusion in the EDC program.

FHWA administers a complimentary program, the Accelerating Market Readiness program (AMR), which provides resources for the rapid, national assessment of emerging innovations and for the development of objective (written) documentation of these assessments. FHWA solicits topics for this program through the issuance of a multi-year Broad Agency Announcement (BAA). During the term of this cooperative agreement, FHWA anticipates the issuance of no more than two BAAs.

These AMR program activities are intended to help advance the innovations to a more complete market-ready status, which in turn should accelerate the adoption of the innovations by transportation agencies.

In support of the FHWA AMR program, AASHTO shall:

- Promote general awareness of the program upon the issuance of a BAA by FHWA;
- Participate, as appropriate and as requested by FHWA, as a “peer evaluator” for proposals received by FHWA following the solicitation; and,
- Support FHWA promotion and marketing of AMR projects following their award.

Task 4 – Advancement of the Culture of Innovation

A. Innovation Forum Events

Beginning with the FHWA Office of Innovative Program Delivery in 2018, a convening of State DOT “Chief Innovation Officers” from across the Country, with participation from AASHTO and FHWA leadership, has proven to be an effective communication vehicle to discuss notable practices in advancing a culture of innovation throughout transportation organizations. The FHWA is branding these meetings as an Innovation Forum.

AASHTO shall:

- Collaborate with FHWA to support the conduct of a minimum of one annual “Innovation Forum” for each year of the Cooperative Agreement. This collaboration includes supporting FHWA with program (agenda) development; identifying hosts/venues, travel logistical support, providing technical support to capture notes and findings discussed during the event; and dissemination of these findings to a wider target audience in the AASHTO community through a variety of communication channels (social media, committee meetings, web pages, AASHTO Innovation Community of Practice meetings, etc.)

B. State Transportation Innovation Council (STIC) Excellence Awards:

FHWA and AASHTO have partnered since 2016 to promote innovations and to recognize excellence within a State Transportation Innovation Council (STIC) through the STIC

Excellence Award. This award recognizes a STIC that has made significant impact toward fostering a strong culture for innovation.

In support of the STIC Excellence Award, AASHTO shall:

- Promote awareness of the program, and solicit award nominations, through regular communication channels (AASHTO newsletters, social media, etc.);
- Support evaluation of nominations as requested by FHWA; and,
- Support the recognition of selected awardees at events like the National STIC Network Meeting; the Spring AASHTO Meeting; and other venues as determined by AASHTO and FHWA.

Task 5 – Information/Knowledge Capture and Sharing of Innovations

FHWA and AASHTO will collaborate to implement the recommendation(s) contained in the Final Report for the National Cooperative Highway Research Program, Transportation Research Board, Project 20-123(09), “Feasibility Study for a Platform (Platform) to Capture Innovation from State Departments of Transportation”.

The purpose of the Platform is to facilitate and allow state departments of transportation (DOTs) nationwide to effectively and efficiently share information and knowledge about their use of innovations to improve policies, streamline practices, and find creative solutions to better meet growing demands. Project 20-123(09) recommended acquisition, implementation, and maintenance of a new Commercial Off the Shelf (COTS) platform. AASHTO shall lead these activities and manage all activities related to the procurement, implementation, operations, and maintenance of the Platform with technical/advisory support as needed from AIM membership.

With the target audience of this Platform of State DOTs, implementation shall also consider how to coordinate strategically with other efforts for the wider transportation community, including but not limited to, innovation programs such as the FHWA “STIC Showcase,” “Build a Better Mousetrap” programs and the “No Boundaries Transportation Maintenance Innovations” Transportation Pooled Fund Study (TPF) 5-441.

As part of the implementation of the Platform, FHWA and AASHTO will collaborate on a strategy to articulate in a virtual, user-friendly, and appealing fashion, the resources available to both researchers and implementers/practitioners to effectively advance a technology or innovation through a developmental process. This aspect of information sharing has been commonly referred to by AASHTO and FHWA as the “Pathway to Innovation”.

AASHTO and FHWA shall collaborate on a Marketing and Communications plan to appraise the target audience during the procurement and implementation process; educate users on the use of the Platform; and to continuously articulate the ongoing benefits achieved by the use of the Platform.

7. DEGREE OF FEDERAL INVOLVEMENT

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

1. Technical assistance and guidance to the Recipient;
2. Close monitoring of performance;
3. Involvement in technical decisions;
4. Participation in status meetings and committee meetings; and
5. Review and comment on draft and final documents as appropriate.

8. REQUIRED SUBMITTALS OR MILESTONES

Tasks		Deliverables	Tentative Due Dates (weeks after award)	No. of Copies	Medium/Format
1	Program management	Kickoff Meeting	2	1	In Person
		Draft Project Schedule	2	1	Microsoft Office (Word, Excel, or Project), or Adobe PDF
		Revised Final Project Schedule	1 week after receipt of FHWA comments	1	Microsoft Office (Word, Excel, or Project), or Adobe PDF
		Quarterly Telephonic Status Meeting	By the 15 th of the month following each quarter	N/A	Telephonic/Zoom/Teams

		Quarterly Progress Reports	By 15 th of the month following each quarter	1	Email
		Closeout Meeting	1 week prior to end of POP	1	In person
		Project Meetings	As requested	1	In person or teleconference
2	Stakeholder Outreach and Engagement	Draft Stakeholder Outreach and Engagement Plan	3 weeks after kick-off meeting	1	Microsoft Office (Word)
		Final Stakeholder Outreach and Engagement Plan	2 weeks after receipt of FHWA comments	1	Microsoft Office (Word)
		Draft Report summarizing activities	TBD at kick-off meeting	1	Microsoft Office (Word)
		Final Report summarizing activities	TBD at kick-off meeting	1	Microsoft Office (Word)
3	Accelerate the Market Readiness of Innovations through the Leas State Model, and support of the FHWA Accelerating Market	Review of Lead State model to accelerate and assess market readiness of innovations.	TBD at kick-off meeting	1	Microsoft Office (Word)
		Fact Sheet for each selected innovation	TBD at kick-off meeting	1	Microsoft Office (Word)
		Online Resource of Active Lead State Teams	TBD at kick-off meeting	N/A	Online

	Readiness Program	Online Report and Resource for completed innovations	TBD at kick-off meeting	N/A	Online
		Conduct Education and Outreach Activities	TBD at kick-off meeting	TBD	TBD
		Annual Lead State Team Meeting	TBD at kick-off meeting	N/A	N/A
		Promote AMR BAA	TBD at kick-off meeting	TBD	TBD
		Perform "Peer evaluator" Duties	TBD at kick-off meeting	TBD	TBD
		Promote and Market AMR Projects	TBD at kick-off meeting	N/A	Online/in-person
4	Advancement of the Culture of Innovation	Develop plan for conduct of State Innovator Forums	TBD at kick-off meeting	N/A	Online
		Execute Plan for Conduct of State Innovator Forums	TBD at kick-off meeting	1	Microsoft Office (Word)
		Develop plan for support of State Transportation Innovation Council (STIC) Excellence Award	TBD at kick-off meeting	N/A	Online
		Support the STIC Excellence Award Evaluations and Announcements of Winners	TBD at kick-off meeting	N/A	N/A

5	Information/ Knowledge Capture and Sharing of Innovations	Develop procurement, implementation, and maintenance plan for Platform	TBD at kick-off meeting	N/A	Online
		Develop Marketing Plan for Target Audience's use of the Platform			

SECTION D - APPLICATION CONTENTS AND FORMAT

1. CONTENT AND FORM OF APPLICATION SUBMISSION

Application Format

- Applications must be prepared on 8½ x 11- inch paper. Pages that exceed this size, such as foldouts, are not allowable.
- Narrative text must be printed using a font size no less than 12-point font.
- Tables are permitted. Text in tables may be smaller than 12-point font but must be legible.
- Page margins must be a minimum of 1-inch top, bottom, and each side.
- Page numbers may be located within the 1-inch margin.
- A Header or Footer identifying the Applicant/Team and the Volume or Part, may be located within the 1-inch margins.
- Resumes are limited to [insert number of pages].
- PAGE LIMITS: Application volumes shall adhere to the page count limitations listed below. The page limit includes all narratives, figures, tables, appendices, and all other ancillary materials with the exception of the following.
- EXCEPTION ON PAGE LIMITS: The following items do NOT count against the page limitation.
 - Document covers;
 - Cover letters;
 - Title pages;
 - Divider pages;
 - Table of contents;
 - Lists of acronyms;
 - Letters of intent to participate from proposed subcontractors, consultants, partners and proposed new hires; and
 - Resumes. (NOTE: resumes shall not exceed 2 pages.)

Application Content - Overview

The application package must consist of the following parts:

- 1) Standard Forms (SF)
- 2) Volume 1 Technical Application / Project Narrative
- 3) Volume 2 Budget Application

Application Content – Detailed Instructions

- 1) Standard Forms (SF)

SF 424, SF-424A, and SF-LLL.

2) Volume 1 Technical Application / Project Narrative

NOTE: The Volume 1 Technical Application/Project Narrative must not exceed 20 pages. Resumes and Letters of Intent are excluded from the page count.

- A. Project Abstract: Summarize the scope of work that would be completed under the award, including project goals and outcomes anticipated.
- B. Project Description: Include a detailed description and scope of work including specific milestones. Provide a technical and management plan describing in detail how the Applicant proposes to carry out the work. Describe how the Applicant proposes to meet program goals listed in NOFO Section A. Identify project risks and how the Applicant proposes to address these risks. Identify proposed project performance measures and how they will be evaluated.
- C. Project Outcomes: Include a detailed description of how the project advances one or more of the Departmental priorities described in NOFO Section A.
- D. Project Team Information: Include detailed information about the proposed Applicant team, including any partnerships or collaborations with other entities to deliver the project. The information should specifically describe the role of each entity in delivering the project. Provide a staffing plan to perform the work, including names and positions of key personal. Provide an organizational chart identifying proposed staff members assigned to this effort. The chart must be supported with narrative text to include the title and a brief description of each position's responsibilities, as well as the proposed level of effort and allocation of time (percent in relation to their other duties) for each position on a yearly basis and in summary format. The level of effort may be displayed (single spaced) in a table format. One table can be presented if the level of effort will be constant over all years, and the table is annotated as such. The hours in this table must be consistent with the information presented in the Budget Volume.
- E. Project Schedule: Include detailed information about the project schedule that identifies all major project milestones and, if applicable, requires submittals.
- F. Applicant Experience: Provide a description of completed projects, ongoing projects, or both, that demonstrate organizational and staff experience relevant to the scope and complexity of the proposed project. Provide specific information on past or present projects to include title, work description, value, dates, sponsor/customer point of contact, role of Applicant in the project, and an explanation of why or how the project is considered relevant or similar to the project being proposed.
- G. Resumes: Provide resumes of key personnel and staff with significant roles, from both the prime Applicant and team members/subawardees as necessary.

H. Letters of Intent to Participate: Provide a letter of intent or commitment from each proposed sub-recipient/subcontractor. This includes any sub-recipient/subcontractor that will be included in the Federal share, the non-Federal share or in a non-paid (volunteer) capacity. Provide a letter of intent to participate from significant team members as the Applicant deems necessary.

3) Volume 2 Budget Application

NOTE: If needed, the FHWA may request additional budget information to clarify an application. FHWA encourages Applicants to submit the most relevant and complete information they can provide.

A. Budget Tables: Provide a separate detailed budget table for each year and summarize the information for all years for all activities. Clearly show Federal share; Non-Federal share; and Total. Spreadsheets can be formatted similarly to the format in DOT Form 4220.44, located at: [4220_44.xls \(dot.gov\)](#). **NOTE: Profit/fee is not allowable for the prime Recipient.**

Budget tables must include the following cost elements as applicable to the project:

Labor Rates: Direct labor-by-labor categories to include hours, rates, and escalation. The labor rates and annual direct labor escalations rate and its basis must be in accordance with 2 CFR 200.430.

Indirect Rates: Provide your organization's signed current approved indirect cost rate from the cognizant Federal agency or letter of request to cognizant agency for rate establishment or adjustment. Indirect costs rates must be established according to 2 CFR 200.414. **NOTE: Per 2 CFR 200.414(f), Indirect (F&A) Costs, any Applicant that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in 2 CFR Part 200 appendix VII, paragraph D.1.b may elect to propose a de minimis indirect rate of 10 percent of modified total direct costs.**

Other Direct Costs: Applicants must provide a breakout and justification of Other Direct Costs by Category (travel, equipment, etc.). Direct costs must be in accordance with 2 CFR Part 200 Subpart E (Cost Principals).

Subcontractors/sub-recipients: If subcontractors/subrecipients (lower-tiered organizations and/or individual consultants) have been selected and are identified in the application to be used in carrying out this project, the following minimum information concerning such, must be furnished:

- 1) Name and address of the organization or consultant.
- 2) Description of the portion of work to be conducted by the organization or consultant.
- 3) Cost details for that portion of work.
- 4) Applicant's cost/price analysis of each sub-recipient/contractor(s) showing how their price is fair and reasonable (this includes any sub-

recipient/contractor(s) that will be included in the Federal share or the non-Federal share).

- 5) Provide detail and support for cost share as part of overall project budget.
- 6) Clearly delineate cost share match versus Federal share.

Note: All procurement of property or services under a Federal award must comply with 2 CFR 200.317-327 and 2 CFR 1201.317. All work that is subawarded, transferred, or contracted out must be competed unless an exception at 2 CFR 200.320(c), Noncompetitive Procurement, is applicable.

B. Other Business Information: Provide the following information relative to the PRIME APPLICANT.

- 1) Identify any exceptions to the anticipated award terms and conditions as contained in Section F, Federal Award Administration Information.
- 2) Identify any preexisting intellectual property that the Applicant anticipates using during award performance, and your position on its data rights during and after the award period of performance.
- 3) Applicant SAM Unique Entity Identifier (UEI).
- 4) A statement to indicate whether the Applicant has previously completed an A-133 Single Audit and, if so, the date that the last A-133 Single Audit was completed.
- 5) A statement regarding Conflicts of Interest. The Applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present or planned organizational, contractual, or other interest(s), which may affect the Applicants' ability to perform the proposed contract in an impartial and objective manner. Actual or potential conflicts of interest may include but are not limited to any past, present, or planned contractual, financial, or other relationships, obligations, commitments, or responsibilities, which may bias the Applicant or affect the Applicant's ability to perform the project in an impartial and objective manner. The FHWA will review the statement(s) and may require additional relevant information from the Applicant. All such information, and any other relevant information known to FHWA, will be used to determine whether an award to the Applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the FHWA may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the Government to contract with the Applicant and include appropriate provisions to mitigate or avoid such conflict in the award pursuant to 2 CFR 200.112.
- 6) A statement to indicate whether a Federal or State organization has audited or reviewed the Applicant's accounting system, purchasing system, and/or property control system. If such systems have been reviewed, provide summary information of the audit/review results to include as applicable summary letter or agreement, date

- of audit/review, Federal or State point of contact for such review.
- 7) Terminated Contracts. List any contract/agreement that was awarded to the prime Applicant then later terminated for convenience of the Government within the past 3 years, and any contract/agreement that was terminated for default within the past 5 years. Briefly explain the circumstances in each instance.
 - 8) Describe how the Applicant will obtain the necessary resources to fund and fulfill the proposed cost share, as applicable.
 - 9) The Applicant is directed to review Title 2 CFR Part 170 (http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl) dated November 12, 2020, and Appendix A thereto, and acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully comply with the reporting described in the term if it receives funding resulting from this NOFO. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this NOFO's Section F, Federal Award Administration Information.
 - 10) Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 entitled Remedies for Noncompliance, including suspension or debarment. (See also 2 CFR Part 180 and 31 U.S.C. 3321).
 - 11) If a nonprofit or not-for-profit status, please provide evidence of this status preferably from the Internal Revenue Service.
 - 12) The DOT is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. The DOT also recognizes that applicants may be seeking grant program funding from multiple DOT grant programs and opportunities. An applicant may seek the same award amounts from multiple DOT grant programs opportunities or seek a combination of funding from multiple DOT opportunities. In those cases, the applicant must indicate, within the Federal funding description, details as to what other potential DOT grant programs and opportunities they are currently applying for or intend to apply for and what award amounts they will be seeking. This information will be reviewed by DOT to ensure that a single project, or its sub-elements, is not awarded federal funding under multiple DOT grant programs. DOT reserves the right to contact applicants to obtain additional information concerning those scopes of work to discuss any possible or actual overlap in scope.
 - 13) Acknowledgement of acceptance of the NOFO terms and acknowledgement and acceptance of any Amendments issued to this NOFO. List Amendment numbers and issue dates, if any.

SECTION E – SUBMISSION REQUIREMENTS and DEADLINES

1. ADDRESS TO REQUEST APPLICATION PACKAGE

Applicants may obtain application forms at [grants.gov](http://www.grants.gov) under the Notice of Funding Opportunity Number cited herein. All application materials may be found on *Grants.gov* at <http://www.grants.gov>.

If potential applicants are unable to download the application package from the internet, they may send a written request for a paper copy to the below address. Requests should be sent to:

Rob Miller
Agreement Officer
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: Rob.Miller@dot.gov (preferred)
Phone: 202-366-9167

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

Each Applicant is required to:

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

FHWA may not make a Federal award to an Applicant until the Applicant has complied with all applicable UEI and SAM requirements. If an Applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the Applicant is not eligible to receive a Federal award and use that determination as a basis for making a Federal award to another Applicant.

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

4. SUBMISSION DATES AND TIMES

The application must be received electronically through www.grants.gov by the application due date/time listed on page 1 of this NOFO (or as updated by a NOFO Amendment, if applicable). The due date/time is the date and time by which FHWA must receive the full and completed application, including all required sections.

For the submitted application package, FHWA suggests that pictures, graphics, and other large files be reduced in number and quality to keep the size of the files of the application manageable and in line with the Grants.gov maximum size of 200 megabytes for the entire grant application package.

A late application will not be reviewed or considered unless the Agreement Officer (AO) determines that doing so is in FHWA's best interest. The FHWA will not consider late applications that are the result of failure to register or comply with *Grants.gov* applicant requirements in a timely manner. If Applicants are unable to use the system due to verifiable technical difficulties, Applicants must email complete applications directly to the FHWA point of contact listed in the NOFO Section G no later than the NOFO application deadline cited herein, with explanation of the technical issue experienced and supporting documents regarding the nature of the technical difficulties. For instance, provide screen capture(s) of the technical issues experienced along with corresponding Grants.gov "Grant tracking number. If you are experiencing difficulties with your submission, it is best to contact the Grants.gov Support Center and get a ticket number. Provide the Grants.gov Help Desk Tracking Number since it will assist FHWA with tracking your issue and understanding background information on the system issue in the event of a late application. If the reported technical issues cannot be validated, late applications may be rejected as untimely.

GRANTS.GOV: Applicants must follow the instructions on Grants.gov to successfully use the website to submit an application. Use of Grants.gov may entail the following steps for those setting up new accounts or first-time users.

- a. Register with SAM at www.SAM.gov
- b. Obtain a valid UEI;
- c. Create a *Grants.gov* account; and
- d. Respond to the registration email sent to the E-Business Point of Contact from *Grants.gov*, and login at *Grants.gov* to authorize the Applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

****Please note that the *Grants.gov* registration process may take two to four weeks.**

GRANTS.GOV HELP: For Grants.gov training resources, including video tutorials, refer to: [Home | GRANTS.GOV](#). For assistance with Grants.gov registration and application submittal, refer to the Grants.gov Support Center: [Support | GRANTS.GOV](#).

5. INTERGOVERNMENTAL REVIEW

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

SECTION F - APPLICATION REVIEW INFORMATION

1. CRITERIA

The Government will evaluate applications on following criteria:

MERIT: The Government will evaluate applications against the following technical evaluation criteria, considered of equal importance. These criteria are distinct from eligibility criteria (see Section C) that are addressed before an application is accepted for review.

- 1) Program Goals: Degree to which the proposed project successfully supports and addresses the program goals listed in Section A of the NOFO. Demonstrated understanding of how to accomplish the program goals.
- 2) Administration Goals: Degree to which the proposed project successfully supports and addresses the Administration goals listed in Section A of the NOFO, where applicable. Demonstrated understanding of how to accomplish the Administration goals.
- 3) Technical and Management Approach: Demonstration of a sound, feasible, and achievable technical and management approach to successfully perform the proposed project.
- 4) Staffing Approach: Demonstration of a sound, feasible, and achievable staffing approach to successfully perform the proposed project.
- 5) Experience: Demonstration of sufficient knowledge and relevant experience of the proposed team to successfully perform the proposed project.

COST: Relative cost will be considered in the award decision. The budget application will be analyzed to assess cost reasonableness and conformance to applicable cost principles. Proposed cost share will be evaluated to ensure the proposed amount meets the minimum matching requirements and that proposed costs are in compliance with 2 CFR § 200.306. This evaluation factor will not be rated.

Funding availability will also be considered in the award decision.

2. REVIEW AND SELECTION PROCESS

An FHWA expert will evaluate and rate the application using the selection criteria listed above. If deemed necessary, DOT may use outside experts and/or contractor support to review the applications. The FHWA expert will recommend award to the selection official based on the results of their review.

As determined necessary to support the evaluation and selection process, FHWA may conduct discussions with the Applicant to clarify elements of the technical and budget applications and request additional detailed and itemized cost information.

The selection official responsible for final award decisions is the Agreement Officer, FHWA Office of Acquisition and Grants Management.

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

Risk Assessment: Prior to award, each selected Applicant will be subject to a risk assessment required by 2 CFR 200.205. If the Federal awarding Agency determines that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award.

This Risk Assessment will include evaluation of some or all of the following items relative to the Applicant and sub-applicants as applicable:

- (1) Applicant's financial stability;
- (2) Applicant's quality of management systems and ability to meet the management standards prescribed in 2 CFR Part 200;
- (3) Applicant's history of performance;

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

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

Note: FHWA will review information provided by the Applicant, and any other relevant information known to FHWA, to determine whether an award to the Applicant may create an actual or potential conflict of

interest. If any such conflict of interest is found to exist, FHWA may (a) disqualify the Applicant, or (b) determine that it is otherwise in the best interest of the United States to award to the Applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.

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

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

3. ADDITIONAL INFORMATION

Pursuant to 2 CFR Part 200.205, prior to making a Federal award, the Federal awarding Agency is required to review information available through any Office of Management and Budget (OMB) designated repositories of governmentwide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), D&B, and Sam.gov. The Government's review of this information will occur as part of the risk assessment. An Applicant may review information in FAPIIS and comment on any information about itself. The FHWA will consider comments by the Applicant, in addition to other information in FAPIIS, in making a judgment about the Applicant's integrity, business ethics, and record of performance under Federal awards when completing the risk assessment. The FHWA reserves the right to deny an award based on the results of the risk assessment.

SECTION G – AWARD NOTICES

1. FEDERAL AWARD NOTICES

Following the evaluation outlined in Section F, FHWA will notify the selected Applicant and announce the selected project. Notice that an Applicant has been selected for award does not constitute approval of the application as submitted. Before the award, FHWA may contact the Applicant's point of contact listed in the SF 424 to initiate negotiation of a project-specific agreement, if applicable. If the negotiations do not result in an acceptable submittal, FHWA reserves the right to terminate the negotiation and decline to fund the Applicant. Only the AO or other authorized representative can commit FHWA and bind the Federal Government to the expenditure of funds.

The Recipient will not receive a lump-sum cash disbursement at the time of award announcement or obligation of funds. Instead, FHWA will reimburse the Recipient only after a project agreement or award has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted by the Recipient.

2. FUNDING RESTRICTIONS

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

SECTION H – POST-AWARD REQUIREMENTS AND ADMINISTRATION

ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. Applicable Federal laws, rules and regulations set forth in 23 U.S.C. and 23 CFR and 49 CFR also apply.

GENERAL CLAUSES

The online clauses entitled “General Terms and Conditions for Assistance Award” apply to the resulting award, and are available in full text online at:

https://www.fhwa.dot.gov/cfo/contractor_recip/gtandc_after2023aug07.cfm

SPECIAL CLAUSES

In addition to the General Clauses cited above, the following Special Clauses will apply to the resulting award.

A. PUBLIC ACCESS TO DOCUMENTS

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

B. INDIRECT COSTS

Indirect costs are allowable under this Agreement in accordance with the Recipient’s Federally Negotiated Indirect Cost Rates as documented in writing and approved by the Recipient’s cognizant Government agency. In the absence of such Government-approved indirect rates, the following rates are hereby approved for use under this agreement as shown below:

Type*	Indirect Rate	Period	Rate (%)	Base

*Types of Rates: Pred - Predetermined; Fixed - Fixed; Final – Final; Prov: Provisional/billing; or De minimus.

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

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

C. DATA RIGHTS

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

D. PERSONALLY IDENTIFIABLE INFORMATION (PII)

Personally Identifiable Information (PII) as defined at CFR Part 200.1 at will not be requested unless necessary and only with prior written approval of the AO with concurrence from the AOR.

E. AVAILABLE FUNDING

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

- (1) Currently, Federal funds identified on page 1 of the award document, are obligated to this agreement.
- (2) Subject to availability of funds, and an executed document by the AO, the difference between the current funding and the total estimated amount of Federal funding may be obligated to this Agreement.
- (3) The FHWA's liability to make payments to the Recipient is limited to those funds obligated under this Agreement as indicated above and any subsequent amendments.

F. CHANGES

The Recipient agrees to obtain the prior approval of FHWA for any significant change related to the proposal as required by 2 CFR 200 and 2 CFR 1201. This includes, but is not limited to:

- a) changes in the overall project budget when the cumulative value of such transfers will exceed 10% of the value of Federal share of this Agreement.;
- b) any significant revision of the scope, schedule, goals, objectives, or tasks of the proposal Scope of Work, or related activities (regardless of whether there is an associated budget revision requiring prior approval); and
- c) changes in key personnel or program manager.

G. KEY PERSONNEL

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

- 1) [Insert Name Title/Position]

H. PROGRAM INCOME

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

I. SUBAWARDS

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the AO are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.326.

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

The following subawards are currently approved under the Agreement:

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

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

J. ORDER OF PRECEDENCE

The Recipient's technical and budget application volumes are accepted, approved, and incorporated herein as Attachments 1 and 2. In the event of any conflict between this agreement document and the Recipient's application, this Agreement document shall prevail.

K. DESIGNATION AS RESEARCH OR NON-RESEARCH AGREEMENT

This agreement is designated as: RESEARCH

L. CONFERENCE SUPPORT RESTRICTIONS

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

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

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

M. DISPUTES

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

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

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

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

N. CLOSEOUT OF AGREEMENT FILE

The Government will initiate the administrative closeout of the cooperative agreement after receiving evidence that all technical work and administrative requirements have been completed.

The Recipient shall furnish all required documents in support of the closeout of the cooperative agreement within the timeframes requested by the Government. The Government anticipates the timeframe to complete administrative closeout of the cooperative agreement will not exceed six (6) months.

O. TRAVEL

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

P. RESTRICTIONS ON LOBBYING

The Recipient agrees to comply with the requirements of 49 CFR Part 20, New Restrictions on Lobbying. Further, the Recipient agrees to file a certification, and a Disclosure of Lobbying Activities Form (SF LLL) form if required, in accordance with 49 CFR 20.110.

Q. DEBARMENT CERTIFICATION

In accordance with 2 C.F.R. Part 1200 and 2 C.F.R. § 180.335, The Recipient certifies to the best of its knowledge and belief that neither it nor any of its principals: (1) are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency; (2) have been convicted, or had a civil judgment rendered against it or its principals, within the preceding three years of any of the offenses listed at 2 C.F.R. 180.800(a); (3) are presently indicted for or otherwise criminally or civilly charged by a governmental entity with the commission of any of the offenses listed in 2 C.F.R. 180.800(a); or (4) have had one or more public transactions terminated within the preceding three years for cause of default. In addition, in accordance with 2 C.F.R. §§ 180.435 and 180.445, the Recipient will comply with subpart C of 2 C.F.R. Part 180, will communicate to all lower tier participants of their obligation to comply with subpart C of 2 C.F.R. Part 180, and will ensure that the requirement to comply with subpart C of 2 C.F.R. Part 180 is expressly made a term or condition in any such lower tier transaction.

R. NON-DISCRIMINATION

The Recipient hereby agrees that, as a condition of receiving any Federal financial assistance under this agreement, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d), related non-discrimination statutes (i.e., 23 U.S.C. § 324, Section 504 of the Rehabilitation Act of 1973 as amended, and the Age Discrimination Act of 1975), and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap, or age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which The Recipient receives Federal financial assistance. The specific requirements of the Department of Transportation Civil Rights assurances (required by 49 C.F.R. §§ 21.7 and 27.9) are incorporated in the agreement.

S. PUBLIC ACCESS REQUIREMENTS AND COMPLIANCE (if applicable)

In response to the White House Office of Science and Technology Policy memorandum dated February 22, 2013, entitled Increasing Access to the Results of Federally Funded Scientific Research, DOT is incorporating Public Access requirements into all funding awards (grants) for scientific research. This section sets forth the requirements a funding Recipient must satisfy to be in full compliance with the USDOT Public Access plan. For all wholly or partially federal funded scientific research agreements, the Recipient hereby agrees to comply with the requirements of the USDOT Public Access plan. The Recipient is required to include these obligations in any sub- awards or other related funding agreements. The full requirements of the DOT Public Access plan requirements include, but are not limited to, the following:

A. Copyright License

Recipient hereby grants to the USDOT a worldwide, non-exclusive, non-transferable, paid-up, royalty-free copyright license, including all rights under copyright, to any and all Publications and Digital Data Sets as such terms are defined in the USDOT Public Access plan, resulting from scientific research funded either fully or partially by this funding agreement. Recipient herein acknowledges that the above copyright license grant is first in time to any and all other grants of a copyright license to such Publications and/or Digital Data Sets, and that USDOT shall have priority over any other claim of exclusive copyright to same.

B. Reporting and Compliance Activities

Recipient hereby agrees to satisfy the reporting and compliance requirements as set forth in the USDOT Public Access plan, including, but not limited to, the submission and approval of a Data Management Plan, the use of Open Researcher and Contributor ID (ORCID) numbers, the creation and maintenance of a research project record in the Transportation Research Board's (TRB) Research in Progress (RiP) database, and the timely and complete submission of all required publications and associated digital data sets as such terms are defined in the DOT Public Access plan. Additional information about how to comply with the requirements can be found at: <https://ntl.bts.gov/public-access/how-comply>.

T. PROGRAM REQUIREMENTS

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may

terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

1. 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 funding 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 Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems.

2. Civil Rights and Title VI

Recipients of Federal transportation funding will be required to comply fully with the ADA, Title VI of the Civil Rights Act of 1964, and all other civil rights requirements. The Department's and the applicable Operating Administrations' Office of Civil Rights may work with awarded projects to ensure full compliance with Federal civil rights requirements.

3. Performance and Program Evaluation

As a condition of grant award, grant 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 grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant 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, grant 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).

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR Part 200).

3. REPORTING

ADDRESSES FOR SUBMITTAL OF REPORTS AND DOCUMENTS

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

Example for HCFA:

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

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

A. QUARTERLY PROGRESS REPORT

The Recipient must submit an electronic copy of the SF-PPR to [insert instructions, for example the AOR and the Agreement Specialist/AO] on or before the 30th of the month following the calendar quarter being reported. Final SF-PPRs are due 90 days after the end of the agreement period of performance.

Calendar quarters are defined as:

1st: January – March
2nd: April – June
3rd: July – September
4th: October – December

Reports due on or before:

April 30th
July 30th
October 30th
January 30th

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

Quarterly Progress Reports shall include the following:

- a. Work performed for the current quarter;
- b. Work planned for the upcoming quarter;
- c. Description of any problem encountered or anticipated that will affect the completion of the work within the time and fiscal constraints as set forth in the agreement, together with recommended solutions to such problems; or, a statement that no problems were encountered; and

- d. A tabulation, clearly delineated by Federal share, cost share and total, of the current and cumulative costs expended by quarter versus budgeted costs.

In the SF-PPR Block 11, Other Attachments, include the following information as attached pages:

- a. SF-425, Federal Financial Report; and
- b. SF-425A, Federal Financial Report Attachment (if applicable).

B. ANNUAL BUDGET REVIEW AND PROGRAM PLAN

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

C. RECIPIENT INTEGRITY AND PERFORMANCE MATTERS

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

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

Address any questions to: Rob.Miller@dot.gov

Secondary point of contact is: Lishelle.Wesley@dot.gov

SECTION H – OTHER INFORMATION

1. PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information you consider to be a trade secret or confidential commercial or financial information, the Applicant should do the following:

(1) Note on the front cover that the submission "Contains Confidential Business Information (CBI)," (2) mark each affected page "CBI," and (3) highlight or otherwise denote the CBI portions.

2. PUBLICATION/SHARING OF APPLICATION INFORMATION.

Following the completion of the selection process and announcement of awards, FHWA intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested.