U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Funding Opportunity for FY 2021-2023 Highway Use Tax Evasion (HUTE) Grants

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

ACTION: Notice of Funding Opportunity

SUMMARY:

The purpose of this Notice of Funding Opportunity (NOFO) is to solicit applications for the Federal fiscal years (FY) 2021-2023 Highway Use Tax Evasion (HUTE) grants. This will result in the distribution of up to $5.94 million, which includes up to $1.94 million from FY 2021 funding, up to $2 million from FY 2022 funding, and up to $2 million from FY 2023 funding. The actual amount awarded under this notice will be subject to the availability of funds.

Funds made available for FYs 2021-2023 HUTE Grant Program are to be awarded on a competitive basis to expand efforts to enhance motor fuel tax enforcement which includes, but is not limited to: supplementing motor fuel tax examinations and criminal investigations; developing automated data processing tools to monitor motor fuel production and sales; reimbursing State expenses that supplement existing fuel tax compliance efforts; and, analyzing and implementing programs to reduce tax evasion associated with other highway use taxes. A list of approved activities can be found in 23 United States Code (U.S.C.) § 143(b)(4). This notice describes the application requirements, selection and evaluation criteria, applicable program and Federal requirements, and available technical assistance during the grant solicitation period.

DATES:

Applications must be submitted electronically through **grants.gov** no later than 11:59 p.m., Eastern Standard Time, on November 17, 2023 (the "application deadline"). Applicants are encouraged to submit applications in advance of the application deadline; however, applications will not be evaluated, and awards will not be made, until after the application deadline.

FHWA plans to conduct outreach regarding the FY 2021-2023 HUTE Grant Program in the form of a virtual meeting on October 3, 2023, 2:00 PM Eastern Daylight Time. To join the Webinar, use the following login information:

Login:
https://usdot.zoomgov.com/j/1618572047?pwd=Z2t2dlhHK1l2UnRGVjVNb1RaaHhzZz09
Meeting ID: 161 857 2047
Passcode: 903311 2

More detailed instructions are posted on https://www.fhwa.dot.gov/policyinformation/huteGrant.cfm. The audio portion of the Webinar can be accessed through the phone numbers and access code shown on the

Weblink referenced above. The Webinar will be recorded and posted on FHWA's Website at https://www.fhwa.dot.gov/policyinformation/huteGrant.cfm. A Telephone Device for the Deaf (TDD) is available for individuals who are deaf or hard of hearing at 202-366-3993

ADDRESSES:
Applications must be submitted electronically through **grants.gov**. Refer to Catalog of Federal Domestic Assistance Number: 20.240

FOR FURTHER INFORMATION CONTACT:

Ashley Cucchiarelli
Agreement Specialist
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: HUTE@dot.gov
Phone: (720) 963-3589

Alternate:

Hector Santamaria
Agreement Officer/Team Leader
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: HUTE@dot.gov
Phone: (202) 493-2402

Office hours are from 7:30 a.m. to 4:00 p.m., Eastern Time, Monday through Friday, except Federal holidays.

FHWA will not review applications in advance, but FHWA staff are available for general questions about the HUTE NOFO. FHWA will not provide technical assistance to any applicant including providing guidance on how to address any information that should be included in an application. In addition, FHWA will post answers to questions and requests for clarifications at Grants.gov under this NOFO's page. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions.

Applicants are encouraged to submit questions to HUTE@dot.gov **by November 8, 2023 to ensure FHWA has adequate time to respond prior to the November 17, 2023 application deadline. FHWA cannot guarantee that questions received after that date will be answered prior to the application deadline.**

SUPPLEMENTARY INFORMATION:

Each section of this notice contains information and instructions relevant to the application process for FY 2021-2023 HUTE Program grants. The applicant should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

Table of Contents

NOTE:

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, 424C, 424 D, and SF-LLL has been approved by Office of Management and Budget (OMB) under 2105-0520. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

FHWA uses www.grants.gov for receipt of all applications. Applicants must register and use the system to submit applications electronically. Applicants are encouraged to register in advance 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.

SECTION A - PROGRAM DESCRIPTION

1. Overview

Section 11120 of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58, Nov. 15, 2021), amended the HUTE Program codified under 23 U.S.C. § 143(b)(2)(A) to continue the HUTE Program at $4 million for each FY 2022–2026. The purpose of the HUTE Program is to provide funding to the Internal Revenue Service (IRS), States, and the District of Columbia to assist them in carrying out intergovernmental fuel excise tax enforcement efforts and funding for training and research to reduce evasion of payment of motor fuel and other highway use taxes.

Of the $4 million in annual funds for FY 2022–2026, $2 million for each fiscal year must be made available only to carry out intergovernmental enforcement efforts, including research and training. The remaining funding may be allocated to the IRS, States, and the District of Columbia at the discretion of the Secretary of Transportation.[1] These funds are awarded on a competitive basis to carry out intergovernmental enforcement efforts, including research and training.[2]

Previous HUTE grants have been used to establish new programs for testing fuels, expanding the use of electronic tracking of fuel movement, and for various training and research initiatives. Annual reports from previous HUTE recipients submitted to FHWA have shown increased revenue and assessments in the targeted areas such as enforcement of dyed diesel fuel laws and regulations, and modifications to data reporting systems.

Alignment with Administration Priorities and Departmental Strategic Plan Goals

FHWA seeks to fund projects under this NOFO that advance the following Administration goal, where applicable.

Workforce Development, Job Quality, and Wealth Creation

DOT intends to use the HUTE Program to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships, in project planning stages, consistent with Executive Order (E.O.) 14025, Worker Organizing and Empowerment (86 FR 22829), and E.O. 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335). DOT also intends to use the HUTE Program to support wealth creation, consistent with the DOT's Equity Action Plan through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

---

[1] 23 U.S.C. 143(b)
[2] 23 U.S.C. 143(b)(2)(B)

Section E of this NOFO, which outlines the FY 2021-2023 HUTE Grant Program selection criteria, describes the process for selecting projects that further these goals. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria, and the Administration's goals as appropriate.

2. Additional Information

i. The HUTE Grant Program is described in the Federal Assistance Listings under the assistance listing program title ''Fuel Tax Evasion-Intergovernmental Enforcement Effort'' and assistance listing number 20.240.

ii. FHWA is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. FHWA also recognizes that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple DOT discretionary opportunities or seek a combination of funding from multiple DOT opportunities.

iii. The applicant should identify describe from any other DOT programs and opportunities they intend to apply for (or utilize if the Federal funding is already available to the applicant), and what award amounts they will be seeking, in the appropriate sections of this NOFO, including Section D.2.b.II.

SECTION B – FEDERAL AWARD INFORMATION

1. Amount Available

Up to $5,940,000 is available for HUTE awards under this notice. This includes up to $1.94 million in FY 2021 funding and up to $2 million in funding from each of FYs 2022 and 2023.

2. Award Size

There is no minimum or maximum HUTE award size. FHWA anticipates awarding between 12 - 15 grants. The average number of applicants applying for these funding opportunities has historically ranged from 15 to 18 applications per funding opportunity, with an average of 15 projects selected to receive a HUTE grant.

If the total requested award amount is less than the total funding available, FHWA will transfer any remaining or returned funds from prior years that need to be obligated by the end of the current year to the IRS. The IRS' use of such funds must be for intergovernmental enforcement efforts including research and training and limited to the purposes included in 23 U.S.C. § 143.

3. Previous HUTE Awards

Recipients of previous HUTE grants may apply for HUTE funding available under this notice. Applications for renewal or supplementation of existing projects will be considered but are not guaranteed to be awarded. The benefits associated with continuing the activity is considered as part of the evaluation process.

4. Type of Award

HUTE Program funds will be awarded upon the execution of a program agreement, a type of grant agreement for administration of funds allocated to a State department of transportation and obligated in the FHWA Fiscal Management Information System (FMIS).

5. Availability of Funds

For each fiscal year of HUTE funds available under this NOFO there is an obligation deadline as described in the chart below. Once obligated, HUTE funds may remain obligated until expended (subject to requirements and policies regarding inactive obligations).

Fiscal Year	Obligation Deadline
FY 2021	September 30, 2024
FY 2022	September 30, 2025
FY 2023	September 30, 2026

Obligation of HUTE Program grant funds occurs when a selected applicant enters a project agreement with FHWA and FHWA authorizes the project to proceed.

6. Period of Performance

The DOT Payment System will be the “Current Bill” module in the “FMIS” and the start of the period of performance will begin on the date HUTE funds are obligated in FMIS and end on the project end date in FMIS.

SECTION C – ELIGIBILITY INFORMATION

To be selected for a HUTE grant, an applicant must meet the eligibility requirements under this Section C including: Eligible Applicant; Eligible Project; and Certification of Maintenance of Effort. Applications that do not meet each of these threshold eligibility requirements will not be evaluated under criteria in Section E.

1. Eligible Applicants

Eligible applicants are States and the District of Columbia. (23 U.S.C. § 143(a)). FHWA expects that the eligible applicant that submits the application will administer and deliver the project.

Multiple States may submit a joint application. Such applications should identify a lead applicant as the primary point of contact and identify the primary recipient of the award. Joint applications should include a description of the roles and responsibilities of each applicant.

2. Cost Sharing or Matching

The Federal share of the cost of a HUTE discretionary grant shall be 100 percent. (23 U.S.C. § 143(b)(6)).

3. Other

a. Number of Applications.

There is no limitation on the number of applications that may be submitted by an eligible applicant. However, only one project may be included in each application.

b. Eligible Projects.

HUTE grant funds may only be used to:

i. expand efforts to enhance motor fuel tax enforcement;
ii. supplement motor fuel tax examinations and criminal investigations;
iii. develop automated data processing tools to monitor motor fuel production and sales;
iv. evaluate and implement registration and reporting requirements for motor fuel taxpayers;
v. reimburse State expenses that supplement existing fuel tax compliance efforts;
vi. analyze and implement programs to reduce tax evasion associated with other highway use taxes;
vii. support efforts between States and Indian Tribes to address issues relating to State motor fuel taxes;
viii. analyze and implement programs to reduce tax evasion associated with foreign imported fuel; and
ix. carry out intergovernmental enforcement efforts, including research and training.

HUTE funds may also be used for research and training in carrying out intergovernmental enforcement efforts. (23 U.S.C. § 143(b)(2)(B))

c. Maintenance of Effort.

In selecting projects to receive a HUTE grant, the Secretary may not make an allocation to a State under this program for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding two fiscal years of the State. (23 U.S.C. § 143(b)(5))

SECTION D - APPLICATION AND SUBMISSION INFORMATION

1. ADDRESS TO REQUEST APPLICATION PACKAGE

All application materials may be found on Grants.gov at http://www.grants.gov.

Once at Grants.gov, select the Search Grants tab. Then enter one of the following:

- Opportunity Number: FHWA-HUTE-2023-01
- Opportunity Name: Highway Use Tax Evasion – Intergovernmental Efforts
- Assistance Listing Number: 20.240

When at one of these pages, select the Opportunity, which will open to a page with several tabs. The first tab is a synopsis of the opportunity. Select the Application Package tab to download the forms needed to submit an FY 2021-2023 HUTE grant application.

For a Telephone Device for the Deaf (TDD), please call (202) 366-3993. 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:

Ashley Cucchiarelli
Agreement Specialist
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: HUTE@dot.gov (preferred)
Phone: (720) 963-3589

Alternate:

Hector Santamaria
Agreement Officer/Team Leader
Office of Acquisition and Grants Management

Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: HUTE@dot.gov (preferred)
Phone: (202) 493-2402

2. CONTENT AND FORM OF APPLICATION SUBMISSION

The content and form of the application submission is described below. Please be advised that DOT may share application information within DOT or with other Federal Agencies if DOT determines that sharing is relevant to the respective program's objectives.

All applications must be submitted electronically through **grants.gov**.

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

A. APPLICATION FORMS:

Standard Form 424

Note: Applicants may leave fields 5a, 5b, 6, 7, and 13 blank on the form.

Note: A number of separate PDF flat files must be attached in Item 15 to provide required project information that is not included in the body of the SF-424.

Instructions for adding Item 15 Attachments:

- Click on "Add Attachments" in Item 15 to open the first pop-up window. Click "Add Attachment" and a second pop-up File Explorer/Directory window will appear, from which you can choose files to attach. Attachments can be added one at a time or all at once by holding down the CTRL key and selecting multiple files. Select "Open" to add the selected files as attachments.
- Click "Done" to finalize the attachments.
- Click "View Attachments" to see a list of files that have been added as attachments.

Required attachment(s): the Project Narrative must be added as Attachments to Item 15 of the SF-424:

1. Required Forms for Non-Construction Projects

Applicants proposing non-construction-related projects must submit the following forms:

A. Standard Form 424A (Budget Information for Non-Construction Programs); and
B. Standard Form 424B (Assurances for Non-Construction Programs).

Note: The Standard Form 424A should be supported by a budget narrative explaining each element of cost.

2. Mandatory Forms for All Applications

A. Grants.gov Lobbying Form; and
B. Disclosure of Lobbying Activities form (SF-LLL).

Note: All mandatory forms are available for download at https://www.grants.gov/web/grants/forms/sf-424-mandatory-family.html.

B. PROJECT NARRATIVE

FHWA recommends that the project narrative follow the outline below. Following the outline will also assist evaluators in locating relevant information.

I. Basic Project Information – Description, Location, and Parties	See D.2.b.I
II. Grant Funds, Sources and Uses of all Project Funding	See D.2.b.II
III. Merit Criteria	See D.2.b.III
IV. Project Readiness	See D.2.b.IV
V. Administration Priorities and Departmental Strategic Plan Goals	See D.2.b.V
VI. FHWA Priority Selection Considerations	See D.2.b.VI

The project narrative should provide information, including a table of contents, maps, and graphics as appropriate, necessary for FHWA to determine that the project satisfies project requirements described in Section C for the grant program and to assess the Merit Criteria specified in Section E.1.

To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by FHWA. FHWA may, but is not required to, request additional information, including additional data, to clarify supporting data and documentation submitted in an application, but FHWA encourages applicants to submit the most relevant and complete information they can provide. FHWA also encourages applicants, to the extent practicable, to provide data in a form that is publicly available or verifiable. To ensure a fair and unbiased evaluation of applications submitted under this notice, FHWA will not request additional information to perfect incomplete applications.

FHWA recommends that the project narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative should not exceed 20 pages in length. Appendices may include documents supporting assertions or conclusions made in the 20-page project narrative and do not count towards the 20-page limit. If possible, Website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. FHWA recommends using appropriately descriptive final names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments. FHWA recommends applications include the following sections:

I. Basic Project Information – Project Description, Location, and Parties

The application should provide a concise description of the project including whether the project is located in an urban or rural community. For the purpose of this NOFO, FHWA will consider communities that are within Urbanized Areas (i.e., areas with a population of 50,000 or more) to be urban communities and all other communities to be rural. FHWA will rely on the digital maps and geographic shapefiles for the 2020 Census urban areas depicted on the FHWA HEPGIS maps of MPO and 2020 Census Urban Areas - FHWA HEPGIS Maps (dot.gov) (refer to the "MPO and Air Quality Tab" and then scroll to "MPO and 2020 Census Urban Areas") which correlates the definitions of "urban[3]" and "rural areas[4]" under Title 23, U.S.C. and Bureau of the Census data. A list of 2020 census designated urban areas is available in the Census Bureau's December 29, 2022 Federal Register Notice (87 FR 80114)."

The application should include a discussion of the project's history and a description of any previously incurred costs.

The project information should include documentation of any coordination with other States and agencies. The applicant should describe in detail all of the other public and private parties who are involved in delivering the project, including a specific description of the role of each entity in delivering the project. The applicant should state whether or not a private or non-private entity will receive a direct and predictable financial benefit if the project is selected for award. This

---

[3] The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area in each State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and note within any urbanized area. (23 U.S.C. § 101(35)). The term "urbanized area" means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census. (23 U.S.C. § 101(36)).

[4] The term "rural areas" means all areas of a State not included in urban areas. (23 U.S.C. § 101(25))

includes, but is not limited to, private and non-private entities directly benefitting from completion of the proposed project. If this project directly involves or benefits a specific private corporation, a non-public entity, or a public entity, please identify the full name of each entity, separated by a comma.

II. Grant Funds, Sources and Uses of all Project Funding

The applicant should describe the project's budget in detail and the plans for covering the full cost of the project from all sources.

The project budget should show how different funding source will share in each major project 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: (1) Non-Federal; (2) HUTE Funds; and (3) Other Federal funds with specific amounts from each funding source.

The project budget should identify all Federal funds to be used for future eligible costs of the project, including the requested HUTE grant amount, other Federal grants that have been awarded to the project or for which the project intends to apply in the future, and any Federal formula funds that have already been programmed for the project or are planned to be programmed for the project. For each category of Federal funds to be used for future eligible project costs, the amount, nature, and source of any required non-Federal match for those funds.

If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the HUTE statutory cost-sharing requirements described in Section C.2 and those associated with each category of Federal funding.

The application should include information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases. In addition to the information enumerated above, this section should provide complete information on how all project funds may be used, availability and funding commitments. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. Complete information about project funds will ensure that the FHWA's expectations for award execution align with any funding restrictions unrelated to the FHWA, even if an award differs from the applicant's request.

III. Merit Criteria

The applicant should describe how the proposal meets the Merit Criteria listed in Section E.1.

IV. Project Readiness

The application should include information that, when considered with the project budget information, is sufficient for FHWA to evaluate whether the project is reasonably expected to begin in a timely manner.

The applicant should include a detailed project schedule that identifies all major project milestones. The project schedule should be sufficiently detailed to demonstrate that all necessary activities will be complete to allow the FY 2021-2023 HUTE funds to be obligated timely and that any unexpected delays will not put the funds at risk of expiring before they are obligated.

Project risks, such as procurement delays, uncommitted local match, pushback from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

V. Administration Priorities and Departmental Strategic Plan Goals

Several types of HUTE eligible projects align well with the Administration Priority and Departmental Strategic Plans Goal of Workforce Development, Job Quality, and Wealth Creation. If an application is for a HUTE grant for a project that will advance this Priority, applicants should address how their project will create good-paying jobs with free and fair choice to join a union; promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeship, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); and change hiring policies and workplace cultures to promote the entry and retention of underrepresented populations.

VI. FHWA Priority Selection Considerations

The applicant should describe how the proposed project meets the FHWA Priority Selection Considerations listed in Section E.1. The applicant should include a section to highlight any priority considerations the project will address. Detailed information demonstrating how the project supports the priority consideration(s) and references to earlier sections of the narrative along with supporting documentation should be included in the application.

3. Unique Entity Identifier and System for Award Management

The Data Universal Numbering System (DUNS), required for entities doing business with the Federal Government, was replaced by the Unique Entity Identifier (UEI) in the System for Award Management (SAM). As of April 4, 2022, applicants must use their UEI, issued during the SAM.gov registration process, to do business with DOT. If your entity was actively registered, then your UEI was automatically assigned, and it is currently viewable in SAM.gov;

there is no action for registered entities to take at this time to obtain your SAM UEI. If you are a new entity or your registration has expired, you must register your entity in SAM.gov and you will be assigned a UEI.

Each applicant is required to:

a. Be registered in SAM before submitting their 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.

Please see https://www.grants.gov/web/grants/applicants/applicant-faqs.html#UEI for more information on the transition from DUNS to SAM UEI, including what UEI to enter into the UEI field on grants.gov and on application package forms.

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 qualified 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 Timelines

Applications must be submitted electronically through grants.gov no later than 11:59 p.m., Eastern Standard Time on November 17, 2023 (the "application deadline"). Paper applications will not be accepted.

5. Intergovernmental Review

An application under this NOFO is not subject to the State review under E.O. 12372.

6. Funding Restrictions

a. Unless authorized by FHWA in writing after FHWA's announcement of FY 2021-2023 HUTE applications selected to receive an award, any costs incurred prior to FHWA's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement.

b**.** Grant funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

7. Other Submission Requirements

a. Scalable Project Options.

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project or a bundled project at the full requested amount. If an applicant advises that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FHWA may award a lesser amount whether or not a scalable option is provided.

b. Submission Location.

Applications must be submitted to *Grants.gov*.

c. Consideration of Applications.

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid applications through *Grants.gov* will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

d. Late Applications.

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact grants.gov at support@grants.gov or visit their support Webpage at https://www.grants.gov/web/grants/support.html, prior to the application deadline with the username of the registrant and details of the technical issue experienced. The applicant must provide:

(1) Details of the technical issue experienced;

(2) Screen capture(s) of the technical issues experienced along with corresponding Grants.gov "Grant tracking number;"

(3) The "Legal Business Name" for the applicant that was provided in the SF-424;

(4) The Point of Contact name submitted in the SF-424;

(5) The UEI associated with the application; and

(6) The Grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the registration process before the deadline; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its Website; (3) failure to follow all instructions in this NOFO; and (4) technical issues experienced with the applicant's computer or information technology environment.

After FHWA reviews all information submitted and contact the Grants.gov Help Desk to validate reported technical issues, FHWA staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. FHWA will not accept appeals of FHWA decision to approve or deny a request for a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

SECTION E - APPLICATION REVIEW INFORMATION

FHWA will award HUTE grants based on an evaluation of the Merit Criteria and FHWA Priority Selection Considerations described in this section under E.1.

1. Criteria

i. Merit Criteria

FHWA will evaluate FY 2021-2023 HUTE Grant Applications using the following Merit Criteria.

a. Criterion 1: Work Plan and Budget.

FHWA will evaluate the extent to which the application describes the project including a work plan with a description of the start and end dates for major project activities, milestones, and deliverables. Applicants should include a project budget with the total project cost. The budget should identify all funding sources, amounts, and percentage of total cost of the project including the HUTE requested grant amount and other funding sources, as appropriate.

Highly Qualified: The application describes the project in detail including the major project activities, milestones, and deliverables. For each major project activity, milestones, and deliverable, the application provides a start and end date for each. ***AND*** The application includes a detailed budget that shows the total project cost, all funding sources and amounts, and percentage of total project costs.

Qualified: The application broadly describes the project. The application does not provide detailed information about the major project activities, milestones, and deliverables and/or does not provide the start and end dates for each. ***OR*** The application includes a budget but does not provide a detailed breakdown of the funding sources and amounts, and percentage of total project costs.

Not Qualified: The application does not clearly describe the project and reviewers are unable to assess responsiveness of application to this criterion. ***OR*** The application does not include major project activities, milestones, and deliverables. ***OR*** The application does not provide the start and end dates for each. ***OR*** No budget is included in the application.

b. Criterion 2: Evasion Enforcement Issue.

FHWA will evaluate the extent to which the application describes the evasion enforcement challenge(s) or issue(s) the proposed project seeks to address. The application includes data that supports the existence, and, if known, magnitude of the challenge(s) or issue(s) that the project is intended to address. The application provides information to demonstrate that the proposed project is anticipated to address the challenge/issue identified or otherwise improves the program.

Highly Qualified: The challenge(s) or issue(s) are identified and described in detail. ***AND*** The application includes verifiable data that directly supports the need to mitigate or address the challenge(s) or issue(s), for example by describing, if known, the expected magnitude of the challenge or issue (e.g., expected/potential amount of tax evasion). ***AND*** the application includes information to demonstrate that the proposed project is anticipated to address the challenge(s)/issue(s) or otherwise improves the program.

Qualified: The challenge(s) or issue(s) are identified and broadly described but the application does not provide detailed information about the challenge(s) or issue(s). ***OR*** The application includes data but there is no demonstration in the application it supports the need to mitigate or address the challenge(s) or issue(s).

Not Qualified: The challenge(s) or issue(s) are not identified or described in the application. ***OR*** The data provided in the application is insufficient to assess how it supports the challenge(s) or issue(s) identified in the application, ***OR*** no data is provided in the application.

c. Criterion 3: Innovation.

FHWA will evaluate the extent to which the application provides a description of the development or implementation of an innovative approach (a new idea that has not been widely applied in the past, particularly if new areas of evasion have been identified) to deliver the proposed project. Innovation may include new methods of analyzing data, incorporating new sources of data, and combining the resources of multiple agencies, such as tax and enforcement. The application describes how the project may lead to the adoption of the innovation by the other revenue agencies and result in increased infrastructure investment.

Highly Qualified: The application provides a detailed description of the proposed innovative approach. ***AND*** The application includes a detailed discussion that explains why the approach is new or has not been widely applied to evasion enforcement efforts. ***AND*** The application describes in detail how the project may lead to the adoption of the innovation by other revenue agencies and result in increased infrastructure investment.

Qualified: The application provides a general description of the proposed innovative approach but does not discuss whether the approach is new, has not been widely used or the application describes an innovative approach is relatively new but is becoming a mainstreamed approach to evasion enforcement efforts.

Not Qualified: The application does not propose to develop or use an innovative approach to evasion enforcement efforts. ***OR*** The proposed innovation is not new and FHWA is aware that it is widely used by other revenue agencies.

d. Criterion 4: Intergovernmental Inclusion.

FHWA will evaluate the extent to which the project includes the participation of other agencies, by inclusion of commitment letters from one or more agencies which may include those in other States or the IRS. The application includes a letter of commitment from each agency or State identified as a participant in the application.

Highly Qualified: The application identifies and describes in detail the role in the project of the State and one or more agencies which includes those in other States or the IRS. ***AND*** The application includes a letter of commitment from each participant identified in the application.

Qualified: The application identifies the participation of the State but only one other agency, State, or the IRS will participate in the project. ***OR*** The application broadly describes the role of each participant. ***OR*** The application does not include a letter of commitment from all of the participants identified in the application.

Not Qualified: The application is limited only to the recipient. No other agencies, States or the IRS will participate in the project. ***OR*** The role of each participant in the project is not described in the application. ***OR*** No letters of commitment are included with the application.

ii. Overall Ratings Definitions

FHWA will assign each eligible project a rating of Highly Qualified, Qualified, or Not Qualified to each eligible application. The rating will be assigned by FHWA on the following basis:

A rating of **"Highly Qualified"** will be assigned to a project that:

- Receives a Highly Qualified rating for all Merit Criteria.

A rating of **"Qualified"** will be assigned to a project that:

- Receives a Qualified rating on one of the Merit Criteria.

A rating of **"Not Qualified"** will be assigned to a project that:

- Receives a Not Qualified rating on one of the Merit Criteria.

iii. FHWA Priority Selection Considerations

After completing the merit review, among projects of similar merit, FHWA will prioritize projects that meet one or more of the following:

1. The project supports economic vitality at the national and regional level by increasing revenue at State levels[5];
2. The project will utilize alternative funding sources and innovative financing models to attract non-Federal sources[6] to combat highway fuel tax evasion efforts;
3. The project is reasonably expected to be completed in a timely manner and that any unexpected delays will not put funds awarded under this NOFO at risk of expiring before they are obligated; or
4. The project includes high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships.

2. Review and Selection Process

FHWA will conduct an application intake and eligibility review by providing an initial eligibility screening based on the statutory eligibility criteria in Section C. Only eligible projects will be evaluated against the Merit Criteria in Section E. The HUTE application evaluation process consists of (1) a Technical Review and (2) an FHWA Senior Review.

Technical Review

The evaluation of eligible applications will be conducted by a Technical Review Team who may consist of individuals from FHWA Headquarters and Division offices. The Technical Review Team will evaluate each eligible application against the Merit Criteria in section E.1. and assign an overall application rating. The Technical Review Team will evaluate each Highly Qualified and Qualified application against its responsiveness to the FHWA Priority Considerations.

Applications Recommended for Consideration by the FHWA Senior Review Team (SRT)

The Technical Review Team will send to the FHWA SRT the overall project rating for each eligible HUTE application and evaluation of responsiveness to the FHWA Priority Selection Considerations.

---

[5] The identification of lost revenue through tax evasion, assessing the evaded taxes, and stopping evasive efforts naturally should result in increased revenue at the State and Federal levels. The increase in revenue to the States may then be used for further investments in surface transportation projects.

[6] Applications for eligible training activities will be considered for their potential to instruct methods that will identify and reduce fuel tax evasion. Thus, cost sharing will not be considered in the evaluation of these activities.

FHWA Senior Review Team Process

The FHWA SRT consists of senior FHWA officials who have been requested to serve by the FHWA Administrator. The SRT, which may include the FHWA Administrator's participation in the SRT review process, advises the FHWA Administrator which projects the FHWA Administrator should select for funding.

The FHWA SRT will determine which Highly Qualified HUTE projects to advance to the FHWA Administrator. The FHWA SRT may also recommend for selection a HUTE project that is rated Qualified over a Highly Qualified project. When recommending a HUTE project that is rated Qualified over a Highly Qualified project, the FHWA SRT will select Qualified projects by considering the responsiveness to the FHWA Priority Selection Considerations.

The FHWA Administrator makes final project selections and will select among the projects advanced by the FHWA SRT. The review process gives the Administrator the discretion to determine which applications best address program requirements, advance the Administration's Priorities and Departmental Strategic Plan Goals, and should be selected. When selecting projects, the Administrator may also consider geographic diversity including the need for a balance between the needs of rural and urban communities and selecting projects that ensure the effective use of Federal funding.

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

3. Additional Information

a. FHWA may, during the selection process, enter into discussions with an applicant that may include mutually agreeing upon a lesser amount of a potential award than originally requested in the application if necessary due to the quantity, size and scope of the applications received in response to this notice and the results of the application review process. Discussions may include scalable project options as described under Section D.7.a. of this notice.

b. Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. The DOT must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. FHWA will consider comments by the applicant, in addition to the 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 review of risk posed by applicants.

c. Recipients of previous HUTE grants may apply for HUTE funding made available under this notice. Applications for renewal or supplementation of existing HUTE funded projects will be considered but are not guaranteed to be awarded.

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notices

Following the evaluation outlined in Section E, FHWA will announce awarded projects by posting a list of selected projects at https://www.fhwa.dot.gov/policyinformation/huteGrant.cfm. Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, FHWA will contact the point of contact listed in the SF 424 to initiate negotiation of the project agreement for authorization. Recipients of HUTE grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, FHWA will reimburse HUTE grant funds to recipients only after a project agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Unless authorized by FHWA in writing after FHWA's announcement of FY 2021-2023 HUTE awards, any costs that a recipient incurs before FHWA executes a project agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

2. 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 Title 23, U.S.C., and Title 23 of the CFR, shall apply to awards provided under this program.

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, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the DOT; 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 FHWA determines that a recipient has failed to comply with applicable Federal requirements, FHWA may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

In particular, E.O. 14005 directs the Executive Branch Departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Any grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carriers Safety Regulations (FMCSR), or vehicles that are exempt from FMVSS or FMCSR in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

A. Program Requirements

i. *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 FHWA and the U.S. 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."

ii. Domestic Preference Requirements

As expressed in E.O. 14005, Ensuring the Future Is Made in All of America by All of America's Workers (86 FR 7475), the executive branch to 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 requirements at Pub. L. No 117-58, div. G §§ 70901–70927. FHWA expects all applicants to comply with those requirements.

The applicability of Federal requirements to a project may be affected by the scope of the National Environmental Policy Act (NEPA) reviews for that project. For example, under 23 U.S.C. § 313(g), Buy America requirements apply to all contracts that are eligible for assistance under Title 23, U.S.C., and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with Title 23 funds. As another example, Americans with Disabilities Act (ADA) regulations apply to all projects funded under this Notice.

iii. Civil Rights and Title VI

As a condition of a grant award, grant 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 CFR § 21), the 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. The FHWA Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

iv. Federal Contract Compliance

As a condition of grant award and consistent with E.O. 11246, Equal Employment Opportunity (30 FR 12319, and as amended), all federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for work being performed by people of color. Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's (DOL) Office of Federal Contractor Compliance Programs (OFCCP) is charged with enforcing E.O. 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under "Scheduling" on DOL's Website: https://www.dol.gov/agencies/ofccp/faqs/construction-compliance.

3. REPORTING

a. Progress Reporting on Grant Activities

Each applicant selected for HUTE grant funding must submit annual progress reports and Federal Financial Reports (SF-425), and an Annual Budget Review and Program Plan on the financial condition of the project to monitor project progress and ensure accountability and financial transparency in the HUTE Program.

b. Performance and Program Evaluation

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by FHWA 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. FHWA may require applicants to collect data elements to aid the evaluation and/or use information available through other reporting. 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 FHWA 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; (4) access to right-of-way to contractor or FHWA staff for long-term data and observation collection; and (5) follow evaluation procedures as specified by the evaluation contractor or FHWA 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).

c. HUTE Project Specific Reporting Requirements

Each applicant selected for HUTE grant funding must collect and report to FHWA information on the project's performance based on performance indicators FHWA identifies related to program goals (e.g., to provide funding to the States to carry out intergovernmental enforcement efforts along with training and research to reduce evasion of payment of motor fuel and other highway use taxes) and other information as requested by FHWA. Performance indicators should include measurable goals or targets that FHWA will use internally to determine whether the project meets program goals, and grant funds achieve the intended long-term outcomes of the HUTE Program. FHWA will work with the grant recipient to establish a recommended two to four performance measures that enable FHWA to measure and evaluate the outcomes of the individual grant, relative to the program goals (identified in Section E.1). Performance reporting continues for several years after project construction is completed.

The required reports must be submitted annually based on language in 23 U.S.C. § 143, and per the language on the Project Agreement signed by the State. The reports should include Federal Financial Reports (SF-425), and an Annual Budget Review and Program Plan on the financial condition of the project to monitor project progress and ensure accountability and financial transparency in the HUTE Grant Program.

The Annual progress report must include the required certification pursuant to 2 CFR 200.415, the Standard Form Performance Progress Report (SF-PPR) cover page and the SF-PPR Block 10 Performance Narrative. The recipient shall complete the Annual Reporting Template, expanding on SF-PPR Block 10 as necessary, to include the following information when applicable:

1. Work performed for the current quarter;
2. Work planned for the upcoming quarter;
3. Status of all planned procurement activities, proposed procurement schedules, and a list of key procurement milestone dates;
4. 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;
5. A tabulation of the current and cumulative costs expended by cost element (labor, travel, indirect costs, subrecipient/subcontractor, etc.) by quarter versus budgeted costs;
6. Any quantitative data available, such as the number of fuel samples, number of returns processed, etc., and amounts of those assessments, including penalties and interest charges;
7. Budget revisions; and
8. In the SF-PPR Block 11, Other Attachments, include the following information as attached pages:
   a. SF-425, Federal Financial Report;
   b. SF-425A, Federal Financial Report Attachment (if applicable); and
   c. SF-LLL, Disclosure of Lobbying Activities.

d. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. § 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

e. Other

FHWA reserves the right to request additional information, if deemed needed, to better understand the status of the project. The successful applicant will provide additional financial reporting beyond the semi-annual reporting, if such statements are necessary to address FHWA's Stewardship and Oversight responsibility of the funds. The successful applicant also agrees to allow periodic project inspections and FHWA will provide notice for such inspections.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

For questions concerning this NOFO and the award process, please contact:

Ashley Cucchiarelli
Agreement Specialist
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590

Email: HUTE@dot.gov (preferred)
Phone: (720) 963-3589

Alternate:

Hector Santamaria
Agreement Officer/Team Leader
Office of Acquisition and Grants Management
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave., SE.
Washington, DC 20590
Email: HUTE@dot.gov (preferred)
Phone: (202) 493-2402

Office hours are from 7:30 a.m. to 4:00 p.m., Eastern Time, Monday through Friday, except Federal holidays.

A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, up to the application deadline, FHWA will post answers to common questions and requests for clarifications on FHWA's Website at 2022 Highway Use Tax Evasion (HUTE) Grant Information - Policy | Federal Highway Administration (dot.gov). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions. FHWA staff may also conduct briefings on the HUTE grant selection and award process upon request.

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 applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) State on the cover of that document that it ‘‘Contains Confidential Business Information (CBI)’’; (2) mark each page that contains confidential information with ‘‘CBI’’; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If the DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, FHWA will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

2. Publication/Sharing of Application Information

Following the completion of the selection process and announcement of awards, FHWA may publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1., FHWA may make application narratives publicly available or share application information within DOT or with other Federal agencies if FHWA determines that sharing is relevant to the respective program's objectives.

3. FHWA Feedback on Applications

Debriefs by FHWA are available to applicants not selected for award to receive information about the evaluation of their application.

4. Additional HUTE Program Information

This program is administered by the FHWA's Office of Policy and Governmental Affairs. Additional information regarding fuel tax evasion enforcement initiatives can be found at http://www.fhwa.dot.gov/policyinformation/motorfueldata.cfm.

Details of the HUTE Program, as authorized under the current Surface Transportation Authorization, the Infrastructure Investment and Jobs Act, can be found at https://www.fhwa.dot.gov/fastact/factsheets/highwayusetaxevasionfs.cfm.