

**U.S. DEPARTMENT OF TRANSPORTATION  
Federal Highway Administration  
Notice of Funding Opportunity (NOFO) for Fiscal Years (FY) 2022-2023 Wildlife  
Crossings Pilot Program**

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

**ACTION:** NOFO for the Wildlife Crossings Pilot Program

**SUMMARY:**

The purpose of this NOFO is to solicit applications for up to \$111,850,000 in awards under the Wildlife Crossings Pilot Program (WCPP).

Pursuant to 23 U.S.C. 171, funds made available for the WCPP grants are to be awarded on a competitive basis for projects that seek to reduce the number of wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species. This notice describes the application requirements, selection and evaluation criteria, applicable program and Federal requirements, and available technical assistance during the grant solicitation period.

Applicants are encouraged to refer to FHWA's Website at <https://highways.dot.gov/federal-lands/programs/wildlife-crossings> for more program information including fact sheets, additional resources, and points of contact.

**DATES:**

Applications must be submitted electronically through [grants.gov](https://grants.gov) no later than 11:59 p.m., Eastern Standard Time, on August 1, 2023 (the "application deadline"). Applicants are encouraged to submit applications in advance of the application deadline; however, applications will not be evaluated, and awards will not be made, until after the application deadline.

FHWA plans to conduct outreach regarding the WCPP in the form of virtual meetings for Tribes and all applicants. For more information, and to join the Webinars, see <https://highways.dot.gov/federal-lands/programs/wildlife-crossings>. Applicants are encouraged to read the NOFO prior to the Webinar and submit questions ahead of time to [wildlifecrossings@dot.gov](mailto:wildlifecrossings@dot.gov). The Webinar will be recorded and posted on FHWA's Website at <https://highways.dot.gov/federal-lands/programs/wildlife-crossings>. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

**ADDRESSES:**

Applications must be submitted electronically through [grants.gov](https://grants.gov). Refer to Assistance Listing (formerly known as the Catalog of Federal Domestic Assistance Number): 20.205, Highway Planning and Construction.

## **FOR FURTHER INFORMATION CONTACT:**

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

FHWA will not review applications in advance, but FHWA staff are available for technical questions and assistance. In addition, FHWA will post answers to questions and requests for clarifications at [grants.gov](https://www.fhwa.gov/grants) under this NOFO's page. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions.

## **SUPPLEMENTARY INFORMATION:**

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

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**NOTE: FHWA uses [www.grants.gov](http://www.grants.gov) for receipt of all applications. Applicants must register and use the system to submit applications electronically. Applicants are encouraged to register in advance of the submission deadline and to register to receive notifications of updates/amendments to this notice. Approval of user registrations for the site may take multiple weeks. It is the Applicant's responsibility to monitor this site for any updates to this notice.**

## SECTION A - PROGRAM DESCRIPTION

### 1. Overview

In creating the Wildlife Crossings Pilot Program (WCPP), Congress found that there are more than 1,000,000 wildlife<sup>1</sup> vehicle collisions (WVC) annually that result in approximately tens of thousands of serious injuries and hundreds of fatalities on U.S. roadways. (See 23 U.S.C. 171(a)(1), 171(a)(2)(B)). These collisions pose a persistent danger to human safety, and the Federal Highway Administration (FHWA) estimated<sup>2</sup> the total annual cost associated with these WVCs as being over \$8 billion (See 23 U.S.C. 171(a)(2)-(3)). In addition, Congress found that WVCs pose a danger to wildlife survival and are a major threat to the survival of species (23 U.S.C. 171(a)(2)(A)(ii), 171(a)(4)). The Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117-58, November 15, 2021, also known as the “Bipartisan Infrastructure Law,” or “BIL”) authorized a total of \$350 million for FYs 2022 through 2026 to be awarded by the U.S. Department of Transportation (DOT), through the FHWA, for the competitive WCPP. The WCPP is authorized under Section 11123(b) of BIL, and codified at 23 U.S.C. 171, with the goal of reducing WVCs while improving habitat connectivity and conservation for terrestrial and aquatic species (23 U.S.C. 171(b)). Grants are available for all project activities, including but not limited to research, planning, design, and construction. The WCPP seeks applications from State departments of transportation (State DOTs),<sup>3</sup> metropolitan planning organizations (MPOs),<sup>4</sup> units of local government,<sup>5</sup> regional transportation authorities, special purpose districts, public authorities with a transportation function, Indian Tribes,<sup>6</sup> and Federal Land Management Agencies (FLMA) who are seeking projects to reduce WVCs and improve habitat connectivity for terrestrial and aquatic species.

The total amount of funding available in this NOFO is up to \$111,850,000.<sup>7</sup>

The primary goals of the WCPP are to save lives, prevent serious injuries, and protect motorists and wildlife by reducing WVCs, and improve habitat connectivity for terrestrial and aquatic species. Reduction of wildlife vehicle collisions and improvement of terrestrial and aquatic habitat connectivity are the primary merit criteria that will be used in reviewing applications, and each of the primary merit criteria are of equal importance.

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<sup>1</sup> For the purposes of this NOFO, wildlife is defined as wild animals, not domesticated animals or livestock.

<sup>2</sup> Federal Highway Administration (2008). *Wildlife-Vehicle Collision Reduction Study. Report to Congress*. Available at: <https://www.fhwa.dot.gov/publications/research/safety/08034/08034.pdf>. Last accessed on March 22, 2023.

<sup>3</sup> For the purposes of the WCPP, a “State” refers to the 50 States, the District of Columbia, and Puerto Rico (See 23 U.S.C. 101(a)(28)). A State DOT refers to the department of a State responsible for highway construction.

<sup>4</sup> For the purposes of the WCPP, an MPO is defined as the policy board of an organization established as a result of the designation under 23 U.S.C. 134(d) (See 23 U.S.C. 134(b)(2)).

<sup>5</sup> For the purposes of this NOFO, units of local government are defined using the definition found in 2 CFR 200.1.

<sup>6</sup> For the purposes of the WCPP, an Indian Tribe is defined per the definition in 23 U.S.C. 207(m)(1), including a Native village and a Native Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

<sup>7</sup> Section 11101(d)(1) of BIL authorizes from the Highway Trust Fund \$350 million to carry out the WCPP from FY 2022 through 2026. This NOFO solicits applications for the \$60 million authorized for FY 2022 and \$65 million authorized for FY 2023. However, due to the imposition of the annual limitation on obligations of Federal highway programs contract authority, a total of \$111,850,000 of this funding is available for award.

## 2. DOT Administration Priorities

The WCPP aligns with Biden-Harris Administration policies and priorities, including DOT's Strategic Plan<sup>8</sup> goals of Safety, Economic Strength, Equity,<sup>9</sup> Climate and Sustainability, Transformation, and Organizational Excellence. The program will be implemented in line with Administration and Departmental policies and orders including the [America the Beautiful Initiative](#); [White House Council on Environmental Quality Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors](#); [DOT Climate Action Plan](#); [DOT Equity Action Plan](#); Executive Order (EO) 14052, *Implementation of the Infrastructure Investment and Jobs Act* ([86 FR 64355](#)); Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities*<sup>10</sup> *Through the Federal Government* ([86 FR 7009](#)); Executive Order 12898, *Federal Actions to Address Environmental Justice*<sup>11</sup> *in Minority Populations and Low-Income Populations* ([59 FR 7629](#)); Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* ([86 FR 7619](#)); Executive Order 14030, *Climate Related Financial Risk* ([86 FR 27967](#)); and Executive Order 14063, *Use of Project Labor Agreements for Federal Construction Projects* ([87 FR 7363](#)).

### a. Safety

DOT and FHWA are committed to advancing safe, efficient transportation, including in the WCPP. As part of FHWA's commitment to safety, FHWA seeks to fund projects that provide substantial safety benefits and advance safe, efficient transportation under the WCPP. The [National Roadway Safety Strategy](#) (NRSS), issued January 27, 2022, commits DOT 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 and serious injuries through a Safe System Approach which focuses on five key objectives: safer people, safer roads, safer vehicles, safer speeds, and post-crash care. The outcomes that are anticipated from the projects funded by the WCPP should improve the overall safety of the traveling public, mitigate any significant safety risks that could

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<sup>8</sup> See U.S. Department of Transportation Strategic Framework FY 2022-2026 (Dec. 2021) at <https://www.transportation.gov/administrations/office-policy/fy2022-2026-strategic-framework>

<sup>9</sup> The term equity means 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, and Indigenous and Native American persons, 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. See DOT Equity Action Plan, January 2022, available at: [https://www.transportation.gov/sites/dot.gov/files/2022-04/Equity\\_Action\\_Plan.pdf](https://www.transportation.gov/sites/dot.gov/files/2022-04/Equity_Action_Plan.pdf).

<sup>10</sup> The term underserved communities refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of "equity"

<sup>11</sup> Environmental justice, as defined by DOT, is the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin, or educational level with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. See <https://www.transportation.gov/transportation-policy/environmental-justice>

result after the project completion, and align with NRSS. FHWA intends to promote the benefits of reduced public burden and economic drain caused by WVCs, such as loss of income, medical costs, costs of replacing property damage, and decline in productivity and quality of life.

#### **b. Climate Change and Sustainability**

DOT and FHWA seek to fund projects under the WCPP that reduce greenhouse gas emissions in the transportation sector, incorporate evidence-based climate resilience measures and features, reduce lifecycle greenhouse gas emissions from project materials, and 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 EO 14008, *Tackling the Climate Crisis at Home and Abroad*.

#### **c. Equity**

DOT and FHWA also seek to award projects under the WCPP 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, consistent with EO 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*; and EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

#### **d. Workforce Development, Job Quality, and Wealth Creation**

DOT and FHWA intend to use the WCPP 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 EO 14025, *Worker Organizing and Empowerment* ([86 FR 22829](#)) and EO 14052, *Implementation of the Infrastructure Investment and Jobs Act*. DOT and FHWA also intend to use the WCPP to support wealth creation, consistent with [DOT Equity Action Plan](#), through the inclusion of local inclusive economic development and entrepreneurship considerations, such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

In addition, consistent with the DOT's Rural Opportunities to Use Transportation for Economic Success initiative, FHWA seeks to award funding to rural projects that address deteriorating conditions and disproportionately high fatality rates in rural communities. The FHWA is committed to ensuring that not less than 60 percent of the funding made available for grants each fiscal year goes to projects located in rural areas, consistent with the statutory requirement of 23 U.S.C. 171(g).

Note: These DOT Priorities will be considered in the selection process as provided in Section E.2 of this NOFO, which outlines the FY 2022 and 2023 WCPP grant selection criteria and describes the process for selecting projects that further these goals.

Section F of this NOFO describes program requirements and progress and performance reporting

requirements for selected projects, including the relationship between that reporting and the program's selection criteria, and the Administration's goals, as appropriate.

### **3. Additional Information**

- a. The WCPP is described in the Federal Assistance Listings under the assistance listing program title "Highway Planning and Construction" and assistance listing number 20.205.
- b. DOT and FHWA are committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. DOT and FHWA also recognize that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple DOT discretionary opportunities or seek a combination of funding from multiple DOT opportunities.

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

## **SECTION B – FEDERAL AWARD INFORMATION**

### **1. Award Amount Available**

The total amount of funding available for awards under this NOFO is up to \$111,850,000, which comprises funding authorized to be appropriated by the BIL for FY 2022 and FY 2023.

FHWA expects to obligate FY 2022 funds before FY 2023 funds. The FY 2022 funds must be obligated by September 20, 2025, and FY 2023 funds must be obligated by September 30, 2026.

### **2. Award Size and Anticipated Number of Awards**

There is no minimum or maximum award size; however, applicants are encouraged to submit comprehensive applications for large-scale projects with total project costs of \$200,000 or greater. FHWA anticipates awarding between 15- 50 grants with anticipated awards ranging from \$200,000 to \$20 million, although FHWA may also make awards outside of this range. The number of awards will be ultimately determined by the number and quality of applications received in response to this NOFO and the availability of funding. FHWA also reserves the right to award less than the maximum amount presented in the application. The Federal Government is not obligated to make any Federal award as a result of the announcement, and the announcement of an award does not guarantee funding to the successful applicant. FHWA will only obligate funds to successful applicants upon execution of a grant agreement.

### **3. Statutory Funding Provisions**

#### **a. Rural Projects**

FHWA will award 60 percent or more of available funds for projects located in rural areas (23 U.S.C. 171(g)). The definition of “rural areas” is found in 23 U.S.C. 101(a)(25) and refers to all areas of a State that are not urban areas. For the purpose of this notice, in line with 23 U.S.C. 101(a)(35), an urban area is an FHWA Adjusted Urban Area, a map of which can be found [here](#). All locations not designated as urban will be considered rural.

#### **b. Prohibited Use**

Grants funds may not be used to support or oppose union organizing.



#### **4. Types of Projects**

FHWA seeks to award non-construction and construction projects<sup>12</sup> under WCPP.

Examples of Non-Construction Projects include, but are not limited to the following:

- Research on safety innovations to reduce WVCs;
- Research and monitoring on the effectiveness of WVC mitigation;
- Development of mapping tools to document WVCs;
- Analysis of impacts of WVCs and best practices to reduce WVCs;
- Planning studies to identify terrestrial and aquatic wildlife migration corridors and roadway barriers to habitat that lead to WVCs;
- Tracking wildlife and mapping WVCs; or
- Outreach activities to educate the public on the hazards of WVCs.

Examples of Construction projects include, but are not limited to the following:

- Design and pre-construction of an underpass or overpass for wildlife passage;
- Environmental permitting and right-of-way acquisition to construct a wildlife crossing structure;
- Adaptation or replacement of a culvert or bridge structure to accommodate connectivity for terrestrial species that are experiencing WVCs;
- Construction of a wildlife overpass or underpass and fencing;
- Preservation or restoration of habitat necessary to secure the effectiveness of a crossing project; or
- Construction of multiple crossing structures in an area to connect habitat for terrestrial or aquatic species.

See Section C.3.c for more information on eligible projects and activities.

#### **5. Type of Award**

If the grant recipient is any Eligible Entity other than an Indian Tribe or an FLMA, then, pursuant to 23 U.S.C. 171(f)(2)(A)(ii), the State DOT of the State in which the project is located must administer the grant. Where the State DOT administers the grant on behalf of the Eligible Entity, the State DOT must serve as a pass-through entity (23 U.S.C. 171(f)(2)(A)(ii)).

If a grant recipient is a State DOT or if a State DOT will serve as a pass-through entity to the Eligible Entity or an Eligible Partner of the Eligible Entity, WCPP funds will be awarded upon the execution of a project agreement, which is a type of grant agreement for administration of funds to a State DOT in the FHWA Fiscal Management Information System (FMIS).

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<sup>12</sup> The term “construction” means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a project under this program. This includes preliminary engineering, engineering, design-related services directly relating to the construction of a highway project, reconstruction, resurfacing, restoration, rehabilitation, and preservation, acquisition of rights-of-way, relocation assistance, improvements that directly facilitate and control traffic flow, and improvements that reduce the number of wildlife-vehicle collisions. *See* 23 U.S.C. 101(a)(4). The term “non-construction” means any activity that is not considered to be “construction.”

If the grant recipient is an FLMA or Indian Tribe, funds will be administered with advanced payment upon the execution of a grant agreement with the FHWA or through existing agreements, and FHWA's Office of Federal Lands Highway will administer the project (23 U.S.C. 171(f)(2)(A)(i)).

If the grant recipient is not an FLMA or Indian Tribe, grant awards will be administered on a reimbursement basis. In such situations, WCPP funds will reimburse recipients only for eligible costs incurred and for work performed after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. At FHWA's sole discretion, alternative funding arrangements may be considered on a case-by-case basis.

Grant recipients may subaward funds.

## **6. Period of Performance**

If a grant recipient will be a State DOT or if a State DOT will serve as a pass-through entity to a non-State DOT entity awarded a grant, as described in Section B.5, the DOT Payment System will be "Current Bill" in FMIS and the start of the period of performance will begin on the date that WCPP funds are authorized in FMIS and end on the project end date in FMIS.

If a grant recipient will be a Tribe or FLMA, the DOT Payment System will be "DELPHI iSupplier" and the start of the period of performance will begin on the effective date of the grant agreement as executed by FHWA and the recipient, which will obligate the WCPP, and end on the project end date of the period of performance that is listed in the grant agreement.

## **7. Data Collection and Monitoring Requirements**

The WCPP is a pilot program, which FHWA intends to use to identify practices and projects that most effectively reduce WVC and improve wildlife connectivity. Data gleaned from monitoring activities will contribute to research and the development of a study of the practice of methods to reduce WVCs, as required by 23 U.S.C. 172(a), and associated activities.

Performance indicators used in reporting should align with project goals and the primary merit criteria defined in Section E.1.a. The WCPP funds may be used for comparisons over baseline conditions, data collection, monitoring and performance reporting and should be accounted for in the applicant's budget. Before establishing the grant agreement, FHWA will work with grant recipients to determine the most appropriate indicators and metrics to assess project benefits for inclusion in the agreements. Indicators may document changes from an established baseline such as number of WVCs within the project area or degree of ecological benefit from habitat connectivity (e.g., considering pre-project baselines or post-project outcomes). Other indicators or metrics may consist of monitoring or maintenance activities where construction occurs, including those proposed to occur after completion of project construction. Applicants must agree to provide the required data or, if applicable, access to right-of-way or adjacent wildlife corridors for long-term data collection by FHWA or agencies with wildlife jurisdiction. As appropriate, applicants must agree to supply any supporting design reports outlining site

conditions (e.g., geomorphic, and biological) and the constructed “as-built” plans including documented post-construction conditions specific to WVCs and habitat connectivity which will establish baseline conditions for future monitoring.

## **SECTION C – ELIGIBILITY INFORMATION**

To be selected for a grant, an applicant must meet the eligibility requirements under this Section C including: Eligible Applicants; Cost Sharing (Non-Federal Match Requirement); and identified requirements in Other. Applications that do not meet these threshold eligibility requirements will not be evaluated as described in Section E.

### **1. ELIGIBLE APPLICANTS**

Eligible Applicants for the WCPP are the following individual entities or a group of such eligible entities (23 U.S.C. 171(c)):

- 1) A State DOT;
- 2) An MPO;
- 3) A unit of local government;
- 4) A regional transportation authority;
- 5) A special purpose district or public authority with a transportation function;
- 6) An Indian Tribe; or
- 7) An FLMA.

FHWA encourages multiple Eligible Applicants to submit a joint application. Such applications must identify a lead applicant as the primary point of contact (POC) and identify the primary recipient of the award. Joint applications should include a description of the roles and responsibilities of each applicant and be signed or include a letter of support by each applicant.

Eligible Applicants can apply for funding from the WCPP in concert with Eligible Partners, and if funding is received, may provide such funding to Eligible Partners of the project in accordance with the terms of the grant agreement (23 U.S.C. 171(f)(2)(B)). Eligible Partners include the following entities or a group of the following entities:

- 1) An MPO;
- 2) A unit of local government;
- 3) A regional transportation authority;
- 4) A special purpose district or public authority with a transportation function;
- 5) An Indian Tribe;
- 6) An FLMA;
- 7) A foundation, nongovernmental organization, or institution of higher education; or
- 8) A Federal, Tribal, regional, or State government entity.

An Eligible Entity that receives a WCPP grant and enters into a partnership with an Eligible Partner must establish measures to verify that the Eligible Partner complies with the conditions of the WCPP in using WCPP funds (23 U.S.C. 171(f)(3)). FHWA encourages applicants to include such measures they plan to implement in their applications. Regardless of whether an Eligible Partner is involved, the Eligible Applicant remains responsible for meeting the conditions of the grant agreement. Applicants are asked to describe their role with expected partners and other applicants in their applications. For more information, see Section D.2.c.I.

## 2. COST SHARING (NON-FEDERAL MATCH REQUIREMENT)

Cost sharing (non-Federal match) means the portion of project costs not paid using Federal funds, including WCPP funds.

As the WCPP is under Title 23, U.S.C., the Federal share for projects under the WCPP is 80 percent of total project costs, unless an exception, such as ones noted below, applies (23 U.S.C. 120(b)). This means that, unless a verified exception applies, awardees must provide at least 20 percent of the total project cost (not 20 percent of the Federal share) as a non-Federal match. For example, on a \$5,000,000 project, the maximum Federal share would be \$4,000,000 and the minimum required non-Federal matching share would be \$1,000,000. For more information, see [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fedshare\\_fact\\_sheet.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fedshare_fact_sheet.cfm).

There are some flexibilities that may allow the Federal share to increase to more than 80 percent of project costs, which would mean that the awardee would have to provide a smaller matching share. For example, pursuant to 23 U.S.C. 120(c)(1), the Federal share for certain safety projects may be 100 percent of the cost of such construction projects. In addition, 23 U.S.C. 120(a) and (b) authorize an upward adjustment, also known as a sliding scale, to the Federal share for projects in States containing Federal and nontaxable Indian lands. The amount of the upward adjustment is based on the percentage of Federal nontaxable Indian lands in the State.<sup>13</sup>

Unless specifically authorized by Congress, all matching funds must come from non-Federal sources. Examples of programs where Federal funds can be used for the matching share include the Tribal Transportation Program under 23 U.S.C. 202 and the Federal Lands Transportation Program under 23 U.S.C. 203; per 23 U.S.C. 120(k), such funds can be used toward the matching share for the WCPP for a project that provides access to or within Federal or Tribal land. Again, it is important to note that other Federal funds cannot be used as an applicant's matching share unless that ability is specifically provided by Congress in statute, such as the clear language of 23 U.S.C. 120(k). Applicants could not, for example, use Highway Safety Improvement Program funds under 23 U.S.C. 148 to serve as the matching share for a safety-related project under the WCPP.

Beyond Federal funds that are specifically authorized to be used as matching funds, the matching share can come from private, local, Tribal, and State funds. In accordance with 2 CFR 200.306, grant recipients may use in-kind or cash contributions toward the match requirements so long as those contributions meet the requirements of 2 CFR 200.306(b). Matching funds are subject to the same Federal requirements as WCPP funds.

Applicants should document cost sharing in their application, including the ability to provide the 20 percent match under 23 U.S.C. 120(b) or, if the applicant believes a different matching share applies, a justification as to why that Federal share percentage applies and documentation indicating their ability to provide that alternative matching share.<sup>14</sup> FHWA will make the final determination on the match percentage required for each awarded project. For that reason, and since applications that do not provide a sufficient matching share will not be eligible to receive

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<sup>13</sup> The FHWA publishes [guidance](#) with the specific share allowable in each State based on the sliding scale.

<sup>14</sup> See Section D.2.c.ii for more information about documenting cost sharing in the application.

WCPP funds, FHWA recommends applicants document their ability to provide a 20 percent matching share as well as document any alternative matching share that the applicant believes is applicable. In addition, as noted in Criterion #2.1 in Section E.1.b, pursuant to 23 U.S.C. 171(e)(2)(A), FHWA will consider the extent to which a proposed project is likely to leverage Federal investment by encouraging non-Federal contributions to the project.

For each project that receives a grant under this notice, FHWA expects the project to be completed using at least the level of non-Federal funding that was specified in the application.

FHWA will not consider previously incurred costs or previously expended or encumbered funds toward the matching requirement for any project.

### **3. OTHER**

#### **a. Number of Applications**

There is no limitation on the number of applications that may be submitted by an eligible applicant. Each application, however, must be complete and able to stand on its own merits. FHWA encourages joint applications from Eligible Applicants with a lead applicant identified. Further, only one project may be included in each application. An Eligible Entity may not bundle multiple disconnected projects as a single application, but one project may include multiple related components.

#### **b. State Department of Transportation Consultation**

All applicants, other than FLMAs and State DOTs, shall include documentation of consulting with the State DOT in which applicant is located (23 U.S.C 171(d)(2)). FHWA may refer to the consultation outcome as part of the review process. For Tribes, such consultation shall be required only for projects that are not located on Tribal lands. State DOT consultation is an eligibility requirement.

#### **c. Eligible Projects and Project Costs**

Eligible projects must seek to achieve a reduction in WVCs and, in seeking to achieve a reduction in WVCs, also improve habitat connectivity for terrestrial and aquatic species. (23 U.S.C. 171(b)). Eligible projects may be non-construction or construction projects (23 U.S.C. 171(b))<sup>15</sup>. Construction projects include all activities that lead to a built project, while non-construction projects include all other projects, such as research projects and planning studies. See Section B.4 for examples of types of projects.

Eligible project costs may include the following eligible grant activities for non-construction projects: planning, research, public outreach, and feasibility analyses.

Eligible project costs may include the following eligible grant activities for construction projects: environmental review, preliminary engineering and design work, preservation, replacement,

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<sup>15</sup> Since the statute is silent and the range of eligible activities that may constitute a “project”, FHWA broadly construes this eligibility to include both construction and non-construction activities.

reconstruction, rehabilitation, acquisition of real property and rights-of-way, environmental mitigation, permitting, public outreach project monitoring, construction contingencies, and operations.

FHWA recognizes that some potential projects may focus on subsets of activities within project development (e.g., environmental reviews or preliminary engineering) or propose to complete project activities (e.g., final design and construction). FHWA will allow projects consisting of such subsets.

All project costs must conform to 2 CFR 200.403 and FHWA reserves the right to make cost eligibility determinations on a case-by-case basis. Submission of an eligible project is an eligibility requirement.

#### **d. Definition of Urban and Rural Communities**

In selecting grants, FHWA shall award at least 60 percent of funds to rural areas (23 U.S.C. 171(g)).

The definition of “rural areas” is found in 23 U.S.C. 101(a)(25) and refers to all areas of a State that are not urban areas. For purposes of this notice, an urban area refers to an FHWA Adjusted Urban Area, a map of which can be found [here](#). All other locations that are not designated as urban will be considered rural.

## SECTION D - APPLICATION AND SUBMISSION INFORMATION

### 1. ADDRESS TO REQUEST APPLICATION PACKAGE

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

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

- Opportunity Number: 693JJ323NF00011
- Opportunity Name: FY 2022-2023 Wildlife Crossings Pilot Program
- Assistance Listing Number: 20.205

When at one of these webpages, select the opportunity, which will open to a webpage with several tabs. The first tab is a synopsis of the opportunity. Select the Application Package tab to download the forms needed to submit an application.

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. If potential applicants are unable to download the application package from the internet, they may send a written request for a paper copy to the NOFO POC, listed on Page 2 of this NOFO.

### 2. CONTENT AND FORM OF APPLICATION SUBMISSION

#### a. Application Submittals

All applications must be submitted electronically through [grants.gov](https://www.grants.gov).

The application must include the following mandatory forms, submitted as individual PDF documents, based on the type of project:

<b>Required Forms for Non-Construction Project Applications:</b>	<b>Required Forms for Construction Project Applications:</b>
Standard Form 424 (Application for Federal Assistance)	Standard Form 424 (Application for Federal Assistance)
Grants.gov Lobbying Form (Certification Regarding Lobbying)	Grants.gov Lobbying Form (Certification Regarding Lobbying)
Disclosure of Lobbying Activities form (SF-LLL)	Disclosure of Lobbying Activities form (SF-LLL)
Standard Form 424A (Budget Information for Non-Construction Programs)	Standard Form 424C (Budget Information for Construction Programs)
Standard Form 424B (Assurances for Non-Construction Programs)	Standard Form 424D (Assurances for Construction Programs)
Project Abstract	Project Abstract
Project Narrative	Project Narrative

In addition, the Key Contacts form is optional for all applications.



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

The applicant should ensure they include the information outlined in the WCPP Application Checklist, provided as Attachment 1, in their application.

As further detailed below, the Project Narrative should include basic project information, a detailed project budget, information for FHWA to assess the project merit criteria specified in Section E.1.a and E.1.b, and information for FHWA to assess the project readiness of the project. While applicants do not need to specifically reference the three aspects of Project Readiness described in Section E.1.c in the Project Narrative, information provided by the applicant in the Project Readiness section of the Project Narrative on the project budget and on the technical capabilities of the project should allow FHWA to undertake the three Project Readiness assessments described below.

FHWA recommends that the Project Abstract and Project Narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins on 8½ x 11-inch size paper). Applicants may include maps, graphics, and tables. Text in tables and captions may be smaller than 12-point font but must be legible. The Project Abstract should not exceed 1 page in length. The Project Narrative should not exceed 25 pages in length. Appendices may include documents supporting assertions or conclusions made in the 25-page Project Narrative and do not count toward the 25-page limit.

If possible, Website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the Project Narrative the relevant portion of the Project Narrative that each supporting document supports. FHWA recommends including a table of contents, and using appropriately descriptive final names (e.g., “Project Narrative,” “Maps,” “Memoranda of Understanding and Letters of Support,” etc.) for all attachments.

To the extent practicable, applicants should provide supporting data and documentation in a form that is publicly available and directly verifiable by FHWA.

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

## **b. Project Abstract**

The Project Abstract should summarize the scope of work and type of project that would be completed under the award. Applicants should briefly describe the project goals and outcomes anticipated, including how the project supports the program goals of saving lives, preventing injuries, and protecting wildlife by reducing WVCs; and, in doing so, improving habitat connectivity for terrestrial and aquatic species. Applicants are also encouraged to briefly describe how the project supports the goals of safety, climate change and sustainability, equity and reducing barriers to opportunity, and labor and workforce.

The Project Abstract should not exceed 1 page in length.

### **c. Project Narrative**

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

I. Basic Project Information - Description, Location, and Parties	See D.2.c.i
II. Budget Narrative - Grant Funds, Sources, and Uses of all Project Funding	See D.2.c.ii
III. Project Merit Criteria	See D.2.c.iii
IV. Project Readiness	See D.2.c.iv
V. Administration Priorities	See D.2.c.v

The Project Narrative should provide information necessary for FHWA to determine that the project satisfies project requirements described in Section C for the grant program and to assess the selection criteria specified in Section E.1.

#### **i. Basic Project Information – Project Description, Location, and Parties**

The applicant should provide a concise description of the project including a discussion of the proposed project's history and a description of any previously incurred costs.

The applicant should use this section to place the project into a broader safety context, including the history and trends of WVCs within the project area, any previous studies or interventions regarding WVCs in the project area, and their performance results. The applicant should also use this section to place the project into a broader conservation context as well, including identification of the species that will benefit from the project; existing conservation designations or plans for the wildlife corridor, habitat, or project area; and benefits to ecosystem processes and functions. The applicant may further use this section to place the project into a broader investment context, including information on other infrastructure investments being pursued by the project sponsor or other entities in the transportation corridor, wildlife corridor, or habitat, including other conservation grant programs administered by other Federal, State, or local agencies.

As applicable to the specific type of project, the applicant should describe the project location, including a detailed geographical description of the proposed project (such as the latitude and longitude), a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. The application should also

identify:

- (a) If the project is located in an urban or rural area per the definition for this program described in Section C.3.d of this NOFO. If the project is located in an urban area, the applicant should identify the Adjusted Urban Area; and
- (b) Whether the project is located in one of four federally designated community development zones (Opportunity Zones, Empowerment Zones, Promise Zones, or Choice Neighborhoods).

Information under (b) may be used for DOT's internal data tracking.

This section of the application should further provide details about the lead applicant. The details should include the lead applicant's demonstrated experience with receipt and expenditure of Federal highway program funds under Title 23, U.S.C or other Federal funding sources. FHWA will consider the degree of experience as part of the project readiness evaluation. If an application is rated highly under other criteria, but the applicant has no or limited experience with the receipt and expenditure of Federal highway program funds, FHWA may contact the applicant prior to final selection of awards to discuss technical resources that may be available to assist the applicant in obtaining the capacity and expertise to ensure compliance with all applicable Federal requirements and timely delivery of the project.

The WCPP funds may be provided by an Eligible Applicant to Eligible Partners, including an MPO; a unit of local government; a regional transportation authority; a special purpose district or public authority with a transportation function; an Indian Tribe; an FLMA; a foundation, nongovernmental organization, or institution of higher education; or a Federal, Tribal, regional, or State government entity.

The applicant should describe in detail the role of any expected Eligible Partner and all of the other public and private parties who are expected to be involved in delivering the project, including a specific description of the role of each entity in delivering the project and their experience with applicable wildlife crossing and aquatic organism passage guidelines or standards. An Eligible Entity that enters into a partnership with an Eligible Partner must establish measures to verify that the Eligible Partner complies with the conditions of the WCPP in using WCPP funds (23 U.S.C. 171(f)(3)).

## **ii. Budget Narrative- Grant Funds, Sources, and Uses of all Project Funding**

The application should include information regarding the project's budget that is sufficient for FHWA to evaluate the project's financial completeness. See Section E.1.c for more information on how FHWA will evaluate an applicant's financial completeness.

**Federal Funds:** The applicant should describe the project's budget in detail and the plans for covering the full cost of the project from all sources (including the Federal share and non-Federal/matching share). The applicant should provide the following information:

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

**Detailed Budget:** Project budgets should show how different funding sources will share in each activity and present those data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for or has been awarded, if any, that the applicant intends to use. Funding sources should be grouped into three categories: (1) non-Federal; (2) WCPP Federal funding being requested; and (3) other Federal with specific amounts from each funding source. If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the WCPP statutory cost-sharing requirements described in Section C.2 and those associated with any additional category of Federal funding. The application should include information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases.

In addition to the information described above, this section should provide complete information on how all project funds may be used. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. The budget should clearly identify any expenses expected to be incurred between the applicant being selected for award, and obligation of WCPP funds because such expenses, except as authorized by DOT, are not eligible for reimbursement and may not be used toward the non-Federal match requirements. Complete information about project funds will ensure that FHWA's expectations for award execution align with any funding restrictions unrelated to FHWA, even if an award differs from the applicant's request.

**Grant Funds and Sources/Uses of Project Funds:** The applicant should provide a budget narrative explaining each element of cost to support Standard Form 424A or 424C (as applicable). The applicant should include information about the amount of WCPP Federal funding being requested for the project, availability and commitment of funds sources and uses of all project funds, total project costs, percentage of project costs that would be paid for with WCPP funds, and the identity and percentage shares of all parties providing funds for the project (including Federal funds provided under other programs).

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

### **iii. Project Merit Criteria**

The applicant should describe how the proposal meets the Primary Merit Criteria listed in Section E.1.a. and the Secondary Merit Criteria listed in Section E.1.b. Applicants are encouraged to organize their Project Narrative to address each criterion in order with the applicable heading to assist evaluators in locating the relevant information.

### **iv. Project Readiness**

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

To assist FHWA's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described below, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators.

Section E.1.c describes how FHWA will evaluate project readiness based on the information provided in the application. Applicants also should review that section before considering how to organize their application.

## **1. Technical Feasibility**

As applicable, the applicant should demonstrate the technical feasibility of the project (e.g., conceptual or proposed, engineering or design studies, and activities); the development and/or application of design criteria and/or a basis of design; the basis for the cost estimate presented in the application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work or technical and management plan that focuses on any applicable technical and engineering aspects of the project and describes in detail the project to be completed.

The applicant must demonstrate compliance with Title VI/Civil Rights requirements, to ensure that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, on the basis of race, color, national origin, sex, age, or disability.

Prior to submission, applicants may obtain guidance from:

- An agency in the State with jurisdiction over fish and wildlife to ensure accurate, current, and reliable data and understand the State agency's priorities with respect to habitat connectivity;
- A Federal Agency with jurisdiction for the protection of species and habitat;
- The State DOT or other State agency responsible for maintaining trend analysis and statistics on WVCs;

- The State DOT responsible for updating the State Freight Plan that includes strategies and goals to decrease the impacts of freight movement on wildlife habitat loss;
- Institutions of higher education regarding landscape ecology, and current data;
- Experts in landscape ecology and habitat connectivity;
- FHWA data on [proven safety countermeasures](#);
- FHWA reports such as [Wildlife-Vehicle Collision Reduction Study: Report To Congress \(2008\)](#), [Wildlife Crossing Structure Handbook Design and Evaluation in North America \(2011\)](#), and [Wildlife Vehicle Collision Reduction and Habitat Connectivity Pooled Fund Study \(2022\)](#); and
- Other authoritative sources.

## 2. Project Schedule

The applicant should include a detailed project schedule that identifies all major project milestones for their type of project. Examples of such milestones may include State and local planning approvals (programming on the Statewide Transportation Improvement Program (STIP)); start and completion of the 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; project partnership and implementation agreements including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

- All necessary activities will be complete to allow WCPP funds to be obligated<sup>16</sup> and expended in a timely manner consistent with the proposed project schedule and that any unexpected delays will not put the funds at risk of expiring before they are obligated; and
- all real property and right-of-way acquisition necessary for the project will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no acquisition is necessary. A plan for securing any required right-of-way agreements should be included. If applicable, this section should describe a right-of-way acquisition plan that minimally disrupts communities and maintains community cohesion.

## 3. Required Approvals

### i. Environmental Permits and Reviews

The application should provide documentation of receipt (or the schedule for anticipated receipt) of all environmental approvals and permits necessary for the project to meet the project delivery timeline specified in the project schedule including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. Specifically, in this section the applicant

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<sup>16</sup> Obligation for a WCPP grant occurs when a selected applicant enters into a grant agreement with FHWA, and FHWA authorizes the project to proceed. For construction, this is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements and compliance with 23 CFR 635 subpart C “Physical Construction Authorization.”

may elaborate on the NEPA evaluation process. If the final agency action with respect to NEPA occurred more than 3 years before the application date, the applicant should describe a proposed approach for updating this material in accordance with applicable NEPA reconsideration requirements. This section should also provide:

- Any information on reviews, approvals, and permits by other Federal and State agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies, indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a website link or other reference to copies of any reviews, approvals, and permits prepared.
- Environmental studies or other documents—preferably through a website link—that describe in detail known project impacts, and possible mitigation for those impacts.
- A description of discussions with FHWA regarding the project’s compliance with NEPA and other applicable Federal environmental reviews and approvals.
- A description of public engagement about the project that has or will occur, including details on the degree to which public comments and commitments have been integrated into project development and design, as well as of any future public engagement which is planned.

## **ii. State and Local Approvals**

The applicant should demonstrate receipt (or the schedule for anticipated receipt) of State and local approvals required for the project, such as State and local environmental and planning approvals, and STIP or transportation improvement program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

State DOTs are required to administer WCPP grants for MPOs, units of local government, regional transportation authorities, special purpose districts, or public authorities with a transportation function for that State in which the project is to be carried out (23 U.S.C. 171 (f)(2)(A)(ii)). Therefore, those applicants should demonstrate agreement from the State DOT to administer the grant and include documentation of any necessary State DOT approvals and oversight requirements in their application.

## **iii. Federal Transportation Requirements Affecting State and Local Planning**

The planning requirements applicable to the Federal-aid highway program apply to all WCPP

projects.<sup>17</sup> Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for a construction grant will be specified in the grant agreement signed by FHWA and the grant recipient, will be based on critical path items that the applicant identifies in the application, and will be consistent with relevant State and local plans.

#### **iv. Assessment of Project Risks and Mitigation Strategies**

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, pushback from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks.<sup>18</sup> The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

To the extent they are unfamiliar with the Federal-aid highway program, applicants should contact the FHWA Division office in their State as found at [Field Offices Federal Highway Administration \(dot.gov\)](#) for information on what steps are prerequisite to the obligation of Federal funds to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements. Indian Tribes should contact the [Office of Tribal Transportation](#), and FLMAs should contact the [Office of Federal Lands Highway](#) for additional information specific to those processes.

#### **v. DOT Administration Priorities**

The applicant should include a section to highlight any priority considerations of the Administration described in Section A.2 that the project will address, such as safety, climate change and sustainability, equity, and workforce development, job quality, and wealth creation. Detailed information demonstrating how the project supports the priority consideration(s) and

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<sup>17</sup> In accordance with 23 U.S.C. 134 and 135, all projects requiring an action by FHWA must be in the applicable planning and programming documents (e.g., metropolitan transportation plan, TIP, and STIP). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and MPO. Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a grant.

<sup>18</sup> FHWA considers an applicant's lack of experience with receipt and expenditure of Federal highway funds under Title 23, U.S.C. a material risk.



references to earlier sections of the narrative along with supporting documentation should be included in the application. This information will be considered as provided in the selection process described in Section E.2.

### **3. UNIQUE ENTITY IDENTIFIER (UEI) AND SYSTEM FOR AWARD (SAM)**

Effective April 4, 2022, the Data Universal Numbering System (DUNS) number is no longer required for entities doing business with the Federal Government and has been replaced by the SAM UEI. As of that date, applicants are required to use a UEI issued during the SAM.gov registration process. Active registrants in SAM.gov have had their SAM UEI automatically assigned and it is currently viewable within SAM.gov. There is no additional action necessary for registered entities to take to obtain their SAM UEI.

Each applicant is required to:

- a. Be registered in SAM before submitting their application;
- b. Provide a valid UEI in their application; and
- c. Continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by a Federal awarding agency.

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

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

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

### **4. SUBMISSION DATES AND TIMES**

Applications must be submitted electronically through [grants.gov](https://www.grants.gov) no later than 11:59 p.m., Eastern Time on the date identified on Page 1 of this NOFO. The application deadline is the date and time by which the full and completed application, including all required sections, have been successfully uploaded into [grants.gov](https://www.grants.gov).

Applicants are encouraged to submit applications early. A late application will not be reviewed or considered unless the Government determines that doing so is in FHWA's best interest.

FHWA will not consider late applications that are the result of failure to register or comply with [grants.gov](https://www.grants.gov) applicant requirements in a timely manner. If Applicants are unable to use the system due to verifiable technical difficulties, applicants must follow the instructions listed in Section D.7.e below.

## **5. INTERGOVERNMENTAL REVIEW**

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

## **6. FUNDING RESTRICTIONS**

- a.** Pre-award WCPP costs (that is costs incurred before the award date) will not be reimbursed.
- b.** Grant funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

## **7. OTHER SUBMISSION REQUIREMENTS**

### **a. Scalable Project Options**

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

### **b. Submission Location**

Applications must be submitted to [grants.gov](https://www.grants.gov).

### **c. Consideration of Applications**

Only eligible applicants who comply with all submission deadlines described in this notice and electronically submit a valid and complete applications through [grants.gov](https://www.grants.gov) will be considered for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

### **d. Incomplete Applications**

FHWA may, but is not required to, request additional information, to allow an application to confirm, correct, or complete missing information in the project application.

### **e. Late Applications**

Applicants experiencing technical issues with [grants.gov](https://www.grants.gov) that are beyond the applicant's control must contact [WildlifeCrossings@dot.gov](mailto:WildlifeCrossings@dot.gov) prior to the application deadline with the username of the registrant and details of the technical issue experienced. The applicant must provide:

- 1) Details of the technical issue experienced;
- 2) Screen capture(s) of the technical issues experienced along with corresponding [grants.gov](https://www.grants.gov) "Grant tracking number;"
- 3) The "Legal Business Name" for the applicant that was provided in the SF-424;
- 4) The POC name submitted in the SF-424;
- 5) The UEI associated with the application; and
- 6) The [grants.gov](https://www.grants.gov) Help Desk Tracking Number.

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

After FHWA reviews all information submitted and contact the [grants.gov](https://www.grants.gov) Help Desk to validate reported technical issues, FHWA staff will contact late applicants to approve or deny a request to submit a late application through [grants.gov](https://www.grants.gov). FHWA will not accept appeals of FHWA's decision to approve or deny a request for a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

#### **f. Compliance with Section 508 of the Rehabilitation Act of 1973**

DOT and FHWA encourage applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at <https://www.access-board.gov/ict/>.

#### **g. Grants.gov Process**

Applicants must follow the instructions on [grants.gov](https://www.grants.gov) to successfully use the Website to submit an application. Use of [grants.gov](https://www.grants.gov) may entail the following steps for those setting up new accounts or first-time users:

- 1) Register with SAM at [www.SAM.gov](https://www.SAM.gov)
- 2) Obtain a valid UEI;
- 3) Create a [grants.gov](https://www.grants.gov) account; and
- 4) Respond to the registration email sent to the E-Business POC from [grants.gov](https://www.grants.gov), and log in at [grants.gov](https://www.grants.gov) to authorize the Applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

**NOTE TO APPLICANTS:** The [grants.gov](https://www.grants.gov) registration process may take 2 to 4 weeks.

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

For the submitted application package, FHWA suggests that pictures, graphics, and other large files be reduced in number and quality to keep the size of the files of the application manageable and in line with the [grants.gov](https://grants.gov) maximum size of 200 megabytes for the entire grant application package.

## SECTION E - APPLICATION REVIEW INFORMATION

FHWA will award WCPP funds based on project selection criteria, and the application review process as described in this Section E. Section E.1 describes the project selection criteria. The criteria incorporate the primary and secondary statutory considerations listed in 23 U.S.C. 171(e). The FHWA will also use the criteria to assess how a project will advance DOT policy priorities including safety, increased sustainability and resilience to climate change, and equity.

FHWA will score applications against the project selection criteria based on the data and information provided in the application. Each project selection criteria lists the criterion-specific considerations that FHWA will use to assign ratings of *Strong Alignment*, *Alignment*, or *No Alignment* for each criterion. Section E.2 describes the application review using these ratings and selection process including the different FHWA teams and levels of review. FHWA will first review an application using the Primary Merit Criteria described in Section E.1.a. As described further in Section E.2, FHWA will then review applications rated *Strongly Recommended* or *Recommended* in the Primary Merit Criteria using the Secondary Merit Criteria described in Section E.1.b. Following that, FHWA will then review remaining applications rated *Strongly Recommended* or *Recommended* in the Secondary Merit Criteria through a Project Readiness review as described in Section E.1.c.

### 1. Criteria

#### a. Primary Merit Criteria

Pursuant to 23 U.S.C. 171(e)(1) and to further the purpose of this program, there are two primary merit criteria. Each of the primary merit criteria are of equal importance.

**Criterion # 1.1: Reduction of Wildlife Vehicle Collisions.** FHWA will assess the extent to which the proposed project is likely to protect motorists and wildlife by reducing the number of WVCs.

The application should include the following information where it is available and relevant to the proposed project: (1) the current and projected WVC problem in the proposed project area; and the severity, impacts, and costs of those WVCs; (2) type and configuration of any transportation facility on the landscape within the proposed project area, relevant existing and projected traffic analyses of the relevant area, existing and projected WVC data (including road departures) for the project area, effectiveness of any deployed WVC mitigation measures within the project area, and planned transportation projects that may affect species within the project area; (3) species involved in WVCs within the proposed project area, travel (migratory or movement) corridors that may contribute to WVCs within the proposed project area, roadside habitats and connected habitat corridors of species involved in WVCs within the proposed project area, and other contributing factors that may lead to WVCs as a result of existing conditions within the proposed project area, and; (4) the magnitude of and timeframe for the expected reduction in the number of WVCs as a result of the project, expected improvements to safety of motorists and wildlife based on the proposed project, and a description of the long term maintenance needs for any constructed infrastructure. Applicants should include supporting information such as anecdotal

knowledge; Tribal, State, or regional plans (e.g., transportation safety plans); data; modeling; or graphics to support conclusions.

*Strong Alignment:* The application demonstrates that the project will significantly protect motorists and wildlife by reducing WVCs.

*Alignment:* The application demonstrates that the project will moderately protect motorists and wildlife by reducing WVCs.

*No Alignment:* The application does not demonstrate or poorly demonstrates protection of motorists and wildlife by reducing WVCs.

**Criterion #1.2: Improvement of Terrestrial and Aquatic Habitat Connectivity.** FHWA will assess the extent to which the proposed project is likely to improve terrestrial and aquatic habitat connectivity.

The application should include the following information where it is available and relevant to the proposed project: (1) the current and projected terrestrial or aquatic habitat connectivity problem within the proposed project area; (2) the specific species population(s) that will benefit from improved habitat connectivity caused by the project; (3) the ranges, and travel corridors of such species population(s); (4) surrounding land use of the proposed project area, including any crucial habitat<sup>19</sup> and protected land status; (5) the impact to relevant wildlife movement from transportation and other landscape features within the proposed project area; and (6) the potential benefit of the proposed project regarding habitat connectivity for terrestrial and aquatic species. Applicants should include supporting information such as anecdotal knowledge; Tribal, State, or regional plans (e.g., transportation and wildlife corridor plans, or State Wildlife Action Plans); data; modeling; or graphics to support conclusions.

*Strong Alignment:* The application demonstrates how the project will significantly improve wildlife habitat connectivity for terrestrial or aquatic species.

*Alignment:* The application demonstrates how the project will moderately improve wildlife habitat connectivity for terrestrial or aquatic species.

*No alignment:* The application does not demonstrate or poorly demonstrates an improvement to wildlife habitat connectivity for terrestrial and aquatic species.

## **b. Secondary Merit Criteria**

Pursuant to 23 U.S.C. 171(e)(2) and to further the purpose of this program, there are six secondary merit criteria. Secondary merit criteria will only be evaluated for applications with either *Strong Alignment* or *Alignment* in both Primary Merit Criterion #1.1 and #1.2.

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<sup>19</sup> Crucial habitats are places containing the resources, including food, water, cover, shelter, and wildlife corridors that contribute to survival and reproduction of wildlife, are necessary to prevent unacceptable declines, or facilitate future recovery of wildlife populations.

As described further in Section E.2, it is not necessary for applicants to receive a *Strong Alignment* or *Alignment* rating for all Secondary Merit Criteria in order to receive a WCPP grant.

**Criterion #2.1: Leveraging Investments.** FHWA will assess the extent to which the proposed project is expected to leverage Federal investment by encouraging non-Federal contributions<sup>20</sup> to the project, including projects from public-private partnerships.

The application should include relevant information on (1) the extent to which the proposed project is supported by contributions, other than funds received under the program, to advance, implement, construct, maintain, or operate the completed deliverable; and (2) the source(s) of the other dedicated non-Federal contributions, including documentation of their current and long-term availability.

*Strong Alignment:* The application documents substantial, dedicated non-Federal contributions.

*Alignment:* The application documents dedicated non-Federal contributions.

*No Alignment:* The application does not document or poorly documents the inclusion of dedicated non-Federal contributions.

**Criterion #2.2: Economic Development and Visitation Opportunities.** FHWA will assess the extent to which the proposed project is expected to support local economic development and improve visitation opportunities.

The application should include relevant information on how the proposed project will equitably support local economic development, including from improved visitation opportunities. The applicant should explain how the improvements will not conflict with the goals of reducing WVCs and improving habitat connectivity.

*Strong Alignment:* The application describes how the project will improve visitation and improve the local economy.

*Alignment:* The application describes how the project will provide visitation opportunities and support the local economy.

*No Alignment:* The application does not demonstrate or poorly demonstrates inclusion of visitation opportunities and support for local economic development.

**Criterion #2.3: Innovation.** FHWA will assess the extent to which the proposed project will incorporate innovative technologies, including advanced design techniques and other strategies to enhance efficiency and effectiveness in reducing WVCs and improving habitat connectivity for terrestrial or aquatic species.

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<sup>20</sup> Non-Federal contributions include Federal funding that qualifies as a non-Federal match for this program. For more information on such funding, see Section B.2.

The application should include relevant information on how the proposed project will utilize new technologies and innovations to (1) enhance the efficiency and effectiveness of the project in reducing WVCs; and (2) enhance the efficiency and effectiveness of the project in improving habitat connectivity for terrestrial and aquatic species.

*Strong Alignment:* The application describes how the proposed project will employ at least one new technology or innovation that is expected to substantially enhance the project's efficiency and effectiveness in reducing WVCs or improving habitat connectivity for terrestrial or aquatic species.

*Alignment:* The application describes how the proposed project will employ at least one new technology or innovation that is expected to enhance the project's efficiency and effectiveness in reducing WVCs or improving habitat connectivity for terrestrial or aquatic species.

*No Alignment:* The application does not demonstrate or poorly demonstrates incorporation and application of new or innovative technologies that are expected to enhance the proposed project's efficiency and effectiveness in reducing WVCs and improving habitat connectivity for terrestrial or aquatic species.

**Criterion #2.4: Education and Outreach.** FHWA will assess the extent to which the proposed project will provide educational and outreach opportunities.

The application should include relevant information on how the proposed project will equitably provide outreach and educate the public on (1) the impacts of WVCs to motorist safety, wildlife injury and mortality, and habitat connectivity; (2) best practices and innovations to incorporate safety and habitat connectivity into transportation design; (3) the impacts of the project to improving motorist safety and habitat connectivity; and (4) best practices, innovations, and individual efforts the public can take to reduce WVCs, protect motorists and wildlife, and improve habitat connectivity. Applicants should include supporting information such as any outreach or education plans.

*Strong Alignment:* The application describes how the proposed project will effectively and equitably engage and educate the public on WVCs, motorist safety, and habitat connectivity.

*Alignment:* The application describes the proposed project's plan to engage the public on WVCs, motorist safety, or habitat connectivity.

*No Alignment:* The application does not demonstrate or poorly demonstrates a plan for public engagement on WVCs, motorist safety, or habitat connectivity.

**Criterion #2.5: Monitoring and Research.** FHWA will assess the extent to which the proposed project will include monitoring and research to allow FHWA or others to evaluate, compare effectiveness of, and identify best practices in selected projects.



The application should include relevant information on how the proposed project will: (1) identify historical trends and baseline conditions for the area to be affected by the project; (2) establish methodologies, criteria, and metrics for monitoring the area to be affected by the project, including the timeframes for monitoring; (3) record and track relevant data including locations of WVCs, the location of wildlife, the total reduction in WVCs, and improvement of habitat connectivity; (4) evaluate the effectiveness of the project; and (5) make data, results, information, or reports available. See Section B.7 for data collection and monitoring requirements and information on allowable costs for such activities.

*Strong Alignment:* The application demonstrates that the proposed project includes an effective plan to monitor, evaluate, and report on WVCs or habitat connectivity.

*Alignment:* The application demonstrates that the project includes data collection and monitoring efforts for WVCs or habitat connectivity.

*No Alignment:* The application does not demonstrate or poorly demonstrates data collection or monitoring efforts for WVCs or habitat connectivity.

**Criterion #2.6: Survival of Species.** Pursuant to 23 U.S.C. 171(a)(4) and 23 U.S.C. 171(e)(2)(F), FHWA will assess the extent to which the proposed project is expected to benefit birds, fish, reptiles, mammals, and amphibians that are Federally Threatened or Endangered Species and species that are Proposed or Candidates for listing.<sup>21</sup>

The application should indicate if species that benefit from the proposed project are Federally Threatened or Endangered Species, or Proposed or Candidate for listing, and information on how those species are expected to benefit from the project.

*Strong Alignment:* The application demonstrates that the proposed project is expected to significantly benefit one or more Federally Listed Threatened or Endangered Species or Proposed or Candidate for listing.

*Alignment:* The application demonstrates that the proposed project is expected to moderately benefit one or more Federally Listed Threatened or Endangered Species, Proposed or Candidate for listing species.

*No Alignment:* The application does not demonstrate or poorly demonstrates a benefit to any Threatened and Endangered, Proposed or Candidate species for listing.

### **c. Project Readiness**

FHWA will consider project readiness to assess the likelihood of a successful project. In the project readiness analysis, FHWA will consider three components: Technical Assessment, Environmental Review and Permitting Risk, and Financial Completeness. The evaluation of these components will be based on information contained within the application. See Section D for information on what to include in the application.

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<sup>21</sup> See Section 4 of the Endangered Species Act (16 U.S.C. 1533; see 50 CFR 17.11).

Project readiness will only be evaluated for applications that are *Strongly Recommended* or *Recommended* in both Primary and Secondary Merit Criteria, as further detailed in Section E.2.

**Technical Assessment.** The Technical Assessment will assess the applicant's capacity to successfully deliver the project in compliance with applicable Federal, State, and local requirements based on factors including, but not limited to, the recipient's experience working with Federal agencies, civil rights compliance, previous experience with FHWA discretionary grant awards, the technical experience and resources dedicated to the project, and the ability for applicants to maintain the project in accordance with Federal law. FHWA will assess the extent to which the proposed project is technically sound, which will result in a rating of "certain," "somewhat certain," or "uncertain."

All applicants should include information on their (1) experience, qualifications, facilities, equipment, and administrative resources available to successfully execute a grant agreement with FHWA prior to the funding obligation deadline, and fulfill the responsibilities associated with managing a Federal grant award; (2) ability to manage the requested amount of WCPP funds and the non-Federal matching funds, maintain financial and administrative records, and fulfill reporting requirements; and (3) ability to successfully deliver the project in compliance with Federal, State, and local requirements.

In order to ensure successful and timely project delivery, MPOs, units of local government, regional transportation authorities, special purpose districts, or public authorities with a transportation function should include information on their support from the State DOT in the State where the project is located indicating that the State DOT will administer a WCPP grant for the subject project pursuant to 23 U.S.C. 171(f)(2)(A)(ii). Selected applicants will need an agreement with the State DOT prior to FHWA awarding funds to the State DOT as a pass-through entity. FHWA may not be able to authorize a project where the application does not demonstrate an agreement with the State DOT to administer the project, where applicable, and may consider such applications as possessing less certainty during the Technical Assessment.

**Environmental Review and Permitting Risk.** The FHWA will assess the project's environmental approvals and likelihood of the necessary approvals affecting project obligation and completion, which will result in a rating of "low risk," "moderate risk," or "high risk."

The application should include information on: (1) the extent the proposal describes the environmental review and permitting process for the proposed project, including a realistic timeline, key milestones to be achieved, and the status of permitting and environmental compliance; (2) the status of NEPA and other necessary reviews or approvals, and whether the applicant has secured necessary Federal, State, and local permits or approvals, or how the proposed project will timely complete the environmental review and permitting process; and (3) components of the project that could prevent the project from obtaining needed environmental approvals or significantly extend the time for approvals, and any proposed response plan.

**Financial Completeness.** FHWA will review the availability of matching funds and whether the

application presents a complete funding package, and will receive a rating of “complete,” “partially complete,” or “incomplete.”

The application should include (1) evidence of the availability of dedicated matching and leveraged funds; (2) up-to-date cost estimates; (3) reasonable contingencies; (4) plans to address potential cost overruns; and (5) plans to fund future maintenance, operations, and preservation costs after proposed project completion, as applicable.

The Project Readiness Ratings will be evaluated using the table below:

<b>Rating</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Technical Assessment</b>	<i>Uncertain:</i> The team is not confident in the applicant’s capacity and capability to deliver this project in a technically sound manner that satisfies applicable Federal, State, and local requirements.	<i>Somewhat Certain:</i> The team is moderately confident in the applicant’s capacity and capability to deliver the project in a technically sound manner that satisfies applicable Federal, State, and local requirements.  The project may need additional assurances, oversight, or resources.	<i>Certain:</i> The team is confident in the applicant’s capacity and capability to deliver the project in a technically sound manner that satisfies applicable Federal, State, and local requirements.
<b>Environmental Review and Permitting Risk</b>	<i>High Risk:</i> There are known environmental concerns associated with the project that would preclude timely implementation.	<i>Moderate Risk:</i> There are potential environmental review, or permitting concerns, but these can likely be addressed without significant delays.	<i>Low Risk:</i> The project has completed the NEPA process and other environmental reviews, or it is highly likely that they will be able to complete the NEPA process and other environmental reviews in the time necessary to meet requirements and

			their project schedule.
<b>Financial Completeness</b>	<i>Incomplete:</i> The project lacks definite funding from other Federal or non-Federal sources and sound fiscal management approaches.	<i>Partially Complete:</i> Project funding appears stable and highly likely to be available in time to meet the project's schedule.	<i>Complete:</i> The project's funding from other Federal and non-Federal sources is fully committed and there is demonstrated funding available to cover contingencies and cost increases.

The Project Readiness Ratings will then be translated to a high, medium, or low overall rating, using the table below:

<b>Project Readiness Rating</b>	<b>Description</b>
High	All 3s OR two 3s and one 2
Medium	One 3 and two 2s OR all 2s
Low	Any 1s

## 2. Review and Selection Process

The WCPP grant application review and selection process consists of an intake and eligibility review, a project criteria review, a senior-level review, and selection of projects to award grants by the FHWA Administrator. All teams and evaluators will be composed of DOT staff.

### a. Intake and Eligibility Review

For each application received, the Technical Evaluation Team will conduct an application intake and eligibility review based on the statutory eligibility requirements in Section C. The eligibility review will assess whether the applicant is an Eligible Entity and submitted all the information requested for a complete application by the application deadline. If FHWA determines, as described in Section D.7.d, to request additional information, FHWA may assess this additional information as part of the eligibility review to determine whether the applicant is an Eligible Entity and provided a complete application. Only eligible applications that submit a complete application in conformance with the instructions in this NOFO will be further evaluated against the project selection criteria in Section E.1 that occurs in the Criteria Review phase. Applications that are not eligible will be given a rating of *Not Eligible* and will not be evaluated further.

## **b. Criteria Review**

For eligible projects that advance to the Criteria Review phase, the Technical Evaluation Team will consider whether the application is responsive to the project selection criteria in Sections E.1.a and E.1.b. Each application will receive a rating of *Strong Alignment*, *Alignment*, or *No Alignment* for both Primary Merit Selection Criterion. Based on these ratings, applications will be rated as *Strongly Recommended*, *Recommended*, or *Not Recommended* for the Primary Merit Selection Criteria category. Applications that are rated as *Not Recommended* for the Primary Merit Selection Criteria will not be evaluated further and will not receive funding under this application cycle.

All applications that are rated *Strongly Recommended* or *Recommended* for the Primary Merit Selection Criteria will be evaluated under the Secondary Merit Selection Criteria described in Section E.1.b. For each of the six Secondary Merit Selection Criteria, applications will be rated as *Strong Alignment*, *Alignment*, or *No Alignment*. Following the rating of each criterion, applications will receive a rating of *Strongly Recommended*, *Recommended*, or *Not Recommended* for the Secondary Merit Selection Criteria category.

### **i. Primary Merit Criteria**

The Technical Evaluation Team will evaluate all eligible applications for their alignment with the two Primary Merit Criteria in Section E.1.a.

*Strongly Recommended* applications have (1) *Strong Alignment* with both Primary Merit Criteria; or (2) *Strong Alignment* with one Primary Merit Criteria and *Alignment* with the other Primary Merit Criteria.

*Recommended* applications have *Alignment* with both Primary Merit Criteria.

*Not Recommended* applications have *No Alignment* with one or both Primary Merit Criteria.

The Technical Evaluation Team will only continue to evaluate applications that receive a *Strongly Recommended* or *Recommended* rating. Applications that are *Not Recommended* will receive an overall rating of *Not Recommended* and will not receive funding under this application cycle.

### **ii. Secondary Merit Criteria**

Only applications that are *Strongly Recommended* or *Recommended* from the Primary Merit Criteria will be evaluated for their alignment with the six Secondary Merit Criteria in Section E.1.b by the Technical Evaluation Team.

*Strongly Recommended* applications have (1) *Strong Alignment* with two or more of the six Secondary Merit Criteria; and (2) *Alignment* with all the remaining Secondary Merit Criteria.

*Recommended* applications are applications that are not evaluated as *Strongly Recommended* and which have *Alignment* or *Strong Alignment* with at least three of the six Secondary Merit Criteria.

*Not Recommended* applications have *No Alignment* with four or more of the six Secondary Merit Criteria.

Applications that receive a rating of *Not Recommended* for the Secondary Merit Criteria will receive an overall rating of *Not Recommended* and will not receive funding for this application cycle.

### **c. Project Readiness Evaluation**

Only applications that are *Strongly Recommended* or *Recommended* from the Primary Merit Criteria and *Strongly Recommended* or *Recommended* from the Secondary Merit Criteria will undergo a Project Readiness Review. As described in Section E.1.c, FHWA will undertake a Technical Assessment, Environmental Review and Permitting Risk Assessment, and Financial Completeness Assessment for each such project. Based on the results of those assessments, projects will receive a Project Readiness rating of *High*, *Medium*, or *Low* as described in Section E.1.c.

Applications that receive a rating of *Low* for their Project Readiness rating will receive an overall rating of *Not Recommended* and will not receive funding for this application cycle.

### **d. Overall Rating**

The Technical Evaluation Team will assign overall application ratings based on the ratings for the Primary Merit Criteria, Secondary Merit Criteria, and Technical Assessment as follows.

Applications that are rated as *Highly Recommended* are those that receive ratings of (1) *Strongly Recommended* in Primary Merit Criteria; (2) either *Strongly Recommended* or *Recommended* in Secondary Merit Criteria; and (3) either *High* or *Medium* in Project Readiness.

Applications that are rated as *Recommended* are those that receive ratings of (1) *Recommended* in Primary Merit Criteria; (2) either *Strongly Recommended* or *Recommended* in Secondary Merit Criteria; and (3) either *High* or *Medium* in Project Readiness.

Applications that are rated as *Not Recommended* are those that receive ratings of (1) *Not Recommended* in Primary Merit Criteria; (2) *Not Recommended* in Secondary Merit Criteria; or (3) *Low* in Project Readiness.

*Not Eligible* applications are those that do not meet eligibility requirements in Section C as considered by the Intake and Eligibility Review described under Section E.2.a and

were not evaluated for Project Selection Criteria.

The Technical Evaluation Team will provide all *Highly Recommended* and *Recommended* applications to the Senior Level Review Team.

Applications that are *Not Recommended* or *Not Eligible* will not be provided to the Senior Review Team at any point.

#### **e. Senior-Level Review**

For each project that received an overall rating of *Highly Recommended* or *Recommended*, the Technical Evaluation Team will send the application to the Senior Level Review Team. The Senior Level Review Team is composed of senior leadership from across FHWA.

The Senior Level Review Team will advance as many *Highly Recommended* applications to the FHWA Administrator as possible for grant awards, considering the requirement that 60 percent of available funds must be awarded to projects in rural areas. The Senior Level Review Team may also advance *Recommended* applications or advance a *Recommended* project over a *Highly Recommended* project, after considering how the application meets one or more of the Administration's priorities described in Section A.2, the rankings of individual Primary and Secondary Merit criterion, the results of each assessment for Project Readiness, and geographic diversity, while ensuring consistency with the requirement that 60 percent of the funds be awarded to projects in rural areas.

In addition to recommending applications to the FHWA Administrator, the Senior Level Review Team may also advise the FHWA Administrator on options for reduced awards, or awards under a different funding category than identified in the application, ensuring consistency with the requirement that 60 percent of the funds be awarded to projects in rural areas.

#### **f. Administrator Selections**

The FHWA Administrator makes final project selections from the list of applications provided by the Senior Level Review Team. The FHWA Administrator has the authority to award WCPP grants. The FHWA Administrator's selections identify the applications that best address the goals of the WCPP, the Administration's priorities, geographic diversity, as well as ensuring the effective use of Federal funding. If necessary to meet the requirements of 23 U.S.C. 171(g), the Senior Level Review Team may provide additional recommended applications to the Administrator based on the process described in Section E.2.e.

### **3. Additional Information**

- a.** FHWA may, during the selection process, enter into discussions with an applicant that may include mutually agreeing upon a lesser amount of a potential award than originally requested in the application if necessary due to the quantity, size and scope of the applications received in response to this notice and the results of the application

review process. Discussions may include scalable project options as described under Section D.7.a. of this notice. Discussions do not obligate FHWA to make an award.

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



## SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

### 1. FEDERAL AWARD NOTICES

Following the evaluation outlined in Section E, the FHWA Administrator will announce awarded projects by posting a list of selected projects at the [FHWA Newsroom](#). Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, FHWA will contact the POC listed in the SF 424 to initiate negotiation of the grant agreement for authorization. If the negotiations do not result in an acceptable submittal, FHWA reserves the right to terminate the negotiation and decline to fund the Applicant. Only the Agreements Officer or other authorized representative can commit FHWA and bind the Federal Government to the expenditure of funds. Unless authorized by FHWA in writing after FHWA's announcement of WCPP awards, any costs that a recipient incurs before FHWA executes a grant agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

FHWA will reimburse WCPP grant funds to State DOTs and, through them, any grant awardee where the State DOT is serving as a pass-through entity, **only after** a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted by the recipient. FHWA will provide WCPP grant funds to Indian Tribes and FLMAs **only after** a grant agreement has been executed.

### 2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

All direct awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. In addition, applicable Federal laws, rules, and regulations set forth in Title 23, U.S.C., and Title 23 of the CFR, shall apply to awards provided under this program.

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

In particular, EO 14005 directs the executive branch departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an

award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Any grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carriers Safety Regulations (FMCSR), or vehicles that are exempt from FMVSS or FMCSR in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

The online clauses entitled “General Terms and Conditions for Assistance Award” apply to direct awards to FLMAs and Tribes, and are available in full text online at:

[https://www.fhwa.dot.gov/cfo/contractor\\_recip/gtandc\\_generaltermsconditions.cfm](https://www.fhwa.dot.gov/cfo/contractor_recip/gtandc_generaltermsconditions.cfm)

**a. Public Access to Documents**

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

**b. Data Rights**

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

**c. Public Access Requirements and Compliance for Research Projects**

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

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

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

#### **d. Labor and Work**

Each applicant selected for WCPP grant funding must demonstrate an effort to create good-paying jobs with the free and fair choice to join a union and compliance with high labor standards as described in Section A. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the U.S. Department of Labor (DOL), the applicants will be required to do so before receiving funds for construction, consistent with EO 14025, *Worker Organizing and Empowerment* (86 FR 22829), and EO 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335).

#### **e. Federal Contract Compliance**

As a condition of receiving a grant award and consistent with EO 11246, 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 the geographic area in which the project is located for construction work hours and for work being performed by people of color.<sup>22</sup> Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The DOL's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing EO 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Through the program, OFCCP offers contractors and subcontractors extensive compliance assistance, conducts compliance evaluations, and helps to build partnerships between the project sponsor, prime contractor, subcontractors, and relevant stakeholders. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under "Scheduling" on the DOL Website: <https://www.dol.gov/agencies/ofccp/faqs/construction-compliance>.

#### **f. Critical Infrastructure Security and Resilience**

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<sup>22</sup> <https://www.dol.gov/sites/dolgov/files/ofccp/ParticipationGoals.pdf>

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for WCPP 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 project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by FHWA, will be required to do so before receiving funds or will be required to complete related actions 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*, found at <https://www.cisa.gov/control-systems-goals-and-objectives>.

**g. 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. FHWA will apply FHWA's NEPA policies and provisions under 23 CFR part 771 and 777.

**h. Domestic Preference Requirements**

As expressed in EO 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirement at the Build America, Buy America Act (Pub. L. No 117-58, div. G 70901–70927), as well as FHWA's Buy America requirements (23 U.S.C. 313) and Buy American requirements (41 U.S.C. 8301 et seq.), as applicable. FHWA expects all applicants to comply with that requirement.

The applicability of Federal requirements to a project may be affected by the scope of the NEPA reviews for that project. For example, under 23 U.S.C. 313(h), Buy America requirements apply to all contracts that are eligible for assistance under Title 23, U.S.C., and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with Title 23 funds, like in the case of one NEPA finding for an entire corridor with multiple phased projects for separate segments.

**i. 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 part 21), the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act, and 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 FHWA's Office of Civil

Rights may work with awarded projects to ensure full compliance with Federal civil rights requirements.

**j. Davis-Bacon**

Recipients of an award under this program are also required to comply fully with the Davis-Bacon Act (40 U.S.C. 3141-3148), which requires all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by an award made available under this program, be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor.

**3. REPORTING**

**a. Progress Reporting on Grant Activities**

Each applicant selected for WCPP grant funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the WCPP. State DOTs and other recipients within the State should submit progress reports to the FHWA Division Office, which will report to FHWA Headquarters (HQ). Tribes and FLMAs should submit progress reports to FHWA Office of Federal Lands Highway which will report to FHWA HQ.

**b. Reporting of Matters Related to Recipient Integrity and Performance**

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

**c. Performance and Program Evaluation**

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. DOT may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (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 effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018, 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).

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

#### **d. Other**

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

## **SECTION G – FEDERAL AWARDING AGENCY CONTACTS**

For questions concerning this NOFO and the WCPP, please contact the POC listed on page 2 of this NOFO.

In addition, DOT will post answers to questions and requests for clarifications on FHWA's Website at <https://highways.dot.gov/federal-lands/programs/wildlife-crossings>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions.

## **SECTION H – OTHER INFORMATION**

### **1. Protection of Confidential Business Information**

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) State on the cover of that document that it “Contains Confidential Business Information (CBI)”; (2) mark each page that contains confidential information with “CBI”; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. FHWA will protect confidential information complying with these requirements to the extent required under applicable law. If FHWA receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, FHWA will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under 40 CFR 7.29 will be exempt from disclosure under FOIA.

### **2. Publication/Sharing of Application Information**

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

### **3. DOT Feedback on Applications**

Debriefs by FHWA are available to applicants not selected for award to receive information about the evaluation of their application. Contact [WildlifeCrossings@dot.gov](mailto:WildlifeCrossings@dot.gov) to request a debrief.

### **4. Future WCPP NOFOs**

The WCPP is a new program that is authorized at \$350 million total for Federal FYs 2022 to 2026. FHWA will award FY 2024 to 2026 funds according to future NOFO(s). FHWA may hold listening sessions prior to the development of future NOFO(s) where FHWA will collect feedback from applicants to the FY 2022 and 2023 WCPP NOFO. Future NOFO(s) may have different criteria and requirements based on listening sessions, the Administration’s priorities, and other information.



## 5. Other Funding Opportunities

The WCPP is a new grant program created under the Bipartisan Infrastructure Law. For safety and conservation related federal assistance you may refer to other programs including, but not limited to the following:

- [FHWA Bipartisan Infrastructure Law Competitive Grant Programs;](#)
- [FHWA's Bridge Investment Program;](#)
- [FHWA's Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Program;](#)
- [FHWA's Tribal Transportation Program;](#)
- [FHWA's Federal Lands Transportation Program;](#)
- [FHWA's National Culvert Removal, Replacement and Restoration Grants;](#)
- [National Oceanic and Atmospheric Administration's fish passage initiatives;](#) and
- [US Fish and Wildlife Service's National Fish Passage Program](#)