

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

**Notice of Funding Opportunity for the Department of Transportation's Infrastructure For
Rebuilding America (INFRA) Program for Fiscal Year 2021**

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation
(USDOT)

ACTION: Notice of Funding Opportunity

Infrastructure For Rebuilding America (INFRA) Program

FY 2021 Notice of Funding Opportunity

SUMMARY: The Infrastructure For Rebuilding America program (INFRA) provides Federal financial assistance to highway and freight projects of national or regional significance. This Notice of Funding Opportunity (NOFO) solicits applications for awards under the program's fiscal year (FY) 2021 funding, subject to the availability of appropriated funds.

DATES: Applications must be submitted by 11:59 p.m. EST on March 5, 2021. The Grants.gov "Apply" function will open 30 days in advance of the application deadline.

ADDRESSES: Applications must be submitted through www.Grants.gov. Only applicants who comply with all submission requirements described in this NOFO and submit applications through www.Grants.gov will be eligible for award.

FOR FURTHER INFORMATION CONTACT: For further information regarding this NOFO, please contact the Office of the Secretary via email at INFRAgrants@dot.gov, or call Paul Baumer at (202) 366-1092. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, up to the application deadline, the Department will post

answers to common questions and requests for clarifications on USDOT’s website at <https://www.transportation.gov/buildamerica/INFRAgrants>.

SUPPLEMENTARY INFORMATION:

The organization of this NOFO is based on an outline set in 2 CFR Part 200 to ensure consistency across Federal financial assistance programs. However, that format is designed for locating specific information, not for linear reading. For readers seeking to familiarize themselves with the INFRA program, the Department encourages them to begin with Section A (Program Description), which describes the Department’s goals for the INFRA program and purpose in making awards, and Section E (Application Review Information), which describes how the Department will select among eligible applications. Those two sections will provide appropriate context for the remainder of the notice: Section B (Federal Award Information) describes information about the size and nature of awards; Section C (Eligibility Information) describes eligibility requirements for applicants and projects; Section D (Application and Submission Information) describes in detail how to apply for an award; Section F (Federal Award Administration Information) describes administrative requirements that will accompany awards; and Sections G (Federal Awarding Agency Contacts) and H (Other Information) provide additional administrative information.

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A. Program Description

1. Overview

The INFRA program provides Federal financial assistance to highway and freight projects of national or regional significance. To maximize the value of FY 2021 INFRA funds for all Americans, the Department is focusing the competition on transportation infrastructure projects that support four key objectives, each of which is discussed in greater detail in Section A.2:

- (1) Supporting economic vitality at the national and regional level;
- (2) Leveraging Federal funding to attract non-Federal sources of infrastructure investment;
- (3) Deploying innovative technology, encouraging innovative approaches to project delivery, and incentivizing the use of innovative financing; and
- (4) Holding grant recipients accountable for their performance.

This NOFO's focus on the four key objectives does not supplant the Department's focus on safety as our top priority. Consistent with the R.O.U.T.E.S. initiative, the Department seeks rural projects that address deteriorating conditions and disproportionately high fatality rates on rural transportation infrastructure.

This NOFO also introduces a new initiative of the Department, INFRA Extra, which provides INFRA applicants additional flexibility to apply for credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) credit program for those projects which are competitive under the INFRA selection criteria. While this initiative will not impact how any project is evaluated for an INFRA award, nor how any application for TIFIA credit assistance is evaluated (other than as further described in this NOFO), it is the Department's goal that sponsors of those projects that are designated to receive this flexibility will consider using TIFIA as a part of their financial plan.

2. Key Program Objectives

This section of the notice describes the four key program objectives that the Department intends to advance with FY 2021 INFRA funds. Section E describes how the Department will evaluate applications to advance these objectives, and Section D.2.b describes how applicants should address the four objectives in their applications.

a. Key Program Objective #1: Supporting Economic Vitality

A strong transportation network is critical to the functioning and growth of the American economy. The nation's industry depends on the transportation network to move the goods that it produces, and facilitate the movements of the workers who are responsible for that production. When the nation's highways, railways, and ports function well, that infrastructure connects people to jobs, increases the efficiency of delivering goods and thereby cuts the costs of doing business, reduces the burden of commuting, and improves overall well-being. This objective aligns with the Department's strategic goals² of (1) investing in infrastructure to ensure mobility accessibility and to stimulate economic growth, productivity, and competitiveness for American

² The U.S. Department of Transportation Strategic Plan for FY 2018–2022 (Feb. 2018) is available at <https://www.transportation.gov/dot-strategic-plan>.

workers and businesses and (2) reducing transportation-related fatalities and serious injuries across the transportation system.

b. Key Program Objective #2: Leveraging of Federal Funding

The Department is committed to supporting increased investment in infrastructure from all levels of government. The Department recognizes that the COVID-19 pandemic has exacerbated infrastructure funding challenges faced by State and local governments. However, the Department continues to seek to optimize all available Federal and non-Federal funding for investment in infrastructure as a critical contribution to the economy. This objective aligns with the Department's Infrastructure Strategic Objective #1: Project Delivery, Planning, Environment, Funding, and Finance.

c. Key Program Objective #3: Innovation

The Department seeks to use the INFRA program to encourage innovation in three areas: (1) the deployment of innovative technology and expanded access to broadband; (2) use of innovative permitting, contracting, and other project delivery practices; and (3) innovative financing. This objective supports the Department's strategic goal of innovation, with the potential for significantly enhancing the safety, efficiency, and performance of the transportation network. The Department anticipates INFRA projects will support the integration of new technology and facilitate increased public and private sector collaboration. In Section E.1.a (Criterion #3), the Department provides many examples of innovative technologies, practices, and financing. This objective aligns with the Department's strategic goal to lead in the development and deployment of innovative practices and technologies that improve the safety and performance of the nation's transportation system.

d. Key Program Objective #4: Performance and Accountability

The Department seeks to increase project sponsor accountability and performance by evaluating each INFRA applicant's plans to address the full lifecycle costs of their project and willingness to condition award funding on achieving specific, measurable outcomes.

To maximize public benefits from INFRA funds and promote local activity that will provide benefits beyond the INFRA-funded projects, the Department seeks projects that allow it to condition funding on specific, measurable outcomes. For appropriate projects, the Department may use one or more of the following types of events to trigger availability of some or all INFRA funds: (1) reaching construction and project completion in a timely manner; or (2) achieving transportation performance targets that support economic vitality or improve safety. This objective aligns with the Department's Infrastructure Strategic Objective #2: Life Cycle and Preventative Maintenance, and Infrastructure Strategic Objective #3: System Operations and Performance.

In Section E.1.a (Criterion #4), the Department provides a framework for accountability measures and encourages applicants to voluntarily identify those that are most appropriate for their projects and local constraints.

3. *Changes from the FY 2020 NOFO*

The FY 2021 INFRA Notice provides additional information explaining how the Department will evaluate applications. This includes a detailed rubric in Section E.2, and additional detail provided in Section E.1 related to the statutory Large Project Requirements and the freight rating. This NOFO also indicates that no less than 45 percent of FY 2021 funds will be awarded to projects in rural areas, and no less than 45 percent of FY 2021 funds will be awarded to projects in urban areas. After the conclusion of the evaluation and selection process, the Department intends to publish the evaluation ratings and scores for each eligible application.

Applicants who are planning to re-apply using materials prepared for prior competitions should ensure that their FY 2021 application fully addresses the criteria and considerations described in this NOFO and that all relevant information is up to date.

Section H of this NOFO provides additional detail on the INFRA Extra initiative. The INFRA Extra initiative provides certain INFRA applicants the opportunity to apply for TIFIA credit assistance for up to 49 percent of eligible project costs. The INFRA Extra initiative does not impact how applications will be considered for an INFRA grant nor how applications for TIFIA credit assistance will be evaluated (other than in respect of eligibility to apply for credit assistance for up to 49 percent of eligible project costs).

4. Additional Information

The INFRA program is authorized at 23 U.S.C. 117. It is described in the Federal Assistance Listings under the assistance listing program title “Nationally Significant Freight and Highway Projects” and assistance listing number 20.934.

B. Federal Award Information

1. Amount Available

The FAST Act authorized the INFRA program at \$4.5 billion for fiscal years (FY) 2016 through 2020, and the Continuing Appropriations Act, 2021 and Other Extensions Act authorizes \$1 billion for FY 2021, to be awarded by USDOT on a competitive basis to projects of national or regional significance that meet statutory requirements. This NOFO solicits applications for the \$889 million in FY 2021 INFRA funds available for awards. In addition to the FY 2021 INFRA funds, amounts from prior year authorizations, presently estimated at up to \$150 million, may be made available and awarded under this solicitation. Any award under this NOFO will be subject to the availability of appropriated funds.

2. Restrictions on Award Portfolio

The Department will make awards under the INFRA program to both large and small projects (refer to Section C.3.ii. for a definition of large and small projects). For a large project, the FAST Act specifies that an INFRA grant must be at least \$25 million. For a small project, including both construction awards and project development awards, the grant must be at least \$5 million. For each fiscal year of INFRA funds, 10 percent of available funds are reserved for small projects, and 90 percent of funds are reserved for large projects.

The program statute specifies that not more than \$600 million in aggregate of the \$5.5 billion authorized for INFRA grants over fiscal years 2016 to 2021 may be used for grants to freight rail, water (including ports), or other freight intermodal projects that make significant improvements to freight movement on the National Highway Freight Network. After accounting for FY 2016-2020 INFRA selections, as much as \$146 million may be available within this constraint. Only the non-highway portion(s) of multimodal projects count toward this limit. Grade crossing and grade separation projects do not count toward the limit for freight rail, port, and intermodal projects. The Department's awards may not exhaust this limitation.

The program statute requires that at least 25 percent of the funds provided for INFRA grants must be used for projects located in rural areas, as defined in Section C.3.e. The USDOT must consider geographic diversity among grant recipients, including the need for a balance in addressing the needs of urban and rural areas. The Department intends to award no less than 45 percent of FY2021 funds to projects in rural areas and no less than 45 percent of funds to projects in urban areas.

C. Eligibility Information

To be selected for an INFRA grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project that meets the Minimum Project Size Requirement.

1. Eligible Applicants

Eligible applicants for INFRA grants are: (1) a State or group of States; (2) a metropolitan planning organization that serves an Urbanized Area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals; (3) a unit of local government or group of local governments; (4) a political subdivision of a State or local government; (5) a special purpose district or public authority with a transportation function, including a port authority; (6) a Federal land management agency that applies jointly with a State or group of States; (7) a tribal government or a consortium of tribal governments; or (8) a multi-State or multijurisdictional group of public entities.

Multiple States or jurisdictions that submit a joint application should identify a lead applicant as the primary point of contact. Joint applications should include a description of the roles and responsibilities of each applicant and should be signed by each applicant. The applicant that will be responsible for financial administration of the project must be an eligible applicant.

2. Cost Sharing or Matching

This section describes the statutory cost share requirements for an INFRA award. Cost share will also be evaluated according to the “Leveraging of Federal Funding” evaluation criterion described in Section E.1.a (Criterion #2). That section clarifies that the Department seeks applications for projects that exceed the minimum non-Federal cost share requirement described here.

INFRA grants may be used for up to 60 percent of future eligible project costs. Other Federal assistance may satisfy the non-Federal share requirement for an INFRA grant, but total Federal assistance for a project receiving an INFRA grant may not exceed 80 percent of future eligible project costs. Non-Federal sources include State funds originating from programs

funded by State revenue, local funds originating from State or local revenue-funded programs, private funds or other funding sources of non-Federal origins. If a Federal land management agency applies jointly with a State or group of States, and that agency carries out the project, then Federal funds that were not made available under titles 23 or 49 of the United States Code may be used for the non-Federal share. Unless otherwise authorized by statute, local cost-share may not be counted as non-Federal share for both the INFRA and another Federal program. For any project, the Department cannot consider previously incurred costs or previously expended or encumbered funds towards the matching requirement. Matching funds are subject to the same Federal requirements described in Section F.2.b as awarded funds. See Sections D.2.b.iv, D.2.b.vii.5a, and E.1.b.iv.5 for information about documenting cost sharing in the application.

For evaluating eligibility under the statutory limit on total Federal assistance, funds from TIFIA and Railroad Rehabilitation & Improvement Financing (RRIF) credit assistance programs are considered Federal assistance and, combined with other Federal assistance, may not exceed 80 percent of the future eligible project costs.

3. Other

a. Eligible Projects

Eligible projects for INFRA grants are: highway freight projects carried out on the National Highway Freight Network (23 U.S.C. 167); highway or bridge projects carried out on the National Highway System (NHS), including projects that add capacity on the Interstate System to improve mobility or projects in a national scenic area; railway-highway grade crossing or grade separation projects; or a freight project that is 1) an intermodal or rail project, or 2) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility. A project within the boundaries of a freight rail, water (including ports), or intermodal facility must be a surface transportation infrastructure project necessary to facilitate direct

intermodal interchange, transfer, or access into or out of the facility and must significantly improve freight movement on the National Highway Freight Network. Improving freight movement on the National Highway Freight Network may include shifting freight transportation to other modes, thereby reducing congestion and bottlenecks on the National Highway Freight Network. For a freight project within the boundaries of a freight rail, water (including ports), or intermodal facility, Federal funds can only support project elements that provide public benefits.

b. Eligible Project Costs

INFRA grants may be used for the construction, reconstruction, rehabilitation, acquisition of property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, equipment acquisition, and operational improvements directly related to system performance. Statutorily, INFRA grants may also fund development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities, provided the project meets statutory requirements. However, the Department is seeking to use INFRA funding on projects that result in construction, meaning development phase activities are less competitive by nature of the evaluation structure described in Section E. Public-private partnership assessments for projects in the development phase are also eligible costs.

INFRA grant recipients may use INFRA funds to pay the subsidy and administrative costs necessary to receive TIFIA credit assistance.

All INFRA projects are subject to the Buy America requirement at 23 U.S.C. 313. The Department expects all INFRA applicants to comply with that requirement without needing a waiver. To obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. If you anticipate requiring a waiver, you must state so in your application.

c. Minimum Project Size Requirement

For the purposes of determining whether a project meets the minimum project size requirement, the Department will count all future eligible project costs under the award and some related costs incurred before selection for an INFRA grant. Previously incurred costs will be counted toward the minimum project size requirement only if they were eligible project costs under Section C.3.b. and were expended as part of the project for which the applicant seeks funds. Although those previously incurred costs may be used for meeting the minimum project size thresholds described in this section, they cannot be reimbursed with INFRA grant funds, nor will they count toward the project's required non-Federal share.

i. Large Projects

The minimum project size for large projects is the lesser of \$100 million; 30 percent of a State's FY 2020 Federal-aid apportionment if the project is located in one State; or 50 percent of the larger participating State's FY 2020 apportionment for projects located in more than one State. The following chart identifies the minimum total project cost, rounded up to the nearest million, for projects for FY 2020 for both single and multi-State projects.

State	FY21 NSFHP (30% of FY20 apportionment) One-State Minimum (millions)	FY21 NSFHP (50% of FY20 apportionment) Multi-State Minimum* (millions)
Alabama	\$100	\$100
Alaska	\$100	\$100

Arizona	\$100	\$100
Arkansas	\$100	\$100
California	\$100	\$100
Colorado	\$100	\$100
Connecticut	\$100	\$100
Delaware	\$56	\$94
Dist. of Col.	\$53	\$88
Florida	\$100	\$100
Georgia	\$100	\$100
Hawaii	\$56	\$94
Idaho	\$95	\$100
Illinois	\$100	\$100
Indiana	\$100	\$100
Iowa	\$100	\$100
Kansas	\$100	\$100
Kentucky	\$100	\$100
Louisiana	\$100	\$100
Maine	\$62	\$100
Maryland	\$100	\$100
Massachusetts	\$100	\$100
Michigan	\$100	\$100
Minnesota	\$100	\$100
Mississippi	\$100	\$100

Missouri	\$100	\$100
Montana	\$100	\$100
Nebraska	\$96	\$100
Nevada	\$100	\$100
New Hampshire	\$55	\$92
New Jersey	\$100	\$100
New Mexico	\$100	\$100
New York	\$100	\$100
North Carolina	\$100	\$100
North Dakota	\$83	\$100
Ohio	\$100	\$100
Oklahoma	\$100	\$100
Oregon	\$100	\$100
Pennsylvania	\$100	\$100
Rhode Island	\$73	\$100
South Carolina	\$100	\$100
South Dakota	\$94	\$100
Tennessee	\$100	\$100
Texas	\$100	\$100
Utah	\$100	\$100
Vermont	\$68	\$100
Virginia	\$100	\$100

Washington	\$100	\$100
West Virginia	\$100	\$100
Wisconsin	\$100	\$100
Wyoming	\$85	\$100

* For multi-State projects, the minimum project size is the largest of the multi-State minimums from the participating States.

ii. Small Projects

A small project is an eligible project that does not meet the minimum project size described in Section C.3.c.i.

d. Large/Small Project Requirements

For a large project to be selected, the Department must determine that the project meets seven requirements described in 23 U.S.C. 117(g) and below. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement, to select it for an award. The requirements are listed below and further described in Section E.1.b.iv and Section D.2.b.vii:

Large Project Requirement #1: The project will generate national or regional economic, mobility, or safety benefits.

Large Project Requirement #2: The project will be cost effective.

Large Project Requirement #3: The project will contribute to the accomplishment of one or more of the goals described in 23 U.S.C 150.

Large Project Requirement #4: The project is based on the results of preliminary engineering.

Large Project Requirement #5: With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases.

Large Project Requirement #6: The project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor.

Large Project Requirement #7 The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project.

For a small project to be selected, the Department must consider the cost-effectiveness of the proposed project and the effect of the proposed project on mobility in the State and region in which the project is carried out.

e. Rural/Urban Area

This section describes the statutory definition of urban and rural areas and the minimum statutory requirements for projects that meet those definitions. For more information on how the Department consider projects in urban, rural, and low population areas as part of the selection process, see Section E.1.a. Criterion #2, and E.1.c.

The INFRA statute defines a rural area as an area outside an Urbanized Area³ with a population of over 200,000. In this NOFO, urban area is defined as inside an Urbanized Area, as a designated by the U.S. Census Bureau, with a population of 200,000 or more.⁴ Rural and urban definitions differ in some other USDOT programs, including TIFIA. Cost share requirements

³ For Census 2010, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau website at http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ and maps are available at <https://tigerweb.geo.census.gov/tigerweb/>. For the purposes of the INFRA program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

⁴ See www.transportation.gov/buildamerica/InFRAGrants for a list of Urbanized Areas with a population of 200,000 or more.

and minimum grant awards are the same for projects located in rural and urban areas. The Department will consider a project to be in a rural area if the majority of the project (determined by geographic location(s) where the majority of the money is to be spent) is located in a rural area. However, if a project consists of multiple components, as described under Section C.3.f or C.3.g., then for each separate component the Department will determine whether that component is rural or urban. In some circumstances, including networks of projects under Section C.3.g that cover wide geographic regions, this component-by-component determination may result in INFRA awards that include urban and rural funds.

f. Project Components

An application may describe a project that contains more than one component. The USDOT may award funds for a component, instead of the larger project, if that component (1) independently meets minimum award amounts described in Section B and all eligibility requirements described in Section C, including the requirements for large projects described in Sections C.3.d and D.2.b.vii; (2) independently aligns well with the selection criteria specified in Section E; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of USDOT funds even if no other improvements are made in the area, and will be ready for intended use upon completion of that component's construction. If an application describes multiple components, the application should demonstrate how the components collectively advance the purposes of the INFRA program. An applicant should not add multiple components to a single application merely to aggregate costs or avoid submitting multiple applications.

Applicants should be aware that, depending upon applicable Federal law and the relationship among project components, an award funding only some project components may

make other project components subject to Federal requirements as described in Section F.2.b. For example, under 40 CFR § 1508.25, the NEPA review for the funded project component may need to include evaluation of all project components as connected, similar, or cumulative actions.

The Department strongly encourages applicants to identify in their applications the project components that meet independent utility standards and separately detail the costs and INFRA funding requested for each component. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses selection criteria.

g. Network of Projects

An application may describe and request funding for a network of projects. A network of projects is one INFRA award that consists of multiple projects addressing the same transportation problem. For example, if an applicant seeks to improve efficiency along a rail corridor, then their application might propose one award for four grade separation projects at four different railway-highway crossings. Each of the four projects would independently reduce congestion but the overall benefits would be greater if the projects were completed together under a single award.

The USDOT will evaluate applications that describe networks of projects similar to how it evaluates projects with multiple components. Because of their similarities, the guidance in Section C.3.f is applicable to networks of projects, and applicants should follow that guidance on how to present information in their application. As with project components, depending upon applicable Federal law and the relationship among projects within a network of projects, an

award that funds only some projects in a network may make other projects subject to Federal requirements as described in Section F.2.

h. Application Limit

To encourage applicants to prioritize their INFRA submissions, each eligible applicant may submit no more than three applications. The three-application limit applies only to applications where the applicant is the lead applicant. There is no limit on applications for which an applicant can be listed as a partnering agency. If a lead applicant submits more than three applications as the lead applicant, only the first three received will be considered.

D. Application and Submission Information

1. Address

Applications must be submitted through www.Grants.gov. Instructions for submitting applications can be found at <https://www.transportation.gov/buildamerica/InFRAGrants>.

2. Content and Form of Application

The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs), cover page, and the Project Narrative. More detailed information about the cover pages and Project Narrative follows.

a. Cover Page

Each application should contain a cover page with the following chart:

Basic Project Information	
What is the Project Name?	
Who is the Project Sponsor?	

Was an INFRA application for this project submitted previously? (If Yes, please include title)	
Project Costs	
<i>INFRA Request Amount</i>	Exact Amount in year-of-expenditure dollars.
<i>Estimated Federal funding (excl. INFRA), anticipated to be used in INFRA funded future project.</i>	Estimate in year-of-expenditure dollars.
<i>Estimated non-Federal funding anticipated to be used in INFRA funded future project.</i>	Estimate in year-of-expenditure dollars.
<i>Future Eligible Project Cost (Sum of previous three rows)</i>	Estimate in year-of-expenditure dollars.
<i>Previously incurred project costs (if applicable)</i>	Estimate in year-of-expenditure dollars.
<i>Total Project Cost (Sum of 'previous incurred' and 'future eligible')</i>	Estimate in year-of-expenditure dollars.
Are matching funds restricted to a specific project component? If so, which one?	
<p>Project Eligibility</p> <p>To be eligible, all future eligible project costs must fall into at least one of the following four categories:</p>	

Approximately how much of the estimated future eligible project costs will be spent on components of the project currently located on National Highway Freight Network (NHFN)?	Please provide an estimate, in year-of-expenditure dollars, of the costs that meet this definition
Approximately how much of the estimated future eligible project costs will be spent on components of the project currently located on the National Highway System (NHS)?	Please provide an estimate, in year-of-expenditure dollars, of the costs that meet this definition. Maps can be found here: https://www.fhwa.dot.gov/planning/national_highway_system/nhs_maps/
Approximately how much of the estimated future eligible project costs will be spent on components constituting railway-highway grade crossing or grade separation projects?	Please provide an estimate, in year-of-expenditure dollars, of the costs that meet this definition
Approximately how much of the estimated future eligible project costs will be spent on components constituting intermodal or freight rail projects, or freight projects within the boundaries of a public or private freight rail, water (including ports), or intermodal facility?	Please provide an estimate, in year-of-expenditure dollars, of the costs that meet this definition
Project Location	
State(s) in which project is located	
Small or large project	Small/Large

Urbanized Area in which project is located, if applicable	
Population of Urbanized Area (According to 2010 Census)	
Is the project located (entirely or partially) in an Opportunity Zone?	Yes/No (Please reference https://www.cdfifund.gov/Pages/Opportunity-Zones.aspx) Please identify the specific 2011-2015 Low-Income Community Census Tract(s) (by number) that are Opportunity Zones.
Is the project currently programmed in the: <ul style="list-style-type: none"> • TIP • STIP • MPO Long Range Transportation Plan • State Long Range Transportation Plan • State Freight Plan? 	Yes/no (<u>please specify in which plans the project is currently programmed, and provide the identifying number if applicable</u>)

b. Project Narrative

The Department recommends that the project narrative follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. Project Description	See D.2.b.i
II. Project Location	See D.2.b.ii
III. Project Parties	See D.2.b.iii.

IV. Grant Funds, Sources and Uses of all Project Funding	See D.2.b.iv
V. Merit Criteria	See D.2.b.v and E.1.a
VI. Project Readiness	See D.2.b.vi and E.1.b.ii
VII. Large/Small Project Requirements	See D.2.b.vii, C.3.d., and E.1.b.iv.

The project narrative should include the information necessary for the Department to determine that the project satisfies project requirements described in Sections B and C and to assess the selection criteria specified in Section E.1. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by the Department. The Department may ask any applicant to supplement data in its application, but expects applications to be complete upon submission.

In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the project narrative should include a table of contents, maps, and graphics, as appropriate, to make the information easier to review. The Department recommends that the project narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 25 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 25-page limit are documents supporting assertions or conclusions made in the 25-page project narrative. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to a modal administration in

support of a different USDOT financial assistance program may be referenced and described as unchanged. The Department recommends using appropriately descriptive final names (e.g., “Project Narrative,” “Maps,” “Memoranda of Understanding and Letters of Support,” etc.) for all attachments. The USDOT recommends applications include the following sections:

i. Project Summary

The first section of the application should provide a concise description of the project, the transportation challenges that it is intended to address, and how it will address those challenges. This section should discuss the project’s history, including a description of any previously incurred costs. The applicant may use this section to place the project into a broader context of other infrastructure investments being pursued by the project sponsor.

ii. Project Location

This section of the application should describe the project location, including a detailed geographical description of the proposed project and a map of the project’s location and connections to existing transportation infrastructure. If the project is located within the boundary of a 2010 Census-designated Urbanized Area, the application should identify the Urbanized Area.⁵

iii. Project Parties

This section of the application should list all project parties, including details about the proposed grant recipient and other public and private parties who are involved in delivering the project, such as port authorities, terminal operators, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, and freight industry workforce organizations.

⁵ Lists of Urbanized Areas are available on the Census Bureau website at http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ and maps are available at <https://tigerweb.geo.census.gov/tigerweb/>. For the purposes of the INFRA program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

iv. Grant Funds, Sources and Uses of Project Funds

This section of the application should describe the project's budget. The budget should show how each funding source will share in each major construction activity, and present that data in dollars and percentages. Funding sources should be grouped into three categories: non-Federal; INFRA; and other Federal. If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2. At a minimum, it should include:

- (A) Previously incurred expenses, as defined in Section C.3.b.
- (B) Future eligible costs, as defined in Section C.3.b.
- (C) For all funds to be used for future eligible project costs, the source and amount of those funds.
 - For non-Federal funds to be used for future eligible project costs, documentation of funding commitments should be referenced here and included as an appendix to the application.
 - For other Federal funds to be used for future eligible project costs, the amount, nature, and source of any required non-Federal match for those funds.
- (D) Information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases.

(E) The amount of the requested INFRA funds that would be subject to the limit on freight rail, port, and intermodal infrastructure described in Section B.2.

In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction.

Complete information about project funds will ensure that the Department's expectations for award execution align with any funding restrictions unrelated to the Department, even if an award differs from the applicant's request.

v. Merit Criteria

This section of the application should demonstrate how the project aligns with the Merit Criteria described in Section E.1 of this NOFO. The Department encourages applicants to address each criterion or expressly state that the project does not address the criterion.

Applicants are not required to follow a specific format, but the following organization, which addresses each criterion separately, promotes a clear discussion that assists project evaluators.

To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about how the applicant should organize their application. Guidance describing how the Department will evaluate projects against the Merit Criteria is in Section E.1 of this NOFO. Applicants also should review that section before considering how to organize their application.

Criterion #1: Support for National or Regional Economic Vitality

This section of the application should describe the anticipated outcomes of the project that support the Economic Vitality criterion (described in Section E.1.a of this NOFO). The applicant should summarize the conclusions of the project's benefit-cost analysis, including estimates of the project's benefit-cost ratio and net benefits. The applicant should also describe economic impacts and other data-supported benefits that are not included in the benefit-cost analysis. For the purposes of considering whether the project primarily serves freight and goods movement, the application should include estimates of the volume and share of freight (trucks, rail carloads, TEUs, tonnage, or other relevant measure) that travels through the project area and identify the sources for those estimates.

Consistent with the Department's ROUTES Initiative, the Department encourages applicants to describe how the project would address the unique challenges of rural transportation networks in safety, infrastructure condition, and passenger and freight usage, should the project serve a rural location.

The benefit-cost analysis calculation file(s) should be provided as an appendix to the project narrative, as described in Section D.2.d. of this NOFO.

Criterion #2: Leveraging of Federal Funding

The Leveraging Criterion will be assessed according to the methodology described in Section E.1.a., referencing information provided in the application's Grant Funds, Sources and Uses of Project Funds section. Please describe the source of all non-INFRA funds in the project's budget. Please state the share of non-INFRA funds coming from Federal funds, including Federal formula funds that may be passed through a State entity. Please provide evidence that funding is stable, dependable, and will be available to complete the project.

Criterion #3: Potential for Innovation

This section of the application should contain sufficient information to evaluate how the project includes or enables innovation in: (1) the accelerated deployment of innovative technology, including expanded access to broadband; (2) use of innovative permitting, contracting, and other project delivery practices; and (3) innovative financing. If the project does not address a particular innovation area, the application should state this fact. Please see Section E.1.a for additional information.

Criterion #4: Performance and Accountability

This section of the application should include sufficient information to evaluate how the applicant will advance the Performance and Accountability program objective. In general, the applicant should indicate which (if any) accountability measures they are willing to implement or have implemented, along with the specific details necessary for the Department to evaluate their accountability measure. The applicant should also address the lifecycle cost component of this criterion in this section. See Section E.1.a for additional information.

vi. Project Readiness

This section of the application should include information that, when considered with the project budget information presented elsewhere in the application, is sufficient for the Department to evaluate whether the project is reasonably expected to begin construction in a timely manner. To assist the Department's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described here, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department

encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about what information applicants should provide and how the applicant should organize their application. Guidance describing how the Department will evaluate a project's readiness is described in section E.1 of this NOFO. Applicants also should review that section before considering how to organize their application.

(A) Technical Feasibility. The applicant should demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the INFRA application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed.

(B) Project Schedule. The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the Statewide Transportation Improvement Program), start and completion of NEPA and other Federal environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications and estimates (PS&E); procurement; State and local approvals; project partnership and implementation agreements including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

- (1) all necessary activities will be complete to allow INFRA funds to be obligated sufficiently in advance of the statutory deadline (September 30, 2024)

for FY 2021 funds), and that any unexpected delays will not put the funds at risk of expiring before they are obligated;

(2) the project can begin construction quickly upon obligation of INFRA funds, and that the grant funds will be spent expeditiously once construction starts; and

(3) all real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no acquisition is necessary.

(C) Required Approvals.

(1) Environmental Permits and Reviews. The application should demonstrate receipt (or reasonably anticipated receipt) of all environmental approvals and permits necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. Specifically, the application should include:

(a) Information about the NEPA status of the project. If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is underway, but not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA

determination. If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA requirements.

(b) Information on reviews, approvals, and permits by other agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies⁶, indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a website link or other reference to copies of any reviews, approvals, and permits prepared.

(c) Environmental studies or other documents—preferably through a website link—that describe in detail known project impacts, and possible mitigation for those impacts.

(d) A description of discussions with the appropriate USDOT modal administration field or headquarters office regarding the project’s compliance with NEPA and other applicable Federal environmental reviews and approvals.

(e) A description of public engagement about the project that has occurred, including details on the degree to which public comments

⁶ Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

and commitments have been integrated into project development and design.

(2) State and Local Approvals. The applicant should demonstrate receipt of State and local approvals on which the project depends, such as State and local environmental and planning approvals and STIP or TIP funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

(3) Federal Transportation Requirements Affecting State and Local Planning. The planning requirements applicable to the Federal-aid highway program apply to all INFRA projects, but for port, freight, and rail projects, planning requirements of the operating administration that will administer the INFRA project will also apply,⁷ including intermodal projects located at airport facilities.⁸ Applicants should demonstrate that a project that is required to be

⁷ In accordance with 23 U.S.C. § 134 and § 135, all projects requiring an action by the Federal Highway Administration (FHWA) must be in the applicable plan and programming documents (e.g., metropolitan transportation plan, transportation improvement program (TIP) and statewide transportation improvement program (STIP)). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive an INFRA grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and metropolitan planning organization (MPO). Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive an INFRA grant. Port, freight rail, and intermodal projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of 2008. However, applicants seeking funding for freight projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals. Means of demonstrating this consistency would include whether the project is in a TIP or a State Freight Plan that conforms to the requirements Section 70202 of Title 49 prior to the start of construction. Port planning guidelines are available at StrongPorts.gov.

⁸ Projects at grant obligated airports must be compatible with the FAA-approved Airport Layout Plan (ALP), as well as aeronautical surfaces associated with the landing and takeoff of aircraft at the airport. Additionally, projects at an airport: must comply with established Sponsor Grant Assurances, including (but not limited to) requirements for non-exclusive use facilities, consultation with users, consistency with local plans including development of the area

included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document.

To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202). Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for each INFRA grant will be specified in the project-specific agreements signed by relevant modal administration and the grant recipients, based on critical path items that applicants identify in the application and will be consistent with relevant State and local plans.

(D) Assessment of Project Risks and Mitigation Strategies. Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

To the extent it is unfamiliar with the Federal program, the applicant should contact USDOT modal field or headquarters offices as found at www.transportation.gov/infragrants for information on what steps are pre-requisite to the obligation of Federal funds to ensure that their

surrounding the airport, and consideration of the interest of nearby communities, among others; and must not adversely affect the continued and unhindered access of passengers to the terminal.

project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

vii. Large/Small Project Requirements

To select a large project for award, the Department must determine that the project—as a whole, as well as each independent component of the project—satisfies several statutory requirements enumerated at 23 U.S.C. 117(g) and restated in the table below. The application must include sufficient information for the Department to make these determinations for both the project as a whole, and for each independent component of the project. Applicants are not required to reproduce the table below in their application, but following this format will help evaluators identify the relevant information that supports each large project determination. Supporting information provided in appendices may be referenced.

Large Project Determination	Guidance
1. Does the project generate national or regional economic, mobility, or safety benefits?	Summarize the economic, mobility, and safety benefits of the project and independent project components, and describe the scale of their impact in national or regional terms. The Department will base its determination on the project’s benefits as assessed according to the Economic Vitality criterion.
2. Is the project cost effective?	Highlight the results of the benefit cost analysis, as well as the analyses of independent project components if applicable.

	<p>The Department will base its determination on the ratio of project benefits to project costs as assessed according to the Economic Vitality criterion.</p>
<p>3. Does the project contribute to one or more of the Goals listed under 23 U.S.C. 150 (and shown below)?</p> <p>(1) National Goals.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:</p> <p>(2) Safety.—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.</p> <p>(3) Infrastructure condition.—To maintain the highway infrastructure asset system in a state of good repair.</p> <p>(4) Congestion reduction.—To achieve a significant reduction in congestion on the National Highway System.</p>	<p>Specify the Goal(s) and summarize how the project and independent project components contributes to that goal(s).</p> <p>The Department will base its determination on the project’s benefits as assessed according to the Economic Vitality criterion.</p>

(5) System reliability.—To improve the efficiency of the surface transportation system.

(6) Freight movement and economic vitality.—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.

(7) Environmental sustainability.—To enhance the performance of the transportation system while protecting and enhancing the natural environment.

(8) Reduced project delivery delays.—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory

<p>burdens and improving agencies' work practices.</p>	
<p>4. Is the project based on the results of preliminary engineering?</p>	<p>For a project or independent project component to be based on the results of preliminary engineering, please indicate which of the following activities have been <i>completed</i> as of the date of application submission:</p> <ul style="list-style-type: none"> • Environmental Assessments • Topographic Surveys • Metes and Bounds Surveys • Geotechnical Investigations • Hydrologic Analysis • Utility Engineering • Traffic Studies • Financial Plans • Revenue Estimates • Hazardous Materials Assessments • General estimates of the types and quantities of materials • Other work needed to establish parameters for the final design

	<p>If one or more of these studies was included in a larger plan or document not described above, please explicitly state that and reference the document.</p> <p>The Department will base its determination on an assessment of this information by the INFRA program evaluators.</p>
<p>5a. With respect to non-Federal financial commitments, does the project have one or more stable and dependable funding or financing sources to construct, maintain, and operate the project?</p>	<p>Please indicate funding source(s) and amounts that will account for all project costs, broken down by independent project component, if applicable. Demonstrate that the funding is stable, dependable, and dedicated to this specific project by referencing the STIP/TIP, a letter of commitment, a local government resolution, memorandum of understanding, or similar documentation.</p> <p>The Department will base its determination on an assessment of this information by INFRA program evaluators.</p>
<p>5b. Are contingency amounts available to cover unanticipated cost increases?</p>	<p>Please state the contingency amount available for the project.</p>

	<p>The Department will base its determination on an assessment of this information by INFRA program evaluators.</p>
<p>6. Is it the case that the project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor?</p>	<p>Describe the potential negative impacts on the proposed project if the INFRA grant (or other Federal funding) was not awarded. Respond to the following:</p> <ol style="list-style-type: none"> 1.How would the project scope be affected if INFRA (or other Federal funds) were not received? 2.How would the project schedule be affected if INFRA (or other Federal funds) were not received? 3.How would the project cost be affected if INFRA (or other Federal funds) were not received? <p>If there are no negative impacts to the project scope, schedule, or budget if INFRA funds are not received, state that explicitly. Impacts to a portfolio of projects will not satisfy this requirement; please describe only project-specific impacts. Re-stating the project's importance for national or regional economic,</p>

	<p>mobility, or safety will not satisfy this requirement.</p> <p>The Department will base its determination on an assessment of this information by INFRA program evaluators.</p>
<p>7. Is the project reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project?</p>	<p>Please provide expected obligation date⁹ and construction start date, referencing project budget and schedule as needed. If the project has multiple independent components, or will be obligated and constructed in multiple phases, please provide sufficient information to show that each component meets this requirement.</p> <p>The Department will base its determination on the project risk rating as assessed according to the Project Readiness consideration.</p>

For a small project to be selected, the Department must consider the cost effectiveness of the proposed project and the effect of the proposed project on mobility in the State and region in which the project is carried out. If an applicant seeks an award for a small project, it should use

⁹ Obligation occurs when a selected applicant enters a written, project-specific agreement with the Department and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

this section to provide information on the project's cost effectiveness and the project's effect on the mobility in its State and region, or refer to where else the information can be found in the application.

c. Guidance for Benefit-Cost Analysis

This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. The results of the analysis should be summarized in the Project Narrative directly, as described in Section D.2.b.v.

Applicants should delineate each of their project's expected outcomes in the form of a complete BCA to enable the Department to consider cost-effectiveness (small projects), determine whether the project will be cost effective (large projects), estimate a benefit-cost ratio and calculate the magnitude of net benefits and costs for the project. In support of each project for which an applicant seeks funding, the applicant should submit a BCA that quantifies the expected benefits and costs of the project against a no-build baseline. Applicants should use a real discount rate (i.e., the discount rate net of the inflation rate) of 7 percent per year to discount streams of benefits and costs to their present value in their BCA.

The primary economic benefits from projects eligible for INFRA grants are likely to include savings in travel time costs, vehicle operating costs, and safety costs for both existing users of the improved facility and new users who may be attracted to it as a result of the project. Reduced damages from vehicle emissions and savings in maintenance costs to public agencies may also be quantified. Applicants may describe other categories of benefits in the BCA that are more difficult to quantify and value in economic terms, such as improving the reliability of travel times or improvements to the existing human and natural environments (such as increased connectivity, improved public health, storm water runoff mitigation, and noise reduction), while also providing numerical estimates of the magnitude and timing of each of these additional

impacts wherever possible. Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project.

The BCA should include the full costs of developing, constructing, operating, and maintaining the proposed project (including both previously incurred and future costs), as well as the expected timing or schedule for costs in each of these categories. The BCA may also consider the present discounted value of any remaining service life of the asset at the end of the analysis period (net of future maintenance and rehabilitation costs) as a deduction from the estimated costs. The costs and benefits that are compared in the BCA should also cover the same project scope.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. Applicants should provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by USDOT evaluators. Detailed guidance for estimating some types of quantitative benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, are available in the Department's guidance for conducting BCAs for projects seeking funding under the INFRA program (see <https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance>).

Applicants for freight projects within the boundaries of a freight rail, water (including ports), or intermodal facility should also quantify the benefits of their proposed projects for

freight movements on the National Highway Freight Network, and should demonstrate that the Federal share of the project funds only elements of the project that provide public benefits.

3. Unique entity identifier and System for Award Management (SAM)

Each applicant must: 1) be registered in SAM before submitting its application; 2) provide a valid unique entity identifier in its application; and 3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Department may not make an INFRA grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Department is ready to make an INFRA grant, the Department may determine that the applicant is not qualified to receive an INFRA grant and use that determination as a basis for making an INFRA grant to another applicant.

4. Submission Dates and Timelines

a. Deadline

Applications must be submitted by 11:59 p.m. EST March 5, 2021. The Grants.gov “Apply” function will open by January 20, 2021.

To submit an application through Grants.gov, applicants must:

- (1) Obtain a Data Universal Numbering System (DUNS) number;
- (2) Register with the System Award for Management (SAM) at www.sam.gov; and
- (3) Create a Grants.gov username and password;
- (4) The E-business Point of Contact (POC) at the applicant’s organization must also respond to the registration email from Grants.gov and login at Grants.gov to authorize the POC as an Authorized Organization Representative (AOR). Please note that there can only be one AOR per organization.

Please note that the Grants.gov registration process usually takes 2-4 weeks to complete and that the Department 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 <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If interested parties experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1(800) 518-4726, Monday-Friday from 7:00 a.m. to 9:00 p.m. EST.

b. Consideration of Application

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

c. Late Applications

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties outlined in Section D.4.d.

d. Late Application Policy

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact INFRAgrants@dot.gov prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

- (1) Details of the technical issue experienced;
- (2) Screen capture(s) of the technical issues experienced along with corresponding Grants.gov "Grant tracking number";
- (3) The "Legal Business Name" for the applicant that was provided in the SF-424;
- (4) The AOR name submitted in the SF-424;

- (5) The DUNS 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 the instructions in this NOFO of funding opportunity; and 4) technical issues experienced with the applicant's computer or information technology environment. After the Department reviews all information submitted and contacts the Grants.gov Help Desk to validate reported technical issues, USDOT staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

E. Application Review Information

1. Criteria

a. Merit Criteria

The Department will consider the extent to which the project addresses the following criteria, which are explained in greater detail below and reflect the key program objectives described in Section A.2: (1) support for national or regional economic vitality; (2) leveraging of Federal funding; (3) potential for innovation; and (4) performance and accountability. The Department expects that competitive applications will substantively address all four criteria, which are weighed by Department leadership as described in Section E.2.

Criterion #1: Support for National or Regional Economic Vitality.

The Department will consider the extent to which a project would support the economic vitality of either the nation or a region. The Department will rely on quantitative, data-supported analysis to assess how well a project addresses this criterion, including an assessment of the

applicant-supplied benefit-cost analysis described in Section D.2.d. The Department will consider estimates of the project's benefit-cost ratio and net quantifiable benefits.

Based on the Department's assessment, the Department will group projects into ranges based on their estimated benefit costs ratio (BCR) and assign a level of confidence associated with each project's assigned BCR ratings. The Department will use these ranges for BCR and will not distinguish among BCRs within each range: Less than 1; 1–1.5; 1.5–3; and greater than 3. The confidence levels are high, medium, and low.

Criterion #2: Leveraging of Federal Funding.

To maximize the impact of INFRA awards, the Department seeks to leverage INFRA funding with non-Federal contributions. To evaluate this criterion, the Department will assign a rating to each project based on how the calculated non-Federal share of the project's future eligible project costs compares with other projects proposed for INFRA funding. The Department will sort large and small project applications' non-Federal leverage percentage from high to low, and the assigned ratings will be based on quintile: projects in the 80th percentile and above receive the highest rating; the 60th -79th percentile receive the second highest rating; 40th - 59th, the third highest; 20th - 39th, the fourth highest; and 0-19th, the lowest rating.

USDOT recognizes that applicants have varying abilities and resources to contribute non-Federal contributions. To help applicants gauge competitiveness of proposed non-Federal contributions, the Department has published information about the non-Federal leverage proposed in applications from prior INFRA rounds

[<https://www.transportation.gov/buildamerica/financing/infra-grants/additional-resources>].

This evaluation criterion is separate from the statutory cost share requirements for INFRA grants, which are described in Section C.2. Those statutory requirements establish the minimum permissible non-Federal share; they do not define a competitive INFRA project.

Unlike how the Department evaluates cost share for eligibility purposes (as described in section C.2 of this NOFO), for the purposes of evaluating leverage as a competitive selection criterion, the Department will consider the proceeds of Federal assistance under chapter 6 of Title 23, United States Code or sections 501 through 504 of the Railroad and Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), as amended, to be part of the Federal share of project costs. Applications that require other discretionary funding from the Department to complete the project’s funding package will be considered less competitive.

Criterion #3: Potential for Innovation.

The Department seeks to use the INFRA program to encourage innovation in three areas: (1) the accelerated deployment of innovative technology and expanded access to broadband; (2) use of innovative permitting, contracting, and other project delivery practices; and (3) innovative financing. The project will be assigned an innovation rating based on how it cumulatively addresses these areas. Applications that address at least two of these three areas will be assigned a high rating. Applications that address one of these areas will be assigned a medium rating. Applications that address none of these areas will be assigned a low rating.

In Innovation Area #1: Technology, the application will be determined to have addressed the Technology Innovation Area if the INFRA project incorporates any of the following:

- Conflict detection and mitigation technologies (e.g., intersection alerts, signal prioritization, or smart traffic signals);
- Dynamic signaling or pricing systems to reduce congestion;
- Signage and design features that facilitate autonomous or semi-autonomous vehicle technologies;
- Applications to automatically capture and report safety-related issues (e.g., identifying and documenting near-miss incidents);

- V2X Technologies (e.g. technology that facilitates passing of information between a vehicle and any entity that may affect the vehicle);
- Cybersecurity elements to protect safety-critical systems;
- Technology at land and sea ports of entry that reduces congestion, wait times, and delays, while maintaining or enhancing the integrity of our border;
- Work Zone data exchanges or related data exchanges
- Other Intelligent Transportation Systems (ITS) that directly benefit the project's users.

The application will also address the Technology Innovation Area if the project facilitates broadband deployment and the installation of high-speed networks concurrent with project construction, including broadband deployment in rural areas, per Presidential Executive Order 13821 *Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America*.

In Innovation Area #2: Project Delivery, the Department will assess whether the applicant intends to pursue an innovative strategy to improve project delivery. These strategies will result in more efficient project implementation. Some of these strategies may require the use of a SEP-14 or SEP-15 waiver, but many do not: an application can address this innovation area without requiring a waiver. Examples of innovative project delivery include:

- Contracting/Procurement:
 - *Indefinite Quantity/Indefinite Delivery Contracting*
 - *Alternative Pavement Type Bidding*
 - *No Excuse Bonuses*
 - *Lump Sum Bidding*
 - *Best Value Procurement*
 - *System Integrator Contracts*
 - *Progressive Design-Build*

- *P3 DBFOM Procurements*
- Environmental Requirements
 - *NEPA/Section 404 Merger*
 - *Use of Permitting/Authorization Agency Liaisons*
 - *Establishment of State/Local “One-Stop-Shop” for Permitting*
 - *Programmatic Agreements*
- Every Day Counts Initiative
 - *Use of proven technologies and innovations to shorten and enhance project delivery listed at*

https://www.fhwa.dot.gov/innovation/everydaycounts/edc_innovation.cfm

Finally, in Innovation Area #3, Innovative Financing, the Department will consider if the project financial plan incorporates funding or financing from innovative sources, or if the applicant describes recent or pending efforts to raise significant new revenue for transportation investment across its program.

Examples of innovative sources in a financial plan include:

- *Private Sector contributions, excluding donated right-of-way, amounting to at least \$5 million,*
- *Revenue from the competitive sale or lease of publicly owned or operated asset, or*
- *Financing supported by direct project user fees*

Examples of significant new revenue—provided it is dedicated to transportation investment across an applicant’s program—include:

- *Revenue resulting from recent or pending increases to sales or fuel taxes*
- *Revenue resulting from the recent or pending implementation of tolling*

- *Revenue resulting from the recent or pending adoption of value capture strategies such as tax-increment financing*
- *Revenue resulting from the recent or pending competitive sale or lease of publicly owned or operated assets*

Criterion #4: Performance and Accountability.

The Department encourages applicants to describe a credible plan to address the full lifecycle costs associated with the project and implement an accountability measure as described in Section A.2.d of this NOFO.

A credible plan to address full lifecycle costs should include, at a minimum, (1) an estimate of the lifecycle costs of the project; (2) an identified source of funding that will be sufficient to pay for operation and maintenance of the project; and (3) a description of controls in place to ensure the identified funding will not be diverted away from operation and maintenance. Examples of such controls include if a private sector entity is contractually obligated to maintain the project, if a project sponsor has a demonstrated history of fully funding maintenance on its assets, or if the sponsor describes an asset management plan or strategy.

Applicants intending to address the accountability measure portion of this criterion should describe how they meet at least one of the three options below:

- (1) The applicant should state in the application that it agrees to meet a specific construction start and completion date and state those dates in the application. If the project sponsor does not meet these deadlines, the project will be subject to forfeit or return of up to 10 percent of the awarded funds, or \$10 million, whichever is lower.
- (2) The applicant should propose a specific indicator of project success that will be evident within 12 months of project completion. The indicator should relate to a benefit estimated in the BCA (e.g., travel time savings), and the level of performance

should be consistent with the estimates in the BCA. If the project fails to produce this specific outcome in the time allotted, it will be subject to forfeit or return of up to 10 percent of the awarded funds, or \$10 million, whichever is lower.

The project will be assigned a Performance and Accountability rating based on how it addresses these areas. Applications that address both lifecycle costs and accountability measures will receive a high rating. Applications that address either lifecycle costs or accountability measures, but not both, will receive a medium rating. Applications that address neither area will receive a low rating.

b. Additional Considerations

i. Geographic Diversity

By statute, when selecting INFRA projects, the Department must consider contributions to geographic diversity among recipients, including the need for a balance between the needs of rural and urban communities. Consistent with the R.O.U.T.E.S. initiative, the Department seeks rural projects that address deteriorating conditions and disproportionately high fatality rates on rural transportation infrastructure.

The Department will also consider whether the project is located in a qualified opportunity zone, pursuant to 26 U.S.C. 1400Z-1. A project located in a qualified opportunity zone is more competitive than a similar project that is not located in a qualified opportunity zone. As described in Section E.2, a one point bonus will be assigned to each project located entirely or partially within a qualified opportunity zone.

ii. Project Readiness

During application evaluation, the Department considers project readiness in two ways: to assess the likelihood of successful project delivery and to confirm that a project will satisfy statutory readiness requirements.

First, the Department will consider significant risks to successful obligation of funding for a project, including risks associated with environmental review, permitting, technical feasibility, funding, and the applicant's capacity to manage project delivery. Risks do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks is more competitive than a comparable project with unaddressed risks. The Department will assign each application one of three risk ratings based on the likelihood of the project meeting the statutory obligation deadline: (1) high risk; (2) moderate risk; and (3) low risk. A project is assigned high risk if, based on the available information, there is a high likelihood that project will not be able to reach obligation within the statutory timeframe. It is moderate risk if, based on the available information, there is some possibility that the project will not be able to reach obligation within the statutory timeframe. It is low risk if, based on the available information, it is highly likely that the project will be able to reach obligation within the statutory timeframe.

Second, by statute, the Department cannot award a large project unless that project is reasonably expected to begin construction within 18 months of obligation of funds for the project. Obligation occurs when a selected applicant enters a written, project-specific agreement with the Department and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements. Depending on the nature of pre-construction activities included in the awarded project, the Department may obligate funds in phases. Preliminary engineering and right-of-way acquisition activities, such as environmental review, design work, and other preconstruction activities, do not fulfill the requirement to begin construction within 18 months of obligation for large projects. By statute, INFRA funds must be obligated within three years of the end of the fiscal year for which they are authorized. Therefore, for awards with FY 2021 funds, the Department

will determine that large projects with an anticipated obligation date beyond September 30, 2024 are not reasonably expected to begin construction within 18 months of obligation.

iii. Freight Rating

Projects which primarily serve freight and goods movement play an important role in supporting economic vitality. The Department will assign each application one of three freight ratings: (1) primarily a freight project; (2) significant freight benefits, but not primary; and (3) incidental freight benefits. A project for which 50 percent or more of the quantifiable benefits are attributable to project impacts on freight movement will be designated as primarily a freight project; for projects with those benefits within a 5-50 percent range will be designated as a project with significant, but not primary, freight benefits; leaving projects for which less than 5 percent of the quantifiable benefits fall into this category to be designated as having incidental freight benefits.

iv. Evaluation of Large Project Requirements

The following describes how the Department will evaluate the statutory Large Project requirements.

1. The project will generate national or regional economic, mobility, or safety benefits.

A project meets this determination if the Economic Vitality review documents national or regional economic, mobility, or safety benefits.

2. The project will be cost effective.

The Department's determination will be based on its estimate of the project's benefit-cost ratio: a project is determined to be cost effective if the Department estimates that the project's benefit-cost ratio is equal to or greater than one.

3. The project will contribute to the accomplishment of one or more of the goals described in 23 U.S.C 150.

A project meets this requirement if the Economic Vitality review documents benefits related to one of the following:

- (1) National Goals.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:
- (2) Safety.—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- (3) Infrastructure condition.—To maintain the highway infrastructure asset system in a state of good repair.
- (4) Congestion reduction.—To achieve a significant reduction in congestion on the National Highway System.
- (5) System reliability.—To improve the efficiency of the surface transportation system.
- (6) Freight movement and economic vitality.—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- (7) Environmental sustainability.—To enhance the performance of the transportation system while protecting and enhancing the natural environment.
- (8) Reduced project delivery delays.—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

4. The project is based on the results of preliminary engineering.

A project meets this requirement if the application provides evidence that at least one of the following activities has been completed at the time of application submission: environmental assessments, topographic surveys, metes and bounds surveys, geotechnical investigations, hydrologic analysis, hydraulic analysis, utility engineering, traffic studies, financial plans, revenue estimates, hazardous materials assessments, general estimates of the types and quantities of materials, or other work needed to establish parameters for the final design.

5. With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases.

A project meets this requirement if the application demonstrates that financing sources are dedicated to the proposed project and are highly likely to be available within the proposed project schedule, and if it provides evidence of contingency funding in the project budget.

6. The project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor.

A project meets this requirement if the application demonstrates one or more of the following:

(1) The project scope would be negatively affected if INFRA or other Federal funds were not received.

(2) The project schedule would be negatively affected if INFRA or other Federal funds were not received.

(3) The project cost would materially increase if INFRA or other Federal funds were not received.

7. The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project.

A project meets this requirement if the proposed project schedule and the evaluation of the project readiness evaluation team indicate that it is reasonably expected to begin construction not later than 18 months after obligation.

v. Previous Awards

The Department may consider whether the project has previously received an award from the BUILD, INFRA, or other departmental discretionary grant programs in determining whether a particular application would contribute to geographic diversity among recipients.

2. *Review and Selection Process*

The USDOT will review all eligible applications received before the application deadline. The INFRA process consists of a Technical Evaluation phase and Senior Review. In the Technical Evaluation phase, teams will, for each project, determine whether the project satisfies statutory requirements, rate how well it addresses the selection criteria, and note additional considerations identified above. One result of the Technical Evaluation phase is a project score, as shown in the rubric below.

The merit criteria are weighted in the order described in this NOFO, meaning support for national or regional economic vitality has the greatest assigned weight.. Projects that have moderate or high risk identified through the Project Readiness review will be deducted points from the project score. As described in greater detail below, a project's score affects whether the Department may contact the applicant for additional information and whether the application is presented to the Secretary for potential award. The rating rubric is provided below, and a description of how each project score will be considered follows:

INFRA 2021 Scoring Rubric					
<i>Merit Criteria</i>	<i>Ratings</i>				
Economic Vitality	BCR>3.0	BCR 1.5-3.0	BCR 1-1.5	BCR < 1.0	
17 Points Available	Confidence: High: 17 Medium: 16 Low: 15	High: 12 Medium: 11 Low: 10	High: 7 Medium: 6 Low: 5	Low: 2 Medium: 1 High: 0	
Leveraging of Federal Funding	First Quintile (80th-100th percentile)	Second Quintile (60th-79th percentile)	Third Quintile (40th-59th percentile)	Fourth Quintile (20th-39th percentile)	Fifth Quintile (0-19th percentile)
10 Points Available	10 Points	8 Points	6 Points	4 Points	2 Points
Innovation	High Rating (2 of 3 Innovation Areas)	Medium Rating (1 of 3 Innovation Areas)	Low Rating (0 of 3 Innovation Areas)		
5 Points Available	5 Points	3 Points	1 Point		
Performance & Accountability	High Rating (2 of 2 Elements)	Medium Rating (1 of 2 Elements)	Low Rating (0 of 2 Elements)		
5 Points Available	5 Points	3 Points	1 Point		
Freight	Primarily a Freight Project	Significant Freight Benefits, Not Primary	Incidental Freight Benefits		
3 Points Available	3 Points	2 Points	1 Point		
Opportunity Zone Bonus	Project is located partially or entirely within an Opportunity Zone	Project is not located in an Opportunity Zone			
1 point available	1 point	0 points			
Project Readiness	Low Risk	Moderate Risk	High Risk		
0 to (-15) points	0 Points	(-5) Points	(-15) Points		
Senior Review Team					
10 Points Available	0-10				
Total Points	Scores may range from 61 to -10.				

The Senior Review Team is responsible for assigning additional points to projects during the Senior Review phase. During the Senior Review phase, participating Senior Review Team members will be assigned a fixed allotment of points, as determined by the Under Secretary of Transportation for Policy, which may be used by individual members to assign up to 10 points toward the project score of any eligible project, based on the criteria and considerations identified in Section E of the NOFO. The total pool of points available to be assigned will be based on the number of eligible applications received: for each eligible application, 1 point will be added to the pool. The Senior Review Team's point assignment may be consistent with or differ from the technical evaluation teams' ratings. No more than 10 points may be added to any individual project in aggregate. The final project score for each project is the sum of the scores assigned by the technical evaluation teams and the Senior Review Team.

Large Projects must meet all seven large project requirements to be placed on the list of projects for consideration. Before the Senior Review Team meeting, the Department will seek to address any Large Project Requirement determinations that do not appear to be met for projects that have an aggregate score in the top 75 percent. The large project portion of the list of projects for consideration will consist of project applications with scores in the top 50 percent of all large project applications, including ties. The small project portion of the list of projects for consideration will consist of project applications with scores in the top 50 percent of all small project applications, including ties.

At the conclusion of the evaluation and selection process, the Department intends to post a list of all of the eligible applications received, along with their evaluation ratings and scores.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

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://www.transportation.gov/buildamerica/INFRAgrants>. Following the announcement, the Department will contact the point of contact listed in the SF 424 to initiate negotiation of a project-specific agreement.

2. Administrative and National Policy Requirements

a. Safety Requirements

The Department will require INFRA projects to meet two general requirements related to safety. First, INFRA projects must be part of a thoughtful, data-driven approach to safety. Each State maintains a strategic highway safety plan.¹⁰ INFRA projects will be required to

¹⁰ Information on State-specific strategic highway safety plans is available at https://safety.fhwa.dot.gov/shsp/other_resources.cfm.

incorporate appropriate elements that respond to priority areas identified in that plan and are likely to yield safety benefits. Second, INFRA projects will incorporate appropriate safety-related activities that the Federal Highway Administration (FHWA) has identified as “proven safety countermeasures” due to their history of demonstrated effectiveness.¹¹

After selecting INFRA recipients, the Department will work with those recipients on a project-by-project basis to determine the specific safety requirements that are appropriate for each award.

b. Other Administrative and Policy Requirements

All INFRA 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 USDOT at 2 CFR part 1201. A project carried out under the INFRA program will be treated as if the project is located on a Federal-aid highway. Additionally, applicable Federal laws, rules and regulations of the relevant operating administration administering the project will apply to the projects that receive INFRA grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department’s other highway, transit, rail, and port grant programs. For an illustrative list of the applicable laws, rules, regulations, executive orders, policies, guidelines, and requirements as they relate to an INFRA grant, please see http://www.ops.fhwa.dot.gov/Freight/infrastructure/nsfhp/fy2016_gr_exhbt_c/index.htm.

As expressed in Executive Orders 13788 of April 18, 2017 and 13858 of January 31, 2019, it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in the United States in the terms and conditions of Federal financial assistance awards. All INFRA projects are subject to the Buy America requirement at

¹¹ Information on FHWA proven safety countermeasures is available at: <https://safety.fhwa.dot.gov/provencountermeasures/>.

23 U.S.C. 313. The Department expects all INFRA applicants to comply with that requirement without needing a waiver. To obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

The applicability of Federal requirements to a project may be affected by the scope of the 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, United States Code, 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.

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

INFRA projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Vehicle Safety

Regulations, or vehicles that are exempt from Federal Motor Carrier Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

3. Reporting

a. Progress Reporting on Grant Activity

Each applicant selected for an INFRA grant must submit the Federal Financial Report (SF-425) on the financial condition of the project and the project's progress, as well as an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the INFRA program.

b. Reporting of Matters Related to 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 System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (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.

G. Federal Awarding Agency Contacts

For further information concerning this NOFO, please contact the Office of the Secretary via email at INFRAgrants@dot.gov. For other INFRA program questions, please contact Paul

Baumer at (202) 366-1092. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on USDOT's website at <https://www.transportation.gov/buildamerica/INFRAgrants>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact USDOT directly, rather than through intermediaries or third parties, with questions. USDOT staff may also conduct briefings on the INFRA Transportation grant selection and award process upon request.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of, or in support of, any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) note on the front cover that the submission "Contains Confidential Business Information (CBI)"; (2) mark each affected page "CBI"; and (3) highlight or otherwise denote the CBI portions.

The Department protects such information from disclosure to the extent allowed under applicable law. In the event the Department receives a Freedom of Information Act (FOIA) request for the information, USDOT will follow the procedures described in its FOIA regulations at 49 CFR § 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

2. Publication of Application Information

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested, and project ratings. Except for the information properly marked as described in Section H.1., the Department may make application narratives publicly available or 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.

3. Department Feedback on Applications

The Department strives to provide as much information as possible to assist applicants with the application process. The Department will not review applications in advance, but Department staff are available for technical questions and assistance. To efficiently use Department resources, the Department will prioritize interactions with applicants who have not already received a debrief on their FY 2020 INFRA application. Program staff will address questions to INFRAgrants@dot.gov throughout the application period.

4. INFRA Extra, Eligibility and Designation

Due to overwhelming demand, the Department is unable to provide an INFRA award to every competitive application. The INFRA Extra initiative is aimed at encouraging sponsors with competitive projects that do not receive an INFRA award to consider applying for TIFIA credit assistance.

Projects for which an INFRA application is advanced by the Senior Review Team on the List of Projects for Consideration as described in Section E.2 of this NOFO, but that are not awarded, are automatically designated *INFRA Extra Projects*, unless the Department determines that they are not reasonably likely to satisfy the TIFIA project type (23 U.S.C. 601(a)(12)) and

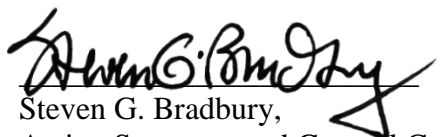
project size (23 U.S.C. 602(a)(5)) eligibilities. This is a novel designation that provides the sponsors of these projects the opportunity to apply for TIFIA credit assistance for up to 49 percent of eligible project costs. Under current policy, TIFIA credit assistance is limited to 33 percent of eligible project costs unless the applicant provides strong rationale for requiring additional assistance. Projects for which an INFRA application is advanced by the Senior Review Team on the List of Projects for Consideration, but that are not awarded, are automatically deemed to have demonstrated a strong rationale for such additional assistance.

Projects designated as INFRA Extra Projects will be announced by the Secretary after INFRA award announcements are made.

For further information about the TIFIA program in general, including details about the types of credit assistance available, eligibility requirements, and the creditworthiness review process, please refer to the Build America Bureau Credit Programs Guide, available on the Build America Bureau website: <https://www.transportation.gov/buildamerica/financing/program-guide>.

DISCLAIMER: An INFRA Extra Project designation does not guarantee that an applicant will receive TIFIA credit assistance nor does it guarantee that any award of TIFIA credit assistance will be equal to 49 percent of eligible project costs. Receipt of TIFIA credit assistance is contingent on the applicant's ability to satisfy applicable creditworthiness standards and other Federal requirements.

Issued in Washington, DC, on 1-15-21



Steven G. Bradbury,
Acting Secretary and General Counsel