



U.S. Department of Transportation

Notice of Funding Opportunity Number 693JJ324NF00024

*“Reduction of Truck Emissions at Port Facilities
Grant Program”*

Issue Date: X/XX/2024

Application Due Date: X/XX/2025

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The Federal Highway Administration (FHWA) is using www.Grants.gov for issuance of this Notice of Funding Opportunity (NOFO). Applicants must register at Grants.gov under the NOFO number to receive notifications of updates/amendments to this NOFO. It is the Applicant's responsibility to monitor the Grants.gov site for any updates/amendments to this NOFO.

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. This information collection has been approved by Office of Management and Budget (OMB) under 2125-0673. The use of Standard Forms 424, 424A, 424B, 424C, 424D, and SF-LLL has been approved by 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.

Summary Information

Funding Opportunity Summary:	Up to \$240 million in Federal funding to provide grants to eligible entities to reduce idling and emissions at port facilities, including through the advancement of port electrification.
Federal Agency Name:	U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) Office of Operations 1200 New Jersey Avenue, SE Mail Drop: E86-205 Washington, DC 20590 Attn: Chip Millard
Funding Opportunity Title:	Reduction of Truck Emissions at Port Facilities Grant Program
Announcement Type:	This is the initial announcement of this funding opportunity. This is not a follow-on notice.
Funding Opportunity Number:	693JJ324NF00024
Type of Award:	Grant agreements
Assistance Listing Number:	20.205 (Highway Planning and Construction)
Application Due Date:	Submission Deadline: Applications Due by X/XX/2025 at 11:59 PM Eastern Time through www.Grants.gov
Questions:	Submit Questions to: RTEPF@dot.gov

Funding Opportunity Informational Webinar

The FHWA will host an informational session regarding this funding opportunity. This session will be conducted as a virtual forum and will focus on specific topics to help potential applicants gather additional information and ask specific questions.

Participation in this session is not mandatory to submit an application under this NOFO. However, FHWA encourages potential applicants to take advantage of this opportunity to gather information regarding this specific funding opportunity.

INFORMATIONAL SESSION: Reduction of Truck Emission at Port Facilities (RTEPF) Grant Program

SESSION: Virtual Webcast: Background and Application Information for the Reduction of Truck Emissions at Port Facilities Grant Program

DATE: TBD

TIME: 1:00 pm Eastern Time

INFORMATION AND REGISTRATION: To Be Determined

Note: The FHWA will also consider conducting additional virtual and/or in person workshops regarding the RTEPF Grant Program.

FOR FURTHER INFORMATION CONTACT:

For further information concerning this notice, please contact the RTEPF Grant Program staff via email at RTEPF@dot.gov. A Telephone Device for the Deaf (TDD) is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, FHWA will post answers to questions and requests for clarifications to grants.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.

SECTION A – PROGRAM DESCRIPTION

Section 11402 of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58, Nov. 15, 2021), established the RTEPF Grant Program to reduce idling at port facilities. Under the statute, the Secretary of Transportation shall 1) study how ports and intermodal port transfer facilities would benefit from increased opportunities to reduce emissions at ports, including through the electrification of port operations, 2) study emerging technologies and strategies that may help reduce port-related emissions from idling trucks, and 3) coordinate and provide funding to test, evaluate, and deploy projects that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency, focusing on port operations, including heavy-duty commercial vehicles, and other related projects.

The DOT is hereby accepting applications to result in the award of new grants, under the “Reduction of Truck Emissions at Port Facilities Grant Program.” This NOFO will result in the distribution of up to \$240 million, which represents the combined amounts authorized for this program for fiscal years 2024, 2025 and 2026. The actual amount available to be awarded under this notice will be subject to the availability of funds. The assistance listing number for this funding opportunity is 20.205, Highway Planning and Construction.

1. Statement of Purpose

The RTEPF Grant Program is a discretionary grants program aimed at funding projects that reduce port-related emissions from idling trucks, including the advancement of port electrification and improvements in port operations efficiency.

2. Legislative Authority

Legislative authority for this program was established by Section 11402 of BIL. The BIL Section 11101(b)(1)(F)(i) authorized \$50 million in contract authority from the Highway Trust Fund (HTF) for each Federal fiscal year (FY) from 2022 to 2026 to carry out the RTEPF Grant Program, subject to the imposition of annual obligation limitation. Section 11101(b)(1)(F)(ii) states amounts made available under Section 11101(b)(1)(F)(i) shall be available for obligation in the same manner as if those amounts were apportioned under 23 United States Code (U.S.C.) Chapter 1. Section 11402(b)(5) of BIL states that notwithstanding any other provision of law, any project funded by a grant under this subsection shall be treated as a project on a Federal-aid highway under Chapter 1 of Title 23, U.S.C.

In addition, BIL Division J, title VIII, Highway Infrastructure Program heading, paragraph (5) appropriates a total of \$150 million in advanced appropriations from the General Fund in equal amounts for each of the FY 2022 through FY 2026, i.e., \$30 million per fiscal year, to carry out the RTEPF Grant Program under Section 11402 of the BIL, subject to the administrative takedown of up to 1.5 percent of the amounts appropriated for operations and administration of FHWA. Unless otherwise provided in Section 11402, the funds made available in Section (5) shall be administered as if apportioned under 23 U.S.C. Chapter 1.

3. Background

The RTEPF Grant Program is a discretionary grants program aimed at funding projects that reduce emissions at ports, including through the advancement of port electrification and improvements in port operations efficiency.

4. Program Vision, Program Goals, and Administration Goals

Many port facilities and their neighboring communities experience poor air quality due to significant truck congestion and idling both inside and outside the port facility. In addition, many trucks that serve ports operate locally or regionally and do not make multiple day, over the road trips, providing opportunities for those trucks to use alternative fuels that have less extensive fueling infrastructures in place or require longer fueling periods. The RTEPF Grant Program provides funding opportunities for ports to address truck emissions challenges at their facilities while also reducing the emissions' impact on the ports' neighboring communities.

Program Goal:

The primary goal of the RTEPF Grant Program as identified in BIL Section 11402(a)(1) is to coordinate and provide funding to test, evaluate, and deploy projects that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency, focusing on port operations, including heavy-duty commercial vehicles, and other related projects.

The program goal can be achieved through, though is not restricted to, one or more of the following means:

- Promoting development of port-related infrastructure that reduces emissions from port-related truck idling, including the electrification of port operations, which can include truck parking electrification;
- Promoting development of on-truck technologies that reduce emissions from port-related truck idling;
- Promoting use of zero or low emissions powertrains or fuels on trucks; zero or low emissions fuels can include but are not limited to hydrogen fuel cells, natural gas, and biodiesel;
- Reducing truck congestion within or adjacent to ports, which can include promoting enhanced rail intermodal connections at ports; and
- Other improvements that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency focusing on port operations, including heavy-duty commercial vehicles, and other related projects.

Administration Goals:

The Department seeks to fund projects that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation as described in the USDOT Strategic Plan, Research, Development and Technology Strategic Plan, and in executive orders.

Section E of this NOFO, which outlines the FY 2024, FY 2025, and FY 2026 RTEPF Grant Program awards 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.

SECTION B – FEDERAL AWARD INFORMATION

1. Award Amount Available

This NOFO will provide funding for both FY 2024, FY 2025, and FY 2026. A total of up to \$240 million will be available to RTEPF Grant Program awards under this NOFO; up to \$80 million from FY 2024 funding, up to \$80 million from FY 2025 funding, and up to \$80 million from FY 2026 funding subject to the imposition of the annual obligation limitation and administrative take down discussed in Section A.2.

All FY 2024 funding awards are available for obligation through September 30, 2027, all FY 2025 funding awards are available for obligation through September 30, 2028, and all FY 2026 funding awards are available for obligation through September 30, 2029. The \$30 million in FY 2024 Highway Infrastructure Program general funds from the U.S. Treasury must be expended by September 30, 2032. The \$30 million in FY 2025 Highway Infrastructure Program general funds from the U.S. Treasury must be expended by September 30, 2033. Finally, the \$30 million in FY 2026 Highway Infrastructure Program general funds from the U.S. Treasury must be expended by September 30, 2034. Funds authorized out of the HTF do not have an expenditure deadline.

*Please note that this NOFO is subject to availability of funding. 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 DOT is not obligated to make any award as a result of this notice.

2. Award Size

There is no minimum or maximum award amount for FY 2024, FY 2025, and FY 2026 RTEPF Grant Program awards.

3. Type of Award

The anticipated award(s) will be cost-reimbursable grant agreements.

4. Period of Performance

The total period of performance for the award(s) is anticipated to be between 1 and 4 years. Note that RTEPF Grant Program advanced appropriations from the General Fund must be expended (the grant obligation must be liquidated or paid out to the grant recipient) at the end of the fifth fiscal year after the period of availability ends. After this date, unliquidated funds are no longer available to the project.

SECTION C – ELIGIBILITY INFORMATION

1. ELIGIBLE APPLICANTS

Eligible applicants for RTEPF Grant Program funds are entities that 1) have authority over, operate, or utilize port facilities and/or intermodal port transfer facilities, 2) have authority over areas within or adjacent to ports and intermodal port transfer facilities, or 3) will test and/or evaluate technologies that reduce truck emissions at port facilities and/or intermodal port transfer facilities.

Multiple eligible entities that submit a joint application should identify a lead applicant as the primary point of contact and recipient for purposes of financial administration of the project. Joint applications should include a description of the roles and responsibilities of each applicant and should be signed by each applicant.

For both individual applications and joint applications, it is strongly encouraged that the applicant responsible for financial administration of the project be familiar with the requirements associated with managing Federal assistance projects.

2. COST SHARING OR MATCHING

Cost sharing or matching is required under a RTEPF Grant Program award. An RTEPF Grant Program award shall not exceed 80 percent of the total cost of the project funded (BIL Section 11402(b)(2)). Hence, this NOFO requires a minimum non-Federal cost share of 20 percent.

Cost sharing or matching means the portion of project costs not paid by Federal funds. 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. Other Federal funds using their appropriate matching share may be leveraged for selected projects but cannot be considered as part of the RTEPF matching funds unless otherwise supported by statute.

3. ELIGIBLE PROJECT LOCATIONS

Eligible project locations for deployment projects using RTEPF Grant Program funds include areas within or adjacent to ports and intermodal port transfer facilities. Testing and evaluation projects can be conducted anywhere but must be focused on reducing truck emissions within or adjacent to ports and/or intermodal port transfer facilities. For purposes of the RTEPF Grant Program, ports are considered to be marine or water facilities where ships take on or discharge cargo. Intermodal port transfer facilities are facilities that handle the transfer of freight shipments between two or more modes of transportation. The goods at intermodal port transfer facilities are transported via shipping containers, truck trailers, or as bulk cargo, and are transferred between marine vessels and trucks, marine vessels and rail cars, or rail cars and trucks.

SECTION D – APPLICATION AND SUBMISSION INFORMATION

1. ADDRESS TO REQUEST APPLICATION PACKAGE

Applicants may obtain application forms on Grants.gov at <http://www.grants.gov> under the NOFO Number cited herein.

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

- Opportunity Number: 693JJ324NF00024
- Opportunity Name: Reduction of Truck Emissions at Port Facilities Grant Program
- Assistance Listing Number: 20.205

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 a FY 2024 to FY 2026 RTEPF Grant Program application. The applicant must complete and submit all forms included in the application package for this notice as contained at www.Grants.gov.

Should applicants have any difficulties in accessing any standard forms and require paper copies, please contact Charlie Sager by either of the means below:

Charlie Sager

Phone: 202-366-4214

Email: Charles.Sager@dot.gov

For a TDD, please call (202) 366-3993.

2. CONTENT AND FORM OF APPLICATION SUBMISSION

Content and Form of Applications

Applicants shall submit an application that includes the following information:

1. Volume 1: Technical Application;
2. Volume 2: Budget Application, including the Standard Form (SF) 424 (Application for Federal Assistance); SF-424A (Budget Information for Non-Construction Projects) or SF-424C (Budget Information for Construction Projects); SF-424B (Assurances for Non-Construction Projects) or SF-424D (Assurances for Construction Projects), only if required (see details below in Volume 2 Section I); and SF-LLL (Disclosure of Lobbying Activities).

A more detailed description of the technical application and budget application submission elements is shown below:

Table D.2 – Application Volumes

Volume	Section	Individual Page Limits	Overall Page Limits
Volume 1. Technical Application	I – Cover Page and Table of Contents	No page limit	
	II – Project Narrative		One (1) file, 30-page limit
	III – Management Structure		
	IV – Staffing Description	5-page limit	One (1) file, no overall page limit
	Appendix – Résumés	4-page limit on individual résumés	
	Exhibits and attachments in support of Sections II-IV		
Volume 2. Budget Application	I – Application Standard Forms		Separate files, no page limit
	II – Summary Budget Narrative		One (1) file, no page limit
	III – Cost Share Information (including letters of commitment)		
	IV – Other Federal Funding Received or Requested		
	V – Organizational Information		

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

The DOT recommends that applicants use a file naming format of: “[Applicant organization]-2026-RTEPF” where “Applicant organization” reflects the applicant’s legal name, abbreviated as appropriate. If necessary, the workspace title can be edited per the instructions on Grants.gov.

Sharing of Application Information

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

VOLUME 1 – TECHNICAL APPLICATION

a) Section I - Cover Page and Table of Contents

Cover Page including the following Table:

Project Name	
Eligible Entity Applying to Receive Federal Funding	
Total Project Cost (from all sources)	\$
Reduction of Truck Emissions at Port Facilities Grant Program funding request (Federal share)	\$
Are matching funds restricted to a specific project component? If so, which one?	Yes/No If Yes, Project Component:
State(s) in which the project is located	
Is the project currently programmed in the: • Transportation Improvement Program • Statewide Transportation Improvement Program • Metropolitan Planning Organization Long Range Transportation Plan • State Long Range Transportation Plan • State Freight Plan	Yes/No – <i>please specify in which plans the project is currently programmed</i>
Methods used to reduce truck emissions (briefly describe)	

Include a table of contents for Volume I Technical Application.

b) Section II - Project Narrative

The Project Narrative must include all the necessary information required for DOT to determine that the project satisfies the RTEPF Grant Program requirements described in Sections A, B, and C of this NOFO, and for DOT to evaluate the project in relation to the selection criteria specified in Section E.1 of this NOFO. To the extent practicable, applicants should provide data and evidence of project merits in a form that is verifiable or publicly available. The DOT expects applications to be complete upon submission.

The DOT recommends that the Project Narrative, at a minimum, provide the information listed below. Include any appropriate exhibits or attachments that will aid in the review and assessment of the application. All exhibits and attachments must clearly identify what technical area of the project narrative the document supports. See Section D.2(g) for information on the page limit applicable to exhibits and attachments.

1. A short (50-70 words) summary of the proposed project at the beginning of the Project Narrative section and a table or other summary that clearly identifies which of the program and administration goals in section A.4 of this NOFO will be addressed by the proposed project (see below for additional program and administration goals details and an example table format).
2. An introduction that provides a clear, concise description of the project and the proposed reducing truck emissions initiatives, including greenhouse gas emissions reduction efforts

and/or criteria pollutant emissions reduction efforts.

3. For a proposed deployment project, a description of the port and geographic area or jurisdiction the deployment will service, including whether the port is in an EPA designated non-attainment or maintenance area for air quality.
4. A description of the real-world issues and challenges to be addressed by the reducing truck emissions initiative. Applicants must discuss how the proposed truck emission reduction efforts address the Program Goal listed in section A.4 of this NOFO.
5. A discussion of how the proposed project addresses the Administration Goals listed in Section A.4 of this NOFO.
6. A description of transportation systems and services to be included in the project. Please note operational improvements eligible to receive Federal funding for implementation are defined in 23 U.S.C. 101(a)(19).
7. A detailed statement of work.
8. A deployment plan that includes providing long-term operation and maintenance of truck emissions reduction and/or congestion reduction technologies after the RTEPF Grant Program funded project is completed to achieve implementation goals.
9. A description of any challenges in the regulatory, legislative, or institutional environments or other obstacles to deployment. This should include, as applicable:
 - a) A discussion of how the proposed project can comply with the Build America, Buy America Act (Pub. L. No 117-58, div. G 70901–70927) and FHWA’s Buy America requirements (23 U.S.C. 313 and 23 CFR 635.410). (See Sections E.1 and F.2.P.2 of this NOFO).
 - b) A discussion of how the proposed project will comply with Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR) and if your plan includes applying for any necessary exemptions (See Section E.1 of this NOFO).
 - c) A discussion of how the proposed project will comply with the National Environmental Policy Act (NEPA) (See Section E.1 of this NOFO).
10. A data collection plan that provides an overview of data that may be obtained or created through the project. Projects focused on testing or evaluating emissions reduction technologies shall also include in their preliminary data collection plan overview information that specifies how the emissions testing efforts will be measured and tracked.
11. A description of quantifiable truck emissions reductions improvements, including electrification, related to:
 - a) developing port-related infrastructure;
 - b) developing on-truck technologies;
 - c) using zero or low emissions powertrains or fuels, which can include but are not limited to hydrogen fuel cells, natural gas, and biodiesel;
 - d) reducing truck congestion within or adjacent to ports, which can include promoting enhanced rail intermodal connections at ports; and
 - e) other improvements that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency; focus on port operations, including heavy-duty commercial vehicles; and other related projects.
12. A description of how the application meets the merit selection criteria in section E.1 of this NOFO.

13. The applicant's and/or port's vision, goals, and objectives for reducing truck emissions at ports, including quantifying how the decreased emissions as a result of the project will reduce negative impacts on populations near the port and any future related deployments and activities to address the identified issues and challenges.
14. The applicant's past initiatives, if applicable, and current plan to contact and coordinate with communities, including Tribal communities, adjacent to or near the port facility regarding the planned project testing, evaluation, and/or deployment to reduce truck emissions at the port facility to ensure those communities experience benefit from and support the proposed project(s). Applicants are encouraged to submit documentation of support for proposed projects from neighboring communities.
15. A plan to leverage and optimize existing local and regional truck and transportation emissions reduction initiatives.
16. Quantifiable safety or mobility benefit projections such as data-driven estimates of how the project will improve mobility for people and goods.
17. A detailed schedule for conducting the truck emissions reduction implementation and for completion of all proposed deliverables, to include achievable timeframes for successful execution of project milestones. For purposes of the application, specific dates are not required, but should be expressed as timeframes from execution of the grant agreement. The following format may be used to provide this information. The schedule shall include at a minimum the following items.

Deliverable	Approximate Due Date	Section 508 Compliant?
Preliminary Kick-off Meeting Conduct a preliminary kick-off meeting with DOT at a mutually-agreed-upon location.	Within 6 weeks after the announcement of project selection.	No
Draft Grant Agreement The DOT will provide a template for the grant agreement, which will be completed by the applicant. The grant agreement shall include a Project Management Plan. The Project Management Plan shall include, at a minimum: a) A Statement of Work, with a description of Tasks and Sub-Tasks by which the project work activities will be organized, executed, and monitored; b) A Project Schedule (Gantt Chart or equivalent) displaying begin and end	Within 45 days after the preliminary kickoff meeting	No

times for each Task and Sub-Task, plus achievement of Project Milestones; c) A description of major Project Milestones, including key Reports, the start of operations of important systems or subsystems, and other important deliverables or events; d) A Risk Management Plan, which includes: identification and assessment and of all known risks, assignment of risk roles and responsibilities, processes for monitoring and controlling risks, and a risk registry; e) A Staffing Table, which identifies a single Project Manager, plus project staff and/or consultants that will lead and support each Task (or Sub-Task if appropriate); and f) A Project Budget, displaying planned expenditures for each Task, with a further breakdown by Cost Element for each Task, and by the Federal share vs. non-Federal share.		
Fully Executed Grant Agreement	Within 6 weeks after completion of the draft agreement.	No
Kick-off Meeting Conduct a kick-off meeting with DOT at a mutually-agreed-upon location.	Within 4 weeks after the execution of the grant agreement.	No
Quarterly Progress Reports & Meetings Submit progress reports to document activities performed,	Quarterly	No

anticipated activities, and any changes to the schedule or anticipated issues.		
Federal Financial Reports (SF-425) Submit financial reports to document federal funds spent on the project.	Quarterly	No
Systems Engineering Documents For any intelligent transportation systems construction projects awarded under this program, in accordance with 23 CFR 940.11, the recipient shall submit electronic copies of the Milestone Systems Engineering documents applicable to this project for approval by DOT. This shall include, at a minimum: a) Systems Engineering Review Form b) Concept of Operations c) Systems Engineering Management Plan.	As applicable	No
Report to the Secretary – submit a report describing the deployment and operational costs compared to the benefits, savings, and how the project has met the original expectations projected in the deployment plan.	Annually beginning 1 year after the execution of the grant agreement.	Yes
Annual Budget Review, Program Plan Reporting, and Final Report Submit the Annual Budget Review and Program Plan Report. The report should describe: (1) Overview and schedule of tasks, activities, milestones, and deliverables for the upcoming year, to include: the latest deliverables table or project management	Annual Budget Review and Program Plan: 60 days prior to the anniversary date of the project selection being announced. Final Report: within 120 days after the termination or expiration of this agreement.	No

schedule, including the data collected in creating the deliverables table or the data collection plan as part of the management schedule. The data collected should include quantified emissions reductions information for the four criteria pollutants identified in the technical merit criteria in Section E.1; and • a discussion of whether the current approved Technical Application attached to the award needs to be updated. If an update is warranted, propose the updates. (2) Overview and forecast budget for the upcoming year, including a discussion of whether the current approved Budget Application attached to the award needs to be updated. If an update is warranted, propose the updates. Submit the Final Report A Final Report based on the annual Program Plan Reports deliverables shall be provided. The DOT Agreement Officer Representative (AOR), in consultation with the recipient, will determine the final design and scope of the evaluation and report. Submit an electronic copy of all reports to the RTEPF Grant Program mailbox at RTEPF@dot.gov.		
<i>(Additional deliverables to be identified in separate rows by the applicant)</i>		

NOTE: Section 508 information can be found at the following link:
<https://www.fhwa.dot.gov/508>.

The following format may be used to convey how the program goals and Administration goals outlined in Section A will be implemented or addressed by the application:

Means to Achieve RTEPF Grant Program Goal	Implemented/Addressed by Application (Check all that apply)
1. Promoting development of port-related infrastructure that reduces emissions from port-related truck idling, including the electrification of port operations, which can include truck parking electrification	
2. Promoting development of on-truck technologies that reduces emissions from port-related truck idling	
3. Promoting use of zero or low emissions powertrains or fuels on trucks; zero or low emissions fuels can include but are not limited to hydrogen fuel cells, natural gas, and biodiesel	
4. Reducing truck congestion within or adjacent to ports, which can include promoting enhanced rail intermodal connections at ports	
5. Other improvements that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency, focusing on port operations, including heavy-duty commercial vehicles, and other related projects.	
Administration Goals	Implemented/Addressed by Application (Check all that apply)
1. Safety	
2. Climate Change and Sustainability	
3. Equity and Justice ⁴⁰	
4. Workforce Development, Job Quality, and Wealth Creation	

c) Section III – Management Structure

The applicant shall provide a description of the proposed management structure that will oversee the implementation of the project and administer the agreement. The applicant shall include the following information:

1. A description of the applicant’s organization that will be designated as the recipient entering the agreement (i.e., receiving Federal funding) with DOT, including:
 - a. If a project is managed by multiple organizations, the other member organizations

- of any partnership or entity proposed to carry out the deployment; and
 - b. An explanation of how the entity will manage the program, including management of project funding.
2. As appropriate, a plan for partnering with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders.
 3. Designation of all proposed subrecipients and their role in delivering the project. See 2 CFR § 200.1 for the definition of subrecipient and distinction between a subrecipient and a contractor for the purpose of Federal financial assistance.
 4. A diagram or chart depicting the organizational structure of the project team. Organizations that are proposed subrecipients or contractors should be clearly identified.

Note: A multijurisdictional entity is any combination of eligible entities in which each member of the group has signed a written agreement to implement the RTEPF Grant Program across jurisdictional boundaries.

a) Section IV – Staffing Description

Applicants shall provide a staffing description that includes the following information:

1. A description of the organization of staffing to manage and conduct the project, including identification of key personnel across all participating organizations, including their organization, role, and responsibility. Applicants shall describe key personnel's past or current experience managing federally funded grants. Applicants shall also designate no more than five key personnel. Finally, applicants shall identify the expected level of involvement for each designated key personnel (e.g., percent of work time to be committed to the project during the period of performance) by task or milestone.
2. A primary point of contact (POC) and complete contact information for this individual.

b) Appendix - Résumés for Key Personnel

Résumés: Applicants shall provide résumés for all designated key personnel. See Section D.2(g) for information on the page limit applicable to résumés.

c) Formatting

The DOT recommends that Volume 1 be prepared with standard formatting preferences: a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins on 8.5 by 11-inch paper. (Applications may include appropriately sized pages for conveying detailed information important for the technical review, such as maps.) All application pages shall be consecutively numbered.

d) Page Limitations

Section I has no page limit. Sections II, III, and IV shall not exceed 30 pages in total length.

Section IV Staffing Description shall not exceed 5 pages in length (inclusive of the 30-page limitation). There is no overall page limitation for the Appendix (résumés of key personnel); however, individual resumes shall not exceed four pages in length and shall only contain experience relevant to the subject matter of this NOFO.

Exhibits and attachments shall not exceed 30 pages in length and shall be limited to documents that support the assertions or conclusions made in the 30-page limitation of Sections II through IV.

Material that exceeds the page limits will not be evaluated.

VOLUME 2 – BUDGET APPLICATION

a) Section I – Application Standard Forms (SFs)

Volume 2 of the application should be submitted in a PDF format and must include: Standard Form 424 (Application for Federal Assistance), either Standard Form 424A (Budget Information for Non-Construction Programs) or Standard Form 424C (Budget Information for Construction Programs), and SF-LLL (Disclosure of Lobbying Activities). Either Standard Form 424B (Assurances for Non-Construction Programs) or Standard Form 424D (Assurances for Construction Programs) is required if the applicant does not have an updated SAM.gov registration as of 02/01/2019. Standard Forms (SF) are available online at <https://www.grants.gov/forms/forms-repository/sf-424-family>.

On the SF-424, the information in block 8a (Applicant's "Legal Name") must be the same as entered for registration in www.SAM.gov and for the Applicant's System for Award Management (SAM) Universal Entity Identifier (UEI) number. The title for an applicant's workspace on www.Grants.gov is limited to 240 characters and may be different from the SAM UEI.

For non-construction project applications under this NOFO, the breakdown of the applicable sections of SF-424A is:

- **Section A:** Since this is an initial application, only columns (a) through (d) and (g) need to be completed. The applicant should enter the proposed project as one program or function; however, as an option, the applicant may subdivide this entry into partial programs (e.g., Phase I and Phase II).
- **Section B** is a summary of the entire project budget across all years.
- **Section C** is the source of the non-Federal matching share.
- **Section D** is the forecasted funding needs for year 1.
- **Section E** is the forecasted funding needs for years 2 and after (i.e., does not include the first year's funding).

b) Section II - Summary Budget Narrative

The applicant shall provide a summary budget narrative that describes all of the planned project costs (i.e., direct labor, travel, equipment, supplies, contractual, construction, & other) and how these planned costs are connected to the project scope. The summary budget narrative must be

sufficiently clear, concise, and detailed to describe how funds will be spent under the project. The applicant shall also provide a summary budget table that provides estimated costs across project components or tasks, and across all years of the project. The summary budget table should represent the total cost of the project, inclusive of both the Federal share and the required matching non-Federal cost share. An example of a summary level budget table is provided below:

Table 2. Example of Summary Budget Table

	Year 1 Costs	Year 2 Costs	Year 3 Costs	Year 4 Costs
Description of Project Component or Task				
Description of Project Component or Task				
Description of Project Component or Task				
Description of Project Component or Task				
Total Federal Share =				
Total Non-Federal Share =				

c) Section III - Cost Share Information

The applicant shall provide evidence that funding has been identified for the project that will cover the 20 percent non-Federal cost-share requirement. The applicant shall include letters of commitment from organizations that will provide a portion of the cost-share and identify the source of those funds (e.g., general treasury funds, revolving loan fund, capital budget, in-kind labor, in-kind equipment, etc.).

Note: The maximum amount of funding requested from the RTEPF Grant Program cannot exceed 80 percent of the total cost of the activities proposed to be funded. The amount that will be awarded to each successful applicant will depend on the number of awards, any reduction in available RTEPF Grant Program funds due to the imposition of the Federal-aid highways obligation limitation, and the amount reserved for DOT administrative expenses. Selection of an application to receive grant funding in one fiscal year is not a commitment to any future funding. Applications will be solicited annually for competitively selecting grant recipients for that funding year.

d) Section IV – Grant Funds, Sources, and Uses of Project Funds

Project budgets should show how different funding sources will share in each activity and present the data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for, has been awarded, or intends to use. Funding sources should be grouped into three categories: non-Federal, current application RTEPF Grant Program, and other Federal with specific amounts for each funding source.

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. DOT may award a lesser amount whether or not a scalable option is provided.

e) Section V - Organizational Information

Provide the following organizational information:

1. Identify any exceptions to the anticipated award terms and conditions as contained in Section F, Federal Award Administration Information. Identify any preexisting intellectual property that you anticipate using during award performance and your position on its data rights during and after the award period of performance.
2. Provide the lead applicant organization's SAM UEI number.
3. A statement to indicate whether your organization has previously completed an A-133 Single Audit and if so, the date that the last A-133 Single Audit was completed.
4. 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 project 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 agreement in an impartial and objective manner. The Agreement Officer (AO) will review the statement(s) and may require additional relevant information from the applicant. All such information, and any other relevant information known to DOT, 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 AO may (a) disqualify the applicant, or (b) determine that it is otherwise in the best interest of the United States to enter into an agreement with the applicant and include appropriate provisions to mitigate or avoid such conflicts in the agreement pursuant to 2 CFR 200.112.
5. 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 POC for such review.
6. Terminated Contracts - List any contract/agreement that was terminated for the 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.
7. The applicant is directed to review 2 CFR Part 170 (eCFR :: 2 CFR Part 170 -- Reporting Subaward and Executive Compensation Information) dated September 14, 2010, 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 notice. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this notice's Section F, Federal Award Administration Information.

8. 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. 6102).

3. 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.

The DOT 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 TIMES

- a. Deadlines.

Applications must be submitted electronically through grants.gov no later than 11:59 p.m., Eastern Standard Time on X/XX/2024 (the "application deadline").

- b. 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 deadlines. Applications will not be evaluated, and awards will not be made, until after the application deadline.

c. Late Applications.

The Grants.gov registration process usually takes 2–4 weeks to complete. The DOT will not consider late applications that are the result of failure to register or comply with Grants.gov applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at <https://www.grants.gov/applicants/applicant-faqs>. If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at (800) 518–4726, Monday-Friday from 7:00 a.m. to 9:00 p.m. Eastern Time.

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact the Grants.gov help desk prior to the application deadline with the username of the registrant and details of the technical issue experienced. Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties with Grants.gov that are beyond the applicant's control. After the submission deadline, the applicant must contact RTEPF@dot.gov email address. In either scenario 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 Authorized Representative's name submitted in the SF-424 (this person may be referred to as the "Authorized Organization Representative" in grants.gov);
- (5) The SAM UEI number 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 DOT reviews all information submitted and contacts the Grants.gov Help Desk to validate reported technical issues, DOT staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. The DOT will not accept appeals of DOT's 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.

5. INTERGOVERNMENTAL REVIEW

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

6. FUNDING RESTRICTIONS

Grant funds may not be used to support or oppose union organizing. In addition, DOT will not reimburse any pre-award costs or application preparation costs.

7. OTHER SUBMISSION REQUIREMENTS

A. How to Register to Apply Through Grants.gov

- i. *Instructions:* Read the instructions below about registering to apply for DOT funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to 4 weeks to complete. Therefore, registration should be done in a timely manner to ensure it does not impact your ability to meet required application submission deadlines.

Organization applicants can find complete instructions here:

<https://www.grants.gov/web/grants/applicants/organization-registration.html>

- a) *Obtain a SAM UEI:* All entities applying for funding, including renewal funding, must have a SAM UEI number from SAM.gov. Applicants must enter the SAM UEI number in the data entry field labeled "UEI" on the SF-424 form.

For more detailed instructions for obtaining a SAM UEI, refer to:

<https://www.grants.gov/applicants/applicant-faqs>.

- b) *Register with SAM:* In addition to having a SAM UEI, organizations applying online through Grants.gov must register with SAM. All organizations must register with SAM in order to apply online. Failure to register with SAM will prevent your organization from applying through Grants.gov.

For more detailed instructions for registering with SAM, refer to:

<https://www.grants.gov/applicants/applicant-registration>

- c) *Create a Grants.gov Account:* The next step in the registration process is to create an account with Grants.gov. Applicants must know their organization's SAM UEI number to complete this process. Completing this process automatically triggers an email request for applicant roles to the organization's E-Business Point of Contact (EBiz POC) for review. The EBiz POC is a representative from your organization whom is the contact listed for SAM. To

apply for grants on behalf of your organization, you will need the Authorized Representative role.

For more detailed instructions about creating a profile on Grants.gov, refer to:
<https://www.grants.gov/applicants/applicant-registration>

- d) *Authorize Grants.gov Roles:* After creating an account on Grants.gov, the EBiz POC receives an email notifying them of your registration and request for roles. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the Authorized Representative role, thereby giving you permission to complete and submit applications on behalf of the organization. You will be able to submit your application online any time after you have been approved as an Authorized Representative.

For more detailed instructions about creating a profile on Grants.gov, refer to:
<https://apply07.grants.gov/help/html/help/index.htm?callingApp=custom#callingApp=custom&t=Applicants%2FManagement%2FManageRolesForApplicant.htm>

- e) *Track Role Status:* To track your role request, refer to:
<https://www.grants.gov/applicants/applicant-registration/track-profile-role-status>
- ii. *Electronic Signature:* When applications are submitted through Grants.gov, the name of the organization's Authorized Representative that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC **must** authorize individuals who are able to make legally binding commitments on behalf of the organization as an Authorized Representative; **this step is often missed, and it is crucial for valid and timely submissions.**

B. How to Submit an Application to DOT via Grants.gov

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different Webforms within an application. For each funding opportunity announcement, you can create individual instances of a Workspace.

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities, refer to:

<https://www.grants.gov/applicants/grant-applications/how-to-apply-for-grants>

- 1) *Create a Workspace:* Creating a Workspace allows you to complete it online and route it through your organization for review before submitting.
- 2) *Complete a Workspace:* Add participants to the Workspace, complete all the required forms, and check for errors before submission.

- a. *Adobe Reader:* If you decide not to apply by filling out Webforms, you can download individual PDF forms in Workspace so that they will appear similar to other Standard or DOT forms. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at:

<https://www.grants.gov/applicants/adobe-software-compatibility>

- b. *Mandatory Fields in Forms:* In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.
 - c. *Complete SF-424 Fields First:* The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and SAM UEI number. To trigger this feature, an applicant must complete the SF-424 information first. Once it is completed, the information will transfer to the other forms.
- 3) *Submit a Workspace:* An application may be submitted through Workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.
 - 4) *Track a Workspace:* After successfully submitting a Workspace package, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the package. The number will be listed on the Confirmation page that is generated after submission.

For additional training resources, including video tutorials, refer to:
<https://www.grants.gov/web/grants/applicants/applicant-training.html>

Applicant Support: Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist DOT with tracking your issue and understanding background information on the issue.

C. Intent to Release Applications and Names of Applicants

In order to expand public awareness of RTEPF Grant Program technologies, concepts,

and ideas, DOT may post publicly or release publicly all Volume 1 Technical Applications after award.

By submitting an application in response to this NOFO, the applicant provides DOT permission to:

- Release publicly the names of all applicants after selection of the RTEPF Grant Program awardees; and
- Release publicly Volume 1 Technical Application document (without the résumés of key personnel) after selection of the RTEPF Grant Program awardees.

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. The DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT 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.

Sharing of Application Information

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

SECTION E – APPLICATION REVIEW INFORMATION

1. CRITERIA

The DOT will evaluate the extent applications meet the criteria (technical merit, staffing, and cost) discussed in the following sections. The technical merit criterion has the most importance, while the staffing and cost criteria are approximately equally important.

TECHNICAL MERIT:

- Degree the proposed project or technology testing, evaluation, or deployment aligns with DOT's program vision and program and administration goals, as listed in Section A.4 of this NOFO.
 - Means to achieve the program goal (meet at least one of the following):
 - Promoting development of port-related infrastructure that reduces emissions from port-related truck idling, including the electrification of port operations, which can include truck parking electrification.
 - Promoting development of on-truck technologies that reduce emissions from port-related truck idling.
 - Promoting use of zero or low emissions powertrains or fuels on trucks; zero or low emissions fuels can include but are not limited to hydrogen fuel cells, natural gas, and biodiesel.
 - Reducing truck congestion within or adjacent to ports, which can include promoting enhanced rail intermodal connections at ports.
 - Other improvements that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency, focusing on port operations, including heavy-duty commercial vehicles, and other related projects.
 - Administration goal of Climate Change and Sustainability:
 - The applications that rate highest on this criterion will be those for which reducing greenhouse gas (GHG) emissions and improving climate resilience are a primary project purpose. Applicants are encouraged to use the [DOT Navigator Climate checklist](#) in responding to this criterion. Applications that are rated highly on this criterion will be those that use data-driven and evidence-based methods to demonstrate that the project will:
 - Significantly reduce GHG emissions in the transportation sector.
 - Projects that typically reduce GHG emissions include:
 - Signal timing, traffic management, freight logistics, and other operational improvements that improve efficiency;
 - Transitioning to clean vehicles and fuels, including electrification;
 - Using project materials and construction methods that have lower embodied GHG emissions; and

- Incorporating carbon-reducing uses of the rights-of-way, such as solar arrays, transmission of electricity from renewables, or vegetation management.
 - Projects that typically increase GHG emissions, such as roadway expansion, will not score highly on the GHG reduction aspect of this criterion, though they may score highly on other aspects.
 - Applicants will rate more highly on this criterion if they can demonstrate that:
 - They are making progress towards transportation GHG reduction targets, including those set under the FHWA [Transportation Performance Management Program](#);
 - The project would significantly reduce transportation GHG emissions, as shown through analysis with [USDOT tools](#) or similar;
 - The project is part of a State Carbon Reduction Strategy, State Electric Vehicle Infrastructure Deployment Plan, or other State, local, or tribal GHG reduction plan;
 - The project aligns with the [U.S. National Blueprint for Transportation Decarbonization](#); and
 - The applicant has a plan to monitor the impact of the project on GHG emissions.
- Incorporate evidence-based climate resilience measures or features.
 - Applicants will score more highly on this criterion if they can demonstrate that the project:
 - Uses best-available climate data sets, information resources, and decision-support tools (including [USDOT and other federal resources](#)) to assess the climate-related vulnerability and risk of the project;
 - Develops and deploys solutions that reduce climate change risks;
 - Is included in a [Resilience Improvement Plan](#) or similar plan;
 - Benefits communities most vulnerable to climate change impacts, such as FEMA-designated [Community Disaster Resilience Zones](#);
 - Follows the Federal Flood Risk Management Standard, consistent with current law; and
 - Includes plans to monitor performance of climate resilience and adaptation measures.
 - Advances objectives in the [National Climate Resilience Framework](#).
- Readiness of the proposed project(s) and/or technology(ies) to be tested, evaluated, and/or deployed and the likelihood of success of the applicant to deploy and sustain the proposed project(s) and/or technology(ies). This includes whether the applicant has clearly articulated achievable timeframes for completion of its project. In addition, the applicant should:

- Address any regulatory environment and other obstacles to deployment including compliance with the National Environmental Policy Act and other required permitting as applicable.
 - If the project involves truck acquisition and deployment, address and explain if the proposed project will or may require exemption from the Federal Motor Vehicle Safety Standards (FMVSS), Federal Motor Carrier Safety Regulations (FMCSR), or any other regulation and, if so, how the applicant will apply for any necessary exemptions.
 - Address and explain if the proposed project will or may require a waiver under the Buy America Act.
- Determination 1) whether the proposed project(s) is located in an EPA designated non-attainment area for National Ambient Air Quality Standards for at least one of the four criteria pollutants (carbon monoxide, nitrogen dioxide, ozone, and particulate matter), and 2) to what degree the proposed project(s), technology testing, evaluation, or deployment quantifies how it will reduce truck emissions for each of the criteria pollutants and/or greenhouse gases and decrease the impact truck operations at port facilities have on cities and other municipalities near the port. The application should quantify in metric tons (ton = 1000 kg) how much the project, technology testing, evaluation, or deployment will reduce each of the four criteria pollutants and greenhouse gases over a four year period. The application should also clearly indicate what emissions calculation source(s) are being used to measure the reduction of the four criteria pollutants.
- Degree to which the applicant has developed a community outreach action plan, including plans to conduct equity-focused community outreach and public engagement with adjacent and nearby communities, including Tribal communities, impacted by the port's truck emissions and receive community support for the proposed project during the project's planning.
- Scalability or portability of the proposed project technology deployment or innovations to other jurisdictions.
- Degree to which the application accounts for the life-cycle costs of the project to promote the state of good repair.
- Degree to which the application details its approach to evaluating the effectiveness of activities proposed in their application.

STAFFING:

- Degree to which the Application includes a program/project management structure or organization that will successfully oversee the proposed technology deployment.
- Expertise and qualifications of key personnel for managing or conducting appropriate aspects of the proposed technology deployment through the period of performance, as well as the expected level of involvement of designated key personnel (e.g., percent of work time to be committed to the project during the period of performance).

COST:

- Determination whether the required matching funds and supporting detail for these funds are provided, including how the applicant's activities leverage other Federal and/or non-Federal funds and/or maximize the non-Federal share of the project funding.
- Degree to which budget application represents costs that are realistic, reasonable, and commensurate with the applicant's technical application, as well as the degree to which they conform to applicable cost principles.
- The use of alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment will be considered in the award selection.

ADDITIONAL SELECTION CONSIDERATIONS

After completing the merit review, among projects of similar merit, DOT will prioritize projects that address Safety, Equity and Justice40, and Workforce Development, Job Quality, and Wealth Creation. Policy priorities for these Administration goals include the following:

Safety

- Applicants will be rated higher on this criterion if they can clearly demonstrate that the project:
 - Provides substantial safety benefits (to drivers, workers, etc.) compared to existing conditions;
 - Mitigates to the extent practicable any significant safety risks that could result after the project's completion;
 - Does not negatively impact the safety of the traveling public, and any relevant group applicable to the program.

Equity and Justice40 Initiative

- Applicants will be rated higher on this criterion if they can clearly demonstrate that:
 - The project will create positive outcomes that will reduce, mitigate, or reverse how a community is experiencing disadvantage through improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, improving transportation or mobility, and/or enhancing quality of life. Applicants are strongly encouraged to use the [USDOT Equitable Transportation Community \(ETC\) Explorer \(arcgis.com\)](#) to understand how their project area is experiencing disadvantage in any of five areas that transportation projects with a direct relationship.
 - Identifies and implements programs and policies that ensure the benefits of investments while mitigating economic displacement economically susceptible residents and businesses. Some examples include expanding affordable, safe transportation and mobility options to areas where good jobs are concentrated, and supporting small business growth and access to capital through local hiring.
 - The applicant will engage the public, including disadvantaged communities, during all phases of the project, including planning, design, construction, and implementation. [Three Major Components of DOT's Justice40 Initiative | US Department of Transportation.](#)

Priority consideration will be given to projects that support the goals of the Justice40 Initiative, <https://www.transportation.gov/equity-Justice40>. In support of Executive Order 14008, or when “disadvantaged communities” is a statutory designation, applicants are encouraged to use the White House definition of Historically Disadvantaged Communities as part of USDOT’s implementation of the Justice40 Initiative. Consistent with the Interim Implementation Guidance and its Addendum for the Justice40 Initiative, Historically Disadvantaged Communities include (a) certain qualifying census tracts identified as disadvantaged by the [Climate and Economic Justice Screening Tool \(CEJST\)](#) due to categories of environmental, climate, and socioeconomic burdens, and (b) any Federally Recognized Tribes or Tribal entities, whether or not they have land. CEJST is a tool created by the White House Council on Environmental Quality (CEQ), that aims to help Federal agencies identify disadvantaged communities as part of the Justice40 Initiative to accomplish the goal that 40% of overall benefits from certain federal investments reach disadvantaged communities. See <https://screeningtool.geoplatform.gov/>. Applicants should

use the CEJST as the primary tool to identify disadvantaged communities (also referred to as Justice40 communities).

Applicants are strongly encouraged to also use the [USDOT Equitable Transportation Community \(ETC\) Explorer](https://www.transportation.gov/priorities/equity/justice40/etc-explorer) to understand how their community or project area is experiencing disadvantage related to lack of transportation investments or opportunities and are encouraged to use this information in their application to demonstrate how their project will reduce, reverse or mitigate the burdens of disadvantage. <https://www.transportation.gov/priorities/equity/justice40/etc-explorer>.

Workforce Development, Job Quality, and Wealth Creation

- Applicants will rate more highly on this criterion if they can demonstrate that the project will:
 - Create good-paying, safe jobs with free and fair choice to join a union including through the use of a project labor agreement;
 - Promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships. These programs should have a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.);
 - Adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations; and
 - Promote local inclusive economic development and entrepreneurship, such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

In addition to the Administration goals identified above, for Non-State applicants, further consideration may be given if they have entered into a contractual agreement with their State DOT for assistance with project activities that comply with state law and the applicable procurement standards (see 2 CFR 200.318 through 200.327).

OTHER INFORMATION AND GUIDANCE

For additional information and guidance about the Administration goals and application process, applicants may refer to the DOT Strategic Plan and DOT Navigator. DOT Navigator is a tool to assist applicants in applying for DOT funding. The Navigator includes checklists for the climate change and workforce priorities to assist applicants in responding to these criteria.

2. REVIEW AND SELECTION PROCESS

DOT will utilize a three-phase approach for the application reviews, award selections, and award funding distribution methods. For the first two phases, DOT will use a merit review process to evaluate applications and make selections for an award. For the third phase, DOT will conduct award discussions with selected applicants to determine the method of the award, clarify and request additional budgetary information, and obtain a project management plan including a Statement of Work and schedule.

a) Phases I & II - Application Review and Selection

Any ineligible applications, as determined by lateness, incompleteness, duplication, or other deficit of eligibility, will not proceed forward in the evaluation process. The DOT will review all remaining eligible applications. The RTEPF Grant Program application selection process consists of a technical evaluation phase and senior review. In the technical evaluation phase, teams of technical experts from a cross-section of DOT modal administrations will determine whether each project satisfies statutory requirements and rate how well it addresses selection criteria, including the additional selection considerations. The senior review team, using the technical evaluators' feedback and ratings and summary information prepared by the RTEPF Grant Program managers about all of the projects, will consider the applications and the technical evaluations to determine which projects to advance to the DOT Secretary for consideration. The technical evaluation phase team's evaluations, which will be appraised during the senior review phase, will place all eligible projects into one of three rating categories: Highly Recommended, Recommended, and Not Recommended. The evaluations will not assign numerical scores, nor will there be any sorting or rankings within each of the three subcategories. In summary, any project slotted into each category will have the same weight of recommendation in that category. The DOT Secretary will select the projects for award. The DOT reserves the right to use outside expertise or contractor support to perform application evaluations.

The adjectival rating categories to be used during the review and selection process as described in the paragraph above are defined as follows:

Highly Recommended:

- Applicant and proposed project and/or technology testing, evaluation, and/or deployment align extremely well with the objectives of the RTEPF Grant Program.
- Application meets or exceeds NOFO requirements and demonstrates excellent alignment with the merit criteria for selection: technical merit (including alignment with the program goals and Administration goal of climate change and sustainability) staffing, and cost.
- As applicable, application demonstrates strong consideration for Government's vision and goals for safety, equity and Justice40, and/or workforce development, job quality, and wealth creation.
- Application offers outstanding value towards advancing the RTEPF Grant Program.
- Application represents a low risk of unsuccessful testing, evaluation, deployment, or project completion. NOTE: This assessment of risk applies only to the content of the application and is not an assessment of the risk posed by the applicant as described in Section E.3 below.

Recommended:

- Applicant and proposed project and/or technology testing, evaluation, and/or deployment substantially align with the objectives of the RTEPF Grant Program.
- Application meets NOFO requirements and demonstrates sound alignment with the merit criteria for selection: technical merit (including alignment with the program goals and Administration goal of climate change and sustainability), staffing, and cost.
- As applicable, application demonstrates consideration for Government's vision and goals for safety, equity and Justice40, and/or workforce development, job quality, and wealth creation.
- Application offers sufficient value towards advancing the RTEPF Grant Program.
- Application represents a low to moderate risk of unsuccessful testing, evaluation, deployment, or project completion. NOTE: This assessment of risk applies only to the

content of the application and is not an assessment of the risk posed by the applicant as described in Section E.3 below.

Not Recommended:

- Applicant and proposed project and/or technology testing, evaluation, and/or deployment does not substantially align with the objectives of the RTEPF Grant Program.
- As applicable, application does not meet NOFO requirements nor demonstrate sufficient alignment with the merit criteria for selection: technical merit (including alignment with the program goals and Administration goal of climate change and sustainability), staffing, and cost.
- Application does not demonstrate consideration for Government's vision and goals for safety, equity and Justice40, or workforce development, job quality, and wealth creation.
- Application does not offer sufficient value towards advancing the RTEPF Grant Program.
- Application represents a moderate to high risk of unsuccessful testing, evaluation, deployment, or project completion. NOTE: This assessment of risk applies only to the content of the application and is not an assessment of the risk posed by the applicant as described in Section E.3 below.

The Department will award the applications that are considered the most advantageous to DOT using the criteria cited above, subject to the results of an applicant risk assessment and funding availability.

DOT may, during the selection process, enter 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 NOFO and the results of the application review process. Discussions may include scalable project options as described in Section D.2 Volume 2.d, "Section IV – Grant Funds, Sources, and Uses of Project Funds", of this NOFO.

The DOT Secretary is the official responsible for final award selections. The DOT is not obligated to make any award as a result of this notice.

b) Phase III – Post-Selection Discussions and Method of Award

After the award selections are announced, DOT and the selected applicant will reach an agreement on the method for the award. There are two possible options for administration of the anticipated awards: award through an allocation to the State department of transportation or a direct award from DOT. The DOT will also conduct discussions with the selected applicant to clarify elements of the applicant's technical and budget applications. Discussions will include a request for detailed and itemized cost information, including: direct labor categories; hours and rates; fringe benefit rates; travel; equipment; supplies; subrecipient, contractor, and consultant costs and supporting documentation; construction costs (if applicable); other direct costs; indirect cost rates; and additional supporting budget narrative. The selected applicant will also be required to provide a finalized project management plan that is modified, as necessary, from the statement of work and schedule included in the project application.

3. APPLICANT RISK ASSESSMENT

Prior to award, each selected applicant will be subject to a risk assessment 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. An applicant may review

information in SAM.gov and comment on any information about itself that a Federal awarding Agency previously entered. The DOT will consider comments by the applicant, in addition to other information in SAM.gov, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the risk assessment. The DOT reserves the right to deny an award based on the results of the risk assessment or, special conditions that correspond to the degree of risk assessed may be applied to the Federal award in accordance with 2 CFR 200.206.

4. ANTICIPATED ANNOUNCEMENT AND FEDERAL AWARD DATES

The DOT anticipates, but does not guarantee, announcing selections for the RTEPF Grant Program by November 2023.

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

1. FEDERAL AWARD NOTICES

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at <https://ops.fhwa.dot.gov/bipartisan-infrastructure-law/index.htm>. 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 RTEPF Discretionary Grant Program grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, FHWA will primarily administer grants on a reimbursement basis. Recipients or sub-recipients do have the option to request alternative funding arrangements. Under the reimbursement approach, Program funds will reimburse recipients only for costs incurred after execution of grants that DOT determines to be allowable, reasonable, and allocable, as defined under 2 CFR Part 200, and after the recipient submits valid requests for reimbursement. If the recipient or sub-recipients requests alternative funding arrangements, DOT will consider these arrangements and determine allowance at its sole discretion and in accordance with 2 CFR 200.305.

Unless authorized by FHWA in writing after announcement of FY 2024-2026 RTEPF Discretionary Grant Program 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 FHWA 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 DOT and FHWA; 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, Cybersecurity and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all threats and hazards, including physical and cyber risks, consistent with National Security Memorandum 22 (NSM 22) to Secure and Enhance the Resilience of U.S. Critical Infrastructure. Each applicant selected for Federal 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 FHWA and the U.S. Department of Homeland Security, will be required to do so before receiving funds.

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 should, consistent with law, maximize 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. 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, EEO (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 DOL's 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. 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. The OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally-assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. FHWA will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their award.

v. Climate Change and Environmental Justice

Each applicant selected for RTEPF grant funding must demonstrate effort to consider climate change and environmental justice impacts. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by FHWA, will be required to do so before receiving funds, consistent with E.O. 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).

vi. Equity and Barriers to Opportunity.

Each applicant selected for RTEPF grant funding must demonstrate effort to improve equity and reduce barriers to opportunity. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by FHWA, will be required to do so before receiving funds, consistent with E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009).

vii. Labor and Workforce

Each applicant selected for RTEPF grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by DOL, the applicants will be required to do so before receiving funds, consistent with 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).

viii. Project Signage and Public Acknowledgements

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

3. REPORTING

a. Progress Reporting on Grant Activities

Each applicant selected for RTEPF Grant Program funding must submit quarterly progress reports, quarterly 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 RTEPF Grant Program.

- i. Quarterly Reporting: The quarterly 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 Quarterly Reporting Template, expanding on SF-PPR Block 10 as necessary, to include the following information:
 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; and
 6. Budget revisions.
 7. 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.
- ii. Annual Budget Review, Program Plan, and Final Report: The recipient must submit an electronic copy of the Annual Budget Review and Program Plan to the AO and the AOR 60 calendar days prior to the anniversary date of the grants or cooperative agreements. 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 Web conference with DOT 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. The Agency will offer a standard template to the recipients to format the annual reports to DOT.

After the project is completed, the recipient shall submit within 120 days of project completion a Final Report to the DOT Secretary that describes:

1. How the performance objectives identified in the Program Plans were met;

2. The deployment and operational costs of the project compared to the benefits and savings the project provides; and
3. How the project has met the original expectations projected in the deployment plan submitted with the application, such as:
 - a. data on how the project has reduced truck emissions at port facilities, such as:
 - i. development of port-related infrastructure that reduces truck emissions, including the electrification of port operations, which can include truck parking electrification;
 - ii. development of on-truck technologies that reduce truck emissions and idling;
 - iii. use of zero or low emissions fuels on trucks;
 - iv. reduction of truck congestion within or adjacent to ports, which can include promoting enhanced rail intermodal connections at ports;
 - v. other improvements that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency, focusing on port operations, including heavy-duty commercial vehicles, and other related projects; and
 - b. lessons learned and recommendations for future deployment strategies to cut truck emissions at port facilities, including through advancement of port electrification, and optimize transportation mobility, efficiency, and port operational performance.

The DOT Agreement Officer Representative (AOR), in consultation with the recipient, will determine the final design and scope of the evaluation and Final Report.

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. RTEPF Discretionary Grant Program Project Specific Reporting Requirements

Each applicant selected for RTEPF Discretionary Grant Program 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., increase resiliency, improve evacuation routes, strengthen at-risk coastal infrastructure project) 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 RTEPF Discretionary Grant 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 A.4). Performance reporting continues for several years after project construction is completed. Monitoring and measurement costs can be included in project budgets.

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. 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 DOT 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 3 months prior to the notification made under the following paragraph of this provision constitute the basis for relief under this article unless DOT 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, or other cognizant FHWA division office personnel in the case of a project administered through a State DOT, will conduct a review of the matters in dispute and render a decision in writing within 30 calendar days of receipt of such written request. Any decision of the AO or designee is final and binding unless a party will, within 30 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 30 calendar days after the AO or designee'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 of the 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.

f. Public Access Requirements and Compliance

In response to the White House Office of Science and Technology Policy memorandum dated February 22, 2013, titled 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 DOT Public Access plan. For all wholly or partially Federal funded scientific research agreements, the recipient hereby agrees to comply with the requirements of the DOT 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 DOT 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 DOT 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 DOT 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 DOT Public Access plan, including, but not limited to, the use of Open Researcher and Contributor ID numbers, the creation and maintenance of a research project record in the Transportation Research Board's Research in Progress 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>.

g. Acknowledgement of Support and Disclaimer

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

"This material is based upon work supported by the Federal Highway Administration under Agreement No. – [fill in award number]." All materials must also contain the following:

"Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the Author(s) and do not necessarily reflect the view of the Federal Highway Administration."

h. Other

DOT 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 DOT's Stewardship and Oversight responsibility of the funds. The successful applicant also agrees to allow periodic project inspections and DOT will provide notice for such inspections.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

For further information concerning this notice please contact the Reduction of Truck Emissions at Port Facilities Grant Program staff via email at RTEPF@dot.gov. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will post answers to questions and requests for clarifications to [grants.gov](https://www.grants.gov). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions.

SECTION H – OTHER INFORMATION

1. Publication/Sharing of Application Information.

Following the completion of the selection process and announcement of awards, DOT intends to 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 D.2., DOT may make application narratives publicly available. The 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.

2. Department Feedback on Applications

The DOT strives to provide as much information as possible to assist applicants with the application process. The DOT will not review applications in advance, but DOT staff are available for technical questions and assistance. Program staff will address questions received at RTEPF@dot.gov throughout the application period. If applicants not selected to receive RTEPF Grant Program funding have questions about why their proposed projects were not selected, DOT staff will make reasonable efforts to schedule meetings to provide feedback on applications after selections are made.