

# City Council Meeting

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA

Mayor Kim Douglass · Mayor Pro Tem Sean Lomen  
Councilmembers Caroline McCully · Larry Hillberg · Trinity Burruss

## REGULAR MEETING AGENDA

July 10, 2024  
Regular Session 6:00 PM

You may access the meeting and address the Council by the following means:

ZOOM at

<https://us02web.zoom.us/j/84968570574>

Dial in by calling one of the numbers listed below and enter the Webinar ID:

**849 6857 0574**

1 669 900 6833 / 1 669 444 9171 / 1 719 359 4580 / 1 253 205 0468

View Only on Facebook Live on our City of Colfax page: City of Colfax, California. You may also submit written comments to the City Clerk via email at [city.clerk@colfax-ca.gov](mailto:city.clerk@colfax-ca.gov), via regular mail to P.O. Box 702, Colfax CA 95713, or by dropping them off at City Hall, 33 S. Main Street, Colfax CA 95713.

Comments received will be submitted to Council and made a part of the record.

**1** **CLOSED SESSION (None)**

**2** **OPEN SESSION**

**2A. Call Open Session to Order**

**2B. Pledge of Allegiance**

**2C. Roll Call**

**2D. Approval of Agenda Order**

*This is the time for changes to the agenda to be considered including removal, postponement, or change to the agenda sequence.*

**Recommended Action:** By motion, accept the agenda as presented or amended.

**2E. Statement of Conflict of Interest**

**3** **CONSENT CALENDAR**

*Matters on the Consent Calendar are routine in nature and will be approved by one blanket motion with a Council vote. No discussion of these items ensues unless specific items are pulled for discussion and separate action. If you wish to have an item pulled from the Consent Agenda for discussion, please notify the Mayor.*

**Recommended Action:** Approve Consent Calendar

**3A. Minutes**

*Pages 4-7*

**Recommended Action:** By Motion, approve the Colfax City Council minutes of 6/26/2024

\*\*\* End of Consent Calendar \*\*\*



4 **AGENCY REPORTS**

- 4A. **Placer County Sheriff's Office**
- 4B. **California Highway Patrol**
- 4C. **Placer County Fire Department/CALFIRE**
- 4D. **Non-Profits**

5 **PRESENTATION**

- 5A. **Recognition of Local Heroes**

Pages 8-12

6 **PUBLIC HEARING (NONE)**

7 **PUBLIC COMMENT**

*Members of the public are permitted to address the Council orally or in writing on matters of concern to the public within the subject matter jurisdiction of the City that are not listed on this agenda. Please make your comments as succinct as possible. Oral comments made at the meeting may not exceed five (5) minutes per speaker. Written comments should not exceed 800 words. Written comments received before the close of an agenda item may be read into the record, with a maximum allowance of five (5) minutes in length. Council cannot act on items not listed on this agenda but may briefly respond to statements made or questions posed, request clarification, refer the matter to staff, or place the matter on a future agenda.*

8 **COUNCIL AND STAFF**

*The purpose of these reports is to provide information to the Council and public on projects, programs, and issues discussed at committee meetings and other items of Colfax related information. No decisions will be made on these issues. If a member of the Council prefers formal action be taken on any committee reports or other information, the issue will be placed on a future Council meeting agenda.*

- 8A. **Committee Reports and Colfax Informational Items – All Councilmembers**
- 8B. **City Operations Update – City Manager**

9 **COUNCIL BUSINESS**

- 9A. **Safe Streets for All (SS4A) Grant**

Pages 13-61

**Recommended Action:** Adopt Resolution \_\_-2024 authorizing the City Manager to execute an agreement with Placer County Transportation Planning Agency for grant application and management.

- 9B. **Request to Increase Contract Payment Amount**

Pages 62-75

**Recommended Action:** Adopt Resolution \_\_-2024 authorizing the City Manager to pay over the agreed upon contract amount to Simpson & Simpson Inc. for the Metal Building Project.



**10**      **GOOD OF THE ORDER**

*Informal statements, observation reports and inquiries regarding the business of the City may be presented by Councilmembers under this agenda item or requests for placement of items of interest on a future agenda. No action will be taken.*

**10A.      Public Comment on Good of the Order**

*Members of the public are permitted to address the Council on matters that relate to general welfare of the City that have not been previously discussed on this agenda. Oral comments may not exceed five (5) minutes. Written comments should not exceed 800 words.*

**11**      **ADJOURNMENT**

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I, Amanda Ahre, City Clerk for the City of Colfax, declare that this agenda was posted in accordance with the Brown Act at Colfax City Hall and Colfax Post Office. The agenda is also available on the City website at

<http://colfax-ca.gov/>



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Amanda Ahre, City Clerk

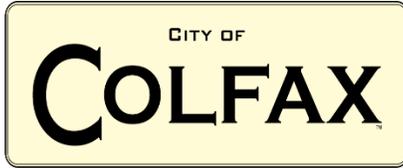
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Administrative Remedies must be exhausted prior to action being initiated in a court of law. If you challenge City Council action in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice/agenda, or in written correspondence delivered to the City Clerk of the City of Colfax at, or prior to, said public hearing.

LEVINE ACT WARNING: In certain instances, parties, participants, and their agents before the City Council are subject to the campaign disclosure provisions detailed in Government Code Section 84308, California Code of Regulations Sections 18438.1 through 18438.8, and Fair Political Practices Commission Opinion 0-22-002. All parties, participants, and their agents are hereby directed to review these sections for compliance. If you believe that these provisions apply to you or a Council Member, please inform the City Clerk at the earliest possible opportunity.



# City Council Minutes



Regular Meeting of Colfax City Council

Wednesday, June 26, 2024

City Hall Council Chambers, 33 S Main Street,

Colfax CA and attended via Teleconference through ZOOM

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## OPEN SESSION

**2A. Call Open Session to Order** – Mayor Douglass called the Open Session to order at 6:04 p.m.

**2B. Pledge of Allegiance** – Sergeant Lyman, CHP Gold Run, lead the Pledge of Allegiance.

**2C. Roll Call**

**Present:** Councilmember Hillberg, Mayor Pro Tem Lomen, Councilmember McCully, Mayor Douglass

**Absent:** Councilmember Burruss

**2D. Approval of Agenda Order**

**MOTION** Councilmember Lomen, seconded by Mayor Pro Tem Lomen, and approved by the following vote:

**AYES:** Hillberg, Lomen, McCully, Douglass

**NOES:**

**ABSTAIN:**

**ABSENT:** Burruss

**2E. Statement of Conflict of Interest** – No conflicts were identified by the Council or the public.

3

## CONSENT CALENDAR

Item 3F was pulled by Councilmember McCully.

Item 3G was pulled by Councilmember Hillberg.

Item 3I was pulled by Councilmember McCully.

**3A. Minutes**

**Recommended Action:** By Motion, approve the Colfax City Council minutes of 6/5/2024

**3B. Minutes**

**Recommended Action:** By Motion, approve the Colfax City Council minutes of 6/12/2024

**3C. Fiscal Year 2024-2025 Rate Adjustments**

**Recommended Action:** Informational Only

**3D. Cash Summary – May 2024**

**Recommended Action:** Accept and file.

**3E. Quarterly Sales Tax Analysis – Quarter Ended March 31, 2024**

**Recommended Action:** Accept and File.

**3H. Six-Month Extension of Agreement with Bureau Veritas North America**

**Recommended Action:** Adopt Resolution 37-2024 authorizing the City Manager to execute a six-month extension with Bureau Veritas North America to provide plan review, code enforcement, inspection and permit technician services.

**MOTION** made by Councilmember McCully, Seconded by Mayor Pro Tem Lomen and approved by the following vote:

**AYES:** Hillberg, Lomen, McCully, Douglass

**NOES:**

**ABSTAIN:**

**ABSENT:** Burruss

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**3F. Short-Term Rental Ordinance**

**Recommended Action:** Conduct a second reading and adopt the attached Ordinance amending the City of Colfax Municipal Code 14.123, to authorize and regulate Short-Term Rentals within the city, to be effective 30 days after adoption.

Councilmember McCully would like to bring this item back to council when the City Planner, Kathy Pease, is back from vacation.

Public Comment:

Linda Hooper had questions and concerns regarding permitting fees and regulations.

Ingred Elsel has concerns over permitting fees.

Jenn Nicolay has concerns of permitting fees, regulations, and collection of taxes.

Direction to staff is to revisit this item on the agenda at the July 24, 2024 City Council Meeting.

**3G. MU-1 Zoning Code Amendment, Ground Floor Retail Ordinance**

**Recommended Action:** Conduct a second reading and adopt the attached Ordinance amending the City of Colfax Municipal Code 14.74.020, allowing ground floor uses in the MU-1 zoning district, to be effective 30 days after adoption.

Councilmember Hillberg has concerns over loss of tax revenue if the Council adopts this Ordinance.

Direction to staff is to revisit this item on the agenda at the July 24, 2024 City Council Meeting.

**3I. Management Advisory Services LLC (MAS) Agreement for Planning Services**

**Recommended Action:** Adopt Resolution 38-2024, authorizing the City Manager to execute a two-year agreement. This agreement will address the day-to-day planning needs of the City.

Councilmember McCully praised the current City Planner, Kathy Pease, on what a good job she is doing.

**MOTION** made by Councilmember McCully, Seconded by Mayor Pro Tem Lomen and approved by the following vote:

**AYES:** Hillberg, Lomen, McCully, Douglass

**NOES:**

**ABSTAIN:**

**ABSENT:** Burruss

4 **Agency Reports**

- 4A. **Placer County Sheriff's** – Deputy Collins reported on statistics and the recent incident at Rollins Lake
- 4B. **CHP** – Officer Lyman had no new statistics to report on.
- 4C. **Placer County Fire/CALFIRE** – Captain Meyers of station 33 discussed staffing and new equipment.
- 4D. **Non-Profits** – None

5 **PRESENTATION**

- 5A. **Placer County Mosquito Vector Control District Annual Update Presented by Meagan Luevano, Public Information Officer**

6 **PUBLIC HEARING (NONE)**

7 **PUBLIC COMMENT**

Harry Anderson talked about the 3<sup>rd</sup> of July event and the need of more volunteers for the event.

8 **COUNCIL AND STAFF**

8A. **Committee Reports and Colfax Informational Items – All Councilmembers.**

Mayor Pro Tem Lomen attended the Pioneer Community Energy meeting, PCWA Biomass Symposium, and commented that the Placer Sierra Fire Safe Council meeting will be held tomorrow night.

Councilmember Hillberg attended a Sierra Vista Community Center meeting.

Councilmember McCully attended the Air Control District meeting, Colfax Area Chamber of Commerce meeting, and a SACOG meeting.

Mayor Douglass attended Placer County Economic board meeting, coffee and conversations, and PCWA Hellhole leadership retreat.

8B. **City Operations Update – City Manager**

City Manager Walker talked about roadwork and paving, RFP for the recruitment for a new City Attorney, CAL-OES RFP, and traffic control for the 3<sup>rd</sup> of July event.

9 **COUNCIL BUSINESS (NONE)**

**10**      **GOOD OF THE ORDER**

Mayor Pro Tem Lomen thanked everyone working to make the 3<sup>rd</sup> of July event continue.

Councilmember Hillberg - nothing

Councilmember McCully talked about how to sign up to volunteer for 3<sup>rd</sup> of July.

Mayor Douglass said that volunteers are needed at the Train Museum and caboose for 3<sup>rd</sup> of July.

**10A.    Public Comment on Good of the Order**

No public comment on Good of the Order.

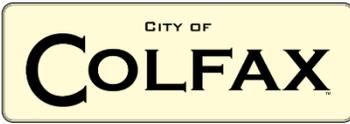
**11**      **ADJOURNMENT**

As there was no further business on the agenda, Mayor Douglass adjourned the meeting, by motion and without objection at 6:55 p.m. Respectfully submitted to City Council this 12<sup>th</sup> day of June 2024.



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Amanda Ahre, City Clerk



# Staff Report to City Council

## FOR THE July 10, 2024 REGULAR CITY COUNCIL MEETING

**From:** Ron Walker, City Manager  
**Prepared by:** Ron Walker, City Manager  
**Subject:** Recognition of Local Heroes

*Budget Impact Overview:*

<b>N/A:</b>	<b>Funded:</b>	<b>Un-funded: X</b>	<b>Amount: \$0</b>	<b>Fund(s):</b>
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**RECOMMENDED ACTION:** Review and Present Proclamations Recognizing local Heroes Samantha Waer, Lisa Whelihan, Lia Kollewe, and Jason Douglas for their parts in the rescue of Rollins Lake Jet Ski Accident Victims.

### Summary/Background

On June 24, 2024, Samantha Waer and Lisa Whelihan were paddleboarding at Rollins Lake. They launched their boards from Long Ravine Campground and were floating near the dam, closest to the Long Ravine side. From the shore, a person witnessed a jet ski accident near Orchard Springs Campground and flagged them down. Hearing cries for help, Samantha started paddling towards the accident scene, while Lisa called 911.

Upon reaching the scene, Samantha found two women (a mother and daughter) in the water struggling to stay afloat. The mother was holding her daughter’s head above water, screaming to save her daughter first. Samantha managed to pull both women onto her paddleboard. Neither woman was wearing a life jacket, nor could either swim.

During the rescue of the two women, the unmanned jet ski continued a circular pattern. Lisa, still on the phone with 911, continued relaying vital information. She was also able to make contact with Sierra Pontoons to ask for help, knowing it would take time for emergency personnel to arrive.

Lia Kollewe, a park ranger of Long Ravine, and citizen Jason Douglas were contacted to operate the pontoons. Upon arrival, both jumped into the lake fully clothed, swam to the boat dock in the marina, commandeered the pontoon boats, picked up emergency personnel, and came to the aid of Samantha and Lisa. Unfortunately, the driver of the jet ski was not able to be rescued.

### Conclusions and Findings

If it were not for the selfless acts of Samantha Waer, Lisa Whelihan, Lia Kollewe, and Jason Douglas, this accident could have been much worse.

### Attachments:

1. Proclamation \_\_ Samantha Waer
2. Proclamation \_\_ Lisa Whelihan
3. Proclamation \_\_ Lia Lollewe
4. Proclamation \_\_ Jason Douglas



## Proclamation

**WHEREAS**, On June 24, 2024, while paddleboarding on Rollins Lake, Samantha Waer heard and responded to cries for help; and,

**WHEREAS**, upon reaching the scene, Samantha found two women (a mother and daughter) in the water struggling to stay afloat. The mother was holding her daughter's head above water, screaming to save her daughter first. Samantha managed to pull both women onto her paddleboard.

**WHEREAS**, Samantha was able to keep both women safe while waiting for Cal Fire and Placer County Sheriff's office to arrive on scene.

**NOW THEREFORE**, the City of Colfax City Council, do formally recognize Samantha Waer for her selfless act of bravery rescuing a mother and daughter of a jet ski accident.

**FURTHERMORE**, I call upon all residents to join me in expressing our heartfelt gratitude for Samantha Waer's selfless act of bravery.



## Proclamation

**WHEREAS**, On June 24, 2024, while paddleboarding on Rollins Lake, Lisa Whelihan heard and responded to cries for help; and,

**WHEREAS**, upon reaching the scene, Lisa found two women (a mother and daughter) in the water struggling to stay afloat. While Lisa's paddle boarding partner Samantha Waer pulled the mother and daughter onto her paddle board, Lisa called emergency services and Sierra Pontoons to assist with the rescue.

**WHEREAS**, Lisa stayed with Samantha to ensure the safety of the two women pulled from the water.

**NOW THEREFORE**, the City of Colfax City Council do formally recognize Lisa Whelihan for her selfless act of bravery in rescuing a mother and daughter from a jet ski accident.

**FURTHERMORE**, I call upon all residents to join me in expressing our heartfelt gratitude for Lisa Whelihan's selfless act of bravery.



## Proclamation

**WHEREAS**, On June 24, 2024, Senior Park Ranger, Lia Kollewe, received a call to assist with the rescue of jet ski accident victims; and,

**WHEREAS**, upon reaching the scene, Lisa found that two women (a mother and daughter) had been pulled from the water by local paddleboarders Samantha Waer and Lisa Whelihan, but were in need of help.

**WHEREAS**, Lisa jumped into the water, in uniform, swam to the pontoon boat location, readied a boat, assisted emergency services in loading rescue equipment, and boated to the accident location to assist with the rescue.

**NOW THEREFORE**, the City of Colfax City Council do formally recognize Lia Kollewe for her selfless act of bravery in rescuing a mother and daughter from a jet ski accident.

**FURTHERMORE**, I call upon all residents to join me in expressing our heartfelt gratitude to Lia Kollewe for her selfless act of bravery.



## Proclamation

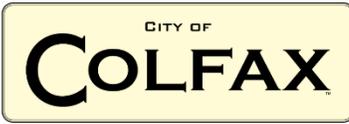
**WHEREAS,** On June 24, 2024, Jason Douglass, received a call from Sierra Pontoons asking if he could assist Lia Kollewe, Senior Park Ranger, with an emergency rescue at Rollins Lake; and,

**WHEREAS,** upon reaching the scene, Jason found that two women (a mother and daughter) had been pulled from the water by local paddleboarders Samantha Waer and Lisa Whelihan but were in need of help.

**WHEREAS,** Jason jumped into the water, in street clothing, swam to the pontoon boat location, readied the boat, assisted emergency services loading rescue equipment, and boated to the accident location to assist with the rescue.

**NOW THEREFORE,** the City of Colfax City Council do formally recognize Jason Douglas for his selfless act of bravery rescuing a mother and daughter from a jet ski accident.

**FURTHERMORE,** I call upon all residents to join me in expressing our heartfelt gratitude to Jason Douglass for his selfless act of bravery.



# Staff Report to City Council

## FOR THE July 10, 2024 REGULAR CITY COUNCIL MEETING

**From:** Ron Walker, City Manager  
**Prepared by:** Ron Walker, City Manager  
**Subject:** Safe Streets for All (SS4A) Grant

*Budget Impact Overview:*

<b>N/A:</b>	<b>Funded:</b> √	<b>Un-funded:</b>	<b>Amount:</b> \$20,000	<b>Fund(s):</b>
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**RECOMMENDED ACTION:** Adopt Resolution \_\_-2024 authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Placer County Transportation Planning Agency for grant application and management.

### Summary/Background

The Placer County Transportation Planning Agency (PCTPA) would like to offer their assistance in applying for a Safe Streets for All (SS4A) from the USDOT to prepare a Comprehensive Safety Action Plan (CSAP) for the City of Colfax. The purpose of a CSAP is to identify the most significant roadway safety concerns within a community and identify projects and programs for implementation to address roadway safety issues. These plans (or similar) are a requirement to apply for traffic safety capital grants from USDOT and Caltrans and would open up the City to future funding opportunities to address traffic safety issues. The SS4A grant is \$100,000 with a 20% match, for a total project cost of \$120,000. In-kind PCTPA and City staff time can be used to make up some of the \$20,000 required match.

### Conclusions and Findings

SS4A grants have two application types: Planning and Demonstration, and Implementation. PCTPA is proposing to apply for a Planning and Demonstration SS4A grant to prepare a CSAP for the City. A CSAP has eight main components that are explained in detail in a USDOT handout attached to this staff report. In short, the CSAP would provide an analysis and review of traffic safety concerns in Colfax, engage with the community, collaborate with stakeholders such as first responders, schools, etc.; and provide an action plan with policy, program, and capital project recommendations. Once the CSAP is complete, the City would be eligible to apply for SS4A Implementation grants to implement the plan's recommendations, as well as Highway Safety Improvement Program (HSIP) grant funds from Caltrans.

PCTPA is willing to co-apply and write the grant application on the City's behalf, and if awarded, administer the grant, hire a consultant, and complete the planning work, all in close coordination with City staff. A combination of staff time from PCTPA, City staff, and cash will be used to cover the required 20% match for the grant. The grant deadline to USDOT is August 29<sup>th</sup>, 2024 with awards expected in November.

### Fiscal Impacts

The fiscal impact to the City is up to \$20,000. Future applications for capital grants may require additional match funds in future fiscal years.

### Attachments:

1. Resolution \_\_-2024
2. PCTPA MOU

3. SS4A Action Plan Components
4. SS4A NOFO FY 2024

# City of Colfax City Council

## Resolution No. \_\_-2024

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APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE PLACER COUNTY TRANSPORTATION PLANNING AGENCY (PCTPA) TO CO-APPLY AND WRITE A GRANT APPLICATION FOR A SAFE STREET FOR ALL (SS4A) GRANT.

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**WHEREAS**, the Placer County Transportation Planning Agency (PCTPA) would like to offer their assistance in applying for a Safe Streets for All (SS4A) Grant from the USDOT to prepare a Comprehensive Safety Action Plan (CSAP) for the City of Colfax.; and,

**WHEREAS**, the purpose of a CSAP is to identify the most significant roadway safety concerns within a community and identify projects and programs for implementation to address roadway safety issues.; and,

**WHEREAS**, PCTPA is willing to co-apply and write the grant application on the City’s behalf, and if awarded, administer the grant, hire a consultant, and complete the planning work, all in close coordination with City staff.; and,

**WHEREAS**, the City of Colfax wishes to execute a Memorandum of Understanding (MOU) with the PCTPA to co-apply and write the grant application on the City’s behalf, and if awarded, administer the grant, hire a consultant, and complete the planning work, all in close coordination with City staff.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Colfax approves and authorizes the City Manager to execute an a Memorandum of Understanding (MOU) with the PCTPA to co-apply and write the grant application on the City’s behalf, and if awarded, administer the grant, hire a consultant, and complete the planning work, all in close coordination with City staff.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** at the Regular Meeting of the City Council of the City of Colfax held on July 10, 2024, by the following vote of the Council:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

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**Kim Douglass, Mayor**

**ATTEST:**

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**Amanda Ahre, City Clerk**

# **MEMORANDUM OF UNDERSTANDING BETWEEN THE PLACER COUNTY TRANSPORTATION PLANNING AGENCY AND THE CITY OF COLFAX**

This Memorandum of Understanding (MOU) is entered into on the 10<sup>TH</sup> day of July in 2024 (herein referred to as the “Effective Date”) by and between:

**Placer County Transportation Planning Agency** (herein referred to as “PCTPA”) and

**City of Colfax** (herein referred to as “the City”).

## PURPOSE

The purpose of this MOU is to establish a good-faith foundation between PCTPA and the City in the preparation of a grant application to the Safe Streets and Roads for All (SS4A) program and subsequent execution of said grant if awarded. The grant would fund the preparation of a Community Safety Action Plan (CSAP) for the City of Colfax. The Parties agree to work together in a cooperative and coordinated manner.

This MOU is designed to detail the specifics of the working relationship between PCTPA and the City to the mutual benefit of both parties and the communities they serve. This MOU does not obligate either party to provide funds or payment. This MOU does not bind Parties to any legal obligations.

## ROLES AND RESPONSIBILITIES

To achieve Parties’ mutual desires, each party agrees to the following roles and responsibilities:

The two parties agree to submit the SS4A application as co-applicants with PCTPA being the lead applicant (unless grant requirements prohibit this, then the City will be the lead applicant with PCTPA as a co-applicant).

PCTPA agrees to prepare a complete SS4A application, including (but not limited to): all narratives, required forms, budget, schedule, maps, and other attachments. City staff agrees to provide data as needed, fill out required forms if needed, and review the application in its entirety before submittal.

Should the SS4A grant be awarded, the two parties agree that PCTPA will be the administrator of said grant award. PCTPA will release an RFP, select a consultant, and complete the CSAP planning work in close coordination with City staff. City staff agrees to review the RFP before release, participate on the selection committee, and work closely with PCTPA staff throughout the development of the CSAP including participating in meetings and review/comment on all plan deliverables. Parties agree to uphold their roles and responsibilities in a committed, good-faith manner.

## RESOURCES

To further the collaborative relationship between the Parties, the Parties agree to provide the following resources.



This document is not meant to replace the NOFO. Applicants should follow the instructions in the NOFO to correctly apply for a grant. See the SS4A website for more information: <https://www.transportation.gov/SS4A>

### Leadership Commitment and Goal Setting



An official public commitment (e.g., resolution, policy, ordinance, etc.) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, MPO Policy Board, etc.) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following:

- (1) the target date for achieving zero roadway fatalities and serious injuries, OR
- (2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.



### Planning Structure

A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.



### Safety Analysis

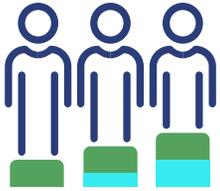
Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, people walking, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographic, and structural issues, etc.). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a High-Injury Network or equivalent).



### Engagement and Collaboration

Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practical.





### Equity Considerations

Plan development using inclusive and representative processes. Underserved communities\* are identified through data and other analyses in collaboration with appropriate partners. Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.



### Policy and Process Changes

Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.



### Strategy and Project Selections

Identification of a comprehensive set of projects and strategies, shaped by data, the best available evidence and noteworthy practices, as well as stakeholder input and equity considerations, that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach, effective interventions, and consider multidisciplinary activities. To the extent practical, data limitations are identified and mitigated.

Once identified, the list of projects and strategies is prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explains prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.



### Progress and Transparency

Method to measure progress over time after an Action Plan is developed or updated, including outcome data. Means to ensure ongoing transparency is established with residents and other relevant stakeholders. Must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries, and public posting of the Action Plan online.

\* An underserved community as defined for this NOFO is consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf> and the Historically Disadvantaged Community designation, which includes U.S. Census tracts identified in this table <https://datahub.transportation.gov/stories/s/tsyd-k6ij>; any Tribal land; or any territory or possession of the United States.



**BILLING CODE 4910-9X**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary of Transportation**

**DOT-OST-2024-01**

**USDOT FY24 Safe Streets and Roads for All Funding**

**AGENCY:** Office of the Secretary of Transportation, U.S. Department of Transportation (DOT or the Department)

**ACTION:** Notice of Funding Opportunity (NOFO), Assistance Listing # 20.939

**SUMMARY**

**SUMMARY OVERVIEW OF KEY INFORMATION: Safe Streets and Roads for All (SS4A)**

Issuing Agency	Office of the Secretary of Transportation, U.S. Department of Transportation
Program Overview	Funds for the fiscal year (FY) 2024 SS4A grant program are to be awarded on a competitive basis to support planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators.
Objective	The purpose of this notice is to solicit applications for Safe Streets and Roads for All (SS4A) grants.
Eligible Applicants	Metropolitan planning organizations; Political subdivisions of a State or territory (e.g., cities, towns, counties); Federally recognized Tribal governments; and A multijurisdictional group of entities described in any of the aforementioned three types of entities.
Eligible Project Types	Develop a comprehensive safety action plan (Action Plan). Conduct supplemental safety planning to enhance an Action Plan. Carry out demonstration activities to inform the development of, or an update to, an Action Plan. Perform planning, design, and development activities for projects and strategies identified in an Action Plan. Implement projects and strategies identified in an Action Plan that address roadway safety problems.
Funding	This Notice makes available up to \$1,256,687,000 for FY 2024 grants under the SS4A program. Of the funding made available, up to \$580 million is available to implement projects and strategies. The remainder, \$656,687,000, must be awarded for developing Action Plans; conducting supplemental planning to update existing Action Plans; or carrying out demonstration activities to inform the development of, or updates to, Action Plans.
Deadlines	Planning and Demonstration Grant applicants have three deadlines: <ul style="list-style-type: none"> <li>• Thursday, April 4, 2024, 5:00 PM (EDT)</li> <li>• Thursday, May 16, 2024, 5:00 PM (EDT)</li> <li>• Thursday, August 29, 2024, 5:00 PM (EDT)</li> </ul> Implementation Grant applications must be submitted by 5:00 PM (EDT) on Thursday, May 16, 2024.

**DATES:** This NOFO has multiple application deadlines depending on the grant type. See above under “Deadlines” and in Section D.4.

Late applications received after the deadlines will not be considered under that deadline unless there is a technical issue directly caused by the online submission proposal system (Valid Eval), and the applicant contacts Valid Eval at [support@valideval.com](mailto:support@valideval.com) describing the technical issue no less than 4 hours before the deadline. Planning and Demonstration Grant applications that are received after the first deadline (and before the second deadline) will be treated as being submitted under the second deadline; Planning and Demonstration Grant applications that are received after the second deadline (and before the third deadline) will be treated as being submitted under the third deadline.

**ADDRESSES:** Applications must be submitted via Valid Eval, an online submission proposal system used by USDOT, at [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_implementation/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_implementation/signup) for Implementation Grant applicants and [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_planning\\_demo/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_planning_demo/signup) for Planning and Demonstration Grants. Customer support for Valid Eval can be reached at [support@valideval.com](mailto:support@valideval.com).

**FOR FURTHER CONTACT INFORMATION:** Please contact the SS4A grant program staff via email at [SS4A@dot.gov](mailto:SS4A@dot.gov) or call Paul Teicher at 202-366-4114. A telecommunications device for the deaf (TDD) is available at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications, as well as schedule information regarding webinars providing additional guidance, on DOT’s website at <https://www.transportation.gov/grants/SS4A>. The deadline to submit technical questions and pre-application eligibility review requests for Implementation Grants is April 17, 2024. Technical questions applicable to Planning and Demonstration Grant applications made on or before March 13, 2024, will be responded to in advance of the first Planning and Demonstration Grant deadline on April 4. The final deadline to submit technical questions for Planning and Demonstration Grants is April 17, 2024. The NOFO is listed under opportunity number DOT-SS4A-FY24-01 at [Grants.gov](https://www.transportation.gov/grants/SS4A).

**SUPPLEMENTARY INFORMATION:** Each section of this Notice of Funding Opportunity contains information and instructions relevant to the application process for SS4A grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

Section	Content
N/A	Summary
N/A	Definitions
A	Program Description
B	Federal Award Information
C	Eligibility Information
D	Application and Submission Information
E	Application Review Information
F	Federal Award Administration Information
G	Federal Awarding Agency Contacts
H	Other Information

Section A (Program Description) describes the Department’s goals and purpose in making awards, and Section E (Application Review Information) describes how the Department will select from eligible applications. To support applicants through the process, the Department will provide technical assistance and resources at <https://www.transportation.gov/grants/SS4A>.

## DEFINITIONS

Term	Definition
Applicant’s Jurisdiction(s)	The U.S. Census tract(s) where the applicant operates or performs their safety responsibilities. If an applicant is seeking funding for multiple jurisdictions, they should include all relevant Census tracts for the jurisdictions covered by the application.
Complete Streets	Standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, personal conveyance and micromobility users, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles. <sup>1</sup>
Comprehensive Safety Action Plan	A comprehensive safety action plan (referred to as an “Action Plan”) is aimed at preventing roadway fatalities and serious injuries in a locality or region or on Tribal land. This can be either a plan developed with a Planning and Demonstration Grant, or a previously developed plan (e.g., a Vision Zero plan or similar plan) that is substantially similar to and meets the eligibility requirements of an Action Plan. See Table 1 for a detailed description.
Equity	The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.
Fatal or Serious Injury Crash	A fatal or serious injury crash involves a motor vehicle traveling on a trafficway customarily open to the public. A fatal crash must result in the death of at least one person (occupant of a vehicle or a non-motorist) within 30 days of the crash. This definition aligns with the definition of a fatal traffic crash in the Fatality Analysis Reporting System.
High-Injury Network	Identifies the highest concentrations of traffic crashes resulting in serious injuries and fatalities within a given roadway network or jurisdiction.
Micromobility	Any small, low-speed, human- or electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances. <sup>2</sup>

<sup>1</sup> The definition is based on “Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges,” <https://highways.dot.gov/sites/fhwa.dot.gov/files/2022-03/Complete%20Streets%20Report%20to%20Congress.pdf>. Also see <https://highways.dot.gov/complete-streets>.

<sup>2</sup> Source: FHWA, Public Roads Magazine, Spring 2021, “Micromobility: A Travel Innovation.” Publication Number: FHWA-HRT-21-003.

Term	Definition
Personal Conveyance	A personal conveyance is a device, other than a transport device, used by a pedestrian for personal mobility assistance or recreation. These devices can be motorized or human powered, but not propelled by pedaling (e.g., a wheelchair). <sup>3</sup>
Political Subdivision of a State	A unit of government created under the authority of State law. This includes cities, towns, counties, special districts, certain transit agencies, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State.
Rural	For the purposes of this NOFO, jurisdictions outside an Urban Area (UA) or located within Urban Areas with populations fewer than 200,000 will be considered rural. Lists of UAs are available on the U.S. Census Bureau website at <a href="https://www2.census.gov/geo/docs/reference/ua/2020_Census_ua_list_all.xlsx">https://www2.census.gov/geo/docs/reference/ua/2020_Census_ua_list_all.xlsx</a> .
Safe System Approach	A guiding principle to address the safety of all road users. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives. <sup>4,5</sup>
Underserved Community	<p>An underserved community as defined for this NOFO is consistent with the Office of Management and Budget (OMB) and DOT definitions of a disadvantaged community designation, which includes any Tribal land; any territory or possession of the United States; or U.S. Census tracts identified in one of the following tools (may only select one option to identify underserved communities:</p> <ul style="list-style-type: none"> <li>• The USDOT Equitable Transportation Community Explorer (ETCE) <a href="https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/Applicant-Explorer/">https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/Applicant-Explorer/</a></li> <li>• Any subsequent iterations of the ETCE released during the NOFO period; or</li> <li>• The Climate and Economic Justice Screening Tool (CEJST) to identify disadvantaged communities <a href="https://screeningtool.geoplatform.gov/">https://screeningtool.geoplatform.gov/</a>.</li> </ul> <p>Funds to underserved communities are spent in, and provide benefits to, underserved communities.</p>

<sup>3</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813251>. See page 127 for the full definition as defined in the 2020 FARS/CRSS Coding and Validation Manual.

<sup>4</sup> See <https://www.transportation.gov/NRSS/SafeSystem>.

<sup>5</sup> Safety culture can be defined as the shared values, actions, and behaviors that demonstrate a commitment to safety over competing goals and demands.

## A. Program Description

### Overview

Section 24112 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021; also referred to as the “Bipartisan Infrastructure Law” or “BIL”) authorized and appropriated \$1 billion to be awarded by the Department of Transportation for fiscal year (FY) 2024 for the Safe Streets and Roads for All (SS4A) grant program. This Notice of Funding Opportunity (NOFO) solicits applications for activities to be funded under the SS4A grant program. The FY 2024 funding will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64355).

The purpose of SS4A grants is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and refinement and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators. The program provides funding to develop the tools to help strengthen a community’s approach to roadway safety and save lives and is designed to meet the needs of diverse local, Tribal, and regional communities that differ dramatically in size, location, and experience administering Federal funding.

The FY 2024 NOFO substantively differs from the FY 2023 NOFO in the following ways:

- Section D: Clarifies that Tribal Transportation Program and Tribal Transportation Program Safety Funds may be used as non-Federal match.
- Planning and Demonstration Grants had the following substantive changes:
  - The NOFO includes three deadlines: April 4, May 16, and August 29. Applications received on or before each deadline will be reviewed and evaluated separately from applications received at other deadlines.
  - Section C.3 allows an applicant to reapply if not selected as long as the application is received by the last Planning and Demonstration Grant deadline of August 29.
  - Section D.2 permits up to three pages of narrative to respond to the Additional Safety Context selection criterion if the funding requested is over \$1 million.
  - Section E the Additional Safety Context selection criterion was modified for applications with demonstration activities.
  - Section E has a new award selection consideration for applicants that have a fatality rate of 17.0 fatalities per 100,000 persons or greater.
- Implementation Grants had the following substantive changes:
  - Section C.4 requires funds for project or strategy-level planning, design, and development activities to be directly connected to the completion of projects and strategies funded through an Implementation Grant.
  - Section D.2 allows pre-application submission and review of a potential applicant’s Self-Certification Eligibility Worksheet to affirm eligibility for an Implementation Grant. Complete pre-application submissions must be received by April 17.
  - Section D.2 permits up to two additional pages for an application’s narrative to respond to the Supplemental Planning and Demonstration Activities selection criterion.
  - Section E has minor modifications to the selection criteria Safety Impact; Equity, Engagement, and Collaboration; Effective Practices and Strategies; Other DOT Strategic Goals; and Supplemental Planning and Demonstration Activities.
  - Section E has new award selection considerations for applicants with a finalized comprehensive safety action plan (i.e., goes beyond a qualifying plan and meets all the components in Table 1), and applicants with a killed and serious injury per \$1 million in Federal funding rate that is high compared to other Highly Rated applications.

## Grant Options and Deliverables

The SS4A program provides funding for two main types of grants: **Planning and Demonstration Grants** for comprehensive safety action plans, including supplemental safety planning, and/or safety demonstration activities; and **Implementation Grants**. Planning and Demonstration Grants are used to develop, complete, or supplement a comprehensive safety action plan, as well as carry out demonstration activities that inform an Action Plan. Implementation Grants are used to implement strategies or projects that are consistent with an existing Action Plan and may also bundle funding requests for supplemental planning and demonstration activities that inform an Action Plan. To apply for an Implementation Grant, an eligible applicant must have a qualifying Action Plan; see Section C for what constitutes a qualifying Action Plan. Applicants for Implementation Grants can self-certify that they have one or more plans in place by April 2024 that together are substantially similar to and meet the eligibility requirements for an Action Plan.

### i. Planning and Demonstration Grants

Planning and Demonstration Grants have three different types of activities:

- a) Develop an Action Plan;
- b) Conduct supplemental safety planning to enhance an Action Plan; and
- c) Carry out demonstration activities to inform the development of, or an update to, an Action Plan.

The three different types of activities under Planning and Demonstration Grants can either be bundled together into one application, or an applicant may choose to request funding for only one of the activities. Applicants may only apply for a single grant type, but both grant types have the option to include multiple Planning and Demonstration projects under them. The development of, or updates to, an Action Plan must be the intended end result of each supplemental planning and demonstration activity. Further information on which activities can be bundled together are described in Section C.3.i.

#### a) Action Plan

An Action Plan is the foundation of the SS4A grant program. Grants for Action Plans provide Federal funds to eligible applicants to develop, complete, or enhance an Action Plan.

The primary deliverable is a publicly available Action Plan. For the purposes of the SS4A grant program, an Action Plan includes the components in Table 1. DOT considers the process of developing an Action Plan to be critical for success, and the components reflect a process-oriented set of activities. For applications involving a multi-jurisdictional group, applicants may propose the development of a single Action Plan covering all jurisdictions, several plans for individual jurisdictions, or a system to administer sub-awards to entities within its jurisdiction.

**Table 1: Action Plan Components**

Component	Description
Leadership Commitment and Goal Setting	An official public commitment (e.g., resolution, policy, ordinance) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, metropolitan planning organization [MPO], Policy Board) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following: (1) the target date for achieving zero roadway fatalities and serious injuries, OR (2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.

<b>Component</b>	<b>Description</b>
Planning Structure	A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.
Safety Analysis	Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, pedestrians, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographics, and structural issues). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a high-injury network or equivalent).
Engagement and Collaboration	Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practicable.
Equity Considerations	Plan development using inclusive and representative processes. Underserved communities are identified through data and other analyses in collaboration with appropriate partners. Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.
Policy and Process Changes	Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.
Strategy and Project Selections	<p>Identification of a comprehensive set of projects and strategies—shaped by data, the best available evidence and noteworthy practices, and stakeholder input and equity considerations—that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach and effective interventions and consider multidisciplinary activities. To the extent practicable, data limitations are identified and mitigated.</p> <p>Once identified, the projects and strategies are prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explain prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.</p>
Progress and Transparency	Method to measure progress over time after an Action Plan is developed or updated, including outcome data. A means to ensure ongoing transparency is established with residents and other relevant stakeholders. The approach must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries and public posting of the Action Plan online.

Applicants requesting funds to develop an Action Plan may also request funding for supplemental planning and demonstration activities subsequently described in Section A.2.i.b and A.2.i.c below. The goal of an Action Plan is

to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries in a locality, Tribe, or region. Further information on eligibility requirements is in Section C.

#### *b) Supplemental Planning*

Supplemental action plan activities support or enhance an existing Action Plan. To only fund supplemental Action Plan activities through the SS4A program, an applicant must have an existing Action Plan; have a plan that is substantially similar and meets the eligibility requirements for having an existing plan; or be in the process of completing an Action Plan described in Table 1. Examples of supplemental planning include:

- Topical safety sub-plans focused on topics such as speed management, vulnerable road users, accessibility for individuals with disabilities, Americans with Disabilities Act of 1990 (ADA) transition plans, health equity, safety-focused Intelligent Transportation System implementation, lighting, or other relevant safety topics
- Road safety audits
- Additional safety analysis and expanded data collection and evaluation using integrated data
- Targeted equity assessments
- Required supplemental planning as a condition to receiving an Implementation Grant award as described in Section A.2.ii:
  - Updating Action Plans finalized and last updated in 2021 or earlier
  - Broadening the road user focus to include all road users
 Updating plan components laid out in Table 1 and missing in an eligible plan
- Follow-up stakeholder engagement and collaboration
- Reporting on the progress from Action Plan implementation for transparency
- Other roadway safety planning activities that enhance an Action Plan

The final deliverable for supplemental planning is a written product that connects to, and enhances, an Action Plan. Final products shall be made publicly available. Additional information on supplemental planning is located at <https://www.transportation.gov/grants/SS4A>.

#### *c) Demonstration Activities*

Demonstration activities inform an Action Plan by testing proposed project and strategy approaches to determine their potential benefits and future scope; demonstration activities are temporary. Demonstration activities must measure potential benefits through data collection and evaluation and inform an Action Plan's list of selected projects and strategies and their future implementation. To receive funds only for demonstration activities through the SS4A program, an applicant must have an existing Action Plan, have a plan that is substantially similar and meets the eligibility requirements for having an existing plan, or be in the process of completing an Action Plan described in Table 1. Demonstration activities could include:

- Feasibility studies using quick-build strategies that inform permanent projects in the future (e.g., use of paint and plastic delineator posts to experiment with impermanent roadway design changes, use of removable barriers to re-allocate roadway space).
- Various MUTCD Engineering Studies that further safety applications of the MUTCD (e.g., evaluating warrants for high-visibility crosswalk markings, bike lane treatments, etc.).
- Pilot programs for behavioral or operational activities that include at least one element of the Safe System Approach (e.g., test out a new education campaign's messaging at a small scale, trial changes to how Emergency Medical Services respond to crashes).
- Pilot programs that demonstrate safety benefits of technologies not yet adopted in the community (e.g., variable speed limits, speed safety cameras, technology for adaptive signal timing, adaptive lighting,

Intelligent Transportation Systems, vehicle-to-infrastructure technology).<sup>6</sup> Eligible technologies must be commercially available and at a prototype or advanced technological readiness level.<sup>7</sup>

Demonstration activities and pilot programs must inform Action Plans through small-scale tests with finite trial periods intended to gauge potential project and strategy effectiveness that will lead to project and strategy selection at a systemic level. The final deliverable is an assessment of the demonstration activities and an updated Action Plan that incorporates the information gathered from the demonstration activities into the Action Plan's list of projects or strategies and/or informs another part of the Action Plan. DOT expects demonstration activities to be set up within 18 months of executing a grant agreement (e.g., quick-builds on the roadway, pilot project established), and the benefits of the demonstration activity to be evaluated during the execution of the grant agreement.

## ii. Implementation Grants

Implementation Grants fund projects and strategies identified in an Action Plan that address roadway safety problems. Implementation Grants may also fund supplemental planning and demonstration activities as described in Section A.2.i, as well as planning, design, and development activities for projects and strategies identified in an Action Plan (e.g., project-level National Environmental Policy Act or NEPA compliance, environmental review activities, permits and approvals, construction design, etc.). DOT encourages Implementation Grant applicants to include supplemental planning and demonstration activities in their application. Applicants must have an existing Action Plan to apply for Implementation Grants or have an existing plan that is substantially similar and meets the eligibility requirements of an Action Plan. If applicants do not have an existing Action Plan, they should apply for Planning and Demonstration Grants and **NOT** Implementation Grants.

The Action Plan components may be contained within several plans. Applicants may use existing Action Plans produced by other jurisdictions to apply for an Implementation Grant (e.g., a political subdivision uses an existing regional plan with projects and strategies within its jurisdiction) as long as the projects and strategies in the application are included in the existing Action Plan. DOT requires applicants who have an Action Plan that is missing components required in Table 1 but still have a substantially similar plan based on the Self-Certification Eligibility Worksheet outlined in Section C to update the Action Plan to contain all components in a Comprehensive Safety Action Plan as outlined in Table 1. Updating an existing Plan to address missing components is a condition to receive Implementation Grant funding, and applicants applying for Implementation Grants can request to use SS4A supplemental planning funds to update an existing Action Plan to conform with all the components in Table 1. Additional information on eligibility requirements and eligible activities is in Section C below.

## SS4A Grant Priorities

This section discusses priorities specific to SS4A and those related to the Department's overall mission, which are reflected in the selection criteria and NOFO requirements. Successful grant applications will:

- Promote safety to prevent death and serious injuries on public roadways;
- Employ low-cost, high-impact strategies that can improve safety over a wide geographic area;
- Ensure equitable investment in the safety needs of underserved communities, which includes both underserved urban and rural communities;
- Incorporate evidence-based projects and strategies and adopt innovative technologies and strategies;
- Demonstrate engagement with a variety of public and private stakeholders; and

<sup>6</sup> Eligible vehicle-to-infrastructure demonstrations use interoperable vehicle-to-infrastructure (V2X) communications capabilities using 4G LTE cellular V2X (C-V2X) technology in the 5.905 – 5.925 GHz spectrum frequency band to enable safety applications for public fleet vehicles.

<sup>7</sup> The corresponding level would be "Development," level 7 Prototype demonstrated in operational environment. See <https://www.fhwa.dot.gov/publications/research/ear/17047/17047.pdf>.

- Align with the Department’s mission and Strategic Goals such as safety; climate change and sustainability; equity and Justice40; and workforce development, job quality, and wealth creation.<sup>8</sup>

The Department seeks to award Planning and Demonstration Grants based on safety impact, equity, and other safety considerations. Additional award consideration will be made for Planning and Demonstration Grant applicants that have a fatality rate per 100,000 persons equal to or greater than 17.0 fatalities per 100,000 population.

For Implementation Grants, DOT seeks to make awards to projects and strategies that save lives and reduce roadway fatalities and serious injuries; incorporate equity, engagement, and collaboration into how projects and strategies are executed; use effective practices and strategies; consider climate change, sustainability, and economic competitiveness in project and strategy implementation; and will be able to complete the full scope of funded projects and strategies within 5 years after the establishment of a grant agreement. Additional award consideration will be made for Implementation Grant applicants that have a high percentage of funds that benefit underserved communities, are in rural areas, request less than \$10 million in Federal funds, support geographic diversity amongst the Implementation Grant award recipients, have a finalized comprehensive safety action plan (i.e., goes beyond a qualifying plan requirements in the Self-Certification Eligibility Worksheet and meets all the components in Table 1), and/or have a high Killed and Serious Injuries (KSI) per \$1 million in Federal funding rate. Section D provides more information on the specific measures an application should demonstrate to support these goals.

The Department seeks to fund projects that advance the Departmental priorities of safety, climate and sustainability, equity, and workforce development, job quality, and wealth creation as described in the DOT Strategic Plan, the DOT Research, Development and Technology Strategic Plan, and in executive orders. See Section E of this NOFO for safety, climate, equity, and workforce-related selection criteria, and Section F for related award administration requirements.

The National Roadway Safety Strategy (NRSS, issued January 27, 2022) commits the Department to respond to the current crisis in roadway fatalities by “taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation’s roadways,” in pursuit of the goal of achieving zero roadway deaths through a Safe System Approach.<sup>9</sup> DOT recognizes that zero is the only acceptable number of deaths on our roadways, and SS4A program outcomes align with the NRSS and support the FY 2022-2026 DOT Strategic Plan safety performance goals such as a medium-term goal of a two-thirds reduction in roadway fatalities by 2040.<sup>10</sup> DOT also incentivizes communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction, and operations, and encourages applicants to use a Complete Streets design model on roadways where adjacent land use suggests that trips could be served by varied modes.<sup>11</sup> For applicants seeking to use innovative technologies and strategies, the Department’s Innovation Principles serve as a guide to ensure innovations reduce deaths and serious injuries while committing to the highest standards of safety across technologies.<sup>12</sup>

Consistent with the Department’s implementation of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619), the Department seeks to fund applications that address equity and environmental justice, particularly for communities that have experienced decades of underinvestment and are most impacted by climate change, pollution, and environmental hazards.<sup>13</sup> Additionally, DOT seeks to fund projects that reduce greenhouse gas emissions in the transportation sector, including those that improve safety for low- and zero-emission modes of

<sup>8</sup> FY 2022-2026 USDOT Strategic Plan <https://www.transportation.gov/dot-strategic-plan>.

<sup>9</sup> <https://www.transportation.gov/NRSS>.

<sup>10</sup> <https://www.transportation.gov/dot-strategic-plan>.

<sup>12</sup> More information on Complete Streets can be found at <https://highways.dot.gov/complete-streets>.<sup>13</sup> <https://www.transportation.gov/priorities/innovation/us-dot-innovation-principles>. Released January 6, 2022.

<sup>13</sup> <https://www.transportation.gov/priorities/innovation/us-dot-innovation-principles>. Released January 6, 2022.

<sup>13</sup> See the definition of an underserved community, which includes Census tracts identified in the OMB CEJST and DOT ETCE tools.

travel. Applicants should also consider the incorporation of evidence-based climate resilience measures and features; reduce the lifecycle greenhouse gas emissions from project materials; avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; and address the disproportionate negative environmental impacts of transportation on disadvantaged communities.

Consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009), the Department seeks to award funds under the SS4A grant program that will create proportional impacts to all populations in a project area, remove transportation related disparities to all populations in a project area, and increase equitable access to project benefits. An important area for DOT's focus is the disproportionate, adverse safety impacts that affect certain groups on our roadways, particularly people walking, biking, and rolling in underserved communities. In accordance with the Americans with Disabilities Act of 1990 (ADA), awards focused on infrastructure and demonstration activities must ensure that newly constructed facilities in the public right-of-way are accessible to, and usable by, individuals with disabilities to the extent that it is not structurally impracticable to do so. The ADA also requires that, when an existing facility is altered, the altered facility be made accessible to and usable by individuals with disabilities to the maximum extent feasible (28 CFR 35.151[a] and 35.151[b]).

The Department intends to use the SS4A program to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships, in project planning stages, consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335). The Department also intends to use the SS4A program to support wealth creation, consistent with the Department's Equity Action Plan through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

## B. Federal Award Information

### 1. Total Funding Available

The BIL established the SS4A program with \$5,000,000,000 in advanced appropriations in Division J, including \$1,000,000,000 for FY 2024. Additionally, DOT has \$256,687,000 in FY 2023 carryover funds set aside for Planning and Demonstration Grants as well as certain eligible safety planning and demonstrative activities that may be included under an Implementation Grant request. Therefore, this Notice makes available up to \$1,256,687,000 for FY 2024 grants under the SS4A program. Refer to Section D for greater detail on additional funding considerations and Section D.5 for funding restrictions.

### 2. Availability of Funds

Grant funding obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. Unless authorized by DOT in writing after DOT's announcement of FY 2024 SS4A grant awards, any costs incurred prior to DOT's obligation of funds for activities ("pre-award costs") are ineligible for reimbursement and may not be used as matching funds. If authorized by DOT in writing, Implementation Grant award recipients may incur pre-award costs for National Environmental Policy Act (NEPA) and design activities, and these expenses may count toward match or cost share. Applicants who expect to request pre-award authority must clearly articulate such a request in the application. DOT will determine whether such pre-award costs may be counted toward match or cost share on a case-by-case basis. All SS4A funds must be expended within 5 years after the grant agreement is executed and DOT obligates the funds.

### 3. Award Size and Anticipated Quantity

In FY 2024, DOT expects to award hundreds of Planning and Demonstration Grants and up to fifty Implementation Grants. The Department reserves the right to make more, or fewer, awards. DOT reserves the

discretion to alter minimum and maximum award sizes upon receiving the full pool of applications and assessing the needs of the program in relation to the SS4A grant priorities in Section A.3. Federal funding requests must be made in whole dollar amounts (no cents).

### iii. Planning and Demonstration Grants

For Planning and Demonstration Grants, award amounts will be based on total estimated project costs, with an expected minimum of \$100,000 in SS4A funding and an expected maximum of \$10,000,000 in SS4A funding for all applicants. The Department expects larger award amounts for a metropolitan planning organization (MPO), an application comprised of a multijurisdictional group of entities that is regional in scope (e.g., a multijurisdictional group of counties, a council of governments and cities within the same region), or those who are conducting activities in a large geographic area. The Department will consider applications with funding requests under the expected minimum award amount but reserves the right to not award applicants requesting less than \$100,000 if the budget is determined to be inadequate for the scope of the activities. DOT reserves the right to make Planning and Demonstration Grant awards less than the total amount requested by the applicant.

### iv. Implementation Grants

For Implementation Grants, DOT expects the minimum award will be \$2,500,000 in SS4A funding and the maximum award will be \$25,000,000 in SS4A funding. DOT reserves the right to make Implementation Grant awards less than the total amount requested by the applicant.

## 4. Start Dates and Period of Performance

DOT expects to obligate SS4A award funding via a signed grant agreement between the Department and the recipient, as flexibly and expeditiously as possible, within 12 months after awards have been announced. In support of award recipients with less familiarity with administering a Federal grant, the Department established a SS4A Technical Assistance Center to assist award recipients with Federal requirements. Applicants who have never received Federal funding from DOT before are also encouraged to partner with eligible applicants within the same region, such as an MPO, that have established financial relationships with DOT and knowledge of Federal grant administration requirements. While States are not eligible applicants and cannot be a co-applicant (which includes State Departments of Transportation and similar State-level entities), eligible applicants are encouraged to separately coordinate with States and other entities experienced with administering Federal grants, outside of the SS4A grant award process, to ensure effective administration of a grant award. The expected period of performance for Planning and Demonstration Grant agreements is between 12 months and 5 years, depending on the scope and extent of the grant activities. The period of performance for Planning and Demonstration Grant and Implementation Grant agreements may not exceed 5 years.

## 5. Data Collection Requirements

Under BIL, the Department shall post on a publicly available website best practices and lessons learned for preventing roadway fatalities and serious injuries pursuant to strategies or interventions implemented under SS4A. Additionally, DOT shall evaluate and incorporate, as appropriate, the effectiveness of strategies and interventions implemented under the SS4A grant program.<sup>14</sup> The Department intends to measure safety outcomes through a combination of grant agreement activities and data collections, DOT data collections already underway, and program evaluations separate from the individual grant agreements in accordance with Section F.3.iii. The grant data-collection requirements reflect the need to build evidence of noteworthy strategies and what works. The Department expects to use the data and outcome information collected before and after evaluations. See Section F for more information about post-award reporting requirements.

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<sup>14</sup> BIL specifically cites *Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition*, or any successor document, but DOT also is to consider applied research focused on infrastructure and operational projects and strategies.

## C. Eligibility Information

### 1. Eligible Applicants

Eligible applicants for SS4A grants are:

- (1) a metropolitan planning organization (MPO);
- (2) a political subdivision of a State or territory;
- (3) a federally recognized Tribal government; and
- (4) a multijurisdictional group of entities described in any of the aforementioned three types of entities.

A multijurisdictional group of entities described in (4) should identify a lead applicant as the primary point of contact. For the purposes of this NOFO, a **political subdivision of a State** under (2), above, is defined as a unit of government under the authority of State law. This includes cities, towns, counties, special districts such as public universities, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State. Non-profits are not eligible applicants unless created under State law with roadway safety and/or planning responsibilities equivalent to a political subdivision of a State. States are not eligible applicants.

An eligible applicant for an Implementation Grant must also meet at least one of these conditions:

- (1) have ownership and/or maintenance responsibilities over a roadway network;
- (2) have safety responsibilities that affect roadways; or
- (3) have agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant's jurisdiction.

For the purposes of this NOFO, an applicant's jurisdiction is defined as the U.S. Census tracts where the applicant operates or performs their safety responsibilities.

### 2. Cost Sharing or Matching

The Federal share of an SS4A grant may not exceed 80 percent of total eligible project costs. Recipients are required to contribute a local matching share of no less than 20 percent of total eligible project costs. Unless otherwise authorized by statute, all matching funds must be from non-Federal sources. Tribal Transportation Program and Tribal Transportation Program Safety Funds may be used as non-Federal match. Matching funds may include funding from the applicant, or other eligible non-Federal sources. Applicants that intend to combine SS4A funds with Title 23, U.S.C. funds should expect a significant delay in executing a grant agreement.

In accordance with 2 CFR § 200.306, grant recipients may use in-kind or cash contributions toward local match requirements so long as those contributions meet the requirements under 2 CFR § 200.306(b). Any in-kind contributions used to fulfill the cost-share requirement for both Planning and Demonstration Grants and Implementation Grants must:

- Be in accordance with the cost principles in 2 CFR § 200 Subpart E;
- Include documented evidence of completion within the period of performance; and
- Support the execution of the eligible activities in Section C.4.

SS4A funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Grant agreements are expected to be administered on a reimbursement basis, and at the Department's discretion alternative funding arrangements may be established on a case-by-case basis.

### 3. Grant Eligibility Requirements

If an applicant is eligible for both a Planning and Demonstration Grant and an Implementation Grant, the applicant must choose between applying for a Planning and Demonstration Grant **or** an Implementation Grant—not both—per application deadline. An eligible Implementation Grant applicant may submit only one Implementation Grant application to the funding opportunity. Implementation Grant applicants may request funds to bundle supplemental planning and demonstration activities as described in Section A.2.i to update an Action Plan, with funds to implement projects and strategies. If an Implementation Grant applicant is not selected for funding, the applicant may subsequently reapply for a Planning and Demonstration Grant as long as they submit their application on or before the last Planning and Demonstration Grant deadline of August 29.

An eligible Planning and Demonstration Grant applicant may apply multiple times but can receive only one award from the funding opportunity. Planning and Demonstration Grant applicants that applied in earlier deadlines and were not selected for an award may reapply again to this NOFO as long as they submit their application on or before the last Planning and Demonstration Grant deadline of August 29. Planning and Demonstration Grant funding recipients are not precluded from applying in future funding rounds. SS4A award recipients from FY 2022 and 2023 are eligible to apply in FY 2024.

#### i. Planning and Demonstration Grant Eligibility Requirements

Eligibility requirements are contingent on whether an applicant is requesting funds to develop a new Action Plan, conduct supplemental planning to update an existing Action Plan, and/or carry out demonstration activities to inform the development of or update to an Action Plan. Any applicant that meets the eligibility requirements may apply for a Planning and Demonstration Grant to develop an Action Plan. Applicants applying to develop an Action Plan may also bundle supplemental planning and demonstration activities into their funding request. Applicants with an existing Action Plan may also apply to update their Action Plan. The development of an Action Plan must include all relevant road users and be at a broad, systemic geographic level (e.g., the entire eligible applicant's jurisdiction, and cannot be for a few road segments within a jurisdiction). Corridor-level or site-specific studies are considered to be supplemental planning and are not a comprehensive safety action plan.

If a higher-level jurisdiction (e.g., an MPO or county would be a higher-level jurisdiction for a city or town) has an existing plan in place, or is in the process of completing an Action Plan, an eligible applicant can apply for supplemental planning or demonstration activities without its own plan as long as: 1) the higher-level jurisdiction's Action Plan's geographic boundaries covers the eligible applicant's jurisdiction; 2) the proposed activities are coordinated with the high-level jurisdiction, and the application demonstrates such coordination; and 3) the activities will inform the Action Plan of the higher-level jurisdiction. An application may be deemed duplicative if requesting funds to either develop a new Action Plan when another jurisdiction is already preparing an Action Plan in the same area using FY22 or FY23 funding or is developing a new Action Plan in the same area as another FY24 application. Duplicative funding requests to develop a new Action Plan will be identified and assessed for merit within the context of other jurisdictions and their planning activities. The Department encourages complementary but distinctive activities, including but not limited to demonstration activities that will help inform the development of an Action Plan.

#### ii. Implementation Grant Eligibility Requirements

To apply for an Implementation Grant, the applicant must certify that they have an existing plan that is substantially similar to an Action Plan. The plan or plans must be uploaded as an attachment to the application or provided as web links to publicly available sites. Applicants should use the [Self-Certification Eligibility Worksheet](#) to determine eligibility.<sup>15</sup> The existing plan must be focused, at least in part, on the roadway network within the applicant's jurisdiction. The components required for an existing plan to be substantially similar to an Action Plan may be found in multiple plans. State-level Action Plans (e.g., a Strategic Highway Safety Plan required in 23 U.S.C. § 148, State Highway Safety Plans required in 23 U.S.C. § 402, Commercial Vehicle Safety Plans required in 49 U.S.C. § 31102) as well as Public Transportation Agency Safety Plans in 49 U.S.C. § 5329 cannot be used as

<sup>15</sup> <https://www.transportation.gov/grants/ss4a/self-certification-worksheet>.

an established plan to apply for an Implementation Grant. If another jurisdiction (e.g., an MPO, county) has an existing plan in place that meets the plan eligibility requirements, an eligible applicant covered within the Action Plan's geographic boundaries could apply without its own plan as long as the other eligibility requirements are met.

Further, Implementation Grant applicants who meet any of the following conditions must update their Action Plan during the execution of a grant agreement to align with all the Comprehensive Safety Action Plan components in Table 1 as a condition to receiving SS4A funds:

- Self-Certification Eligibility Worksheet areas that include a “no” response;
- Safety focus in the qualifying Action Plan does not include all road users, including pedestrians, bicyclists, and motor vehicle safety; or
- Action Plans last updated more than 3 years ago (to apply in the first place, applicants must have a plan that was finalized and/or last updated between 2019 and April 2024)

Implementation Grant applicants are encouraged to request supplemental planning funding in their application to complete missing components of an existing plan but may choose to complete such activities without Federal funding.

## 4. Eligible Activities and Costs

### i. Eligible Activities

Broadly, eligible activity costs must comply with the cost principles set forth in 2 CFR, Subpart E (i.e., 2 CFR § 200.403 and § 200.405). DOT reserves the right to make cost eligibility determinations on a case-by-case basis. Eligible activities for grant funding include the following three elements:

- A. Developing a comprehensive safety action plan or Action Plan (i.e., the activities in Table 1, as well as the supplemental planning and demonstration activities described in Section A.2);
- B. Conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and
- C. Carrying out projects and strategies identified in an Action Plan.

For Implementation Grants, activities *must* include element (C) “carrying out projects and strategies identified in an Action Plan,” and *may* include element (B) “conducting planning, design, and development activities for projects and strategies identified in an Action Plan” and/or element (A) “supplemental planning or demonstration activities.” Projects and strategies identified in element (C) must be either infrastructure, behavioral, or operational activities identified in the Action Plan, and must be directly related to addressing the safety problem(s) identified in the application and Action Plan. Applicants may “bundle” different projects, strategies, supplemental planning, and/or demonstration activities into one Implementation Grant application, even if they address different safety problems or are located in different areas. Funding requests for (B) planning, design, and development activities for a project or strategy must be directly connected to the completion of the (C) projects and strategies funded through the Implementation Grant application. Examples of eligible Implementation Grant activities are listed on the SS4A website located at <https://www.transportation.gov/grants/SS4A>. The following activities are **not** eligible for element (C) “projects and strategies” nor demonstration activity funding:

- Projects and strategies whose primary purpose is not roadway safety.
- Projects and strategies exclusively focused on non-roadway modes of transportation, including air, rail, marine, and pipeline. Roadway intersections with other modes of transportation (e.g., at-grade highway rail crossings) are eligible activities.
- Capital projects to construct new roadways used for motor vehicles. New roadway facilities exclusively for non-motorists (e.g., a shared use path) is an eligible activity if the primary purpose is safety related.

- Infrastructure projects primarily intended to expand capacity to improve Levels of Service for motorists on an existing roadway, such as the creation of additional lanes.
- Maintenance activities for an existing roadway primarily to maintain a state of good repair. However, roadway modifications on an existing roadway in support of specific safety-related projects identified in an Action Plan are eligible activities.
- Development or implementation of a public transportation agency safety plan (PTASP) required by 49 U.S.C. § 5329. However, a PTASP that identifies and addresses risks to pedestrians, bicyclists, personal conveyance and micromobility users, transit riders, and others may inform Action Plan development.

Projects, strategies, and demonstration activities must have equity—the consistent, fair, just, and impartial treatment of all people—at their foundation. This includes traffic enforcement strategies. As part of the Safe System Approach adopted in the USDOT’s National Roadway Safety Strategy, any activities related to compliance or enforcement efforts to make our roads safer should affirmatively improve equity outcomes as part of a comprehensive approach to achieve zero roadway fatalities and serious injuries. The SS4A program can be used to support safety projects and strategies that address serious safety violations of drivers (e.g., speeding, alcohol and drug-impaired driving), so long as the proposed strategies are data-driven and demonstrate a process in alignment with goals around community policing and in accordance with Federal civil rights laws and regulations.<sup>16</sup> Funds may not be used, either directly or indirectly, to support or oppose union organizing.

## ii. Project and Strategy Location

For Implementation Grants, applications must identify the problems to be addressed, the relevant geographic locations (e.g., corridors, intersections), and the projects and strategies they plan to implement based on their Action Plan or established plan. This should include specific intervention types, address common safety risk characteristics, and be located on the Action Plan’s high-injury network to the extent practicable. To provide flexibility in the implementation of projects and strategies that involve systemic safety strategies or bundling of similar countermeasures, an applicant may wait to finalize site locations as part of executing the grant agreement, if necessary, upon approval of the Department, and as long as the identified site locations are primarily on the high-injury network and designs remain consistent with the intent of the award.

## D. Application and Submission Information

### 1. Address to Request Application Package

All grant application materials can be accessed at [grants.gov](https://grants.gov) under opportunity number DOT-SS4A-FY24-01. Applicants must submit their applications via Valid Eval at [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_implementation/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_implementation/signup) for Implementation Grant applicants, and [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_planning\\_demo/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_planning_demo/signup) for Planning and Demonstration Grants under the Notice of Funding Opportunity Number cited herein. Potential applicants may also request paper copies of materials at:

Telephone: 202-366-4114  
 Mail: U.S. Department of Transportation  
 1200 New Jersey Avenue SE  
 W84-322  
 Washington, DC 20590

<sup>16</sup> For one such example, see <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>.

## 2. Content and Form of Application Submission

The Planning and Demonstration Grant, and the Implementation Grant, respectively, have different application submission and supporting document requirements.

### i. Implementation Grant Pre-Application Submissions

A potential Implementation Grant applicant may submit a pre-application that consists of a [Self-Certification Eligibility Worksheet](#) and links or attachments to any referenced plan(s) to determine an applicant’s eligibility to apply for an Implementation Grant. A pre-application eligibility review request must submit all needed materials, including relevant documentation, to receive an eligibility determination by DOT. Pre-application submissions must be received on or before April 17, 2024, by emailing [SS4A@dot.gov](mailto:SS4A@dot.gov) with the subject “Implementation Grant Eligibility Review: *Applicant Name*.” DOT expects to provide an affirmation response, or provide details as to why the plan(s) do not meet eligibility requirements, to the applicant within two weeks of receipt. Each applicant may request only one pre-application submission review. DOT will not perform pre-application reviews of full application materials nor provide feedback on the quality of the overall application.

Planning and Demonstration Grant applicants are not eligible for pre-application submission reviews.

### ii. Planning and Demonstration Grant Application Submissions

The application must include the following: Standard Forms (SF); Key Information Questions; Project Narrative and Planning and Demonstration Grant Supplemental Estimated Budget. This information must be submitted via Valid Eval at [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_planning\\_demo/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_planning_demo/signup). More detailed information about each application material is provided below. The necessary file formats for each application component will be displayed on the Valid Eval intake site.

- Standard forms:** All applicants must submit the following Standard Forms: Application for Federal Assistance (SF-424), Budget Information for Non-Construction Programs (SF-424A), Assurances for Non-Construction Programs (SF-424B), and Disclosure of Lobbying Activities (SF-LLL). If the Federal funding amounts requested differ between forms, the amount in the SF-424 will be used to award funding. Funding requests must be in whole numbers (no cents). For the SF-424A form, portions of Section D and Section E are optional as described in the SF-424A instructions.
- Key Information Questions:** Below is a preview list of the questions that are asked on USDOT’s automated proposal website at [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_planning\\_demo/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_planning_demo/signup). After registering in the system, the applicant will be prompted to answer these questions on the website.

**Table 2: Example Planning and Demonstration Application Key Information Table**

Title	Instructions
Lead Applicant Name	This should be consistent with Q. 8.a. of the SF-424.
Lead Applicant Unique Entity Identifier (UEI)	See Section D.3 below for more information about obtaining a UEI from SAM.gov.
Eligible Entity Type	See Section C.1.
Total Applicant Jurisdiction Population	2020 U.S. Census American Community Survey.
Total Count Motor Vehicle-Involved Roadway Fatalities that includes the last 5 years of data made available in the Fatality Analysis Reporting System (FARS) during the NOFO period	From the Fatality Analysis Reporting System (FARS) for the applicant jurisdiction. Use 2017-2021 data.

Title	Instructions
Total Average Annual Fatality Rate (per 100,000 population)	The fatality rate calculated using the 5-year annual average from the <i>total count of fatalities</i> based on FARS data from 2017-2021, divided by the population of the applicant's jurisdiction based on 2020 U.S. Census ACS population data.
Total Percent of Population in Underserved Communities Census Tract(s)	The population in underserved communities should be a percentage obtained by dividing the population living in Census tracts with an Underserved Community designation divided by the total population living in the jurisdiction.
Project Title	A concise, descriptive title for the project. This should be the same title used in the SF-424 form and the application narrative.
Application Type (select all that apply)	Develop a new Action Plan; Conduct Supplemental Planning to update an Action Plan; Demonstration Activities to inform development of an Action Plan.
Description of Supplemental Planning and Demonstration Activities (if relevant)	See Section A.2.i.
Total Federal Funding Request	Must be a whole number (no cents).
Total Non-Federal Share	<b>Must be equal to, or greater than, 20% of total project cost.</b>
Total SS4A Funds Requested	Must be a whole number (no cents).
Total Other Federal Funds Used	Must be a whole number (no cents).
Total Project Cost	Sum of Total Federal Funding Request and Total Local share/Match.
Coordination	Questions on your application in relation to overlapping jurisdictions that received an award in FY 2022/FY 2023 or are applying for a grant in FY 2024.  Required for those requesting funding to develop a new Action Plan only.

- Narrative:** In narrative form, the applicant must respond to the Planning and Demonstration Grant selection criteria described in Section E.1.i to affirm its alignment with SS4A safety considerations and address the criteria. The narrative must be no longer than 2 pages if requesting less than \$1,000,000 in Federal funds. If requesting \$1,000,000 or more in Federal funds, the narrative must be no longer than 3 pages.

For applicants requesting funding for demonstration activities to inform an Action Plan: you must provide a brief schedule showing when the activities will be in place (e.g., hardware installed, when the pilot would begin), and the start/end dates of the work. If anticipated to be a schedule constraint, applicants should include in the narrative any potential timeline implications of meetings administration requirements in Section F such as domestic preference and any required waivers, the National Environmental Policy Act requirements, as well as any applicable permitting and approval timeframes.

- **Self-Certification Eligibility Worksheet:** If only applying for supplemental planning and/or demonstration activities that will inform the update of an existing plan, applications must either demonstrate their existing plan is eligible by attaching the filled out [Self-Certification Eligibility Worksheet](#), or be in the process of developing a comprehensive safety action plan. If applying to develop a new Action Plan, applicants do not need to include the worksheet even if supplemental planning and/or demonstration activities are included.
- **Map:** The applicant must submit a map in PDF format that shows the location of the jurisdiction and highlights the roadway network under the applicant’s jurisdiction.
- **Planning and Demonstration Grant Supplemental Estimated Budget:** Applicants are required to show how different funding sources will share in each activity and present the data in whole dollars in a table similar to Table 3. The Planning and Demonstration Grant Supplemental Estimated Budget should summarize the amount of funding going toward each of the three eligible activities for a Planning and Demonstration Grant (developing a new Action Plan, conducting supplemental planning to update an existing plan, and carrying out demonstration activities to inform the development or update of an Action Plan). Applicants requesting less than \$100,000 in funding must also explain how the scope of activities will be completed with the funding amount proposed.

**Table 3: Planning and Demonstration Grant Supplemental Estimated Budget**

Activities	SS4A Funding Request	Total Project Cost
<b>Itemized Estimated Costs to Develop an Action Plan</b>		
<b>Subtotal Budget to Develop an Action Plan</b>	\$0.00	\$0.00
<b>Itemized Estimated Costs to Conduct Supplemental Planning</b>		
Supplemental Planning Activity #1	\$0.00	\$0.00
Supplemental Planning Activity #2	\$0.00	\$0.00
Supplemental Planning Activity #3	\$0.00	\$0.00
<b>Subtotal Budget to Conduct Supplemental Planning</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Itemized Estimated Costs to Carry Out Demonstration Activities</b>		
Demonstration Activity #1	\$0.00	\$0.00
Demonstration Activity #2	\$0.00	\$0.00
<b>Subtotal Budget to Carry Out Demonstration Activities</b>	<b>\$0.00</b>	<b>\$0.00</b>

iii. Implementation Grant Application Submissions

The application must include the following: Standard Forms (SF); Key Information Questions; Project Narrative and Implementation Grant Supplemental Estimated Budget. This information must be submitted via Valid Eval at [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_implementation/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_implementation/signup). More detailed information about each

application material is provided below. The necessary file formats for each application component will be displayed on the Valid Eval intake site.

- **Standard forms:** All applicants must submit the following Standard Forms: Application for Federal Assistance (SF-424), Budget Information for Construction Programs (SF-424C), Assurances for Construction Programs (SF-424D), and Disclosure of Lobbying Activities (SF-LLL). If the Federal funding amounts requested differ between forms, the amount in the SF-424 will be used to award funding. Funding amounts must be in whole dollars (no cents).
- **Key Information Questions:** This is a preview list of the questions that are asked on USDOT’s automated proposal website at [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_implementation/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_implementation/signup). After registering in the system, the applicant will be prompted to answer these questions on the website.

**Table 4: Example Implementation Grant Application Key Information Table**

Title	Instructions
Lead Applicant Name	This should be consistent with Q. 8.a. of the SF-424.
Lead Applicant Unique Entity Identifier (UEI)	See Section D.3 below for more information about obtaining a UEI from SAM.gov. <sup>17</sup>
Eligible Entity Type	See Section C.1.
Do you have additional applicants as part of a multijurisdictional group of eligible entities?	List of additional applicants.
Total Applicant Jurisdiction Population	2020 U.S. Census American Community Survey.
Percent of Population in Underserved Communities in the project area Census Tract(s)	The population in underserved communities should be a percentage obtained by dividing the population living in project area Census tracts with an Underserved Community designation divided by the total population living in the project area(s).
Project Area Fatalities 2017-2021	Count of fatalities in the project area(s). May use source other than FARS.
Project Area Serious Injuries 2017-2021 OR Project Area Injuries Severity Unknown 2017-2021	Count of serious injuries in the project area(s). Applicants without reliable serious injury data may use suspected serious injury figures. Please cite source.
Project Title	A concise, descriptive title for the project. This should be the same title used in the SF-424 form and the application narrative.
Applicant roadway safety responsibility (select all that apply):	<ul style="list-style-type: none"> <li>• Ownership and/or maintenance responsibilities over a roadway network;</li> <li>• Safety responsibilities that affect roadways;</li> <li>• Have an agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant’s jurisdiction</li> </ul>
Roadway users that this project will <u>significantly</u> benefit (check one that best applies)	<ul style="list-style-type: none"> <li>• Pedestrian and Bicycle</li> <li>• Roadway</li> <li>• Transit</li> </ul>
Does your project include Demonstration Activities?	See Section A.2.i.

<sup>17</sup> <https://sam.gov/content/home>

Title	Instructions
Would you consider accepting funding for only demonstration activities and/or supplemental planning?	Yes, no, n/a.
Total Federal Funding Request	Must be a whole number (no cents).
Total Non-Federal Share	<b>Must be equal to, or greater than, 20% of total project cost.</b>
Total SS4A Funds Requested	Must be a whole number (no cents).
Total Other Federal Funds Used	Must be a whole number (no cents).
Total Project cost	Sum of Total Federal Funding Request and Total Local share/Match.
Total Federal Funds Allocated to Underserved Communities	Funds to be spent in Census tracts identified as underserved through the Climate and Economic Justice Screening Tool.
Supplemental Planning Activities (A) Federal Funding Request	
Supplemental Planning Activities (A) Total Project Costs	
Planning, Design, and Development Activities for Projects/Strategies (B) Federal Funding Request	
Planning, Design, and Development Activities for Projects/Strategies (B) Total Project Costs	
Carrying Out Projects and Strategies (C) Federal Funding Request	
Carrying Out Projects and Strategies (C) Total Project Costs	
Existing Comprehensive Safety Action Plan (or equivalent)	Link to or attachment

*a) Narrative*

The Department recommends that the narrative follows the outline below to address the program requirements and assist evaluators in locating relevant information. The narrative may not exceed 12 pages in length, excluding cover pages and the table of contents. The [Self-Certification Eligibility Worksheet](#) and Budget sections do not count toward the 12-page limit. Appendices may include documents supporting assertions or conclusions made in the 12-page narrative and also do not count toward the 12-page limit. Implementation Grant applications that include supplemental planning and demonstration activities may submit up to 2 additional pages—14 pages total—if they are focused solely on responding the Supplemental Planning and Demonstration Activities selection criterion (see Section E.1.ii). 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 narrative the relevance of each supporting document. Letters of support will only be considered if they are submitted with the application as one consolidated set of support letters in one supporting attachment.

I. Overview	See D.2.ii.a.I
II. Location	See D.2.ii.a.II
III. Response to Selection Criteria	See D.2.ii.a.III and Section E.1.ii
IV. Project Readiness	See D.2.ii.a.IV

### **I. Overview**

This section should provide an introduction and describe the safety context, jurisdiction, and any high-level background information that would be useful to understand the rest of the application.

### **II. Location**

This section of the application should describe the jurisdiction's location, the jurisdiction's high-injury network or equivalent geospatial identification (geographic or locational data using maps) of higher risk locations, and potential locations and corridors of the projects and strategies. Note that the applicant is not required to provide exact locations for each project or strategy; rather, the application should identify which geographic locations are under consideration for projects and strategies to be implemented and what analysis will be used in a final determination.

### **III. Response to Selection Criteria**

This section should respond to the criteria for evaluation and selection in Section E.1.ii of this Notice and include a compelling narrative to highlight how the application aligns with criteria #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; #4 Other DOT Strategic Goals; #5 Supplemental Planning and Demonstration Activities (only if applying for supplemental planning and/or demonstration activities).

The applicant must respond to each of the four criteria #1-4 and respond to criterion #5 if applying for supplemental planning and/or demonstration activities. Applicants are not required to follow a specific narrative format, but the structure should clearly identify the narrative associated with each selection criterion. Note, criterion #1 Safety Impact includes "implementation cost" information, which will be described in the Budget Table and Key Information Table. The Federal funding requested per person(s) killed or seriously injured from 2017-2021 is determined through information provided in the Key Information Table.

### **IV. Project Readiness**

The applicant must provide information to demonstrate the applicant's ability to substantially execute and complete the full scope of work in the application proposal within 5 years of when the grant agreement is executed, with a particular focus on design and construction, as well as environmental, permitting, and approval processes. Applicants should indicate if they will be seeking permission to use roadway design standards that are different from those generally applied by the State in which the project is located. As part of this portion of the narrative, the applicant must include a detailed activity schedule that identifies all major project and strategy milestones. Examples of such milestones include State and local planning approvals; start and completion of National Environmental Policy Act (NEPA) and other Federal environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications, and estimates; procurement; State and local approvals; public involvement; partnership and implementation agreements; and construction. Environmental review documentation should describe in detail known project impacts and possible mitigation for those impacts. When a project results in impacts, an award recipient must take steps to engage the public. At a minimum, the project readiness narrative and detailed project activity schedule must include the applicability and disposition of: NEPA and Federal environment reviews and approvals; utility relocation; and right-of-way acquisition. For additional guidance and resources, visit <https://www.transportation.gov/grants/SS4A>.

*b) Self-Certification Eligibility Worksheet*

Attach a completed [Self-Certification Eligibility Worksheet](#).

*c) Implementation Grant Supplemental Estimated Budget*

This section of the application should describe the budget for the SS4A proposal. Applicants are required to submit an Implementation Grant Supplemental Estimated Budget that provides a high-level overview of estimated activity costs, as organized by all major cost elements. The budget shall provide itemized estimates of the costs by separating different locations and/or different sets of proposed projects and strategies that address a similar safety problem. This information should include capital costs for infrastructure safety improvements and costs associated with behavioral and operational safety projects and strategies. The section should also distinguish between the three eligible activity areas: (A) supplemental planning and demonstration activities in support of an existing Action Plan; (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and (C) carrying out projects and strategies identified in an Action Plan.

Implementation Grant Supplemental Estimated Budgets should show how different funding sources will share in each activity and present the data in whole dollars. Funding sources should be grouped into three categories: non-Federal, SS4A funds, and other Federal, with specific amounts for each funding source. Estimated costs or value of in-kind matches should also be provided. The budget should show how each source of funds will be spent. This budget should not include any previously incurred expenses, or costs to be incurred before the time of award and obligation because these expenses are not eligible for reimbursement or cost-sharing. DOT requires applicants use form SF-424C, and the applicant must also provide the information in Table 4 below. This table should be completed in a manner consistent with the SF-424 and SF-424C in terms of total project cost, federal share, and cost sharing/match.

**Table 5: Supplemental Estimated Budget Table**

<b>Activities</b>	<b>SS4A Funding Request</b>	<b>Other Federal Funding</b>	<b>Total Project Cost</b>	<b>SS4A Funds to Underserved Communities</b>
<b>Itemized Estimated Costs of the (A) supplemental action plan activities</b>				
Item #1	\$0.00	\$0.00	\$0.00	
Item #2	\$0.00	\$0.00	\$0.00	
<b>Subtotal Budget for (A) supplemental action plan activities</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Itemized Estimated Costs of the (B) planning, design, and development activities</b>				
Location or Project #1	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Individual Component for #1	\$0.00	\$0.00	\$0.00	
Individual Component for #1	\$0.00	\$0.00	\$0.00	
Location or Project #2	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Individual Component for #2	\$0.00	\$0.00	\$0.00	

Activities	SS4A Funding Request	Other Federal Funding	Total Project Cost	SS4A Funds to Underserved Communities
Individual Component for #2	\$0.00	\$0.00	\$0.00	
<b>Subtotal Budget for (B) conducting planning, design, and development activities</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Itemized Estimated Costs of the (C) proposed projects and strategies</b>				
Location or Project #1	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Individual Component for #1	\$0.00	\$0.00	\$0.00	
Individual Component for #1	\$0.00	\$0.00	\$0.00	
Location or Project #2	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Individual Component for #2	\$0.00	\$0.00	\$0.00	
Individual Component for #2	\$0.00	\$0.00	\$0.00	
<b>Subtotal Budget for (C) carrying out projects and strategies</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

### 3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to (i) be registered in SAM (<https://sam.gov/content/home>) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) 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. DOT may not make a Federal award 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 DOT is ready to make an award, DOT may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant.

### 4. Submission Dates and Times

This NOFO has multiple application deadlines depending on the grant type.

Planning and Demonstration Grant applicants have three deadlines:

- Thursday, April 4, 2024, 5:00 PM (EDT)
- Thursday, May 16, 2024, 5:00 PM (EDT)
- Thursday, August 29, 2024, 5:00 PM (EDT)

Implementation Grant applications must be submitted by 5:00 PM EDT on Thursday, May 16, 2024. Pre-application submissions to review an applicant’s [Self-Certification Eligibility Worksheet](#) must be received on or before April 17, 2024

Late applications received after the deadlines will not be considered under that deadline unless there is a technical issue directly caused by the online submission proposal system (Valid Eval), and the applicant contacts Valid Eval at [support@valideval.com](mailto:support@valideval.com) describing the technical issue no less than 4 hours before the deadline. Planning and Demonstration Grant applications that are received after the first deadline (and before the second deadline) will be treated as being submitted under the second deadline; Planning and Demonstration Grant applications that are received after the second deadline (and before the third deadline) will be treated as being submitted under the third deadline.

## 5. Funding Restrictions

Per BIL requirements, not more than 15 percent of the \$1 billion in FY 2024 funds made available to carry out the SS4A program may be awarded to eligible applicants in a single State.<sup>18</sup> In addition, 40 percent of the total funds made available in FY 2024 and all \$256,687,000 of the funds carried over from FY 2023 must be awarded for developing an Action Plan, including supplemental planning to update an existing Action Plan, or demonstration activities to inform the development or update of an Action Plan (total \$656,687,000). Due in part to these restrictions, in FY 2023, most eligible applicants requesting funds for a Planning and Demonstration Grant were awarded, while about 20 percent of Implementation Grant applications were awarded funds to implement projects and strategies.

## 6. Other Submission Requirements

The format of the Section D.2 application submission should be in PDF format, with font size no less than 12-point Times New Roman, margins a minimum of 1 inch on all sides, and include page numbers. The necessary file formats for each application component will be displayed on the Valid Eval intake site.

The complete application must be submitted via Valid Eval, an online submission proposal system used by USDOT at [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_implementation/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_implementation/signup) for Implementation Grant applicants, and [https://usg.valideval.com/teams/usdot\\_ss4a\\_2024\\_planning\\_demo/signup](https://usg.valideval.com/teams/usdot_ss4a_2024_planning_demo/signup) for Planning and Demonstration Grant applicants.

# E. Application Review Information

## 1. Selection Criteria

This section specifies the criteria DOT will use to evaluate and select applications for SS4A grant awards. The Department will review merit criteria for all complete applications from eligible applicants. Planning and Demonstration Grants, and Implementation Grants, respectively, each have their own set of application review and selection criteria.

### i. Planning and Demonstration Grant Selection Criteria

For Planning and Demonstration Grants, the Department will use three evaluation criteria. The Department will evaluate quantitative data in two selection criteria areas: #1 Safety Impact; and #2 Equity. The Department will also assess the narrative for #3 Additional Safety Context. Costs will also be considered.

#### *Selection Criterion #1: Safety Impact*

The activities are in jurisdictions that will likely support a significant reduction or elimination of roadway fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, personal conveyance and micromobility users, motorists, and commercial operators, within the timeframe proposed by the applicant. The Department will assess safety impact using two quantitative ratings:

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<sup>18</sup> Funding for Tribal lands will be treated as their own State and will not count toward a State's 15% limit.

- The count of roadway fatalities from 2017-2021 data based on DOT's FARS data, an alternative traffic crash dataset, or a comparable data set with roadway fatality information.<sup>19</sup>
- The fatality rate, which is calculated using 5-year annual average from the total count of fatalities (based on FARS data or an alternative traffic crash dataset from 2017-2021) divided by the population of the applicant's jurisdiction based on 2020 ACS population data from the U.S. Census. The rate should be normalized per 100,000 persons.

#### *Selection Criterion #2: Equity*

The activities will ensure equitable investment in the safety needs of underserved communities in preventing roadway fatalities and injuries, including rural communities. The Department will assess the equity criterion using one quantitative rating:

- The percentage of the population in the applicant's jurisdiction that resides in an Underserved Community Census tract.<sup>20</sup> Population of a Census tract, either a tract that is Underserved Community or not, must be based on 2020 ACS population data from the U.S. Census.

#### *Selection Criterion #3: Additional Safety Context*

The applicant must address these considerations in narrative form. The Department will assess whether the applicant has: described the scope of work to be performed; the roadway safety issues that necessitate further Action Plan development, supplemental planning, and /or demonstration activities, as applicable; and how the funded activities will inform an Action Plan and support the identification of projects and strategies that will:

- Lead to a significant reduction or elimination of roadway fatalities and serious injuries involving various road users;
- Employ low-cost, high-impact strategies that can improve safety over a wider geographical area;
- Involve engaging with a variety of public and private stakeholders;
- Adopt innovative technologies to promote safety and equity; and
- Be evidence-based or build evidence around what works.

Applicants applying to carry out demonstration activities to inform the development of an Action Plan will also be assessed as to whether their approach to measuring the potential benefits of the demonstration activities through data collection and evaluation are described.

#### *Additional Consideration: Budget Costs*

The Department will assess the extent to which the budget and costs to perform the activities required to execute the Planning and Demonstration Grant are reasonable, necessary, and allocable based on 2 CFR § 200.404 and 405, and the extent to which the application delineates the breakdown of Federal funds requested between developing an Action Plan, conducting supplemental planning to update an existing plan, and/or carrying out demonstration activities to inform the development or update of an Action Plan. The Department will also review whether costs are reasonable and adequate if the amount requested is under \$100,000.

#### *Award Consideration: High Fatality Rates*

In support of the legislative consideration to fund activities that will significantly reduce fatalities and serious injuries the Department may prioritize SS4A Planning and Demonstration Grant applications with a quantitative fatality rate of 17.0 fatalities per 100,000 persons or greater. A non-exhaustive list of eligible applicants that would receive this award consideration is located here: <https://www.transportation.gov/grants/SS4A/fatality-rate-consideration>.

<sup>19</sup> <https://cdan.dot.gov/query>

<sup>20</sup> <https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/Applicant-Explorer/>

## ii. Implementation Grant Selection Criteria

Implementation Grants have five merit criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; #4 Other DOT Strategic Goals; and #5 Supplemental Planning and Demonstration Activities. DOT will only evaluate selection criterion #5 Supplemental Planning and Demonstration Activities for Implementation Grant applicants requesting funds to conduct supplemental planning and/or carry out demonstration activities. Two considerations will also be used in the selection process: Project Readiness, and Additional Considerations. The response to each criterion, to the extent practicable, should be aligned with the applicant's Action Plan. Below describes the specific content the applicant should respond to for each of these criteria.

### *Selection Criterion #1: Safety Impact*

DOT will assess whether the proposal is likely to: significantly reduce or eliminate roadway fatalities and serious injuries; employ low-cost, high-impact strategies over a wide geographic area; and include evidence-based projects and strategies. Safety impact is the most important criterion and will be weighed more heavily in the review and selection process. The Department will assess the applicant's description of the safety problem, safety impact assessment, and costs as part of the Safety Impact criterion:

- Description of the safety problem. DOT will assess the extent to which:
  - The safety problem to be addressed is described, including historical trends, fatal and serious injury crash locations, contributing factors, and crash types by category of road user.
  - Crashes and/or crash risk are displayed in a high-injury network, hot spot analysis, or similar geospatial risk visualization.
  - Project and strategy locations are described in relation to the high-injury network and geospatial information.
  - Safety risk is summarized from risk models, hazard analysis, the identification of high-risk roadway features, road safety audits/assessments, near miss data, and/or other proactive safety analyses.
  
- Safety impact assessment. DOT will assess the extent to which projects and strategies:
  - Align with and comprehensively address the identified safety problems.
  - Are primarily on a high-injury network or address high-risk roadway features correlated with severe crash types.
  - Significantly reduce or eliminate roadway fatalities and serious injuries involving various road users.
  - Use low-cost, high-impact strategies and projects over a wide geographical area.
  - Use evidence-based, Proven Safety Countermeasures or other effective safety countermeasures to significantly improve existing roadways.<sup>21</sup>
  - Use evidence-based Countermeasures that Work with four or five stars to address persistent behavioral safety issues and consider equity in their implementation.<sup>22</sup>
  - Measure safety impact through models, studies, reports, proven noteworthy practices, Crash Modification Factors (CMF), and other information on project and strategy effectiveness.
  - Will have safety benefits that persist over time.<sup>23</sup>
  
- Implementation Costs. DOT will assess the extent to which the projects and strategies:

<sup>21</sup> <https://safety.fhwa.dot.gov/provencountermeasures/>

<sup>22</sup> [https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-09/Countermeasures-10th\\_080621\\_v5\\_tag.pdf](https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-09/Countermeasures-10th_080621_v5_tag.pdf)

<sup>23</sup> <https://highways.dot.gov/safety/data-analysis-tools>

- Efficaciously address past traffic fatalities and serious injuries per \$1 million in funds requested, with data clearly tied to the location and relevant crash type(s). Injuries will be weighted and combined with fatalities to assess this figure in relation to the Federal funding request.<sup>24</sup>
- Are itemized and summarized in a logical manner, including capital costs for infrastructure, behavioral, and operational safety improvements.

### *Selection Criterion #2: Equity, Engagement, and Collaboration*

This criterion supports the legislative requirements to assess the extent to which the application ensures the equitable investment in the safety needs of underserved communities and demonstrates engagement with a variety of public and private stakeholders. The response to this criterion should focus on equity, engagement, and collaboration in relation to the implementation of the projects and strategies. DOT will assess the extent to which projects and strategies:

- Ensure equitable investment in underserved communities in preventing roadway fatalities and serious injuries, including rural communities.
- Consider key population groups (e.g., people in underserved communities, children, seniors, Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, other persons of color, persons with disabilities, persons who live in rural areas) to ensure the impact to these groups is understood and addressed.
- Include equity analysis, both quantitative and qualitative, and stakeholder engagement in underserved communities as part of the development and implementation process.<sup>25</sup>
- Included or will include meaningful engagement with the public, including with disadvantaged communities, during all phases of the project such as planning, design, construction, and implementation.
- Leverage partnerships within their jurisdiction, with other government entities, non-governmental organizations, the private sector, academic institutions, and/or other relevant stakeholders to achieve safety benefits while preventing unintended consequences for persons living in the jurisdiction.
- Align with the equity analysis performed as part of the development of an existing Action Plan, and decrease existing disparities identified through equity analysis.
- Are location areas with cumulative burden experiences as identified through the DOT's Equitable Transportation Community Explorer five component areas.<sup>26</sup>

### *Selection Criterion #3: Effective Practices and Strategies*

DOT will assess the extent to which the applicant demonstrates how the projects and strategies are reflective of established policies, guidelines, standards, and practices to promote systemic safety improvements. DOT will assess the extent to which the projects and strategies:

- Reflect established policies, guidelines, and standards that improve safety decision making.

<sup>24</sup> The weighting will use the Benefit Cost Analysis Guidance 2023 Update: <https://www.transportation.gov/sites/dot.gov/files/2023-01/Benefit%20Cost%20Analysis%20Guidance%202023%20Update.pdf>. One fatality equals 20.9 serious injuries, or 55.2 injured severity unknowns.

<sup>25</sup> See Table 1 under "Equity Considerations" for what equity analysis entails.

<sup>26</sup> The DOT Equitable Transportation Community Explorer can be found at <https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/ETC-Explorer---National-Results/>. The five components are climate & disaster risk burden; environmental burden; health vulnerability; social vulnerability; and transportation insecurity.

- Incorporate an existing Complete Streets Policy that prioritizes safety in standard agency procedures and guidance, or other roadway safety policies that have eliminated barriers to prioritizing the safety of all users.
- Consider the impacts of land use and the built environment to promote safe transportation design.
- Encompass at least three of the five Safe System Approach elements in the National Roadway Safety Strategy (Safer People, Safer Roads, Safer Speeds, Safer Vehicles, and Post-Crash Care) to address the identified safety problem.
- Include a mix of infrastructure, behavioral, operational, and/or post-crash safety activities.
- Incorporate technologies that promote safety and/or equity.
- Improve safety for all road users along a roadway by providing accessible facilities (e.g., Public-Rights-of-Way Accessibility Guidelines [PROWAG]) and correcting barriers to individuals with disabilities.<sup>27</sup>
- Are coordinated with, or support, State-identified safety priorities in the State Strategic Highway Safety Plan and its Vulnerable Road User Safety Assessment.

#### *Selection Criterion #4: Other DOT Strategic Goals*

This program's focus on equity and safety is also advanced by considerations of how applications address climate and sustainability considerations, as well as whether applications support economic competitiveness. DOT will assess the extent to which the projects and strategies use safety strategies to support the Departmental strategic goals of climate change, sustainability, workforce, and economic competitiveness, and the extent to which the proposal is expected to:

#### **Climate and Sustainability**

- Reduce motor vehicle-related pollution such as air pollution and greenhouse gas emissions.
- Increase safety of lower-carbon travel modes such as public transit, micromobility and active transportation (e.g., people biking and walking).
- Improve multimodal transportation systems that incorporate affordable transportation options such as public transit, micromobility, and active transportation such as walking and biking to transit stops and stations.
- Reduce the lifecycle greenhouse gas emissions from the project materials such as the use of lower-carbon pavement and construction materials.
- Support fiscally responsible land use and transportation efficient design to make it convenient to take fewer or shorter trips, and/or reduces greenhouse gas emissions through land use and zoning reform.
- Includes evidence-based climate resilience measures or features such as enhanced storm water management practices, and nature-based solutions that improve the built and/or natural environment.
- Benefit communities most vulnerable to climate change impacts, and follows the Federal Flood Risk Management Standard.

#### **Economic Competitiveness**

- Lead to increased economic or business activity due to enhanced safety features for all road users.
- Increase mobility and expand connectivity for all road users to critical community services such as education and healthcare, jobs, and business opportunities, especially for people in underserved communities.

<sup>27</sup> <https://www.access-board.gov/prowag/>

- Address the unique challenges rural and Tribal communities face related to mobility and economic development, including isolation and transportation cost burden.

### **Workforce**

- For skilled construction labor needed on the project, incorporate strong labor standards (e.g., wages and benefits at or above prevailing; use of project labor agreements, registered apprenticeship programs).
- For non-construction work on the project, commit to supporting training opportunities as part of the project, including pre-apprenticeship or apprenticeship readiness programs and youth service, with a description of how training and job opportunities on the project will lead into registered apprenticeship or good-paying jobs.
- Track and publish aggregate workforce data, including information on demonstrating that employment opportunities are available to historically underserved workers in the community.
- Include Local inclusive economic development and entrepreneurship such as utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned businesses, or 8(a) firms.

### *Selection Criterion #5: Supplemental Planning and Demonstration Activities*

Implementation Grant applicants should only respond to this selection criterion if supplemental planning and/or demonstration activities are included in the application. DOT will assess whether the applicant has described the scope of supplemental planning or demonstration work to be performed; the roadway safety issues that necessitate further Action Plan development, including supplemental planning, and /or demonstration activities, as applicable; and how the funded activities will inform an Action Plan and support the identification of projects and strategies that will:

- Lead to a significant reduction or elimination of roadway fatalities and serious injuries involving various road users;
- Employ low-cost, high-impact strategies that can improve safety over a wider geographical area;
- Involve engaging with a variety of public and private stakeholders;
- Adopt innovative technologies to promote safety and equity; and
- Be evidence-based or build evidence around what works.

Applicants applying to carry out demonstration activities will also be assessed as to whether their approach to measuring the potential benefits of the demonstration activities through data collection and evaluation are described.

### *Consideration: Project Readiness*

Applications will be reviewed for Project Readiness, which will be a consideration for application selection. Project Readiness focuses on the extent to which the applicant will be able to substantially execute and complete the full scope of work in the Implementation Grant application within 5 years of when the grant agreement is executed. This includes information related to required design and construction standards, as well as environmental, permitting, and approval processes. DOT will evaluate the extent to which the application:

- Documents all applicable local, State, and Federal requirements.
- Includes information on activity schedule, required permits and approvals, the National Environmental Policy Act (NEPA) class of action and status, State Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) status (if applicable), public involvement, right-of-way acquisition plans, procurement schedules, multi-party agreements, utility relocation plans and risk and mitigation strategies, as appropriate.
- Is reasonably expected to begin any construction-related projects in a timely manner consistent with all applicable local, State, and Federal requirements.

### *Award Considerations:*

The Department may consider the following when selecting SS4A Implementation Grant awards:

- The percentage of Implementation Grant funds that will be spent in, and provide safety benefits to, locations in Census tracts designated as underserved communities as defined by this NOFO.<sup>28</sup>
- Whether the applicant is in a rural area.
- Whether the applicant is identified as a priority community within the federal Thriving Communities Network.<sup>29</sup>
- Whether the applicant would enhance the geographic diversity of Implementation Grant award recipients.
- Federal funding requests for project and strategy activities totaling \$10 million or less (i.e., the supplemental planning and demonstration activities do not count toward the \$10 million total).
- Whether the applicant has a finalized comprehensive safety action plan that includes all components in Table 1 by April 2024.
- Whether the applicant has a Killed and Serious Injuries per \$1 million in Federal funding rate is high compared to other Highly Rated applications.

## 2. Review and Selection Process

This section addresses the BIL requirement to describe the methodology for evaluation in the NOFO, including how applications will be rated according to selection criteria and considerations, and how those criteria and considerations will be used to assign an overall rating. The SS4A grant program review and selection process consists of eligibility reviews, merit criteria review, and Senior Review. The Secretary makes the final selections.

Among well-rated applicants, the Secretary may prioritize Implementation Grant applicants and jurisdictions that did not receive an SS4A Implementation Grant in previous funding rounds over applicants that did receive an FY 2022 or FY 2023 Implementation Grant award.

### i. Planning and Demonstration Grant Review and Selection Process

#### *a) Overall Selection Process and Ratings*

The process for the application review is described below:

Teams of Department and contractor support staff will review all applications to determine eligibility based on the eligibility information in Section C.

- An eligible Planning and Demonstration Grant application received by one of the three deadlines will be reviewed for its merit based on the selection criteria in Section E.1.i.
- Planning and Demonstration Grant applications will have three different groups that are each reviewed and evaluated separately depending on when the application was submitted versus the deadline dates.
- If multiple applications are received from the same applicant, the last one submitted will be reviewed.
- Applications are rated numerically based on Merit Criteria #1 Safety Impact and #2 Equity Criteria.
- The #3 Additional Safety Context criterion narrative will be reviewed and assessed, and then receive a rating of “High,” “Medium,” “Low,” or “Not Qualified.” Applications that do not address the #3 Additional Safety Context are deemed “not qualified” and will not be considered for award.

<sup>28</sup> See the definition of an underserved community, which includes Census tracts identified in the OMB CEJST and DOT ETCE tools.

<sup>29</sup> Thriving Community Networks include the Rural Partner Network, Energy Communities, or DOT Thriving Communities Initiative

- The Teams will note which of the three Planning and Demonstration Grant activities—develop a new Action Plan, conduct supplemental planning to update an existing plan, and carry out demonstration activities to inform the development or update of an Action Plan—are requested in an application.
- To ensure that final selections will meet the statutory requirement that no more than 15 percent of program funds may be awarded to eligible applicants in one State, applications will have their State location denoted. Awards to Federally recognized Tribal governments are not counted toward this 15 percent maximum.
- The Teams will examine the locations of the applicants to identify if an applicant is requesting funds to develop an Action Plan in a geographic area that received funds to develop an Action Plan in a FY 2022 or FY 2023 grant, as well as any potential overlap in geographic boundaries in funding requests for FY 2024. DOT will assess the extent to which the application to develop an Action Plan is duplicative of existing or proposed activities and reserves the right to request applicants with duplicative funding requests to consolidate their efforts as one multijurisdictional group prior to receiving an award. DOT may decline to fund duplicative applications irrespective of their individual merits.

*b) Additional Safety Context Criterion Rating Methodology*

For the #3 Additional Safety Context, the Department will assess the narrative’s alignment to the selection criterion, and will determine a rating of “high,” “medium,” “low,” or “non-responsive.”

	High	Medium	Low	Non-Responsive
Rating Scale	<p>The application is very responsive to the criteria and is expected to advance safety planning. The narrative has clear descriptions of the work scope and the roadway safety problem to be addressed. The proposed approach will strongly inform an Action Plan.</p> <p><b>For demonstration activities only:</b> The narrative clearly describes how the activities will be measured and evaluated.</p>	<p>The application is responsive to the criteria and is performing safety planning activities. The narrative has descriptions of the work scope and the roadway safety problem to be addressed. The proposed approach will inform an Action Plan.</p> <p><b>For demonstration activities only:</b> The narrative describes how the activities will be measured and evaluated.</p>	<p>The application is minimally responsive to the criteria. The proposed approach is weakly tied to an Action Plan.</p> <p><b>For demonstration activities only:</b> The narrative provides minimal detail on how the activities will be measured and evaluated.</p>	<p>The narrative indicates the proposal is counter to the criteria, does not contain sufficient information, or is not connected to an Action Plan.</p> <p><b>For demonstration activities only:</b> Detail on how the activities will be measured and evaluated are not included.</p>

ii. Implementation Grant Review and Selection Process

*a) Overall Selection Process and Ratings*

Teams of Department and contractor support staff review all applications to determine whether they are eligible applicants based on the eligibility information in Section C. If multiple applications are received from the same applicant, the last one submitted will be reviewed. All eligible Implementation Grant applications received by the deadline will be reviewed and receive ratings for each of these criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; #4 Other DOT Strategic Goals. Based on the criteria

ratings, the Department will assign an overall application rating of “Highly Recommended,” “Recommended,” “Acceptable,” or “Not Recommended” as a result of evaluation team consensus discussion. The selection criteria are considered in numeric order of most to least important (e.g., criterion #1 Safety Impact will be considered most heavily, followed by #2 Equity, Engagement, and Collaboration as the second most important).

Implementation Grant applications that include supplemental planning or demonstration activities will also be reviewed for criterion #5 Supplemental Planning and Demonstration Activities, but it will not affect the overall Implementation Grant rating. Instead, DOT will use the information to determine whether the supplemental planning and/or demonstration activities should be funded as part of the overall project. DOT is more likely to fund, as part of an overall implementation project, supplemental planning and demonstration activities that rate well on criterion #5. Alternatively, DOT may award an Implementation Grant but exclude proposed supplemental planning or demonstration activities from the scope of the award if those activities were not rated well under criterion #5.

*b) Safety Impact Criterion Rating Methodology*

For the #1 Safety Impact criterion, the Department will assess three subcomponents, and for each determine a rating of “high,” “medium,” and “low,” or “non-responsive.” The three subcomponents are: the description of the safety problem; the safety impact assessment; and the implementation costs.

The sub-ratings will use the guidelines below:

	High	Medium	Low	Non-responsive
Description of the Safety Problem	The narrative and supporting information demonstrate the proposal is addressing a substantial safety problem. The narrative is well-articulated and is strongly supported by data and analysis. The narrative links the specific safety problem to relevant historical data at intervention locations and describes whether the locations are on their high-injury network or equivalent.	The narrative and supporting information demonstrate the proposal is addressing an existing safety problem. Narrative articulates the description, is generally supported by data and analysis. The narrative links the specific safety problem to relevant historical data and refers to the high-injury network or equivalent.	The narrative and supporting information demonstrate the proposal is addressing a safety problem more minor in scope. The narrative is not well-articulated, and the supporting data and analysis are limited. The narrative provides an overall connection between the safety problem and the jurisdiction’s historical data.	The narrative and supporting information do not address a safety problem.

	High	Medium	Low	Non-responsive
Safety Impact	The projects and strategies have comprehensively addressed the safety problem. The projects and strategies proposed are highly effective, based on evidence, use a systemic approach, are mostly on a high-injury network, and have benefits that persist over time.	The projects and strategies address the safety problem. Most of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, are at least partially on a high-injury network, and have benefits that persist over time.	The projects and strategies address the safety problem to a limited degree. Some or none of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, or have benefits that persist over time.	The projects and strategies do not address the safety problem.
Implementation Costs	The costs for the implementation of the projects and strategies are clearly articulated, well-summarized, and reasonable. The projects and strategies address locations that have many historical fatalities and serious injuries, and the supporting data are clearly relevant to the crash location and type. The projects and strategies are expected to prevent a significant number of fatalities and serious injuries per funds requested.	The costs for the implementation of the projects and strategies are summarized and appear to be reasonable. The projects and strategies address locations that have some historical fatalities and serious injuries, and the supporting data are clearly tied to the location. The projects and strategies are expected to prevent some fatalities and serious injuries per funds requested.	The costs for the implementation of the projects and strategies are not well-articulated or missing key details, and it is uncertain whether the costs are reasonable. The projects and strategies address locations that have very few to no historical fatalities and serious injuries, and the supporting data is general in nature. The projects and strategies may have minimal impact.	Cost information and/or fatality and serious injury information are not provided.

*c) Other Criteria Rating Methodology*

For the merit criteria #2 Equity, Engagement, and Collaboration, #3 Effective Practices and Strategies, and #4 Other DOT Strategic Goals, the Department will consider whether the application narrative is clear, direct, responsive to the selection criterion focus areas, logical, and includes specific details and examples, which will result in a rating of “high,” “medium,” “low,” or “non-responsive.”

	High	Medium	Low	Non-Responsive
Rating Scale	The application is substantively responsive to the criteria, with clear, direct, and logical narrative. Compelling, specific details directly connected to the project, as well as quantified or illustrative examples, are provided.	The application is moderately responsive to the criteria, with mostly clear, direct, and logical narrative. Some details and examples are provided.	The application is minimally responsive to the criteria and is somewhat addressed in the narrative. General information is provided.	The narrative indicates the proposal is counter to the criteria or does not contain sufficient information.

All applications will receive a Project Readiness evaluation, as described below. The reviewers will use the application materials outlined in Section D to assess the applicant’s Project Readiness and will provide a rating of either “Likely” or “Unlikely.”

	Likely	Unlikely
Rating Scale	Based on the information provided in the application and the proposed scope of the projects and strategies, it is likely the applicant can complete all projects and strategies within a 5-year time horizon. Application provides information on NEPA status, utility relocation, and right-of-way acquisition.	Based on the information provided in the application and the proposed scope of the projects and strategies, it is uncertain whether the applicant can complete all projects and strategies within a 5-year time horizon. Application is missing information on NEPA status, and whether utility relocation and/or right-of-way acquisition is required.

Implementation Grant applications that include supplemental planning and/or demonstration activities will be assessed on the extent to which the narrative aligns with the selection criterion #5 Supplemental Planning and Demonstration Activities and will be evaluated to determine a rating of “high,” “medium,” “low,” or “non-responsive.”

	High	Medium	Low	Non-Responsive
Rating Scale	<p>The application is very responsive to the criteria and is expected to advance safety planning. The narrative has clear descriptions of the work scope and the roadway safety problem to be addressed. The proposed approach will strongly inform an Action Plan.</p> <p><b>For demonstration activities only:</b> The narrative clearly describes how the activities will be measured and evaluated.</p>	<p>The application is responsive to the criteria and is performing safety planning activities. The narrative has descriptions of the work scope and the roadway safety problem to be addressed. The proposed approach will inform an Action Plan.</p> <p><b>For demonstration activities only:</b> The narrative describes how the activities will be measured and evaluated.</p>	<p>The application is minimally responsive to the criteria. The proposed approach is weakly tied to an Action Plan.</p> <p><b>For demonstration activities only:</b> The narrative provides minimal detail on how the activities will be measured and evaluated.</p>	<p>The narrative indicates the proposal is counter to the criteria, does not contain sufficient information, or is not connected to an Action Plan.</p>

iii. Senior Review Team Phase

a) *Planning and Demonstration Grant Senior Review Team Phase*

For the Planning and Demonstration Grants, the Secretary will review the three quantitative criteria ratings as well as the rating from the Additional Safety Context and select projects that are most advantageous to the U.S. Government’s interest. The Secretary will consult with a Senior Review Team (SRT) to make the determinations. This process will occur separately three times based on when the application is received. If a Planning and Demonstration Grant is not selected for an award, the applicant may receive a debrief from DOT and then reapply for a later deadline on or before August 29.

b) *Implementation Grant Senior Review Team Phase*

Once every Implementation Grant application has been assigned an overall rating based on the methodology above, all “Highly Recommended” applications will be included in a list of Applications for Consideration. The SRT will also review all “Highly Recommended” applications that received an “Unlikely” project readiness rating, and either remove those applicants from the Applications for Consideration or recommend a reduced scope to remove components that reduced the project’s readiness, so that if awarded the applicant would be likely to complete the scope of work within 5 years of the grant agreement execution. The Secretary will consider the applications with a reduced scope due to the Unlikely project readiness in the same way as applications with a “Likely” rating.

Additionally, to ensure the funding awards align to the extent practicable to the program goal of equitable investment in the safety needs of underserved communities, the SRT may review “Recommended” applications and set a threshold based on the percentage of funds that will be spent in, and provide safety benefits to, locations within underserved communities. Any “Recommended” applications at or above that threshold will be included in the proposed list of Applications for Consideration. Any “Recommended” applications that would otherwise be added to the Applications for Consideration will also receive a SRT project readiness review similar to all “Highly Recommended” applications.

For applications that would not otherwise be included on the list of Applications for Consideration, the SRT may include applications with supplemental planning and demonstration activity funding that received a “High” or “Medium” rating for selection criterion #5 Supplemental Planning and Demonstration Activities. The SRT may recommend the Secretary to fund a reduced scope of only the supplemental planning and demonstration activities for these applications.

For each grant type, the SRT will present the list of Applications for Consideration to the Secretary, either collectively or through a representative of the SRT. The SRT may advise the Secretary on any application on the list of Applications for Consideration, including options for reduced awards; the Secretary makes final selections. If an Implementation Grant application includes supplemental planning and demonstration activities, DOT may award just those activities as a standalone Planning and Demonstration Grant based on the rating received in selection criterion #5 Supplemental Planning and Demonstration Activities. The Secretary’s final selections identify the applications that best address program requirements and are most worthy of funding.

### 3. Additional Information

Prior to entering into a grant agreement, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. As part of the risk assessment, 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.

Because award recipients under this program may be first-time recipients of Federal funding, DOT is committed to implementing the program as flexibly as permitted by statute and to provide assistance to help award recipients through the process of securing a grant agreement and delivering both Planning and Demonstration Grant activities and Implementation Grant projects and strategies. Award recipients are encouraged to identify any needs for assistance in delivering the Implementation Grant projects and strategies so that DOT can provide directly, or through a third party, sufficient support and technical assistance to mitigate potential execution risks.

### 4. Anticipated Announcement and Federal Award Dates

The Department anticipates making three rounds of awards for this NOFO: a first round in May only focused on applications requesting Planning and Demonstration Grant awards; a second round that will encompass Implementation Grant as well as Planning and Demonstration Grant awards; and a final round by November 17 only focused on Planning and Demonstration Grant awards. .

## F. Federal Award Administration Information

### 1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce awarded applications by posting a list of selected recipients at <https://www.transportation.gov/grants/SS4A>. The posting of the list of selected award recipients will not constitute an authorization to begin performance. Following the announcement, the Department will contact the point of contact listed in the SF-424 to initiate negotiation of a grant agreement unless the applicant notifies DOT of a changed contact via [SS4A.FHWA@dot.gov](mailto:SS4A.FHWA@dot.gov).

## 2. Administrative and National Policy Requirements

### i. Climate Change and Environmental Justice

Each applicant selected for SS4A grant funding must demonstrate effort to consider climate change and environmental justice impacts as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds, consistent with Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).

### ii. Equity and Barriers to Opportunity

Each applicant selected for SS4A grant funding must demonstrate effort to improve equity and reduce barriers to opportunity as described in Section A. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds, consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009).

### iii. Civil Rights and Title VI

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

### iv. National Environmental Policy Act of 1969 (NEPA)

Funding recipients must comply with NEPA under 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality's NEPA implementing regulations at 40 CFR §§ 1500-1508, where applicable. Obligation of Federal funds for final design, right-of-way acquisition, utility relocation, and/or construction will not occur until NEPA approval is received. In these cases, the grant agreement will require phasing, adding time delays and additional signature approvals when new phases begin.

### v. Domestic Preference Requirements

As expressed in Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Infrastructure projects and demonstration activities are subject to the Build America, Buy America Act (Pub. L. No 117-58, div. G §§ 70901-70927) as clarified in OMB Memorandum M-22-11.<sup>30</sup> The Department expects all recipients to comply with this requirement. Projects under this notice will be subject to the domestic preference requirements at § 70914 of the Build America, Buy America Act.

### vi. Labor and Workforce

Each applicant selected for SS4A grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving

<sup>30</sup> Pub. L. No. 117-58, division. G, Title IX, Subtitle A, 135 Stat. 429, 1298 (2021). For additional information on § 70914, see OMB-22-11. <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>

funds, consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

#### vii. Federal Contract Compliance

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

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of Federally- assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. DOT will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award.

#### viii. Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber threats, consistent with Presidential Policy Directive 21, Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Each applicant selected for SS4A grant funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities. Award recipients that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving Implementation Grant funds.

#### ix. Project Signage and Public Acknowledgements

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

#### x. Other Administrative and Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR § 200 as adopted by the Department at 2 CFR § 1201. Additionally, as permitted under the requirements described above, applicable Federal laws, rules, and regulations of the relevant operating administration (e.g., the Federal Highway Administration) administering the activities will apply to the activities that receive SS4A grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department's other highway and transit grant programs. DOT anticipates grant recipients to have varying levels of experience administering Federal funding agreements and complying with

Federal requirements, and DOT will take a risk-based approach to SS4A program grant agreement administration to ensure compliance with all applicable laws and regulations.

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

### 3. Reporting

#### i. Progress Reporting on Grant Activity

Reporting responsibilities include quarterly program performance reports using the Performance Progress Report (PPR) and quarterly financial status using the SF-425 (also known as the Federal Financial Report or SF-FFR).<sup>31</sup>

Budget and recipient performance information will be gathered on a quarterly basis in a Performance Progress Report (PPR). To fulfill the data collection requirements and in accordance with the USDOT Public Access Plan, award recipients must consider, budget for, and implement appropriate data management, for data and information outputs acquired or generated during the course of the grant.<sup>32, 33</sup> Federally recognized Tribal governments receiving grants may request alternative data collection requirements during grant agreement formulation, as appropriate. Applicants are expected to account for data and performance reporting in their budget submission.

#### ii. Post Award Reporting Requirements/Reporting of Matters Related to Integrity and Performance

All award recipients shall submit a report by the end of the period of performance that describes:

- The costs of each eligible project and strategy carried out using the grant;
- The roadway safety outcomes and any additional benefits (e.g., increased walking, biking, or transit use without a commensurate increase in serious and fatal crashes) that each such project and strategy has generated, as—
  - Identified in the grant application; and
  - Measured by data, to the maximum extent practicable;
- The percent of funds spent in, and providing benefits to, underserved communities; and
- The lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.

Implementation Grant recipients must also provide: geo-coordinate information identifying specific project location(s); crash data on serious injury and fatalities in the locations where projects and strategies are implemented on an annual basis and at the end of the period of performance, which are expected to include crash characteristics and contributing factor information associated with the safety problems being addressed; and quantitative and qualitative project benefits documented in a final report.

<sup>31</sup> <https://www.grants.gov/forms/post-award-reporting-forms.html>

<sup>32</sup> <https://doi.org/10.21949/1520559>

<sup>33</sup> United States. Department of Transportation. (2022) *DOT Public Access* [Home page]. <https://doi.org/10.21949/1503647>

Award recipients carrying out demonstration activities must also measure potential benefits through data collection and evaluative activities and report to the Department how the demonstration activities informed an Action Plan’s list of projects and strategies and future implementation.

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 in SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIS)) 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 Pub. L. No. 110–417, as amended (41 U.S.C. § 2313). As required by section 3010 of Pub. L. No. 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. Additionally, if applicable funding recipients must be in compliance with the audit requirements in 2 CFR § 200, Subpart F.

### iii. Program Evaluation

As a condition of grant award, SS4A grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The Department may require applicants to collect data elements to aid the evaluation and/or use information available through other reporting. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

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

## G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Office of the Secretary via email at [SS4A@dot.gov](mailto:SS4A@dot.gov). In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on the Department’s website at <https://www.transportation.gov/grants/SS4A>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Department directly, rather than through intermediaries or third parties, with questions. Department staff may also conduct briefings on the SS4A grant selection and award process upon request.

## H. Other Information

### 1. 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 a few relevant data fields from the application. This includes unsuccessful applicants. The Department may share application information within the Department or with other Federal agencies if the Department determines the applicant could benefit from Federal technical assistance programs, or that sharing is relevant to the respective program's objectives.

### 2. Department Feedback on Applications

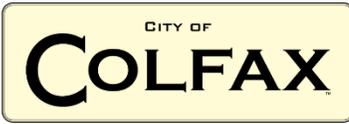
The Department will not review applications in advance, but Department staff are available for technical questions and assistance.

The deadline to submit technical questions is April 17, 2024. Technical questions made on or before March 13, 2024, will be responded to in advance of the first Planning and Demonstration Grant deadline on April 4. The NOFO is listed under opportunity number DOT-SS4A-FY24-01 at [grants.gov](https://www.grants.gov).

The Department strives to provide as much information as possible to assist applicants with the application process. Unsuccessful applicants may request a debrief up to 30 days after the selected funding recipients are publicly announced on <https://www.transportation.gov/grants/SS4A>. Unsuccessful Planning and Demonstration Grant applicants that are not selected are eligible to receive a debrief prior to applying again in this NOFO. Program staff will address questions to [SS4A@dot.gov](mailto:SS4A@dot.gov) throughout the application period.

### 3. Grant Application Resources

The Department will provide resources to help interested applicants understand the different DOT discretionary grant programs through webinars, frequently asked questions, and other materials provided such as the SS4A program website <https://www.transportation.gov/grants/SS4A>. Additional grant applications resources for this and other Departmental grant programs can be found on the DOT Navigator at [www.transportation.gov/dot-navigator](http://www.transportation.gov/dot-navigator). User-friendly information and resources regarding DOT's discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at [www.transportation.gov/rural](http://www.transportation.gov/rural).



# Staff Report to City Council

## FOR THE JULY 10, 2024 REGULAR CITY COUNCIL MEETING

**From:** Ron Walker, City Manager  
**Prepared by:** Ron Walker, City Manager  
**Subject:** Request to Increase Contract Payment Amount

*Budget Impact Overview:*

<b>N/A:</b>	<b>Funded:</b> √	<b>Un-funded:</b>	<b>Amount:</b> \$15,273.18	<b>Fund(s):</b> 300-501, 577
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**RECOMMENDED ACTION:** Adopt Resolution \_\_-2024 authorizing the City Manager to pay over the agreed upon contract amount to Simpson & Simpson Inc. for the Metal Building Project.

### Summary/Background

Central Valley Steel Structures (CVSS) had been contracted to provide and install 2 metal buildings, one at the Wastewater Treatment Facility and the other at the City Corporation Yard. At the time CVSS was not informed that they would need to provide prevailing wages to their staff members, and they would also need to be registered with the Department of Industrial Relations (DIR).

After staffing changes with the City, Carl Moore, City Engineer discovered the project had not been bid at prevailing wage and CVSS was not registered with the DIR. After conversations with the City Attorney and CVSS, Carl contacted Simpson & Simpson to step in and help resolve the issues by purchasing the metal buildings and providing the installation. Unfortunately, CVSS did not make it clear that the building kits were not actually kits, so almost all pieces had to be cut and or trimmed to complete the assembly which increased the installation cost considerably.

Simpson & Simpson bid the project for three days labor, but because of the miscommunication the project took seven days to complete, increasing their cost by \$25,851.18.

### Conclusions and Findings

Considering the increased cost to Simpson & Simpson, they are requesting an additional \$15,273.18 from the city.

### Fiscal Impacts

The fiscal impact to the City is \$15,273.18

### Attachments:

1. Resolution \_\_-2024
2. Simpson & Simpson Agreement
3. Simpson & Simpson Request Letter

# City of Colfax City Council

## Resolution No. \_\_-2024

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### APPROVING AND AUTHORIZING THE CITY MANAGER TO INCREASE THE AGREEMENT WITH SIMPSON AND SIMPSON BY \$15,273.18

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**WHEREAS**, Central Valley Steel Structures (CVSS) had been contracted to provide and install 2 metal buildings, one at the Wastewater Treatment Facility and the other at the City Corporation Yard.; and,

**WHEREAS**, CVSS was not informed that they would need to provide prevailing wage to their staff members, and they would also need to be registered with the Department of Industrial Relations (DIR).; and,

**WHEREAS**, the City Engineer discovered the project had not been bid at prevailing wage and CVSS was not registered with the DIR.; and,

**WHEREAS**, the City Engineer contacted Simpson & Simpson to step in and help resolve the issues by purchasing the metal buildings and providing the installation.

**WHEREAS**, CVSS did not make it clear that the building kits were not actually kits; and,

**WHEREAS**, Simpson & Simpson bid the project for three days labor, but because of the miscommunication the project took seven days to complete, increasing their labor cost to \$25,851.18.

**WHEREAS**, Simpson & Simpson is asking the City to increase the agreement by an additional \$15,273.18.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Colfax approves and authorizes the City Manager to increase the agreement with Simpson & Simpson by \$15,237.18.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** at the Regular Meeting of the City Council of the City of Colfax held on July 10, 2024, by the following vote of the Council:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

**ATTEST:**

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**Kim Douglass, Mayor**

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**Amanda Ahre, City Clerk**

## AGREEMENT FOR CONTRACT SERVICES

THIS AGREEMENT is made and entered into on this **26<sup>th</sup> day of October, 2023** by and between the City of Colfax, a municipal corporation of the State of California (“City”) and Simpson & Simpson, Inc. (“Contractor”).

### RECITALS

A. The City desires to retain Contractor to provide the Services set forth in detail in **Exhibit A** hereto (the “Services”) subject to the terms and conditions of this Agreement.

B. Contractor is duly licensed and sufficiently experienced to undertake and perform the Services in a skilled and workmanlike manner and desires to do so in accordance with the terms and conditions of this Agreement.

Now, therefore, in consideration of the mutual covenants, promises and conditions set forth in this Agreement, the City and Contractor agree as follows:

#### **Section 1. Services.**

Subject to the terms and conditions set forth in this Agreement, Contractor shall furnish and perform all of the Services described in detail in Exhibit A hereto and incorporated herein by this reference (the “Services”) to the satisfaction of the City. Contractor shall not perform any work exceeding the scope of the Services described in Exhibit A without prior written authorization from the City.

#### **Section 2. Time of Completion.**

Contractor’s schedule for performance of the Services is set forth in Exhibit A hereto which is incorporated herein by this reference. Contractor shall commence performance of the Services promptly upon receipt of written notice from the City to proceed. Performance of the Services shall progress and conclude in accordance with the schedule set forth in Exhibit A. During the performance of the Services, Contractor shall provide the City with written progress reports at least once each month and at such additional intervals as City may from time to time request.

#### **Section 3. Compensation.**

A. Except as may otherwise be provided in Exhibit A or elsewhere in this Agreement or its exhibits, Contractor shall invoice City once each month for the Services performed during the preceding month. Such invoices shall itemize all charges in such detail as may reasonably be required by City in the usual course of City business but shall include at least (i) the date of performance of each of the Services, (ii) identification of the person who performed the Services, (iii) a detailed description of the Services performed on each date, (iv) the hourly rate at which the Services on each date are charged, (v) an itemization of all costs incurred and (vi) the total charges for the Services for the month invoiced. As long as the Contractor performs the Services to the satisfaction of the City, the City shall pay the Contractor an all inclusive compensation that shall not exceed the amount as detailed in Exhibit A except pursuant to an authorized written change

order issued pursuant to Section 15 of this Agreement before the Services requiring additional compensation are performed. City shall pay Contractor no later than thirty (30) days after approval of the monthly invoice by City's staff.

B. The Contractor's compensation for the Services shall be full compensation for all indirect and direct personnel, materials, supplies, equipment and services incurred by the Contractor and used in carrying out or completing the Services. Payments shall be in accordance with the payment schedule established in Exhibit A or elsewhere in this Agreement or its exhibits.

C. The City shall have the right to receive, upon request, documentation substantiating charges billed to the City pursuant to this Agreement. The City shall have the right to perform an audit of the Contractor's relevant records pertaining to the charges.

D. Any Services performed more than sixty (60) days prior to the date upon which they are invoiced to the City shall not be compensable.

#### **Section 4. Professional Ability; Standard of Quality.**

City has relied upon the professional training and ability of Contractor to perform the Services described in Exhibit A as a material inducement to enter into this Agreement. Contractor shall therefore provide properly skilled professional and technical personnel to perform all Services under this Agreement. All Services performed by Contractor under this Agreement shall be in a skillful, workmanlike manner in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Contractor's field of expertise.

#### **Section 5. Indemnification.**

Contractor shall hold harmless and indemnify, including without limitation the cost to defend, the City and its officers, agents and employees from and against any and all claims, demands, damages, costs or liability that arise out of, or pertain to, or relate to the negligence, recklessness or willful misconduct of Contractor and/or its agents in the performance of the Services. This indemnity does not apply to liability for damages for death or bodily injury to persons, injury to property, or other loss, arising from the sole negligence, willful misconduct or material defects in design by the City or its agents, servants employees or independent contractors other than Contractor who are directly responsible to the City, or arising from the active negligence of the City officers, agents, employees or volunteers

#### **Section 6. Insurance.**

Without limiting Contractor's indemnification obligations provided for above, Contractor shall take out before beginning performance of the Services and maintain at all times during the life of this Agreement the following policies of insurance with insurers possessing a Best rating of not less than A. Contractor shall not allow any subcontractor, professional or otherwise, to commence work on any subcontract until all insurance required of the Contractor has also been obtained by the subcontractor.

- A. Workers' Compensation Coverage. Statutory Workers' Compensation insurance and Employer's Liability Insurance to cover its employees. In the alternative, Contractor may rely on a self-insurance program to meet its legal requirements as long as the program of self-insurance complies fully with the provisions of the California Labor Code. Contractor shall also require all subcontractors, if such are authorized by the City, to similarly provide Workers' Compensation insurance as required by the Labor Code of the State of California for all of the subcontractor's employees. All Workers' Compensation policies shall be endorsed with the provision that the insurance shall not be suspended, voided, or cancelled until thirty (30) days prior written notice has been provided to City by the insurer. The Workers' Compensation insurance shall also contain a provision whereby the insurance company agrees to waive all rights of subrogation against the City and its elected or appointed officials, officers, agents, and employees for losses paid under the terms of such policy which arise from the Services performed by the insured for the City.
- B. General Liability Coverage. General liability insurance, including personal injury and property damage insurance for all activities of the Contractor and its subcontractors, if such are authorized by the City, arising out of or in connection with the Services. The insurance shall be written on a comprehensive general liability form and include a broad form comprehensive general liability endorsement. In the alternative, the City will accept, in satisfaction of these requirements, commercial general liability coverage which is equivalent to the comprehensive general liability form and a broad form comprehensive general liability endorsement. The insurance shall be in an amount of not less than \$1 million combined single limit personal injury and property damage for each occurrence. The insurance shall be occurrence based insurance. General liability coverage written on a claims made basis shall not be acceptable absent prior written authorization from the City.
- C. Automobile Liability Coverage. Automobile liability insurance covering bodily injury and property damage for all activities of the Contractor arising out of or in connection with this Agreement, including coverage for owned, hired and non-owned vehicles, in an amount of not less than \$1 million combined single limit for each occurrence.
- D. Policy Endorsements. Each general liability and automobile liability insurance policy shall be endorsed with the following provisions:
1. The City, and its elected or appointed officials, employees and agents shall be named as insureds or additional insureds with regard to damages and defenses of claims arising from activities performed by or on behalf of the Contractor.
  2. The insurance afforded by each policy shall apply separately to each insured who is seeking coverage or against whom a claim is made or a suit is brought, except with respect to the insurer's limits of liability.
  3. The insurance shall be primary insurance as respects the City and its elected or appointed officers, officials, employees and agents. Any other insurance maintained by the City or its elected or appointed officers, officials, employees, agents or volunteers shall be in excess of this insurance and shall not contribute with it.

4. The insurance shall not be suspended, voided, cancelled, or reduced in coverage or in limits except after thirty (30) days prior written notice has been provided to the City.
  5. Any failure to comply with the reporting requirements of any policy shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, or agents.
- E. Professional Liability Coverage. If required by the City, Contractor shall also take out and maintain professional liability, errors and omissions insurance in an amount not less than \$1 million. The professional liability insurance policy shall be endorsed with a provision stating that it shall not be suspended, voided, cancelled, or reduced in coverage or in limits except after thirty (30) days written notice has been provided to the City.
- F. Insurance Certificates and Endorsements. Prior to commencing the Services under this Agreement, Contractor shall submit to the City documentation evidencing the required insurance signed by the insurance agent and the companies named. This documentation shall be on forms which are acceptable to the City and shall include all required endorsements and verify that coverage is actually in effect. This Agreement shall not be effective until the required insurance forms and endorsements are submitted to and approved by the City. Failure to provide these forms within the time period specified by City may result in the award of this Agreement to another Contractor should the City, in its sole discretion, decide to do so. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.
- G. Deductible and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by City.
- H. Termination of Insurance. If the City receives notification that Contractor's insurance will be suspended, voided, cancelled or reduced in coverage or in limits, and if the Contractor does not provide for either the reinstatement of that insurance or for the furnishing of alternate insurance containing all of the terms and provisions specified above prior to the termination of that insurance, City may either terminate this Agreement for that breach, or City may secure the required insurance to satisfy the conditions of this Agreement and deduct the cost thereof from compensation which would otherwise be due and payable to the Contractor for Services rendered under the terms of this Agreement.

### **Section 7. Subcontracts.**

Contractor may not subcontract any portion of the Services without the written authorization of City. If City consents to a subcontract, Contractor shall be fully responsible to the City and third parties for all acts or omissions of the subcontractor to which the Services or any portion thereof are subcontracted. Nothing in this Agreement shall create any contractual relationship between City and any subcontractor, nor shall it create any obligation on the part of the City to pay or cause the payment of any monies due to any such subcontractor except as otherwise is required by law.

**Section 8. Assignment.**

Contractor shall not assign any right or obligation under this Agreement without the City's prior written consent. Any attempted assignment of any right or obligation under this Agreement without the City's prior written consent shall be void.

**Section 9. Entire Agreement.**

This Agreement represents the entire understanding of City and Contractor as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered herein. This Agreement may not be modified or altered except in writing signed by both parties.

**Section 10. Jurisdiction.**

This Agreement shall be administered and interpreted under the laws of the State of California. Jurisdiction over any litigation arising from this Agreement shall be in the Superior Court of the State of California with venue in Placer County, California.

**Section 11. Suspension of Services.**

Upon written request by Contractor, City may suspend, in writing, all or any portion of the Services if unforeseen circumstances beyond the control of the City and Contractor make normal progress of the Services impossible, impractical or infeasible. Upon written City approval to suspend performance of the Services, the time for completion of the Services shall be extended by the number of days performance of the Services is suspended.

**Section 12. Termination of Services.**

City may at any time, at its sole discretion, terminate all or any portion of the Services and this Agreement upon seven (7) days written notice to Contractor. Upon receipt of notice of termination, Contractor shall stop performance of the Services at the stage directed by City. Contractor shall be entitled to payment within thirty (30) days for Services performed up to the date of receipt of the written notice of termination. Contractor shall not be entitled to payment for any Services performed after the receipt of the notice of termination unless such payment is authorized in advance in writing by the City.

Should Contractor fail to perform any of the obligations required of Contractor within the time and in the manner provided for under the terms of this Agreement, or should Contractor violate any of the terms and conditions of this Agreement, City may terminate this Agreement by providing Contractor with seven (7) days written notice of such termination. The Contractor shall be compensated for all Services performed prior to the date of receipt of the notice of termination. However, the City may deduct from the compensation which may be owed to Contractor the amount of damage sustained or estimated by City resulting from Contractor's breach of this Agreement.

Contractor's obligations pursuant to Sections 5 and 6 of this Agreement shall survive termination, and continue in effect for as long as necessary to fulfill the purposes of Sections 5 and 6.

### **Section 13. Independent Contractor.**

Contractor shall in all respects be an independent contractor and not an agent or employee of City. Contractor has and shall retain the right to exercise full control and supervision of the means and methods of performing the Services. Contractor shall receive no premium or enhanced pay for Services normally understood as overtime; nor shall Contractor receive holiday pay, sick leave, administrative leave or pay for any other time not actually expended in the performance of the Services. It is intended by the parties that Contractor shall not be eligible for benefits and shall receive no compensation from the City, except as expressly set forth in this Agreement. Contractor shall submit completed W-9 and Report of Independent Contractor forms upon execution of this Agreement and prior to the payment of any compensation hereunder.

### **Section 14. Ownership of Documents.**

Within thirty (30) days after the Contractor substantially completes performance of the Services, or within thirty (30) days after the termination of this Agreement, the Contractor shall deliver to the City all files, records, materials and documents drafted or prepared by Contractor's in the performance of the Services. It is expressly understood and agreed that all such files, records, materials and documents are the property of the City and not the property of the Contractor. All finished and unfinished reports, plans, studies, documents and other writings prepared by and for Contractor, its officers, employees and agents in the course of performing the Services shall become the sole property of the City upon payment to Contractor for the Services, and the City shall have the exclusive right to use such materials in its sole discretion without further compensation to Contractor or to any other party. Contractor shall, at Contractor's expense, provide such reports, plans, studies, documents and writings to City or any party the City may designate, upon written request. Contractor may keep file copies of all documents prepared for City. Use of any such documents by the City for projects that are not the subject of this Agreement or for purposes beyond the scope of the Services shall be at the City's sole risk without legal liability or expense to Contractor.

### **Section 15. Changes and/or Extra Work.**

Only the City Council may authorize extra and/or changed Services, modification of the time of completion of the Services, or additional compensation for the tasks to be performed by Contractor. Contractor expressly recognizes that other City personnel are without authorization to order extra and/or changed Services or to obligate the City to the payment of additional compensation. The failure of Contractor to secure the prior written authorization for such extra and/or changed Services shall constitute a waiver of any and all right to adjustment in the contract price due to such unauthorized Services, and Contractor thereafter shall not be entitled to any compensation whatsoever for the performance of such extra or changed Services. In the event Contractor and City agree that extra and/or changed Services are required, or that additional compensation shall be awarded to Contractor for performance of the Services under this Agreement, a supplemental agreement providing for such compensation shall be prepared and shall be executed by the

Contractor and the necessary City officials before the extra and/or changed Services are provided.

### **Section 16. Compliance with Federal, State and Local Laws.**

Contractor shall comply with all applicable federal, state and local laws, statutes, ordinances, rules and regulations affecting the Services, including without limitation laws requiring licensing and prohibiting discrimination in employment because of race, creed, color, sex, age, marital status, physical or mental disability, national origin or other prohibited bases. City shall not be responsible or liable for Contractor's failure to comply with applicable laws, statutes, ordinances, rules or regulations.

### **Section 17. Retention of Records.**

Contractor and any subcontractors authorized by the terms of this Agreement shall keep and maintain full and complete documentation and accounting records, employees' time sheets, and correspondence pertaining to the Services, and Contractor shall make such documents available for review and/or audit by City and City's representatives at all reasonable times during performance of the Services and for at least four (4) years after completion of the Services and/or termination of this Agreement.

### **Section 18. Alternative Dispute Resolution**

- A. Before resorting to mediation, arbitration or other legal process, the primary contacts of the parties shall meet and confer and attempt to amicably resolve any dispute arising from or relating to this Agreement subject to the following provisions. Any party desiring to meet and confer shall so advise the other party pursuant to a written notice. Within 15 days after provision of that written notice by the party desiring to meet and confer, the primary contacts for each party shall meet in person and attempt to amicably resolve their dispute. Each primary contact, or the person acting in their absence with full authority to resolve the dispute, shall attend the meeting and shall be prepared to devote an entire day thereto. If any dispute remains unresolved at the end of the meeting, any party to this Agreement shall have the right to invoke the mediation process provided for in the subparagraph B below.
- B. Subject to the provisions of subparagraph A, any dispute that remains unresolved after the meet and confer shall immediately be submitted to non-binding neutral mediation, before a mutually acceptable, neutral retired judge or justice at the Sacramento Office of the Judicial Arbitration and Mediation Service ("JAMS"). If within five days after the meet and confer the parties are unable to agree upon the selection of a neutral mediator, then the first available retired judge or justice at the Sacramento office of JAMS shall serve as the neutral mediator. The parties agree to commit to at least one full day to the mediation process. Additionally, to expedite the resolution of any dispute that is not resolved by mediation, the parties agree to each bring to the neutral mediation a list of at least five neutral arbitrators, including their resumes, whose availability for an arbitration hearing within 30 days after the mediation has been confirmed.
- C. If mediation is unsuccessful, before the mediation concludes, the parties shall mediate the

selection of a neutral arbitrator to assist in the resolution of their dispute. If the parties are unable to agree on an arbitrator, the parties agree to submit selection of an arbitrator to the mediator, whose decision shall be binding on the parties. In that case, the mediator shall select a neutral arbitrator from the then active list of retired judges or justices at the Sacramento Office of the JAMS. The arbitration shall be conducted pursuant to the provisions of the California Arbitration Act, sections 1280-1294.2 of the California Code of Civil Procedure. In such case, the provisions of Code of Civil Procedure Section 1283.05 and 1283.1 shall apply and are hereby incorporated into this Agreement.

- D. This section 18 shall survive the termination or expiration of this Agreement. If there is no Sacramento office of JAMS, then the office of JAMS closest to the City shall be used instead of a Sacramento office.

### **Section 19. Severability.**

The provisions of this Agreement are severable. If any portion of this Agreement is held invalid by an arbitrator or by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect unless amended or modified by the mutual written consent of the parties.

### **Section 20. Entire Agreement; Amendment.**

This Agreement, including all exhibits hereto, constitutes the complete and exclusive expression of the understanding and agreement between the parties with respect to the subject matter hereof. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement. This Agreement may be amended or extended from time to time only by written agreement of the parties hereto.

### **Section 21. Time of the Essence.**

Time is of the essence in the performance of the Services. The Contractor will perform its Services with due and reasonable diligence consistent with sound professional practices and shall devote such time to the performance of the Services as may be necessary for their timely completion.

### **Section 22. Written Notification.**

Except as otherwise specified in this Agreement, any notice, demand, request, consent, approval or communications that either party desires or is required to give to the other party shall be in writing and either served personally or sent by first class mail, postage prepaid and addressed as follows. Either party may change its address by notifying the other party in writing of the change of address. Notice shall be deemed communicated within two business days from the time of mailing if mailed within the State of California as provided in this Section.

If to City:	City of Colfax 33 S. Main Street Colfax, CA 95713
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If to Contractor:

Simpson & Simpson  
10001 Ophir Road  
Newcastle, CA 95658

**Section 23. Execution.**

This Agreement may be executed in original counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one original counterpart is signed by both parties hereto. In proving this Agreement, it shall not be necessary to produce or account for more than one such counterpart. In accordance with applicable law, the Parties may execute this Agreement by electronic signature and, if they do so, an electronic signature and this Agreement will have same legal validity and enforceability as a manually executed signature and agreement.

**Section 24. Successors.** This Agreement shall be binding on and inure to the benefit of the respective parties hereto except to the extent of any contrary provision in this Agreement.

**Section 25. Attorney's Fees.** If any party to this Agreement commences legal proceedings to enforce any of its terms or to recover damages for its breach, the prevailing party shall be entitled to recover its reasonable attorney's fees, costs and the expenses of expert witnesses, including any such fees costs and expenses incurred on appeal.

**Section 26. Liquidated Damages.** Contractor and Owner recognize that time is of the essence as stated in Section 2 above and that Owner will suffer financial loss if the Work is not completed within the times specified in Exhibit A, plus any extensions thereof allowed in accordance with Article 11 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner **\$100** for each day that expires after the time specified in Exhibit A for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner **\$100** for each day that expires after the time specified in Exhibit A for completion and readiness for final payment until the Work is completed and ready for final payment.

IN WITNESS WHEREOF, the parties hereby have executed this Agreement on the day first above written:

CITY

DocuSigned by:  
Signature Michael W. Luken  
BB1991DF4DA1486...

Printed Name Michael W. Luken

CONTRACTOR

DocuSigned by:  
Signature Steve Simpson  
ED88661FDAC6476...

Printed Name Steve Simpson

Title Interim City Manager

Date 10/26/2023

Title president

Date 10/27/2023

APPROVED AS TO FORM:

DocuSigned by:  
*Alfred A. "Mick" Cabral*  
ADDBF4EBB3254B6...  
\_\_\_\_\_  
City Attorney

**ARTICLE 5- BASIS OF BID**

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

**BID SCHEDULE**

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Estimated Quantity</u>	<u>Bid Unit Price</u>	<u>Bid Price</u>
1	Mobilization and Demobilization	LS	1		890.00
2	Earthwork Grading	LS	1		5175.00
3	Place 3" AB	CY	19	350.00	6650.00
4	Trenching for Footing	CY	4		1500.00
5	Footings (Corp Yard only)	LF	48	95	5670
6	<b>TOTAL OF BASE BID ITEMS</b>				<b>19,885.00</b>

Nineteen thousand eight hundred eighty five

Bid Item 1, Mobilization and Demobilization shall be no more than 5% of the total of Bid Items 2 through 5.

Unit Prices have been computed in accordance with Paragraph 13.03.A of the General Conditions

Bidder acknowledges that estimated quantities are not guaranteed and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

**TIME FOR SUBSTANTIAL COMPLETION**

Contractor attests that they will complete the work within **80 calendar days** from the construction start date that will be established through a Notice to Proceed issued by the City of Colfax. See Article 6 of this bid form for additional explanation.



# SIMPSON & SIMPSON INC.

LIC. NO. 184056  
 P.O. BOX 6746 • AUBURN, CA 95604  
 (530) 885-4354  
 FAX: 885-0119

June 25<sup>th</sup>, 2024

To Whom It May Concern:

In November 2023 we were contacted by Carl Moore regarding the Metal Building Project for The City of Colfax. To briefly summarize, Martin Jones contracted with Central Valley Steel Structures, to provide and install the 2 metal buildings at Grandview and Rising Sun. Mr. Jones did not inform CVSS that this was a Prevailing Wage job, CVSS had not included prevailing wage labor in their bid, additionally they ran the risk of being assessed a penalty for bidding on this project because they were not registered with the Department of Industrial Relations. Mr. Moore asked Simpson & Simpson to step in to salvage the project. Steve Simpson, owner of Simpson & Simpson wanted to do what he could to assist The City of Colfax as he has been a lifelong resident of Colfax.

The terms of our contract were that we would transfer the purchase of the 2 metal buildings from The City of Colfax, billing the city for the cost with no additional mark up. Additionally, we would provide the labor to install both buildings, this was also done with no additional mark up.

Contract 1 Metal Building costs \$24508

Contract 2 Labor/rental costs \$10578

This project is not in our normal scope of work and was fraught with issues prior to and after Simpson & Simpson accepted the project. What was never made clear by CVSS to Mr. Moore or Simpson & Simpson was that the materials for the buildings were not kits. What was delivered by CVSS were panels of metal that required each piece to be measured, cut, and constructed from large metal sheets with one of the structures having double walled sheets. What on paper looked to be standard metal buildings were anything but. Furthermore, we were provided with a schematic but no instructions. We contacted CVSS for help and were told that when they install these buildings, they send a crew of 6 to 8 for 2 to 3 days, they have no instructions because this is all that they do. It is important to also note that in reviewing the invoices for the structures, each section of the building is listed individually, nowhere does it indicate that this is a measure-cut-construct project. Nowhere did it say that one of the buildings was double walled.

What we BID as a 3-day project became a 7-day project, with this our payroll/rental costs increased to \$25851.18. In the entire history of Simpson & Simpson providing work to the City of Colfax, we have never come back and requested a contract to be adjusted. Unfortunately, we have no other option in this instance. We respectfully request that the City Council consider increasing the existing contract price by \$15273.18.

Thank you for your time and consideration in this matter. If any additional information is needed, I can be contacted at 916-257-3207 or chantell@simpsonpaving.com.

Respectfully,

Chantell Colvis